



COUNTY OF HUMBOLDT

Master

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Agenda
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Department: Planning and
Building

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Subject:

Final Action: 03/22/2022

Title: North McKay Ranch Subdivision Project
General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit
Development, Development Agreement, and Special Permit
APNs: 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007,
017-073-009 and 303-012-020
Record No.: PLN-9902-GPA

Internal Notes:

Agenda Date: 03/22/2022

Agenda Number: 1.

Sponsors:

Enactment Date:

Attachments: Staff Report, Attachment 1 - McKay CEQA BOS Reso findings (1)[54].docx, Attachment 1A - Draft_EIR_north_mckay_ranch_subdivision_project.pdf, Attachment 1B McKay_Ranch_Partial_Recirc_DEIR_OCR.pdf, Attachment 1C N_McKay_Ranch_Subdivision_FEIR.pdf, Attachment 1D_FEIR.Errata 1.docx, Attachment 1E MMRP.docx, Attachment 2 - McKay Entitlement BOS Resolution (1).docx, Attachment 2a McKay GPA BOS Resolution.docx, Attachment 2b McKay Rezone BOS Resolution (1).docx, Attachment 2b-i - Ordinance, Zone District Reclassification.docx, Attachment 2b-ii Post Adoption of Ordinance.docx, Attachment 3 - DA Ordinance (2).docx, Attachment 3A McKay DA 2-25-22.docx, Attachment 3B McKay DA Exhibits.pdf, Attachment 3c DA Pre-Adoption summary.docx, Attachment 3D DA Post-Adoption Summary.docx, Attachment 4 PC - Mckay Staff Report 1.6.22.pdf, Attachment 4a - PC Supplemental #1 9902 McKay 1.06.22.pdf, Attachment 4b - PC 1.06.22 Public comments on McKay.pdf, Attachment 5 - McKay DA PC Staff Report 02.03.22, Attachment 6 - PC Resolutions.pdf, Attachment 7 - Public Comments post PC 2.03.22 meeting.pdf, Attachment 8 - BOS 3/08/22 Staff Report, W Raymond comment.pdf, S Lee comment.pdf

Enactment Number:

Recommendation:

Public Notice Date:

Drafter:

Effective Date:

Related Files:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	03/22/2022	approved as amended				Pass
Action Text: A motion was made by Supervisor Bohn, seconded by Supervisor Bushnell, to approve staff recommendations as amended below: The Board of Supervisors approve staff recommendations to include the amendment to the condition requiring two stoplights to allow an alternative set of improvements to enhance or improve pedestrian and bicycle connectivity including a complete streets program subject to the agreement of county staff and the developer and bring back an item to the Board for a date uncertain. The motion carried with the following vote. Aye: 5 Supervisor Bohn, Supervisor Bushnell, Supervisor Wilson, Supervisor Bass and Supervisor Madrone							

Text of Legislative File 22-306



COUNTY OF HUMBOLDT

For the meeting of: 3/22/2022

File #: 22-306

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

North McKay Ranch Subdivision Project

General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Development Agreement, and Special Permit

APNs: 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, 017-073-009 and 303-012-020

Record No.: PLN-9902-GPA

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce by title Ordinance No. ___ (Attachment 2b-i) Amending Section 311-7 of the Humboldt County Code by Rezoning Property in the Cutten Area (PLN-9902-GPA (Fairhaven Cottages, LLC)), reclassifying approximately 18.5 acres of R-1 Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), to Apartment Professional (R-4) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), and 2.2 acres of Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) to Neighborhood Commercial (C-1) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO); and
2. Introduce by title Ordinance No. ___ (Attachment 3) Approving the Development Agreement between Kramer Properties Inc. and the County of Humboldt for the North McKay Ranch Subdivision Project, and waive the first reading; and
3. Set Ordinance No. ___ (Attachment 3) Approving the Development Agreement between Kramer Properties Inc. and the County of Humboldt for the North McKay Ranch Subdivision Project for adoption on April 5, 2022, or at least 1 week away from the date of the Board of Supervisors meeting at which the Ordinance is first introduced; and
4. Direct the Clerk of the Board to publish the pre-adoption summary of the Ordinance (Attachment 3C), and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both publication and posting to be done at least 5 days prior to

- the Board meeting at which the Ordinance will be adopted. [Government Code Section 25124 (b)(1)]; and
5. Direct the Clerk of the Board, within 15 days after adoption of the Ordinance, to publish a post-adoption summary of the ordinance (Attachment 3D) with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance. [Government Code Section 25124 (b)(1)]; and
 6. Open the public hearing and receive the staff report, testimony by the applicant and public; and
 7. Close the public hearing; and
 8. Adopt the Resolution 22- ____ (Attachment 1) Adopting Findings for Certification of the Final Environmental Impact Report, Certifying the Final Environmental Impact Report, Adopting the Statement of Overriding Considerations, and Adopting the Mitigation and Monitoring and Reporting Program for the project, pursuant to the California Environmental Quality Act; and
 9. Adopt the Resolution 22- ____ (Attachment 2a) adopting findings in support of the General Plan Amendment and approving the General Plan Amendment to change 18.5 acres of land designated as Residential low Density to residential Medium Density and 2.2 acres of land designated as Residential Low Density to Commercial General; and
 10. Adopt the Resolution 22- ____ (Attachment 2b) adopting findings in support of the Zone Reclassification; and
 11. Adopt Ordinance No. ____ (Attachment 2b-i) redesignating zone districts within the project boundary; and
 12. Adopt the Resolution 22- ____ (Attachment 2) adopting findings in support of the Tentative Subdivision Map, Planned Unit Development and Special Permit and approving the Tentative Subdivision Map, Planned Unit Development and Special Permit; and
 13. Direct the Clerk of the Board, within 15 days after adoption of the Ordinance redesignating zone districts within the project boundary (Attachment 2b-i), to publish a post-adoption summary of the ordinance (Attachment 2b-ii) with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance.

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

The Humboldt County Planning and Building Department, Planning Division received applications requesting a General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Development Agreement and Special Permit for a mixed-use development with 320 residential units and approximately 22,000 square feet of commercial development. The Tentative Subdivision Map would create 146 single-family lots, six lots to support construction of up to 174 multi-family residential units, two commercial parcels supporting up to approximately 22,000 square feet of commercial space, and six parcels totaling 21.73 acres to be dedicated to the county for future trail management and open space. A development agreement is included that will permit the project to

be developed in nine phases over a period of 20 years. The proposed project would require annexation into Humboldt Community Services District for the provision of utilities.

The project includes an amendment to the Eureka Community Plan land use map to change the land use designation from Residential Low Density (1-7) to Commercial General (CG) and Residential Medium Density (RM) and to reclassify the zoning district from One Family Residential (R-1) with overlays for Planned Development, Recreation and Greenway and Open Space to Neighborhood Commercial (C-1) and Apartment-Professional (R-4) zoning. The project will be a Planned Development. A Special Permit is required for work within Streamside Management Areas for two isolated wetlands in the northern part of the project, a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street.

Development agreements are contracts negotiated between project applicants and public agencies that govern allowable land uses for development consistent with zoning and land use policies. These agreements are intended to serve as a tool to strengthen a community's commitment to comprehensive land use planning. The appropriate use of development agreements can provide the county with public benefits by requiring the developer to provide certain public improvements and benefits that would not otherwise be obtained through applicable development approval processes. The development agreement provides a developer with greater certainty in the development approval process by vesting certain development rights.

In return for recognizing certain vested rights and avoiding future conflicting enactments for a period of 20 years that would limit or reduce density, expand developers' obligations, alter the development standards for roads and improvements, among other terms, the developer has committed to certain public benefits including the approximately 22 acres to remain as undeveloped open space that would be dedicated to the county for future trail management or conveyed in fee, the placement of an off-site water storage tank that would be dedicated to and managed by the Humboldt Community Services District (HCSD), and adding to the supply of both multi-family and single-family housing in the county, as well as retail and office commercial space in close proximity, at least 25 bicycle storage racks, four bicycle lockers, a transit stop, and other improvements and dedications described in the conditions of approval.

At their Jan. 6, 2022 meeting, the Planning Commission passed resolutions recommending that the Board certify the proposed project's environmental impact report and approve the project; at their Feb. 3, 2022 meeting the Planning Commission passed a resolution recommending that the Board approved the Development Agreement.

Regarding indemnification, the Board may add a condition of approval to the project requiring the applicant to enter into an indemnification agreement with the county that would cover the project approvals and associated challenges (including a challenge based on the California Environmental Quality Act). The applicant previously indicated he would not enter into such an agreement. While the development agreement does include indemnification provisions, it is advisable to also obtain an indemnification agreement on the project. Staff will be ready to provide the Board with suggested language if the Board wishes to add this condition.

Resolutions are attached here for Board consideration to:

1. Make the appropriate environmental findings and certify the Final EIR, adopt the Statement of Overriding Considerations and adopt the Mitigation, Monitoring, and Reporting Program (Attachment 1);
2. Make the project findings and approve the requested entitlements - a General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development and Special Permit (Attachment 2); and

The development agreement and the associated ordinance are attached for the Board's consideration. The department will bring back a resolution regarding the development agreement at the Board meeting when the development agreement will be amended for adoption (Attachment 3). Also attached for Board consideration is a draft ordinance reclassifying zoning districts within the project site.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved.

STRATEGIC FRAMEWORK:

This action supports the Board's Strategic Framework by retaining existing and facilitating new living-wage private sector jobs and housing .

OTHER AGENCY INVOLVEMENT:

The Development Agreement was reviewed by County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could determine that the environmental project findings cannot be made, and/or that Final EIR should not be certified, and/or the entitlements or Development Agreement should not be approved and and/or the zone reclassification ordinance should not be adopted. Staff believes the necessary findings may be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

- Attachment 1: Resolution No. 22- _____, CEQA
- Attachment 1A: Draft EIR
- Attachment 1B: Partially Recirculated DEIR
- Attachment 1C: Final EIR
- Attachment 1D: FEIR Errata
- Attachment 1E: Mitigation, Monitoring and Reporting Program
- Attachment 2: Resolution No. 22- _____, Resolution Adopting Subd Findings and Approval
- Attachment 2A: Resolution No. 22- _____, Resolution Adopting the General Plan Amendment
- Attachment 2B: Resolution No. 22- _____, Resolution Adopting the Zone Reclassification
- Attachment 2B-i: Ordinance No. _____, Zone District Reclassification
- Attachment 2B-ii: Post adoption summary for the Zone District Reclassification

- Attachment 3: Ordinance No. _____, Development Agreement
- Attachment 3A: Development Agreement
- Attachment 3B: Development Agreement Exhibits
- Attachment 3C: Pre-Adoption Summary for the Development Agreement Ordinance
- Attachment 3D: Post-Adoption Summary for the Development Agreement Ordinance
- Attachment 4: Planning Commission Staff Report from January 6, 2022 (EIR and Entitlements)
- Attachment 4a: Supplemental #1 for PC 1.06.22
- Attachment 4b: Public Comments submitted for PC 1.06.22
- Attachment 5: Planning Commission Staff Report from February 3, 2022 (Development Agreement)
- Attachment 6: Planning Commission Resolutions
- Attachment 7: Public Comments received after the February 3, 2022 Planning Commission hearing.
- Attachment 8: Board Report from the 3/08/22 BOS meeting

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-1
Meeting of: March 8, 2022
File No.: 22-267

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____, 2022

Resolution No. 22-____ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS FOR CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF STATEMENTS OF OVERIDING CONSIDERATIONS PREPARED FOR THE NORTH MCKAY RANCH SUBDIVISION PROJECT, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, RECORD NO. PLN-9902-GPA.

WHEREAS, Kramer Properties submitted an application for a General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Development Agreement and Special Permit for a mixed-use development with 320 residential units and approximately 22,000 square feet of commercial development. The Tentative Subdivision Map would create 146 single-family lots, 6 lots to support construction of up to 174 multi-family residential units, 2 commercial parcels supporting up to approximately 22,000 square feet of commercial space and 6 parcels totaling 21.73 acres to be dedicated to the County for future trail management and open space; and

WHEREAS, on January 6, 2022 the Planning Commission considered the Environmental Impact Report for the North McKay Ranch Subdivision Project and adopted a resolution which recommended that the Board of Supervisors do the following:

1. Certify that the Final Environmental Impact Report for the North McKay Ranch Subdivision Project (SCH#: 2019049166) has been completed in compliance with CEQA, that the Final EIR was presented to the Planning Commission and the Planning Commission has reviewed and considered the information contained in the FEIR before recommending approval of the project to the Board of Supervisors, and that the FEIR reflects the County's independent judgment and analysis; and
2. Adopt the Statement of Overriding Considerations; and
3. Adopt the Mitigation Monitoring and Reporting Program; and

WHEREAS, the Board of Supervisors held a public hearing, *de-novo*, on March 8, 2022 and reviewed, considered, and discussed the application and Environmental Impact Report, and considered all public testimony and evidence presented at the hearing; and

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1. FINDING: **CEQA (EIR)** - The County of Humboldt has completed an Environmental Impact Report (EIR) in compliance with CEQA.

- EVIDENCE:**
- a) The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
 - b) A Notice of Preparation (NOP) was prepared on March 28, 2019, in accordance with CEQA Guidelines Section 15082 to inform interested parties of the County's determination that an EIR would be required for the project, solicit input about the desired content and scope of the DEIR, announce the date and time of a public scoping meeting, and provide information on where documents about the project were available for review and where comments could be sent on the project. The NOP was posted at the County Recorder's office; mailed to property owners and tenants of parcels within project area and parcels adjacent to/just outside of the project area boundary, and to relevant agencies within the region; circulated through State Clearinghouse (SCH#2019049166); and published in the Times Standard on May 23, 2019. The NOP was circulated for a period of 30 days, ending on June 22, 2019.
 - c) Pursuant to CEQA Guidelines Section 15083, prior to completing the Draft EIR, the County of Humboldt held a scoping meeting on June 13, 2019 at Cutten Elementary School to solicit input from the regulatory agencies and public. Appendix A of the Draft EIR includes the NOP, written comments in response to the NOP, and a summary of the comments received in writing and during the scoping meetings.

Areas of potential controversy known to the County include the following:

- Concern about low-income housing in the Cutten neighborhood possibly increasing crime and drug use;
- Traffic on Walnut;
- Parking on Fern Street during large events;
- Traffic on Hemlock and Dolbeer;
- Access to the McKay Community Forest;
- Proximity of the development to Ryan Creek and potential impacts to natural resources there;
- Increased draw on public services;
- Impact of high-density housing adjacent to Winship School;
- Need for stand of trees to be preserved to protect the viewshed.

These issues were considered during preparation of the Draft EIR and the Partial Recirculation Draft EIR and, where appropriate, are addressed in

the environmental impact analyses of the Draft EIR and/or the Partial Recirculation Draft EIR.

- d) The Draft Environmental Impact Report (“DEIR”) for North McKay Ranch Subdivision Project was prepared in accordance with CEQA and circulated for public review from May 15, 2020 through June 29, 2020 (SCH#: 2019049166), a 45-day review period, in compliance with CEQA Guidelines Section 15105; a Notice of Availability of the Draft EIR was posted at the County Recorder’s office; mailed to property owners and tenants of parcels within the project area and parcels adjacent to/just outside of the project boundary, and to relevant agencies within the region, and published in the Times Standard on May 15, 2020.
- e) On July 1, 2020, the provisions of new CEQA Guidelines Section 15064.3 Determining the Significance of Transportation Impacts became effective, which required that impacts of development projects be measured according to the overall distance that people drive, known as vehicle miles travelled (VMT) and no longer measured by level-of-service (LOS).
- f) A VMT analysis of the North McKay Ranch Subdivision Project was prepared, and two Draft EIR sections that were affected by CEQA’s change from LOS to VMT, the Transportation Section and the Land Use and Planning Section, were revised, as well as an update to the project description.
- g) In accordance with CEQA Guidelines Section 15088.5 for recirculating portions of an EIR, the North McKay Ranch Subdivision Project Partial Recirculation Draft EIR was prepared which included only the sections that were changed, and circulated to the State Clearinghouse (SCH#2019049166) for a 45-day review period from October 18, 2021 through December 1, 2021. A Notice of Availability of the Partially Recirculated Draft EIR was posted at the County Recorder’s office; mailed to property owners and tenants of parcels within the project area and parcels adjacent to/just outside of the project boundary, and to relevant agencies within the region, published in the Times Standard, and a copy of the Partially Recirculated Draft EIR placed at the Planning Division front counter, on October 18, 2021.
- h) Issues that were analyzed in the Draft EIR and Partial Recirculation Draft EIR include aesthetic resources, agricultural and forestry resources, air quality, biological resources, cultural and tribal resources, geology and soils, energy, greenhouse gas emissions and climate change, hazards hazardous materials, land use and planning, mineral resources, hydrology/water quality, noise, paleontological resources, population and housing, public services, recreation, transportation and traffic, utilities and service systems, wildfire and cumulative impacts.
- i) The Draft EIR and Partial Recirculation Draft EIR found that the following areas would not have significant impacts: Agricultural Resources (Farmland to Non-Agricultural Use), Agricultural Resources (Agricultural

Zoning or Williamson Act Contract), Agricultural Resources (Pressures to Convert Farmland to Non-Agricultural Use), Geology, Soils, Seismicity (Septic or Alternative Wastewater Disposal Systems), Hazards and Hazardous Materials (Airports), Hydrology and Water Quality (Seiches, Tsunamis, or Mudflows), Mineral Resources (Mineral Resources of Statewide or Local Importance), Noise (Aviation Noise), Population and Housing (Displacement of Persons or Housing), Transportation (Air Traffic Patterns).

- j) The Draft EIR and Partial Recirculation Draft EIR identified potential significant impacts that can be mitigated to less than significant levels on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions and climate change, hydrology/ water quality, noise, public services, recreation, utilities and service systems, transportation and traffic, and wildfire.
- k) The Draft EIR and Partial Recirculation Draft EIR identified significant impacts on greenhouse gas emissions and climate change, and wildfire, that cannot be mitigated to less than significant levels.
- l) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Mitigation Monitoring and Reporting Plan has been prepared in accordance with Humboldt County regulations and is designed to ensure compliance during project implementation and is recommended to be adopted in conjunction with project approval. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Plan as a condition of project approval (Condition of Approval No. 2)
- m) Evidence that has been received and considered includes: the application, technical studies/reports that have been peer reviewed and reflect the County's independent judgment and the FEIR, and information and testimony presented during public hearings before the Planning Commission and Board of Supervisors. These documents are on file in the Planning and Building Department (PLN-9902-GPA) and are hereby incorporated herein by reference.

- l) The County received comments from 36 agencies, organizations, and individual on the Draft EIR and the Partial Recirculation Draft EIR. The FEIR considered the comments received during the public review periods for the Draft EIR and Partial Recirculation Draft EIR and provided appropriate responses. In order to better address repetitive comments, the FEIR used Master Responses to address different topics. The Master Comment allows a more complete response to the comments made rather than individually responding to all the comments. The FEIR also included a refined project description to clearly identify where changes had been made to more clearly demonstrate how impacts were being addressed. Together, the Draft EIR, the Partial Recirculated Draft EIR, the Responses to Comments, the Revisions to the DEIR, the References, the FEIR Errata, and the Appendices constitute the Final EIR on the project.
- m) FINAL EIR -- RESPONSES TO COMMENTS.
The County prepared a Final EIR including responses to comments on North McKay Ranch Subdivision Project Draft EIR and the Partial Recirculation Draft EIR. The Responses to Comments respond to comments that were received during the circulation periods for both documents. The Responses to Comments document (FEIR) was released to the public December 20, 2021 and responded to all environmental points raised by persons and organizations that commented on the Draft EIR and the Partial Recirculation Draft EIR.
- n) FINAL EIR - The County responded to all comments on the Draft EIR and the Partial Recirculation Draft EIR. The County received comments on the Draft EIR and the partially recirculated Draft EIR from public agencies, organizations, and individuals, and provided responses to all of the comments in the Final EIR.
- o) Electronic copies of the FEIR were provided to all agencies that provided comments on either the Draft EIR or the Partial Recirculation Draft EIR, were provided a minimum of 10 days to review the document (December 2021 to December 30, 2021) prior to action by the Planning Commission January 6, 2022.
- p) The Humboldt County Planning and Building Department, located at 3015 H Street, Eureka, CA 95501 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the EIR is based.

2. FINDING:

The EIR was presented to the Board of Supervisors in its entirety and the Board of Supervisors reviewed and considered it before taking action to certify the Final EIR and approve the project.

EVIDENCE

- a) The Board of Supervisors considered the entire EIR at a public hearing on March 8, 2022 where the Board of Supervisors considered the contents of the EIR and received public and by public agency comments prior to taking action on the FEIR.

3. FINDING The Final EIR reflects the County of Humboldt's independent judgment and analysis.

- EVIDENCE**
- a) The EIR (DEIR/FEIR) was prepared by Stantec under contract to the County of Humboldt. Technical studies were provided by the applicant and by Stantec which were incorporated into the environmental analysis.
 - b) The Board of Supervisors considered the information presented in the record relative to the FEIR and considered the public comments on the FEIR prior to taking action. The Board of Supervisors considered all public comments, including those made by subject matter experts. Based on the evidence in the public record, the Board of Supervisors finds that the FEIR adequately addresses all potential environmental impacts and presents adequate feasible mitigation to reduce impacts to a less than significant level.

4. FINDING: **EIR – ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT.** The Draft EIR and Partial Recirculation Draft EIR identified potential significant impacts that can be mitigated to less than significant levels on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions and climate change, hydrology/ water quality, noise, public services, recreation, transportation, utilities and service systems, and wildfire.

- EVIDENCE**
- a) Potentially significant impacts to aesthetics have been mitigated to a less than significant level with incorporation of mitigation measures that require final design and lighting plan approval by the County prior to filing of each phase of the subdivision map.
 - b) Potentially significant impacts to air quality have been mitigated to a less than significant level with incorporation of mitigation measures that require implementation of construction emissions minimization measures.
 - c) Potentially significant impacts to biological resources have been mitigated to a less than significant level with incorporation of mitigation measures that require nesting bird and amphibian surveys prior to any clearing activities, replanting of riparian vegetation and creation of wetlands, enhancement of existing wetlands, utilizing appropriate culverts and recontouring an existing logging road.
 - d) Potentially significant impacts to cultural resources have been mitigated to a less than significant level with incorporation of mitigation measures that require pre-construction worker awareness training and requirements in the event of inadvertent discovery of potential resources.
 - e) Potentially significant impacts to geology and soils have been mitigated to a less than significant level with incorporation of mitigation measures that require site specific geotechnical investigations prior to filing each map, pre-construction worker awareness training for paleontological resources and requirements in the event of inadvertent discovery of potential resources.
 - f) Potentially significant impacts to hydrology and water quality have been

mitigated to a less than significant level with incorporation of mitigation measures that require stormwater pollution and prevention plans, drainage and stormwater quality management plans and a low impact development plan.

- g) Potentially significant impacts from noise have been mitigated to a less than significant level with incorporation of mitigation measures that require compliance with specific maximum noise limits for all mechanical equipment, measures to reduce noise from construction activity and traffic and construction vibration.
- h) Potentially significant impacts on public services have been mitigated to a less than significant level with incorporation of a mitigation measure that requires applicable school development fees to be paid prior to issuance of building permits.
- i) Potentially significant impacts on recreation have been mitigated to a less than significant level with incorporation of a mitigation measure that requires preparation of trail and open space plans and recordation in permanent easements prior to approval of the final improvement plans for each phase of the subdivision map.
- j) Potentially significant impacts on transportation have been mitigated to a less than significant level with incorporation of mitigation measures that require a specific traffic management plan to be submitted and approved prior to construction for each phase and the construction of adequate ADA sidewalks, curb ramps and crosswalks.
- k) Potentially significant impacts on utilities and service systems have been mitigated to a less than significant level with incorporation of mitigation measures that require the applicant to prepare and submit an approved Water Supply, Pressure, and Storage Study to the Humboldt County Public Works to demonstrate that adequate water supplies are available for the proposed development including water for fire suppression and the installation of on-site recycling collection facilities.

5. FINDING: EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT – The proposed project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval, as further described in the evidence below. There are specific economic, legal, social, technological or other considerations which make infeasible mitigating these impacts to a less than significant level. (15091(a)(3))

EVIDENCE: a) The DEIR found that project which have potentially significant impacts to greenhouse gas emissions and climate change that cannot be avoided. Because there are no CEQA significance thresholds developed by the local air quality district, the North Coast Air Quality Management District, the significance thresholds from the Sacramento Metro Air Quality Management District were utilized. The project would contribute annual greenhouse gas emissions that exceed these levels of significance and

would therefore generate greenhouse gases that may have a significant impact on the environment. Mitigation measures have been included which require a carbon offset agreement with the City of Arcata which has verified forest carbon offsets from the Arcata Community Forest and EPA certified woodburning fireplaces, as well as a prohibition on woodburning devices in the multi-family units. However, these measures do not fully mitigate for the impact and no other feasible mitigation is available to reduce the emissions below this significance threshold. Therefore, this impact was found to be significant and unavoidable.

- b) The DEIR found that project which have potentially significant impacts from wildfires that cannot be avoided. Because the project as currently designed would not provide for the 100 foot defensible space required by Cal-Fire and the Humboldt Bay Fire Protection District the project would potential expose project occupants to pollutant concentrations from a wildfire, would require the installation of infrastructure that may exacerbate fire risk and would expose people or structures to significant risks associated with post-fire impacts. Mitigation measures have been included which a fire safety management plan to be implemented throughout the lifetime of the project and that the applicant either 1) revise the site plan to provide a 100 foot defensible space buffer on-site or 2) enter into a Memorandum of Agreement (MOA) with the County for provision of 70 feet of defensible space off-site (or as determined by the County but minimum of 100-foot total) on the County owned McKay Community Forest. Either of these measures would reduce the level of significance however as there is uncertainty over the actual implementation of the measure requiring 100 feet of defensible space this is identified as a significant and unavoidable impact.

6. **FINDING:** **EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT** - In compliance with CEQA Guidelines section 15126.6, the DEIR considered several alternatives to the 320 unit subdivision project originally proposed. The EIR considered the alternatives described below which are more fully described in the DEIR. There are specific economic, legal, social, technological or other considerations which make infeasible the project alternatives identified in the EIR for reasons discussed below

EVIDENCE: a) Alternative No. 1: No Project Alternative.
The No Project Alternative assumes that the proposed project would not be implemented and that the project site would remain in its existing condition and used primarily for timber production. If Alternative 1 were selected, no change from existing conditions would occur.
The No Project Alternative would not meet any of the basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.
- Support the County's economic development strategy and other efforts

to retain and create living-wage job opportunities.

- Support individual rights to live in urban, suburban, rural or remote areas of the County while using a balanced approach to protect natural resources, especially open space, water resources, fisheries habitat and water quality in cooperation with state and federal agencies.
- Facilitate a more walkable and sustainable community and reduces traffic to major commercial centers.

The no project alternative would not support Humboldt County General Plan policies which encourage increased housing opportunities and walkable communities.

b) Alternative 2- Site Redesign.

The site redesign alternative would increase the size of lots located along the boundary adjacent to the North McKay Forest to provide 100 feet of defensible space for wildfire protection. This alternative would result in reduction of 10 single family dwelling units and 14 small lot single family dwelling units, for a total reduction of 24 single family lots.

The Site Redesign Alternative would not meet important basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.

The removal of 24 single family homes from the project would reduce the number of units would result in a significant increase in the purchase price of the smaller lots which would reduce affordable housing opportunities and would also reduce the housing options provided by the proposed project and would therefore not support the County General Plan goals and policies.

c) Alternative 3- Reduced Density Alternative

The reduced density alternative would eliminate specific lots and result in a smaller overall development footprint. While the 22,000 square feet of commercial development could remain, the reduction would accommodate 150 multi-family units and 130 single family homes.

The reduced density alternative would not meet important basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.
- Assist the County in meeting it's required housing inventory per State requirements.

Given the significant investment costs associated with bringing utilities and other infrastructure to the site, the reduced density alternative would potentially render the project economically infeasible. Were the project

with a reduced density to remain economically viable it would reduce affordable housing opportunities reduce the housing options provided by the proposed project and would therefore not support the County General Plan goals and policies.

Additionally, as this project site is identified in the county's certified housing element as critical for meeting the County's regional housing needs, reducing the density would render the County out of compliance with its certified Housing Element.

- d) Alternative Location CEQA Guidelines section 15126.6(2)(A) discusses that the key question in an alternative location analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by placing it in an alternative location need be considered for inclusion in the EIR. If the lead agency concludes that no feasible alternative location exists it must disclose the reasons for this conclusion. Three specific alternative locations were analyzed in the DEIR, all three southwest of the project site with similar zoning. Two of the sites were 320 to 360 acres and one site 72 acres and all theoretically large enough to accommodate the proposed project. All of these sites however are heavily timbered and significantly constrained with streams and gulch areas. Development of these alternative sites would result in similar or more significant impacts on air quality, biological resources, hydrology, aesthetics, transportation and greenhouse gases and would therefore not meet CEQA's objective of avoiding or substantially lessening a project's significant impacts and were therefore rejected from further consideration.
- e) Environmentally Superior Alternative. Each of the alternatives either avoided or minimized to a greater extent the impacts associated with the proposed project. When all the alternatives were considered, Alternative 3- Reduced Density- is considered to be the Environmentally Superior Alternative in the EIR. As noted above this alternative is not feasible.

The Environmentally Superior Alternative would have incrementally less environmental impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and traffic and transportation. Although there may be incremental reduction to many impacts only significant impacts to Wildfire would be fully avoided. All other impacts would still require the proposed mitigation.

This alternative would fail to meet the project objective to facilitate the creation of affordable housing across all income levels and to assist the county in meeting its regional housing needs.

7. FINDING

EIR-STATEMENT OF OVERRIDING CONSIDERATIONS

In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits,

including regionwide or statewide environmental benefits, of the project against its unavoidable environmental risks in determining whether to approve the project, and has determined that the specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the project outweigh its unavoidable, adverse environmental impacts so that the identified significant unavoidable impact(s) may be considered acceptable. The proposed project will provide benefits described herein to the surrounding community and the County as a whole. Each benefit set forth below constitutes a separate, independent, and severable overriding consideration warranting approval of the project, despite the unavoidable impacts. Substantial evidence in the record demonstrates that the County would derive the following benefits from the project:

EVIDENCE a) HOUSING NEEDS

There is a critical need for new housing opportunities in Humboldt County. The County has not seen housing developed at the rate needed to meet its regional housing obligation. The Regional Housing Needs Allocation (RHNA) indicates that the County is expected to accommodate 3,390 new housing units within the four income levels between December 31, 2018, and August 31, 2027. RHNA shows that forty percent of the total housing units will need to be within the unincorporated areas of the County. This project would develop 320 units over a 15–20-year period and over the 8.7 year period the first six phases of this project would generate approximately 16 percent of the County’s RHNA obligation. Approval of the project is important for meeting the County’s housing needs and for complying with state housing law.

b) ECONOMIC BENEFITS

Potential economic impacts that could be generated from the project would extend into numerous areas of the economy, including significant employment gains in the immediate term from construction, increased income generated and spent in the local economy and increased tax revenue directed towards local and state entities. Approval of the project would provide important economic growth.

c) RECREATIONAL BENEFITS

The project would function as an extension of the Cutten community to the east and would provide substantial additional open space to the County’s residents. Approximately 21.3 acres of forest lands would be preserved and dedicated to the County and access points will be provided within the development to connect to the existing McKay Community Forest. Approval of this project will contribute to a logical and orderly expansion of public recreational purposes to serve the surrounding community.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt Board of Supervisors:

1. Adopt the finding set forth in this resolution; and
2. Certify that the Final Environmental Impact Report for the North McKay Ranch Subdivision Project (SCH#: 2019049166) has been completed in compliance with CEQA, that the Final EIR was presented to the Board of Supervisors, and that the Board of Supervisors has reviewed and considered the information contained in the FEIR before certification, and that the FEIR reflects the County's independent judgment and analysis; and
3. Adopt the Statement of Overriding Considerations; and
4. Adopt the Mitigation Monitoring and Reporting Program.

Adopted after review and consideration of all the evidence on March 8, 2022.

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of
the County of Humboldt, State of California

North McKay Ranch Subdivision Project

Draft Environmental Impact Report

SCH #: 2019049166

Prepared for:

County of Humboldt
Planning and Building Department
3015 "H" Street
Eureka, CA 95501

Technical Assistance:

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North McKay Ranch Subdivision Project Draft Environmental Impact Report

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ACRONYMS AND ABBREVIATIONS

AC	asbestos cement
ACC	Advanced Clean Cars
Act	Cortese-Knox-Hertzberg Local Government Reorganization Act
AFY	acre-feet per year
amsl	above mean sea level
AD	Anno Domini
APN	assessor parcel number
BAAQMD	Bay Area Air Quality Management District
BC	Before Christ
BLM	Bureau of Land Management
BMPs	best management practices
Board	State Board of Forestry and Fire Protection
CAA	Clean Air Act
cal	calibrated
CalEEMod	California Emissions Estimator Model
CAL EMA	California Emergency Management Agency
CAL FIRE	California Department of Forestry and Fire Protection
CalGreen	California Green Building Standards Code
Cal OES	California Governor's Office of Emergency Services
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDPH	California Department of Public Health
CEC	California Energy Commission
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
CGS	California Geological Survey



Acronyms and Abbreviations

CH ₄	methane
CHRIS	California Historical Resources Information System
CNDDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CNPS	California Native Plant Society
County	Humboldt County
CO	carbon monoxide
CO ₂	carbon dioxide
CPA	Community Plan Area
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CSZ	Cascadia Subduction Zone
CWA	Clean Water Act
CWPP	Community Wildfire Protection Plan
dB	decibel
dB(A)	decibels A-weighted
DBH	diameter at breast height
DOF	Department of Finance
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EOP	Emergency Operations Plan
ESA	Endangered Species Act
EV	electric vehicle
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FPD	Fire Protection District
FTA	Federal Transit Administration
GHG	greenhouse gas
GPD	gallons per day
gpm	gallons per minute
HAP	hazardous air pollutant
HBMWD	Humboldt Bay Municipal Water District



HCAOG	Humboldt County Association of Governments
HCD	Department of Housing and Community Development
HCSD	Humboldt Community Services District
HMP	Hazard Mitigation Plan
HSTS	Hawthorne Street Transfer Station
HWMA	Humboldt Waste Management Authority
in/sec	inch per second
IRWMP	Integrated Regional Water Management Plans
LAFCo	Local Agency Formation Commission
Ldn	day-night noise level
Leq	equivalent noise level
LID	Low Impact Development
Lmax	maximum noise level
Lmin	minimum noise level
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MCLs	Maximum Contaminant Levels
MGD	million gallons per day
MLD	most likely descendant
MM	Mitigation Measure
MMTCO _{2e}	million metric tons of carbon dioxide equivalent
mph	miles per hour
MPO	Metropolitan Planning Organization
MS4	Municipal Separate Storm Sewer System
MSR	Municipal Services Review
MTCO _{2e}	metric tons of CO ₂ equivalent
N ₂ O	nitrous oxide
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NCAB	North Coast Air Basin
NCCP	Natural Community Conservation Planning
NCUAQMD	North Coast Unified Air Pollution Control District
NEHRP	National Earthquake Hazards Reduction Program
NESHAP	national emissions standards for hazardous air pollutants



Acronyms and Abbreviations

NHTSA	National Highway Traffic Safety Administration
NOA	naturally occurring asbestos
NOP	Notice of Preparation
NOx	nitrous oxides
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NSR	New Source Review
NWIC	Northwest Information Center of the California Historical Resources Information System
OES	Office of Emergency Services
OITC	Outside-Inside Transmission Class
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PCBs	polychlorinated biphenyls
PG&E	Pacific Gas and Electric Company
PM ₁₀	particulate matter 10 microns or less in diameter
PM _{2.5}	particulate matter 2.5 microns or less in diameter
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
PPV	Peak Particle Velocity
PRC	Public Resources Code
proposed project	North McKay Ranch Subdivision Project
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Assessment
ROG	reactive organic gases
RPS	Renewable Portfolio Standard
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SGMA	Sustainable Groundwater Management Act
SIP	State Implementation Plan
SLF	Sacred Lands File



SMA	Streamside Management Area
SMAQMD	Sacramento Metro Air Quality Management District
SMAWO	Streamside Management Areas and Wetlands Ordinance
SOI	Sphere of Influence
SRA	State Responsibility Area
SSC	Species of Special Concern
Stantec	Stantec Consulting Services Inc.
STC	Sound Transmission Class
SVP	Society of Vertebrate Paleontology
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TCR	tribal cultural resource
THP	Timber Harvest Plan
THPO	Tribal Historic Preservation Officer
TMDL	Total Maximum Daily Loads
TPY	tons per year
TPZ	Timberland Production Zone
U.S.	United States
U.S.C	United States Code
USACE	United State Army Corps of Engineers
USCB	United States Census Bureau
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VMT	vehicle miles traveled
Warren-Alquist Act	Warren-Alquist Energy Resources Conservation and Development Act
WDR	Waste Discharge Requirement
WEAP	Worker Environmental Awareness Program
WWTP	Wastewater Treatment Plant



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EXECUTIVE SUMMARY

ES1. PURPOSE

This Draft Environmental Impact Report (EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code (PRC), Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000, et seq.) to evaluate the potential environmental impacts associated with the proposed North McKay Ranch Subdivision Project (proposed project). The purpose of this Draft EIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and the methods by which these impacts may be mitigated or avoided.

ES2. PROJECT LOCATION

The proposed project is located in Cutten, an unincorporated community within Humboldt County (County), California, which is immediately south of the southern boundary of the City of Eureka. The proposed water storage tank portion of the proposed project would be located approximately 2.5 miles south of the proposed development, near Ridgewood, California. The proposed project would be located on the following Assessor Parcel Numbers (APN): 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, 017-073-009, and 303-012-020. The project site is generally located on United States (U.S.) Geological Survey Eureka 7.5-minute Quadrangle, Township 5 North, Range 1 West, Section 36, Humboldt Meridian.

ES3. PROJECT SUMMARY

The proposed project would comprise two discontinuous areas: the proposed development area and an off-site water storage tank. The proposed project would be constructed on approximately 81 acres and would involve a mixed-use development with 320 residential units, approximately 22,000 square feet of commercial development, an off-site sewer line, and an off-site water storage tank. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and 174 multi-family units. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. The proposed project would require annexation into HCSD for the provision of utilities.



Project Objectives

The objectives of the proposed project are to:

- Comply with the Humboldt County Local Agency Formation Commission policy to create a more logical service boundary and provide more effective delivery of municipal services by annexing all existing unincorporated islands zoned for development in the HCSD.
- Ensure new residents receive the same level of service as current residents.
- Ensure existing service levels to current County residents are not reduced in order to provide services to the HCSD service area.
- Promote economic vitality by maintaining and expanding small businesses and local services for residents.
- Assist County in meeting housing needs to accommodate forecasted population growth.
- Incorporate parks and open space, including trails, into the project design in a manner that would provide community connectivity and is aesthetically pleasing.
- Promote economic growth through new capital investment for an expanded population and increased tax base.
- Provide a diversity of housing choices in one development that would cater to various segments of the community, including low-cost, single-family homes.

ES4. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

Section 15123 of the State CEQA Guidelines requires that a summary of an EIR identify areas of controversy known to the lead agency, including issues raised by agencies and the public. On April 19, 2019, the County issued a notice of preparation (NOP) (Appendix A) to inform agencies and the general public that an EIR was being prepared. However, a revised NOP was circulated on May 21, 2019 to include environmental issues determined to have a less than significant impact. The revised NOP was circulated between May 21, 2019 and June 20, 2019 for the statutory 30-day public review period. The County invited comments on the scope and content of the document, and participation at a public scoping meeting on June 13, 2019 at Cutten Elementary School. Appendix A of this Draft EIR contains a scoping report listing the written comments received on the NOP and during the public scoping meeting. Copies of the comment letters are also contained in the scoping report. During the public comment period for the NOP, various comment letters were received regarding the proposed project. In general, areas of potential controversy known to the County include:

- Impacts related to wildfires and the surrounding forestland in the area
- Impacts to biological resources, including species and wetlands, and proximity to Ryan's Creek
- Impacts on local services, such as water, sewer, fire protection, police protection, and schools
- Impacts related to aesthetics and the viewshed in the area
- Impacts related to traffic



- Concerns related to low-income housing increasing crime and drug use
- Inclusion of access points to the McKay Community Forest

Table ES-1, Executive Summary of Impacts and Mitigation Measures, summarizes the detailed discussion contained in Section 3, Environmental Impact Analysis, of this Draft EIR.

ES5. DISAGREEMENT AMONG EXPERTS

This Draft EIR contains substantial evidence to support the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the Humboldt County is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed project.

ES6. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

The proposed project would result in the following significant unavoidable adverse impacts:

- **Greenhouse Gases (GHG):** Because the proposed project would result in operational emissions that would exceed the Sacramento Metropolitan Air Quality Management District thresholds of significance, impacts related to GHG would remain significant and unavoidable.
- **Wildfires:** Because the proposed project does not allow for 100-foot defensible space buffers, as required by the California Department of Forestry and Fire Protection (CAL FIRE), impacts related to wildfires would remain significant and unavoidable.

ES7. SUMMARY OF PROJECT ALTERNATIVES

An EIR must describe a range of reasonable alternatives to the project or alternative project locations that could feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant environmental impacts of the proposed project. The alternative analysis must include the “No Project Alternative” as a point of comparison. The No Project Alternative includes existing conditions and reasonably foreseeable future conditions that would exist if the proposed project were not approved (CEQA Guidelines Section 15126.6). The following alternatives are discussed further in Section 5.0, Alternatives, of this document.

Alternative 1 – No Project

Under the No Project Alternative, the project site would remain in its existing condition and no new development would occur. Timber harvesting may continue through 2023 on the site, as under the currently approved Timber Harvest Plan. Although the No Project Alternative would avoid all significant and unavoidable impacts as under the proposed project, this alternative would not meet any of the project objectives or meet housing needs, increase the tax base, or provide a diversity of housing choices in the County.



Alternative 2 – Site Plan Redesign

The Site Plan Redesign alternative was developed to reduce potential impacts from wildfire risk by increasing the size of lots located along the project boundary adjacent to the North McKay Forest. The large lots would provide the 100-foot defensible space as required by CAL FIRE, CWPPP, and Humboldt Bay FPD. This alternative would result in reduction of 10 single-family dwelling units and 14 small lot single-family dwelling units. The number of multi-family dwelling units would remain at 174, and the 22,000 square feet of commercial development would also remain unchanged. This alternative would require extending Redwood Street and Arbutus Street, which would require drainage crossings similar to the proposed project. In addition, with the site redesign proposed under this alternative, it is expected that there would be adequate buffer from the PG&E high voltage power line.

The Site Plan Redesign alternative would result in a less than significant impact relative to wildfires when compared to the significant and unavoidable impacts of the proposed project. In addition, this alternative would lessen the severity of other impacts, including those associated with agriculture and forestry resources; air quality; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; and transportation. This alternative would also advance all of the proposed project objectives.

Alternative 3 – Reduced Density

The Reduced Density alternative would modify the existing proposed project site plan to include the following: elimination of specific lots that would prohibit the existing site plan's ability to include a 100-foot defensible space buffer, and reduce the total amount of single-family and multi-family residential units to reduce future operational mobile source GHG emissions.

The redesign would result in a relatively compact development, with 22,000 square feet of commercial space (limited by the number of trips evaluated in the traffic study for an office use), 150 multi-family low rise apartments, and 130 single-family homes. The requirement for on-site, 100-foot defensible space is anticipated to eliminate single-family lots 3 through 16, 21, 27 through 29, 35 through 50, 54 through 57, 79 and 80 for a total of 39 lots, for a total of 39 lots. The GHG modeling determined that reduction in 26 multi-family and 14 single-family units would reduce operational GHGs. While redesign could result in many development layouts, for purposes of this analysis, it is assumed that reduction of 40 units would consist of elimination of the 39 single-family lots required for 100-foot defensible space, of which 15 lots would be accommodated on the revised site plan by reducing lot sizes. In addition, 26 of the multi-family units would be eliminated on Lot 88 to avoid steep slopes based on the geotechnical report. This alternative would require extending Redwood Street and Arbutus Street, which would require drainage crossings similar to the proposed project. In addition, with the site redesign, it is expected that there would be adequate buffer from the Pacific Gas and Electric Company (PG&E) high voltage power line.

The Reduced Density alternative would reduce potential impacts related to GHG emissions and wildfires, as well as the severity of other impacts to agricultural and forestry resources, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation. In addition, the Reduced Density Alternative would meet all of the basic objectives of the proposed project.



ES8. SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table ES-1 summarizes the potential environmental effects of the proposed project, the recommended mitigation measures, if applicable, and the level of significance after mitigation. Pursuant to CEQA Guidelines Section 15093, if the proposed project is approved as proposed, any impact noted in the summary as “significant” after mitigation would require the adoption of overriding considerations. As shown in Table ES-1, development of the proposed project with mitigation measures would result in significant and unavoidable impacts to GHG emissions and wildfires. Therefore, a statement of overriding considerations would be required during certification of the Final EIR.

Additionally, CEQA requires public agencies to establish a monitoring and reporting program for the purpose of ensuring compliance with those mitigation measures adopted as conditions of approval in order to mitigate or avoid significant environmental impacts identified in an EIR. A Mitigation Monitoring and Reporting Program, incorporating the mitigation measures set forth in this document, would be adopted at the time of certification of the Final EIR.

ES9. REVIEW OF THE DRAFT EIR

The Draft EIR will be available for public review for the statutory 45-day review period, and will circulate starting May 15, 2020 and end June 29, 2020. Due to the state of emergency declared in response to the COVID-19 pandemic, hard copies of the Draft EIR will not be available for public review, except by request. Pursuant to California Governor Gavin Newsom’s Executive Order N-54-20, during the public review period, the Draft EIR, including the technical appendices, will be available electronically at: <https://humboldt.gov.org/2755/North-McKay-Ranch>. A copy will not be available for public review at a certain location because public buildings, such as county buildings, including the Humboldt County Library, are currently closed due to the state of emergency and to minimize the risk of spreading COVID-19 that could result from multiple people reviewing a single document. If you wish to request a hard copy of the Draft EIR, please contact the Humboldt County Planning & Building Department at (707) 445-7541 to make arrangements.

Please indicate a contact person for your agency or organization and send your comments to: CEQAResponses@co.humboldt.ca.us. Please include North McKay Ranch in the subject line.



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Table ES-1: Executive Summary of Impacts and Mitigation Measures

Environmental Impact	Mitigation Measure	Finding
3.1 Aesthetics and Visual Resources		
<p>AES-1: Potential to have a substantial adverse effect on a scenic vista.</p>	<ul style="list-style-type: none"> • MM AES-1: Prepare and Submit Design Guidelines: Prior to filing a map for each phase, the Applicant shall submit the final development plan and development standards to the County for review and approval. The County shall review the final development plan and development standards to ensure that the Applicant has incorporated the design guidelines established in Section 314-31.1.6 of the Humboldt County Code for Planned Unit Developments. At a minimum, the final development plan and development standards shall consider the County’s design guidelines related to the maintenance of the natural features of the site, circulation and parking considerations, architectural considerations, landscaping, placement of utilities, site access, and setbacks from adjacent land uses. 	LTS/M
<p>AES-2: Potential to damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway.</p>	<ul style="list-style-type: none"> • None Required 	LTS
<p>AES-3: Potential to substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point).</p>	<ul style="list-style-type: none"> • MM AES-1: Prepare and Submit Design Guidelines: See above 	LTS/M
<p>AES-4: Potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.</p>	<ul style="list-style-type: none"> • MM AES-2: Submit Lighting Plan: Prior to filing a map for each phase, the Applicant shall prepare and submit an outdoor lighting plan (which includes a photometric analysis) to Humboldt County for review and approval that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors. The lighting map shall comply with the General Plan policies and shall include minimal levels of street; parking, building, site, and public area lighting to meet safety standards and provide direction; directional shielding for all exterior lighting; and automatic shutoff or motion sensors and/or additional standards as determined by the Director of Planning and Building. 	LTS/M
3.2 Agricultural and Forestry Resources		
<p>AG-1: Potential to 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>	<ul style="list-style-type: none"> • None Required 	LTS



Executive Summary

Environmental Impact	Mitigation Measure	Finding
<p>AG-2: Potential to 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>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>3.3 Air Quality</p>		
<p>AIR-1: Potential to conflict with or obstruct implementation of the applicable air quality plan.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>AIR-2: Potential to 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.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>AIR-3: Potential to expose sensitive receptors to substantial pollutant concentrations.</p>	<ul style="list-style-type: none"> • MM AIR-1: Off-Road Construction Equipment Emissions Minimization: The project shall demonstrate compliance with the following Construction Emissions Minimization Measures prior to issuance of building or grading permits: 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited; b) All off-road equipment shall have: i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 3 off-road emission standards, and ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. 	<p>LTS/M</p>
<p>AIR-4: Potential to result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>



Environmental Impact	Mitigation Measure	Finding
3.4 Biological Resources		
<p>BIO-1: Potential to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>	<ul style="list-style-type: none"> • MM BIO-1: Nesting Bird Surveys: In order to avoid Take of any nesting species, any clearing associated with the proposed project shall occur outside of the nesting period for migratory birds, typically from March 1 through August 15 (California Department of Fish and Wildlife [CDFW] Fish and Game Code 3503, 3503.5, and 3513, and Federal Migratory Bird Act 16 United States Code [U.S.C] 703 et seq.). If clearing is to occur within the nesting window of migratory birds, CDFW and the U.S. Fish and Wildlife Service (USFWS) shall be consulted to assess the potential for Take of active nests, or a focused nesting bird survey would need to take place immediately prior to and within the area of the proposed clearing. Pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. Focused survey for spotted owls within the nesting season shall be conducted prior to site clearing. If active nests are encountered, species specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest. • MM BIO-2: Amphibian Surveys: Project activities in areas near riparian and seasonally wet areas that provide amphibian habitat shall occur from July 15 through October 31 to minimize potential impacts to northern red-legged frog and southern torrent salamander. Focused surveys for northern red-legged frog and southern torrent salamander shall be conducted during appropriate weather conditions. To mitigate potential impacts to these species, the proposed project shall remediate degraded areas from past use of the proposed project area within slopes above Ryan Creek (where feasible), and within forested open space areas proposed within the proposed project area (where feasible). 	<p>LTS/M</p>
<p>BIO-2: Potential to 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 Wildlife or U.S. Fish and Wildlife Service.</p>	<ul style="list-style-type: none"> • MM BIO-3: Permit Requirements: Prior to filing a map, the Applicant shall consult with the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (USACE) regarding requirements for state and federal permit applications, including a 1602 Lake and Streambed Alteration Agreement (SAA) from the CDFW, a 401 Water Quality Certification from the RWQCB and/or a 404 Nationwide Permit from the USACE. If any permits are required, the Applicant shall submit the permit application to the respective agency and shall abide by all permit conditions. For impacts to waters of the U.S. and/or waters of the State, a revegetation mitigation and monitoring plan shall also be prepared. It is anticipated that additional special-status species surveys and/or monitoring may also be implemented as part of some of these permit conditions. 	<p>LTS/M</p>



Environmental Impact	Mitigation Measure	Finding
	<ul style="list-style-type: none"> • MM BIO-4: Riparian Replanting: Riparian vegetation shall be mitigated at a 1:1 impact ratio. Local native riparian vegetation would be replanted along non-impacted creek segments within the proposed project site. • MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP) See Section 3.10 • MM HYD-3: Prepare a Low Impact Development Plan: See Section 3.10 	
<p>BIO-3: Potential to have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>	<ul style="list-style-type: none"> • MM BIO-3: Permit Requirements: See above • MM BIO-5: Wetland Creation: Wetland creation shall replace wetlands impacted by the proposed project at a 1:1 ratio with wetlands of equal or better quality. Wetlands shall be designed to provide habitat within an urbanized setting. This shall include proper fencing, vegetation screening, and signage. • MM BIO-6: Wetland Enhancement: Existing wetlands currently have high levels of invasive species dominance, and in many places have historic fill placement. Part of the mitigation shall include restoration of the remaining wetlands onsite following installation of the Arbutus Street extension. This shall include invasive species removal, native plant installation, and where appropriate, removal of historic fill. In addition, existing wetlands shall be connected to the proposed mitigation wetlands for habitat connectivity. This shall include stormwater and wildlife crossing culverts in locations where the wetland would be crossed by the proposed Arbutus Street extension. 	<p>LTS/M</p>
<p>BIO-4: Potential to 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.</p>	<ul style="list-style-type: none"> • MM BIO-1: Nesting Bird Surveys: See above • MM BIO-2: Amphibian Surveys: See above • MM BIO-3: Sediment Control: See above • MM BIO-4: Permit Requirements: See above • MM BIO-7: Ryan Creek Tributaries: The 100-foot setback (where feasible) from the 30 percent break in slope designated as non-buildable to reduce erosion and removal of trees thereby reducing impacts to Ryan Creek and associated wetlands. The Ryan Creek tributary crossing impacts shall be minimized by using large half-round culverts and mitigated by recontouring the deteriorating logging road within the northern portion of the proposed project. • MM BIO-8: Stream Stabilization: Two stream crossings are proposed as part of the proposed project. Crossings shall be designed to facilitate wildlife movement and shall be designed to minimize impacts to the streams. The crossings are anticipated to impact 68 linear feet of each stream, for a total of 136 linear feet of impacts. Crossings shall be mitigated by the recontouring 	<p>LTS/M</p>



Environmental Impact	Mitigation Measure	Finding
	and stabilization of a former logging road, which contains approximately 727 linear feet of highly eroded terrain. In addition, the former roadway shall be planted with native vegetation to facilitate habitat creation on the slope as mitigation for reduced wetland buffers along the Arbutus Street access.	
BIO-5: Potential to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy ordinance.	<ul style="list-style-type: none"> • None Required 	LTS
BIO-5: Potential to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	<ul style="list-style-type: none"> • None Required 	LTS
3.5 Cultural Resources		
CUL-1: Potential to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	<ul style="list-style-type: none"> • MM CUL-1: Cultural Materials Discovered During Construction: If any cultural resource (e.g., projectile points, flakes, bottles, or cans) is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a Secretary of the Interior qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) 523 series forms. All forms and associated reports will be submitted to the Northwest Information Center of the California Historical Resources Information System (NWIC) of the California Historical Resources Information System (CHRIS). The archaeologist shall determine whether the resource requires further study. If after the qualified archaeologist conducts appropriate analyses, the resource is determined to be eligible for listing on the California Register of Historical Resources (CRHR) and/or unique, the archaeologist shall develop a plan for the treatment of the resource. This shall contain appropriate mitigation measures, including avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in Public Resources Code (PRC) Section 21083.2. • MM CUL-2: Pre-Construction Worker Environmental Awareness Program (Cultural Resources): Prior to the start of construction, all field personnel shall receive a worker environmental awareness program (WEAP) on cultural resources. The training, which may be conducted with other environmental or safety trainings (i.e. see section 3.7, Geology), will provide a description of cultural resources that may be encountered during construction and outline the steps to follow in the event that a discovery is made. 	LTS/M



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Environmental Impact	Mitigation Measure	Finding
<p>CUL-2: Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.</p>	<ul style="list-style-type: none"> • MM CUL-1: Cultural Materials Discovered During Construction: See above • MM CUL-2: Pre-Construction Worker Environmental Awareness Program (Cultural Resources): See above 	<p>LTS/M</p>
<p>CUL-3: Potential to disturb human remains, including those interred outside of formal cemeteries.</p>	<ul style="list-style-type: none"> • MM CUL-3: Procedures for human Burials Encountered During Construction: If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed: There shall be no further excavation or disturbance of the area where the human remains were found or within 100 feet of the find until the Humboldt County Coroner is contacted. Duly authorized representatives of the Coroner shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found and an area within 100 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the MLD’s recommendations, the owner or the MLD may request mediation by NAHC. 	<p>LTS/M</p>
<p>3.6 Energy</p>		
<p>EN-1: Potential to result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>EN-2: Potential to conflict with or obstruct a state or local plan for renewable energy or energy efficiency.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>



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3.7 Geology and Soils		
<p>GEO-1: Potential to directly or indirectly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> • 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 as defined by the Division of Mines and Geology Special Publication 42 or strong seismic ground shaking; • Seismic-related ground failure, including liquefaction; or • Landslides. 	<ul style="list-style-type: none"> • MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development: Prior to filing a map for each phase, the Applicant shall submit a design-level geotechnical study and building plans for each phase and the water tank location which would be prepared by a registered geologist or geotechnical engineer. The detailed, design-level geotechnical investigations shall include foundation design, criteria for placing proposed fills, as well as structures, deep foundation, subdrainage, and/ or retaining wall systems, setbacks for each lot, and specific engineering criteria for moderate to high slopes. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the most recent version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project. All on-site soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist. A design-level geotechnical study shall be prepared for the water storage tank site in coordination with Humboldt Community Services District (HCSD). 	LTS/M
<p>GEO-2: Potential to result in substantial soil erosion or the loss of topsoil.</p>	<ul style="list-style-type: none"> • MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP): See Section 3.10 	LTS/M
<p>GEO-3: Potential to 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.</p>	<ul style="list-style-type: none"> • MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development: See above 	LTS/M
<p>GEO-4: Potential to be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.</p>	<ul style="list-style-type: none"> • MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development: See above 	LTS/M
<p>GEO-5: Potential to directly or indirectly destroy a unique paleontological resources or site or unique geologic feature.</p>	<ul style="list-style-type: none"> • MM GEO-2: Pre-Construction Worker Environmental Awareness Program (Paleontological Resources): Prior to start of any construction activity, the Applicant and the contractor shall prepare and implement a Worker Environmental Awareness Program (WEAP). The purpose of the WEAP is to educate personnel (i.e., construction workers) about the existing on-site and surrounding resources and the measures required to protect these resources as well as avoidance and potential hazards within these sites. The WEAP shall include materials and information on potentially sensitive cultural and paleontological resources resulting from construction within the project area and applicable precautions personnel should take to 	LTS/M



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	<p>reduce potential impacts. The WEAP shall be subject to review by the County Planning and Building Department.</p> <p>The WEAP presentation shall be given to all personnel who may harm sensitive environmental resources as identified within the WEAP mitigation measures (i.e., work in non-culturally cleared areas or equipment operators who may encounter sensitive species or resources). The WEAP presentation shall be given prior to the start of construction and as necessary throughout construction as new personnel arrive on-site. The Applicant and the contractor shall be responsible for ensuring all on-site personnel attend the WEAP presentation, receive a summary handout, and sign a training attendance acknowledgement form to indicate that the contents of the program are understood and to provide proof of attendance. Each participant of the WEAP presentation shall be responsible for maintaining their copy of the WEAP reference materials and making sure other on-site personnel are complying with the recommended precautions. The contractor shall keep the sign in sheet on site and submit copies of the WEAP sign-in sheet to the Applicant's Project Manager who shall distribute to the County.</p> <p>Paleontological resources include any remains, traces, or imprints of a plant or animal that has been preserved in the Earth's crust since some past geologic time and may include fossil materials such as bones, leaf impressions and other carbonized remains and shells of invertebrates such as snails and clams. For the paleontological materials portion of the WEAP, presentation of the following information and implementation steps shall be prepared, presented, and executed prior to and during construction to prevent exposure and raise awareness of potential impacts to unknown paleontological resources:</p> <p>The Applicant shall retain a qualified Geologist or Paleontologist to conduct the pre-construction paleontological resource and/or unique geologic feature portion of the construction worker awareness training; and</p> <p>Construction personnel shall be informed of the possibility of such resources within the project area and the protocol to be followed if a resource is encountered as detailed in MM GEO-3.</p> <ul style="list-style-type: none"> • MM GEO-3: Proper Handling of the Unanticipated Discovery of Paleontological Resources or Unique Geologic Features: If paleontological resources (i.e., fossils) and/or unique geologic features are encountered 	



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	<p>during construction, compliance with federal and state regulations and guidelines regarding the treatment of such resources shall be required. If paleontological resource or unique geologic features are encountered during ground disturbing activities, work within 100 feet of the discovery shall be halted until the Applicant notifies a qualified Geologist or Paleontologist to evaluate the significance of the find. If the find is determined to be significant and the landowner consents, the Applicant will determine the appropriate avoidance measures or other appropriate mitigation in consultation with a qualified archaeologist and landowner, such as site salvage. Significant paleontological resources recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified paleontologist according to current professional standards. The Society of Vertebrate Paleontology (SVP) provides guidelines on assessment and mitigation of adverse impacts to paleontological resources.</p>	
3.8 Greenhouse Gas Emissions and Climate Change		
<p>GHG-1: Generate greenhouse gas emissions, either directly, or indirectly, that may have a significant impact on the environment.</p>	<ul style="list-style-type: none"> • MM GHG-1: Carbon Offsets: The proposed project shall enter into a carbon offset agreement with the City of Arcata, which has a verified forest carbon offsets from the Arcata Community Forest (Climate Action Reserve 935 and 575), Climate Reserve Tonnes. Carbon offsets for this program are \$14/metric tonne (City of Arcata ND). The Applicant will receive proof of purchase prior to issuance of any building or grading permits for the proposed project. • MM GHG-2: Stoves and Woodburning Devices: If wood burning heating is used for the residential development, the project shall install wood burning stoves with catalytic converters and/or EPA-certified woodburning fireplaces. Woodburning devices shall be prohibited in the multifamily residential. 	<p>SU</p>
<p>GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.</p>	<ul style="list-style-type: none"> • MM GHG-1: Carbon Offsets: See above 	<p>LTS/M</p>
3.9 Hazards and Hazardous Materials		
<p>HAZ-1: Potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>



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<p>HAZ-2: Potential to 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.</p>	<ul style="list-style-type: none"> • MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP): See Section 3.10 	<p>LTS/M</p>
<p>HAZ-3: Potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>HAZ-4: Potential to 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.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>HAZ-5: Potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p>	<ul style="list-style-type: none"> • MM TRANS-1: Traffic Management Plan: See Section 3.16 	<p>LTS/M</p>
<p>3.10 Hydrology and Water Quality</p>		
<p>HYD-1: Violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.</p>	<ul style="list-style-type: none"> • MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP): Prior to the issuance of grading permits for each phase, the project Applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB) electronically and a copy to the County of Humboldt that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, monitoring, and maintenance; site restoration; contingency measures; responsible parties; and agency contacts. The SWPPP shall include but will not be limited to the following elements: <ul style="list-style-type: none"> – Temporary erosion control measures shall be employed for disturbed areas. – Specific measures shall be identified to protect downstream drainage features during construction of the proposed project. – No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. – Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures. 	<p>LTS/M</p>



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	<ul style="list-style-type: none"> - Construction shall be staged in a manner that minimizes the amount of area disturbed at any one time. - Stockpiles and disturbed areas shall be managed by means of earth berms, diversion ditches, straw wattles, straw bales, silt fences, gravel filters, mulching, revegetation, and temporary covers as appropriate. - The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. - BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. - In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. - During and after construction, reconstruction, and upgrading, there shall be no visible increase in turbidity in any drainage facility, construction/reconstruction site, or road surface, any of which drains directly to Class I, II, or III waters (standing water on the road that does not drain to Class I, II, or III waters is not applicable). - During construction, reconstruction, and upgrading, erosion control material of sufficient quantity shall be stockpiled on-site and used to prevent an increase in turbidity in any drainage facility, construction site, or road surface, any of which drains directly to Class I, II, or III waters. - Exposed slopes greater than 3:1 shall be stabilized with erosion control matting installed in accordance with the current California Stormwater Quality Association (CASQA) Best Management Practices Handbook. Erosion control matting shall consist of 100 percent biodegradable materials. In lieu of erosion control matting, hydraulic Bonded Fiber Matrix (BFM) consisting of wood mulch with tackifier shall be applied at a minimum rate of 3,500 pounds per acre. A sterile erosion control seed mix or suitable native seed mix shall be applied with the hydraulic BFM. - To monitor the effectiveness of wet-season erosion control measures, the project Applicant shall implement a stormwater discharge sampling program in accordance with the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with 	



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	<p>Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (General Permit). The project Applicant shall comply with the Numeric Action Levels (NALs) for turbidity and pH specified in the General Permit and shall adjust BMPs as necessary to maintain compliance with turbidity and pH NALs. The results of laboratory sampling will be provided to the Humboldt County Planning & Building Department at the time the results are uploaded to the state Stormwater Multiple Application and Report Tracking System database.</p> <ul style="list-style-type: none"> - Should erosion and sedimentation devices fail, or should the NALs and/or pH NALs be exceeded, the County will have stop-work authority over project construction activities. The County will stop work on any portion of the project determined by the County to be the source of erosion or sedimentation. Work will be suspended until the erosion and sedimentation control measures can be fortified or reestablished, or until the County determines that site conditions (e.g., weather, soil moisture content) have improved. - The project Applicant shall inspect erosion and sedimentation control measures before any precipitation event (as defined by greater than 0.25 inch of rain forecasted for a 24-hour period) during the wet season, and shall report the inspection results to the County before conducting work during any precipitation event. Work shall be suspended if the County determines that erosion control measures are in disrepair, or would be ineffective in the prevention of erosion resulting from the forecasted precipitation event. At any time, work may be suspended at the discretion of the County if site conditions deteriorate to the point where erosion control measures would be ineffective. <ul style="list-style-type: none"> • MM HYD-2: Prepare a Stormwater Quality and Drainage Management Plan: Prior to the filing of the map for each phase, the project Applicant shall submit a stormwater quality control plan to the County of Humboldt for review and approval. The stormwater quality control plan shall include a detailed drainage plan and identify expected, site-specific pollutants and required measures to treat those pollutants before they reach the detention basins, storm drain systems, and ultimately Ryan Creek or other waterbodies. The approved measures shall be incorporated into the proposed project. The stormwater quality control plan shall also describe monitoring and performance measures and standards required in order to ensure water quality is adequately protected during operation of the project area. Examples of stormwater pollution prevention measures and practices to be incorporated into the stormwater quality control plan include but are not limited to: <ul style="list-style-type: none"> - Strategically placed bioswales and landscaped areas that promote percolation of runoff 	



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	<ul style="list-style-type: none"> - Pervious pavement - Roof drains that discharge to landscaped areas - Curb cuts in parking areas to allow runoff to enter landscaped areas - Rock-lined areas along landscaped areas in parking lots - Catch basins - Oil/water separators - Regular sweeping of parking areas and cleaning of storm drainage facilities - Readily posted information for maintenance personnel to implement or follow stormwater pollution prevention measures - Additionally, the facility shall be designed to evapotranspire, infiltrate, harvest/use, or bio-treat stormwater to meet at least one of the following hydraulic sizing design criteria: <ul style="list-style-type: none"> o <u>Volumetric Criteria:</u> <ul style="list-style-type: none"> • The maximized capture stormwater volume for the tributary area, on the basis of historical rainfall records, determined using the formula and volume capture coefficients in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (i.e., the 85th percentile 24-hour storm event runoff); or • The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology in Section 5 of the CASQA Stormwater Best Management Practices Handbook, New Development and Redevelopment (2003), using local rainfall data. o <u>Flow-based Criteria:</u> <ul style="list-style-type: none"> • The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or • The flow of runoff produced from a rain event equal to at least 2 times the 85th percentile hourly rainfall intensity as determined from local rainfall records. 	
<p>HYD-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>



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<p>HYD-3: Potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would:</p> <ul style="list-style-type: none"> • Result in substantial erosion or siltation on- or off-site; • Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; • Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or • Impede or redirect flood flows. 	<ul style="list-style-type: none"> • MM HYD-3: Prepare a Low Impact Development Plan: Prior to the filing of the map for each phase, the project Applicant shall submit a Low Impact Development (LID) Plan for each single-family lot, commercial lots, and multi-family lots as applicable for approval of the Humboldt County Public Works Director. The Plan shall be part of the Improvement Plans and include a combination of LID features including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. The plans may be modified based on the location, design, size and land use type; however, minimum requirements shall be adhered to as required by the Public Works Director. 	<p>LTS/M</p>
<p>HYD-4: Potential to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</p>	<ul style="list-style-type: none"> • MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP): See above • MM HYD-2: Prepare a Stormwater Quality and Drainage Management Plan: See above 	<p>LTS/M</p>
<p>3.11 Land Use and Planning</p>		
<p>LU-1: Potential to physically divide an established community.</p>	<ul style="list-style-type: none"> • None Required 	<p>NI</p>
<p>LU-2: Potential to cause a significant environmental impact due to a conflict with any land use, plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>3.12 Noise and Vibrations</p>		
<p>NOI-1: Potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards or other agencies.</p>	<ul style="list-style-type: none"> • MM NOI-1: Project Fixed-Source Noise: The noise from all mechanical equipment associated with the projects shall comply with the maximum noise limits listed in Standard N-S7 in the Humboldt County General Plan. • MM NOI-2: Construction Traffic: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 12.1.3 “Mitigation of Construction Noise” in the Transit Noise and Vibration Impact Assessment document (FTA-VA-90-1003-06 May 2006). This document recommends re- 	<p>LTS/M</p>



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	<p>routing truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available.</p> <ul style="list-style-type: none"> • MM NOI-3: Construction Activity: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.1 “Construction Noise Assessment” in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018). <p>Design Considerations and Project Layout:</p> <ul style="list-style-type: none"> – Construct noise barriers, such as temporary walls or piles of excavated material, between noisy activities and noise-sensitive receivers. – Re-route truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available. – Site equipment and construction materials on the construction lot as far away from noise-sensitive sites as possible. – Construct walled enclosures around especially noisy activities, or clusters of noisy equipment. For example, shields can be used around pavement breakers, loaded vinyl curtains can be draped under elevated structures. <p>Sequence of Operations:</p> <ul style="list-style-type: none"> – Combine noisy operations to occur in the same time period. The total noise level produced will not be significantly greater than the level produced if the operations were performed separately. – Avoid nighttime activities. Sensitivity to noise increases during the nighttime hours in residential neighborhoods. <p>Alternative Construction Methods:</p> <ul style="list-style-type: none"> – Use specially quieted equipment, such as quieted and enclosed air compressors, mufflers, on all engines. <p>Construction Mitigation Noise Plan</p> <ul style="list-style-type: none"> – Describe and commit to a mitigation plan that will be developed later when the information is available to make final decisions (not often available during the project development phase) on all specific mitigation measures. This may be the case for large, complex projects. The objective of the plan shall be to minimize construction noise using all reasonable (e.g., cost vs. benefit) and feasible (e.g., possible to construct) means available. Components of a mitigation plan may 	



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	<p>include some or all of the following provisions, including equipment noise emission limits, lot-line construction noise limits, operational or equipment restrictions, and a public information and complaint response procedure, including a construction site notice that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner’s agent, hours of construction allowed by code or any discretionary approval for the Site, and County telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the County.</p> <ul style="list-style-type: none"> - 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 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan. 	
<p>NOI-2: Potential to generate excessive groundborne vibration or groundborne noise levels.</p>	<ul style="list-style-type: none"> • MM NOI-4: Construction Vibration: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.2, Construction Vibration Assessment, in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018) for Phase 1 and the Sewer Work Phase of the project only. <p>Design Considerations and Project Layout</p> <ul style="list-style-type: none"> - Route heavily loaded trucks away from residential streets. Select streets with the fewest homes if no alternatives are available. - Operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible. <p><u>Sequence of Operations</u></p> <ul style="list-style-type: none"> - Phase demolition, earth-moving, and ground-impacting operations so as not to occur in the same time period. Unlike noise, the total vibration level produced could be substantially less when each vibration source operates separately. - Avoid nighttime activities. Sensitivity to vibration increases during the nighttime hours in residential neighborhoods. <p>Alternate Construction Methods</p> <ul style="list-style-type: none"> - Avoid vibratory rollers and packers near sensitive areas. 	<p>LTS/M</p>



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	<p><u>Vibration Mitigation Plan</u></p> <ul style="list-style-type: none"> - Describe and commit to a mitigation plan that shall be developed and implemented during the engineering and construction phase when the information available during the project development phase will not be sufficient to define specific construction vibration mitigation measures. The objective of the plan shall be to minimize construction vibration damage using all reasonable and feasible means available. The plan shall include the following components: <ul style="list-style-type: none"> o A procedure for establishing threshold and limiting vibration values for potentially affected structures, based on an assessment of each structure's ability to withstand the loads and displacements due to construction vibrations. o A commitment to develop a vibration monitoring plan during the engineering phase and to implement a compliance monitoring program during construction. 	
3.13 Population and Housing		
<p>POP-1: Potential to induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).</p>	<ul style="list-style-type: none"> • None Required 	LTS
3.14 Public Services		
<p>PS-1: Potential to 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:</p> <ul style="list-style-type: none"> • Fire protection; • Police protection; • Schools; • Parks; or • Other public facilities 	<ul style="list-style-type: none"> • MM PS-1: Development Impact Fee-Schools: Prior to issuance of building permits, the project Applicant shall provide the Eureka City Unified School District with all applicable school development fees in accordance with the latest adopted fee schedule. The Applicant shall submit a receipt to the County of Humboldt prior to issuance of building permits verifying that all fees have been paid. • MM TRANS-1: Traffic Management Plan: See Section 3.16 	LTS/M



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3.15 Recreation		
<p>REC-1: Potential to necessitate the construction of new park or recreational facilities, or cause substantial physical deterioration of existing park and recreational facilities.</p>	<ul style="list-style-type: none"> • MM REC-1: Final Trail Map: Prior to approval of the final improvement plans for each phase, the Applicant shall prepare a final map showing the precise location and alignment of the trails on the project site and their connection points to the adjacent forest land. The final map for each phase shall be submitted for review and approval by the County of Humboldt Public Works Director. These trails will be recorded in permanent open space easements or in a manner that no future development on the trails shall occur and trail connections shall be maintained for the life of the project. 	LTS/M
3.16 Transportation and Traffic		
<p>TRANS-1: Potential to conflict with a program plan, ordinance, or policy, addressing the circulation systems, including transit, roadway, bicycle and pedestrian facilities.</p>	<ul style="list-style-type: none"> • MM TRANS-1: Traffic Management Plan: Prior to the commencement of construction activities for each phase, the project Applicant shall prepare and submit a Construction Traffic Control Plan for review and approval by the Director of Public Works. The Traffic Management Plan shall identify routing for all delivery and haul trucks and, if necessary, limit deliveries to non-peak times. The Traffic Management Plan shall also identify suitable locations for construction worker parking and identify a safe access route to Redwood Fields Park and adjacent schools. The Traffic Management Plan shall ensure that access to adjacent land uses on Redwood Street and Walnut Drive is provided at all times. The Traffic Management Plan shall be maintained and updated for all phases of construction. • MM TRANS-2: Intersection Improvements: Prior to issuance of building permits, the Applicant shall make all the intersection improvements identified below to mitigate direct project impacts, subject to approval of the Public Works Director. Alternatively, the Applicant shall submit updated traffic studies prior to issuance of building permits for each phase that would determine the specific intersection improvements needed to maintain acceptable Level of Service (LOS) at the following intersections with the development of each individual phase and accordingly implement the phase specific improvement, subject to approval of the Public Works Director. If improvements are phased, all intersection improvements identified below shall be completed prior to the issuance of the building permit for 320 residential units. <ul style="list-style-type: none"> – Install traffic signal at the intersection of Dolbeer Street and Harris Street – Install traffic signal at the intersection of W Street and Harris Street – Install all way stop control at the intersection of S Street & Hodgson Street 	LTS/M



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	<ul style="list-style-type: none"> - Install traffic signal at the intersection of Walnut Drive and Hemlock Street - Install traffic signal at the intersection of Walnut Drive and Redwood Street - Install traffic signal at the intersection of Walnut Drive & Arbutus Street - Install traffic signal at the intersection of Walnut Drive & Cypress Street <p>The Applicant may request that the County enter into a reimbursement agreement for costs associated with improvements that are beyond the scope of the development project. The reimbursement agreement shall be at the sole discretion of the County and final cost estimates and reimbursement amounts shall be subject to prior approval of the Public Works Director.</p> <ul style="list-style-type: none"> • MM TRANS-3: Fair Share Contribution: Prior to issuance of building permit for the final phase, the Applicant shall pay its fair share for installation of traffic signals at the following intersections subject to approval of the Public Works Director: <ul style="list-style-type: none"> - Intersection of S Street & Hodgson Street - Intersection of W Street & Hodgson Street/Chester Street • MM TRANS-4: Accessibility: All newly constructed streets shall provide adequate sidewalks and Americans with Disabilities Act-compliant curb ramps, with marked crosswalks as needed. 	
<p>TRANS-2: Potential to conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>TRANS-3: Potential to substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersection(s) or incompatible uses (e.g. farm equipment)).</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>TRANS-4: Potential to result in inadequate emergency access.</p>	<ul style="list-style-type: none"> • MM TRANS-1: Traffic Management Plan: See above 	<p>LTS/M</p>



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Environmental Impact	Mitigation Measure	Finding
3.17 Tribal Cultural Resources		
<p>TRIB-1: Potential to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources 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 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or 2) 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.</p>	<ul style="list-style-type: none"> • MM CUL-1: Cultural Materials Discovered During Construction: See Section 3.5 • MM CUL-2: Pre-Construction Worker Environmental Awareness Program (Cultural Resources): See Section 3.5 • MM CUL-3: Procedures for human Burials Encountered During Construction: See Section 3.5 	LTS/M
3.18 Utilities and Service Systems		
<p>UTIL-1: Potential to require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.</p>	<ul style="list-style-type: none"> • MM UTIL-1: Water Supply Pressure and Storage Study: Prior to filing a map for the first phase of the subdivision, the Applicant shall prepare and submit an approved Water Supply, Pressure, and Storage Study to the Humboldt County Public Works to demonstrate that adequate water supplies are available for the proposed development including water for fire suppression. In addition, the study shall include information on adequate pressure flows to serve the project site including adequate firefighting flow. • MM TRANS-1: Traffic Management Plan: See Section 3.16 	LTS/M
<p>UTIL-2: Potential to have sufficient water supply to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.</p>	<ul style="list-style-type: none"> • MM UTIL-1: Water Supply Pressure and Storage Study: See above 	LTS/M
<p>UTIL-3: Potential to result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</p>	<ul style="list-style-type: none"> • None Required 	LTS



Environmental Impact	Mitigation Measure	Finding
<p>UTIL-4: Potential to generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.</p>	<ul style="list-style-type: none"> • MM UTIL-2: Recycling Bins: Prior to issuance of final certificate of occupancy for each multi-family residential building and commercial development, the project Applicant shall install on-site recycling collection facilities. Such facilities shall be provided in centralized locations within enclosed facilities. Signage shall clearly identify accepted materials, and recycling collection vessels (i.e., dumpsters, receptacles, bins, totes, etc.) shall be distinctly different in appearance from solid waste collection vessels. 	<p>LTS/M</p>
<p>UTIL-5: Potential to comply with federal, state, and local management and reduction statutes and regulations related to solid waste.</p>	<ul style="list-style-type: none"> • None Required 	<p>LTS</p>
<p>3.19 Wildfires</p>		
<p>WF-1: Potential to due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p>	<ul style="list-style-type: none"> • MM WF-1: Prepare and Implement a Fire Safety Management Plan: Consistent with the Humboldt County General Plan Standard FR-S2, Forest Land-Residential Interface (FRI) and pursuant to Section 4142 of the Public Resources Code (PRC), the Applicant shall consult with California Department of Forestry and Fire Protection (CAL FIRE) prior to permit approval for the proposed project. The Applicant shall prepare a Fire Safety Management Plan that is subject to review and approval by the Humboldt County Planning & Building Department in consultation with CAL FIRE and shall be implemented throughout the lifetime of project operations. The scope of the plan shall apply to all property, buildings, structures, operations, and facilities associated with the project. The plan shall include, but is not limited, to the following: <ul style="list-style-type: none"> – Specific evacuation routes through the proposed project area and through the larger community; – Specifications for fire resistant building materials and fire-resistant plants that are strategically planted to resist the spread of fire around residences and other structures; – Installation of address numbers that are displayed in contrasting colors (4 inches minimum in size) and readable from the street or access road, pursuant to California Fire Code Section 505.1; – Any identified helicopter landing zones if feasible; and – Suitable areas for the installation and maintenance of wildland fire control features such as fire hydrants. If streets end into a cul-de-sac, fire hydrants shall be installed at the beginning of the street. – Clearly identifiable street names. – Homeowner awareness program as to importance of annual maintenance of defensible space fuel modification measures. 	<p>SU</p>



Environmental Impact	Mitigation Measure	Finding
	<p>Preparation of the Fire Safety Management Plan will ensure that structures built within the State Responsibility Area (SRA) will meet code requirements and adequate fire safety measures and project features are incorporated into project design. The building permit required for the proposed project shall not be issued until CAL FIRE and Humboldt Bay Fire Department approve the Fire Safety Management Plan.</p> <ul style="list-style-type: none"> • MM WF-2: Wildfire 100-foot Defensible Space: Prior to filing a map, the Applicant shall do either of the following: <ul style="list-style-type: none"> – Option 1- Revise the site plan prior to final tentative map submittal to demonstrate that a 100-foot buffer is provided on-site. The Applicant shall submit the revised site plan to the Humboldt Bay Fire Protection District (FPD) for approval and provide proof of approval to the County Planning Director. – Option 2 - The Applicant shall enter into a Memorandum of Agreement (MOA) with the County for provision of 70 feet of defensible space off-site (or as determined by the County but minimum of 100-foot total) on the County owned McKay Community Forest. The Applicant shall be subject to any entitlements or environmental review required for the off-site improvements prior to construction permit for the proposed project. The MOA shall clearly identify roles and responsibilities regarding maintenance of the defensible space. • MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development: See Section 3.7 	
<p>WF-2: Potential to require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.</p>	<ul style="list-style-type: none"> • MM WF-1: Prepare and Implement a Fire Safety Management Plan: See above • MM WF-2: Wildfire 100-foot Defensible Space: See above • MM UTIL-1: Water Supply Pressure and Storage Study: See Section 3.18 	<p>SU</p>
<p>WF-3: Potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</p>	<ul style="list-style-type: none"> • MM WF-1: Prepare and Implement a Fire Safety Management Plan: See above • MM WF-2: Wildfire 100-foot Defensible Space: See above • MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development: See Section 3.7 	<p>SU</p>
<p>WF-4: Potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.</p>	<ul style="list-style-type: none"> • MM WF-1: Prepare and Implement a Fire Safety Management Plan: See above • MM WF-2: Wildfire 100-foot Defensible Space: See above 	<p>SU</p>

Notes: NI = No Impact, LTS = Less than Significant, LTS/M = Less than Significant with Mitigation, SU = Significant and Unavoidable, MM = Mitigation Measure



1.0 INTRODUCTION

1.1 OVERVIEW OF THE CEQA PROCESS

This Draft Environmental Impact Report (EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the North McKay Ranch Subdivision Project (proposed project). This document is prepared in conformance with CEQA (California PRC Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000, et seq.). This Draft EIR is intended to serve as an informational document for the public agency decision makers and the public regarding the proposed project.

1.1.1 Overview

The proposed project consists of the development of 320 dwelling units, 22,000 square feet of commercial uses, and a water storage tank. Housing units would include 174 multi-family apartments, and 146 single-family residences. The project would also provide access points to future trails planned for the proposed project. The project site would be annexed into Humboldt Community Services District (HCSD) for provision of utilities. The water storage tank would be owned and operated by HCSD. Section 2, Project Description, provides a complete description of the project.

1.1.2 Purpose and Authority

This Draft EIR has been prepared pursuant to the State CEQA Guidelines (14 CCR 15000 et seq.). CEQA requires that State and local government agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (California PRC Section 21000, et seq.).

According to CCR Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental impact. The purpose of this Draft EIR is to analyze the environmental impacts of the proposed project, to indicate ways to reduce or avoid potential environmental impacts, and to identify alternatives. CEQA requires that each public agency mitigate or avoid the significant environmental effects of projects it approves or implements whenever feasible.

An EIR is an informational document used in state, regional, and local planning, and in decision-making processes to meet the requirements of CEQA. The purpose of the EIR is not to recommend approval or denial of a project. However, the public agency's decision whether to approve or to deny the project must take into consideration the information provided by the EIR. A public agency may approve a project even if it would result in significant and unavoidable environmental impacts.

The Draft EIR must disclose the proposed project's environmental effects, including those that cannot be avoided; growth inducing effects; effects found not to be significant; and cumulative impacts.



1.1.3 Type of Environmental Impact Report

In accordance with CCR Section 15161, this document is a project-level EIR that examines the environmental impacts of a specific project. This type of EIR focuses on the changes in the environment that would result from a specific project. In accordance with CCR Section 15161, a project EIR must examine the environmental effects of all phases of the project, including construction and operation. Additional resource-specific studies such as air quality, biological resources, cultural resources, historic resources, noise, traffic, as well as others, have been prepared for this Draft EIR to provide detailed information about the proposed project's potential impacts on the environment. The mitigation measures identified in this Draft EIR are sufficiently detailed to ensure that they would be effectively carried out to reduce the proposed project's impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Effects Found Not To Be Significant
- Growth-Inducing Impacts

1.1.4 Lead Agency Determination

Humboldt County (County) is designated as the lead agency for the project. CEQA Guidelines Section 15367 defines the lead agency as “. . . the public agency, which has the principal responsibility for carrying out or approving a project.” Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by the County with technical assistance provided by Stantec Consulting Services Inc. (Stantec), an environmental consultant. Prior to public review, this Draft EIR was extensively reviewed and evaluated by the County staff and, as such, the Draft EIR reflects the independent judgment and analysis of the County as required by CEQA. Lists of organizations and persons consulted, and the report preparation personnel, are provided in Section 8 of this Draft EIR.



1.1.5 Project of Statewide, Regional, or Areawide Environmental Significance

CEQA Guidelines Section 15206 identifies the types of projects considered to be of Statewide, Regional, or Areawide Significance. When a project is classified, its Draft EIR shall be submitted to the State Clearinghouse of the Governor’s Office of Planning and Research (OPR), as well as the appropriate metropolitan area council of government.

The proposed project meets the following criteria defining projects of Statewide, Regional, or Areawide Significance:

- The proposed project would require a general plan amendment and an EIR is being prepared.

1.2 SCOPE OF THE EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The County originally issued a NOP for the proposed project on April 19, 2019. However, a revised NOP was circulated on May 21, 2019 to include environmental issues determined to have a less than significant impact. The revised NOP was circulated between May 21, 2019 and June 20, 2019 for the statutory 30-day public review period. The scope of this Draft EIR addresses the potential environmental impacts identified in the NOP and environmental concerns raised by agencies and the public in response to the NOP. Seven comment letters were received in response to the NOP from public agencies. The NOP is contained in Appendix A of this Draft EIR.

Pursuant to CEQA Guidelines Section 15082(c)(1), the County held a scoping meeting for the proposed project on June 13, 2019 at Cutten Elementary School, located at 4182 Walnut Drive, Eureka, California 95503. Both written and oral comments were received from private parties during and post scoping meeting. All written commenters are listed in Table 1-1 and provided in Appendix A of this Draft EIR. Oral comments were also made during the scoping meeting and raised similar concerns as noted in the written comments.

Table 1-1: NOP Comment Letters

Affiliation	Signatory	Date	EIR Section Where Comment Addressed
Public Agencies			
California Department of Forestry and Fire Protection (CALFIRE)	Planning Battalion CALFIRE Humboldt – Del Norte Unit	March 29, 2019	<ul style="list-style-type: none"> • Section 3.2, Agriculture and Forestry Resources • Section 3.9, Hazards and Hazardous Materials • Section 3.19, Wildfire
California Department of Fish and Wildlife (CDFW)	Curt Babcock, Habitat Conservation Program Manager	April 23, 2019	<ul style="list-style-type: none"> • Section 3.4, Biological Resources



Affiliation	Signatory	Date	EIR Section Where Comment Addressed
Humboldt Local Agency Formation Commission (LAFCo)	George Williamson, LAFCo Senior Advisor	May 8, 2019	<ul style="list-style-type: none"> Section 3.11, Land Use and Planning Section 3.14, Public Services Section 3.15, Recreation Section 3.18, Utilities and Service Systems
Native American Heritage Commission	Gayle Totton, Associate Governmental Program Analyst	April 16, 2019	<ul style="list-style-type: none"> Section 3.5, Cultural Resources Section 3.17, Tribal Cultural Resources
North Coast Regional Water Quality Control Board (RWQCB)	Brendan Thompson, Environmental Scientist	May 17, 2019	<ul style="list-style-type: none"> Section 3.4, Biological Resources Section 3.9, Hydrology and Water Quality
US Army Corps of Engineers (USACE)	L. Kasey Sirkin, USACE – San Francisco District Lead Biologist- Eureka Field Office	May 29, 2019	<ul style="list-style-type: none"> Section 3.4, Biological Resources
City of Eureka	Kristen M. Goetz, Senior Planner, Community Development Division Development Services Department	May 31, 2019	<ul style="list-style-type: none"> Section 3.16, Transportation
Private Parties¹			
Neighbor	Solomon Everta	June 13, 2019	<ul style="list-style-type: none"> Section 3.4, Biological Resources Section 3.14, Public Services Section 3.15, Recreation Section 3.16, Transportation Section 3.18, Utilities and Service Systems
Neighbor	Bill Hole	June 13, 2019	<ul style="list-style-type: none"> Section 3.16, Transportation
Neighbor	Katherine Bettis	June 13, 2019	<ul style="list-style-type: none"> Section 3.16, Transportation Chapter 5.0, Alternatives to the Proposed Project
Neighbor	Mary Hurley	June 15, 2019	<ul style="list-style-type: none"> Section 3.4, Biological Resources
Neighbor	Melinda Walsh	June 14, 2019	<ul style="list-style-type: none"> Section 3.16, Transportation
Neighbor	Rebecca Eldredge	June 19, 2019	<ul style="list-style-type: none"> Section 3.11, Land Use and Planning Section 3.14, Public Services Section 3.15, Recreation Section 3.16, Transportation
Neighbor	Teddee Boylan	June 14, 2019	<ul style="list-style-type: none"> Section 3.16, Transportation
Neighbor	Wayne A Palmrose	June 14, 2019	<ul style="list-style-type: none"> Section 3.16, Transportation



Affiliation	Signatory	Date	EIR Section Where Comment Addressed
Neighbor	Rebecca Avila	June 17, 2019	<ul style="list-style-type: none"> Section 3.2, Agricultural and Forestry Resources Section 3.16, Transportation
Law Firm	Earthjustice	June 19, 2019	<ul style="list-style-type: none"> Section 3.3, Air Quality Section 3.6, Energy Section 3.8, Greenhouse Gas Emissions and Climate Change Section 3.19, Wildfire
Neighbor	Alicia Sidebottom	June 26, 2019	<ul style="list-style-type: none"> Section 3.1, Aesthetics Section 3.14, Public Services Section 3.16, Transportation Section 3.18, Utilities and Service Systems

Notes:

1. Written comments taken at the Scoping Meeting held on June 13, 2019.
2. Oral comments taken at the Scoping Meeting held on June 13, 2019.

1.2.1 Environmental Issues Determined Not To Be Significant

The NOP identified topical areas that were determined not to be significant. An explanation of why each area is determined not to be significant is provided in Section 7, Effects Found Not To Be Significant. The one topical area determined not to be significant was:

- Mineral Resources

In addition, certain subjects with various topical areas were determined not to be significant. Other potentially significant issues are analyzed in these topical areas; however, the following issues are not analyzed:

- Loss of important farmlands (Section 3.2, Agricultural and Forestry Resources)
- Conflicts with Williamson Act (Section 3.2, Agricultural and Forestry Resources)
- Conversion of neighboring farmland (Section 3.2, Agricultural and Forestry Resources)
- Septic and Alternative Wastewater Disposal Systems (Section 3.7, Geology and Soils)
- Aviation hazards (Section 3.9, Hazards and Hazardous Materials)
- 100-Year Flood (Section 3.10, Hydrology and Water Quality)
- Levee or dam failure (Section 3.10, Hydrology and Water Quality)
- Seiche tsunami or mud flows (Section 3.10, Hydrology and Water Quality)
- Aviation noise (Section 3.12, Noise)
- Displacement of people/housing (Section 3.13, Population and Housing)
- Air traffic patterns (Section 3.16, Transportation)



An explanation of why each issue is determined not to be significant is provided in Section 7, Effects Found Not To Be Significant.

1.2.2 Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that will require further analysis in the EIR. These sections are as follows:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions and Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

1.3 ORGANIZATION OF THE EIR

This Draft EIR is organized into the following main sections:

- **Section ES: Executive Summary.** This section includes a summary of the proposed project and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Section 1: Introduction.** This section provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.
- **Section 2: Project Description.** This section includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.
- **Section 3: Environmental Impact Analysis.** This section analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental and regulatory setting, methodology, significance criteria, impacts, mitigation measures, and level of significance after mitigation. The specific environmental topics that are addressed within Section 3 are as follows:
 - o **Section 3.1 – Aesthetics:** Addresses the potential visual impacts of development intensification and the overall increase in illumination produced by the project.
 - o **Section 3.2 – Agricultural and Forestry Resources:** Addresses the potential conversion of Important Farmland to non-agricultural use, as well as conflicts with Williamson Act contracts and agricultural zoning.



- o **Section 3.3 – Air Quality:** Addresses the potential air quality impacts associated with project implementation, as well as consistency with adopted air quality plans.
- o **Section 3.4 – Biological Resources:** Addresses the potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
- o **Section 3.5 – Cultural Resources:** Addresses the potential impacts on known historical resources and potential archaeological and paleontological resources.
- o **Section 3.6 – Energy:** Addresses the potential impacts due to wasteful, inefficient, or unnecessary consumption of energy resources; and if the proposed project conflicts with a state or local plan for renewable energy.
- o **Section 3.7 – Geology and Soils:** Addresses the potential impacts on soils and assesses the effects of project development in relation to geologic and seismic conditions.
- o **Section 3.8 – Greenhouse Gas Emissions:** Addresses the potential impacts of greenhouse gas emissions generated by construction and operation of the proposed project.
- o **Section 3.9 – Hazards and Hazardous Materials:** Addresses the potential for the presence of hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health and the environment.
- o **Section 3.10 – Hydrology and Water Quality:** Addresses the potential impacts on local hydrological conditions, including drainage areas, and changes in the flow rates.
- o **Section 3.11 – Land Use and Planning:** Addresses whether the proposed project would conflict with a land use plan, policy, or regulation.
- o **Section 3.12 – Noise:** Addresses the potential noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
- o **Section 3.13 – Population and Housing:** Addresses the potential to induce substantial population growth, displace substantial numbers of existing housing, and to displace substantial numbers of people that would require the construction of housing in another location.
- o **Section 3.14 – Public Services:** Addresses the potential impacts on public service providers, including fire, police, schools, parks, and other public facilities.
- o **Section 3.15 – Recreation:** Addresses the potential impacts on recreational facilities.
- o **Section 3.16 – Transportation:** Addresses the potential impacts on the local and regional roadway system, public transportation, bicycle, and pedestrian access.
- o **Section 3.17 – Tribal Cultural Resources:** Addresses the potential impacts of project development on tribal cultural resources (TCRs).
- o **Section 3.18 – Utilities and Service Systems:** Addresses the potential impacts on water supply, wastewater, stormwater drainage, and solid waste.
- o **Section 3.19 – Wildfire:** Addresses the potential impacts of project development if located in or near a state responsibility area (SRA) or on lands classified as very high fire hazard severity zones.



- **Section 4: Cumulative Effects:** This section analyzes the proposed project's environmental impacts in combination with the impact of other past, present, and probable future projects.
- **Section 5: Alternatives to the Proposed Project:** This section compares the impacts of the proposed project with three project alternatives: the No Project Alternative, the Site Plan Redesign Alternative, and the Reduced Density Alternative. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.
- **Section 6: Other CEQA Considerations:** This section provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. In addition, the proposed project's energy demand is discussed.
- **Section 7: Effects Found Not To Be Significant:** This section contains analysis of the topical sections not addressed in Section 3.
- **Section 8: List of Preparers and Organizations Consulted:** This section contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR, as well as the authors who assisted in the preparation of the Draft EIR, by name and affiliation.
- **Section 9: References:** This section contains a full list of references that were used in the preparation of this Draft EIR.
- **Appendices:** This section includes all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 DOCUMENTS INCORPORATED BY REFERENCE

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include, but are not limited to:

- Humboldt County General Plan
- Humboldt County Code
- City of Eureka Community Plan
- Humboldt County General Plan Draft EIR
- Draft McKay Community Forest Trail Plan
- Municipal Service Review for the HCSD Sphere of Influence (SOI) Report

1.5 DOCUMENTS PREPARED FOR THE PROJECT

The following technical studies and analyses were prepared for the proposed project:

- NOP with Comments Received (Appendix A)
- Air Assumptions/Modeling, prepared by Stantec (Appendix B)



- Biological Report, prepared by SHN Consulting Engineers & Geologists Inc. (Appendix C1)
- Wetland Delineation, prepared by SHN Engineers & Geologists Inc. (Appendix C1)
- Mitigation, Monitoring, and Reporting Plan prepared by SHN Consulting Engineers & Geologists Inc. (Appendix C1)
- Aquatic Resources Delineation prepared by Stantec Consulting Services Inc. (Appendix C1)
- Survey Results Memorandum for the Water Tank Site prepared by Stantec Consulting Services Inc. (Appendix C1)
- California Department of Fish and Wildlife California Natural Diversity Database Selected Elements by Scientific Name. (Appendix C2)
- Cultural Resources Investigation, prepared by Roscoe and Associates (Appendix D1, Confidential)
- A Cultural Resources Investigation Addendum - Water Storage Tank, prepared by Archaeological Research and Supply Company (Appendix D2, Confidential)
- Geologic and Geotechnical Investigation, prepared by SHN Engineers & Geologists Inc. (Appendix E)
- Preliminary Hydrologic/Drainage Study, prepared by Ontiveros and Associates Inc. (Appendix F)
- Noise Analysis, prepared by Stantec (The analysis is wholly contained in Section 3.12, Noise; modeling data is provided in Appendix G)
- Focused Traffic Study, prepared by TJKM Transportation Consultants (Appendix H)

1.6 REVIEW OF THE DRAFT EIR

Upon completion of the Draft EIR, the County filed a Notice of Completion with the OPR to begin the public review period (PRC Section 21161). Concurrent with the Notice of Completion, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with PRC 21092(b)(3).

Due to the state of emergency declared in response to the COVID-19 pandemic, hard copies of the Draft EIR will not be available for public review, except by request. Pursuant to California Governor Gavin Newsom's Executive Order N-54-20, during the public review period, the Draft EIR, including the technical appendices, is available electronically at: <https://humboldt.gov/2755/North-McKay-Ranch>. A copy will not be available for public review at a certain location because public buildings, such as county buildings, including the Humboldt County Library, are currently closed due to the state of emergency and to minimize the risk of spreading COVID-19 that could result from multiple people reviewing a single document. If you wish to request a hard copy of the Draft EIR, please contact the Humboldt County Planning & Building Department at (707) 445-7541 to make arrangements.



Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period that starts May 15, 2020 and ends June 29, 2020. Written comments on this Draft EIR should be addressed to:

Trevor Estlow
County of Humboldt
Planning and Building Department
3015 "H" Street
Eureka, CA 95501
Phone: (707) 445-7541
Email: CEQAResponses@co.humboldt.ca.us

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the proposed project.



2.0 PROJECT DESCRIPTION

This chapter describes the proposed North McKay Ranch Subdivision Project (proposed project) that is evaluated in this Draft EIR. This chapter provides information on the proposed project's location, objectives, existing and proposed facilities, construction techniques, maintenance, and permitting and entitlement requirements.

2.1 PROPOSED PROJECT OVERVIEW

The project site is located in the unincorporated community of Cutten in Humboldt County (County), California, and comprises two discontinuous areas: the proposed development area and the off-site water storage tank. The proposed project would include the subdivision of a parcel, consisting of seven assessor parcel numbers (APN), for a total of approximately 81 acres, into mixed-use lots to develop up to 320 residential units, approximately 22,000 square feet of commercial development, an off-water storage tank on approximately 0.3 acre, located 2.5 miles to the south. In addition, an off-site sewer line would be constructed. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the HCSD and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. Several on-site and off-site improvements are planned as part of the proposed project development. The proposed project would require annexation into HCDE for the provision of utilities.

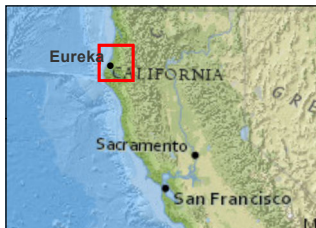
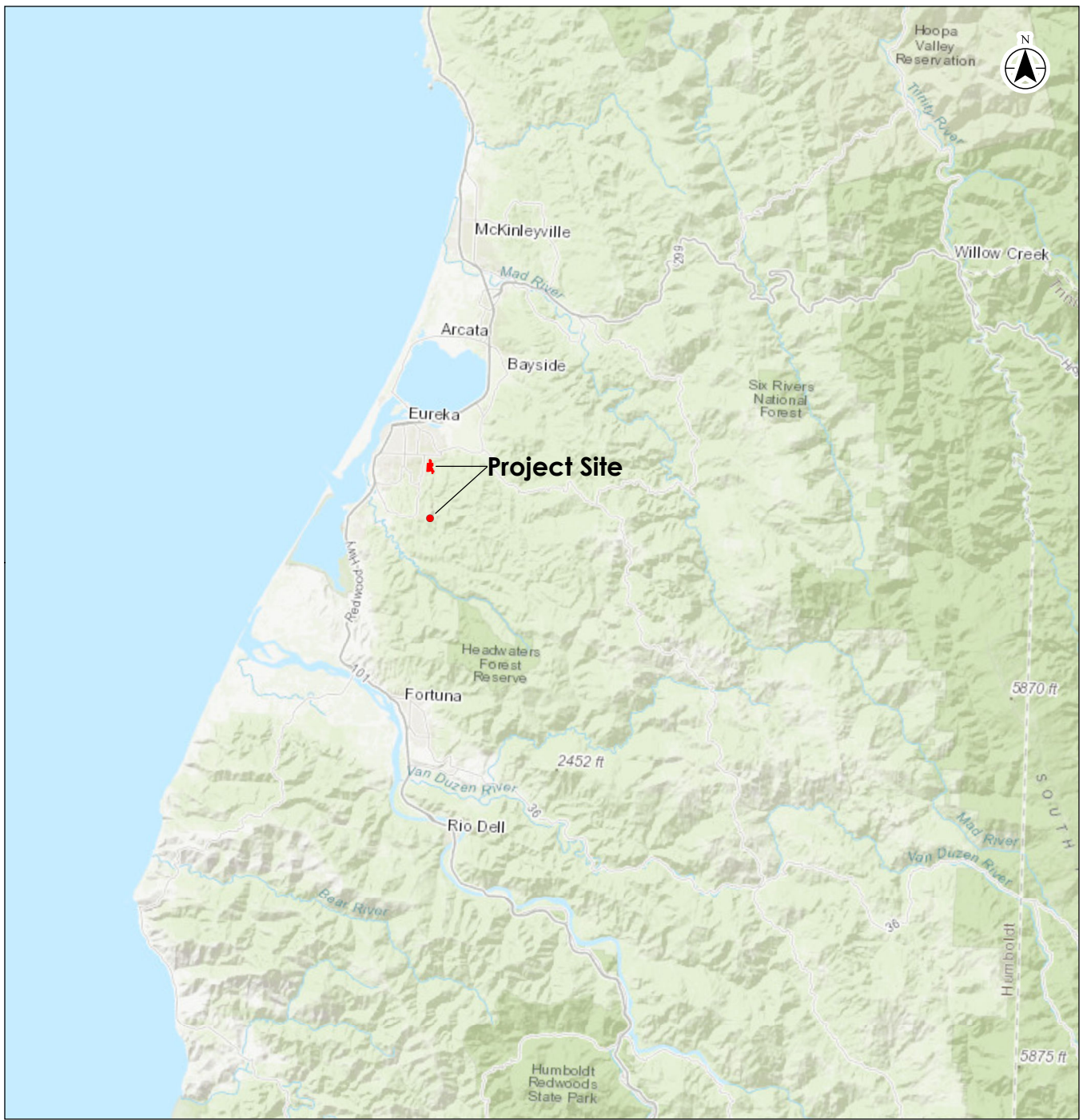
2.1.1 Location

The project site is located in Cutten, California, an unincorporated community within the County, immediately south of the southern boundary of the City of Eureka (Figure 2-1). The proposed development would be on the seven APNs located approximately 2.5 miles south of Humboldt Bay, 2.5 miles southeast of downtown Eureka and U.S. Highway 101, and less than 0.5 mile southeast of Sequoia Park. The associated APNs are 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, 017-073-009 (Figure 2-2). The proposed water storage tank would be located approximately 2.5 miles south, near Ridgewood, California, in proximity to HCSD's existing water storage tank (Figure 2-2). The associated APN is 303-012-020. The project site is generally located on U.S. Geological Survey Eureka 7.5-minute Quadrangle, Township 5 North, Range 1 West, Section 36, Humboldt Meridian.

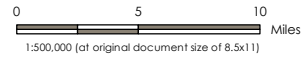


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 Project Site



Project Location Humboldt County, California Prepared by PG on 2020-04-06 Technical Review by ZP on 2020-04-06

Client/Project North McKay Ranch Subdivision Project

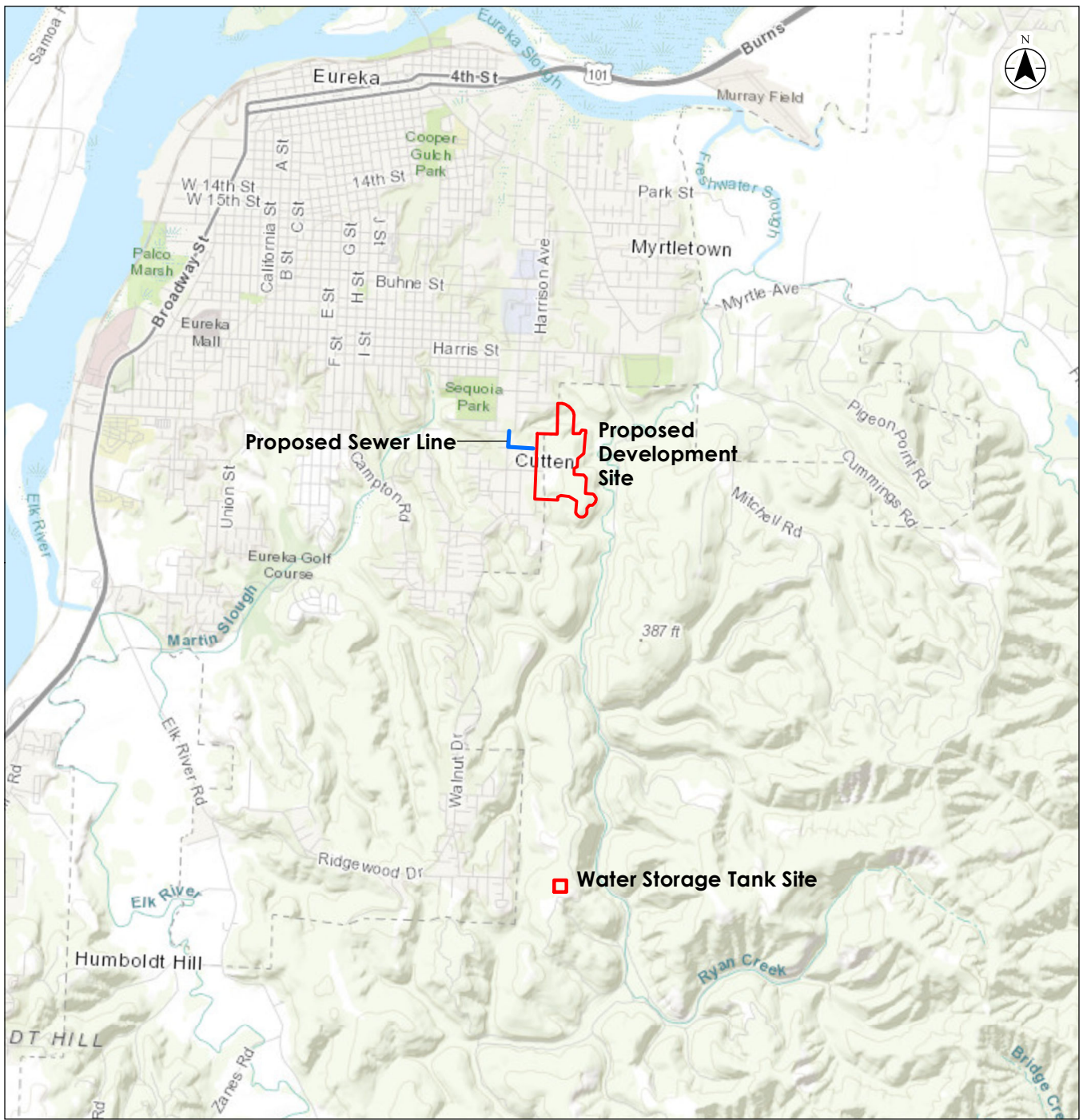
Figure No. 2-1
Title

Regional Location

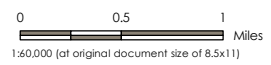
Notes
 1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
 2. Background Imagery: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
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- Proposed Development Site
- Proposed Sewer Line
- Water Storage Tank Site



Project Location Humboldt County, California Prepared by PG on 2020-03-17 Technical Review by ZP on 2020-03-18

Client/Project North McKay Ranch Subdivision Project

Figure No. 2-2
Title

Local Project Location

Notes
 1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
 2. Background Imagery: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
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2.1.2 Project Site History

During the historical period, the primary forests of the Ryan Slough area were harvested by Ryan and Duff Company and then the McKay & Company, who owned this section after 1875. This creek valley was the main artery of the McKay & Company land holdings and facilitated an early logging railroad along the flat canyon bottom, which conveyed logs to the Occidental Mill near the bottom of Freshwater Channel. Several early Eureka City maps show a "trail" in the project vicinity, which was used by McKay & Company workers to reach the streetcar station near Sequoia Park (Rohde 2014). Through the 1900s, pieces of the McKay Tract property were sold to the Pacific Conservation Company. For 35 years, the Pacific Conservation Company allowed the forest to regrow in the area (Rohde 2014). In 1967, the Georgia Pacific Corporation acquired the property and built truck roads through the tract, in place of the old railroad grades.

Georgia Pacific resumed logging operations in the area at that time. The ownership then changed to Green Diamond Resource Company, which continues timber production in the project area. The proposed development is located on a portion of the McKay Tract timber property, and Kramer Properties, Inc. (Applicant) proposes a new subdivision referred to as the North McKay Ranch Subdivision. The proposed development would border the existing Redwood Fields Park, which is a cut-out within the western portion of the project site that is owned by the Field Committee Corporation. Between 1998 and 2007, multiple applications were submitted to develop the project site that did not meet the General Plan requirement for housing units. The Applicant's most recent application proposed 320 units in four phases of 80 units each. The Applicant has since revised the project to what is analyzed in this EIR.

2.1.3 Existing Conditions

The project site is situated between an approximately 150- to 200-foot elevation above mean sea level (amsl). The upper portion of the project site is generally flat on the westerly side, with a gentle grade that increasingly slopes to the east, and eventually falls off with steep grades into the various natural gulches surrounding the property. Currently, no drainage infrastructure exists on the site. Stormwater runoff sheet flows across the project site in an easterly direction, gathering in the various channels on the easterly side, then eventually flowing onto the neighboring parcels currently owned by the County and known as the McKay Community Forest.

The site has been used for commercial timber harvest and has remained undeveloped. The entire site has been harvested at least two times, beginning with the old-growth forest, and more recently, the second-growth forest. The last timber harvest appears to have occurred approximately 30 years ago, according to historical aerial photography (Google Earth), and the uniform size and age of trees across the site. Currently, the entire site is dominated by dense third-growth redwood and mixed conifer forest, with drainages occasionally dominated by red alder. The majority of the project area is located atop a marine terrace with steep slopes down to Ryan Slough. Several logging roads traverse through the project site. High voltage power lines cross the site along Redwood Street in the east-west direction. The project area contains seasonal drainages, and first order streams originate within the flat elevated portions of the terrace and have eroded steep drainages into the terrace.



One residence within the project area, located at the end of Manzanita Avenue, has already been constructed as part of the proposed project. This residence is one of three residences that would be constructed as part of Phase 1. Manzanita Avenue was extended as part of this initial development, and a “will serve” letter was received on November 5, 2018 from HCSD, which provides water and sewer service to this residence.

The proposed water storage tank location currently consists of an open area with surrounding dense vegetation. There is an existing HCSD water storage tank on the site, and one access road to and from this location that can be accessed via Briarwood Circle.

2.1.4 Surrounding Land Uses

The project site is surrounded by the following land uses:

- North: Timber forests, gulch occupied by Ryan Creek, and residential development at the end of Manzanita Avenue
- East: Ryan Slough, PG&E powerline, the McKay Community Forest (owned by the County), and Green Diamond Industrial Timberland
- South: Timber forests and Glen Paul School
- West: Redwood Fields Park and residential development farther west

The proposed water storage tank location is surrounded on all sides by dense vegetation and undeveloped areas.

2.1.5 Land Use Designations

- **Existing Humboldt County General Plan Designation:** The proposed development parcels are designated Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017a). The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017a). The project site also lies within the Eureka Community Plan Planning Area Boundary. The water storage tank location is designated as Timberland (T).
- **Existing Zoning:** The proposed development parcels are zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water storage tank location is zoned as a Timberland Production Zone (TPZ).

2.2 PROPOSED PROJECT OBJECTIVES

The County has established the following objectives for the proposed project for the purposes of the CEQA:

- Comply with the Humboldt County Local Agency Formation Commission (LAFCo) policy to create a more logical service boundary and provide more effective delivery of municipal services by annexing all existing unincorporated islands zoned for development in the HCSD.
- Ensure new residents receive the same level of service as current residents.



- Ensure existing service levels to current County residents are not reduced in order to provide services to the HCSD service area.
- Promote economic vitality by maintaining and expanding small businesses and local services for residents.
- Assist County in meeting housing needs to accommodate forecasted population growth.
- Incorporate parks and open space, including trails, into the project design in a manner that would provide community connectivity and is aesthetically pleasing.
- Promote economic growth through new capital investment for an expanded population and increased tax base.
- Provide a diversity of housing choices in one development that would cater to various segments of the community, including low-cost, single-family homes.

2.3 PROPOSED PROJECT CHARACTERISTICS

The proposed project would require the approval of land use and zoning designation changes in order to allow the development of the proposed residences and commercial lots. This section will discuss the land use designation changes, followed by the proposed development characteristics.

2.3.1 Proposed Land Use Designation Changes

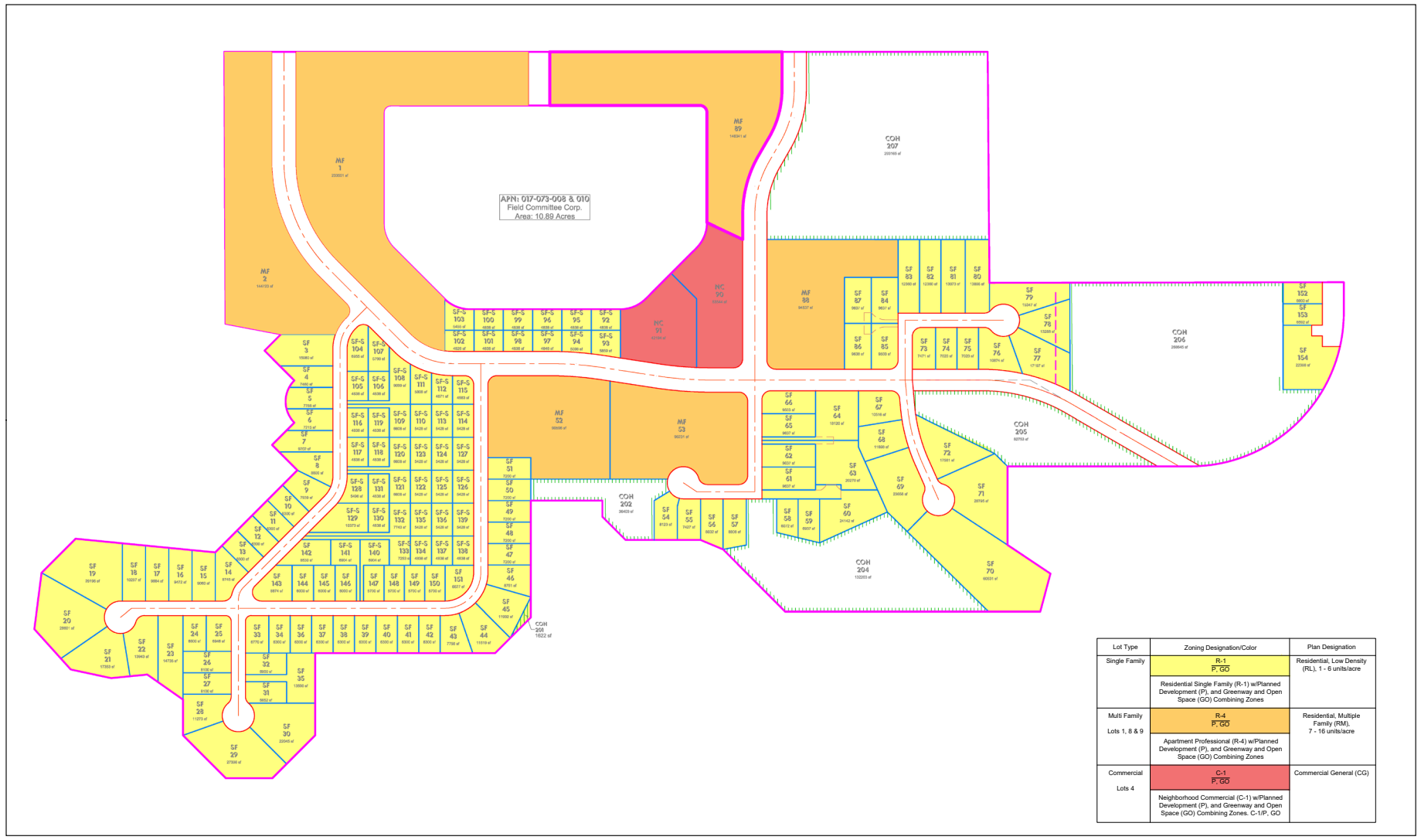
The proposed project would require the following land use designation changes (Figure 2-3):

- **Humboldt County General Plan:** A General Plan Amendment is proposed to change the land use designation from RL 1-7 units/acre to RL 1-7 units/acre, Residential Medium Density (RM) 7-30 units/acre, and Commercial General (CG). The water storage tank location would maintain the land use designation of T.
- **Zoning:** The project site would require rezoning from Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) to R-1, R, GO, Apartment Professional (R-4), and Neighborhood Commercial (C-1) with a P overlay. The water storage tank location would remain zoned as TPZ.



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Lot Type	Zoning Designation/Color	Plan Designation
Single Family	R-1 P, GO	Residential, Low Density (RL), 1 - 6 units/acre
	Residential Single Family (R-1) w/Planned Development (P), and Greenway and Open Space (GO) Combining Zones	
Multi Family Lots 1, 8 & 9	R-4 P, GO	Residential, Multiple Family (RM), 7 - 16 units/acre
	Apartment Professional (R-4) w/Planned Development (P), and Greenway and Open Space (GO) Combining Zones	
Commercial Lots 4	C-1 P, GO	Commercial General (CG)
	Neighborhood Commercial (C-1) w/Planned Development (P), and Greenway and Open Space (GO) Combining Zones, C-1/P, GO	

Source: Ontiveros & Associates, May 2019



Project Location
Humboldt County, CA Prepared by KJ on 2020-04-28
Prepared by TR on 2020-04-28

Client/Project
North McKay Ranch Subdivision Project

Figure No.
2-3
Title
Proposed Land Use Designations

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2.3.2 Population Increase

Based on the U.S. Census Bureau’s (USCB) average household size for Humboldt County of 2.43 persons per household, the proposed project’s 320 units would result in an increase in population in the County of approximately 778 people (USCB 2018). This increase conservatively assumes that the new housing units associated with the proposed project would be 100 percent occupied; this conservative population assumption is carried throughout the analyses included this Draft EIR.

2.3.3 Annexation

The proposed project would require annexation into HCSD for the provision of utilities. The Applicant would initiate annexation by petition with the Humboldt County LAFCo, the responsible agency that would be required to approve the annexation. It is anticipated that the Humboldt County LAFCo would use this EIR in considering the annexation application. LAFCo’s policies and procedures are discussed in Section 3.11, Land Use and Planning. The project site would be annexed all at once, with the exception of the parcel for the water storage tank site as it is already owned by HCSD.

2.3.4 Development Agreements

The County and the Applicant intend on entering into one or more development agreements to implement the proposed project. Development agreements allow developers to complete long-term development projects as approved, regardless of intervening changes in local regulations. The development agreement(s) would include commitments to project entitlements and development standards consistent with a Development Plan to be submitted by the Applicant, as well as other administrative and/or financial aspects of building out the proposed project. An initial draft development agreement would be negotiated prior to project approval and presented to the County for its approval, along with all other entitlements.

2.3.5 Proposed Development and Land Use Activities

The proposed project would develop a variety of residential uses at different densities. Table 2.2-1 summarizes the residential and commercial uses and densities. As shown in Table 2.2-1, 146 single-family residences, 174 multi-family residences, and 22,000 square feet of commercial development on two lots would be built. The preliminary site plan is shown on Figure 2-4. Project components are further described in detail below.

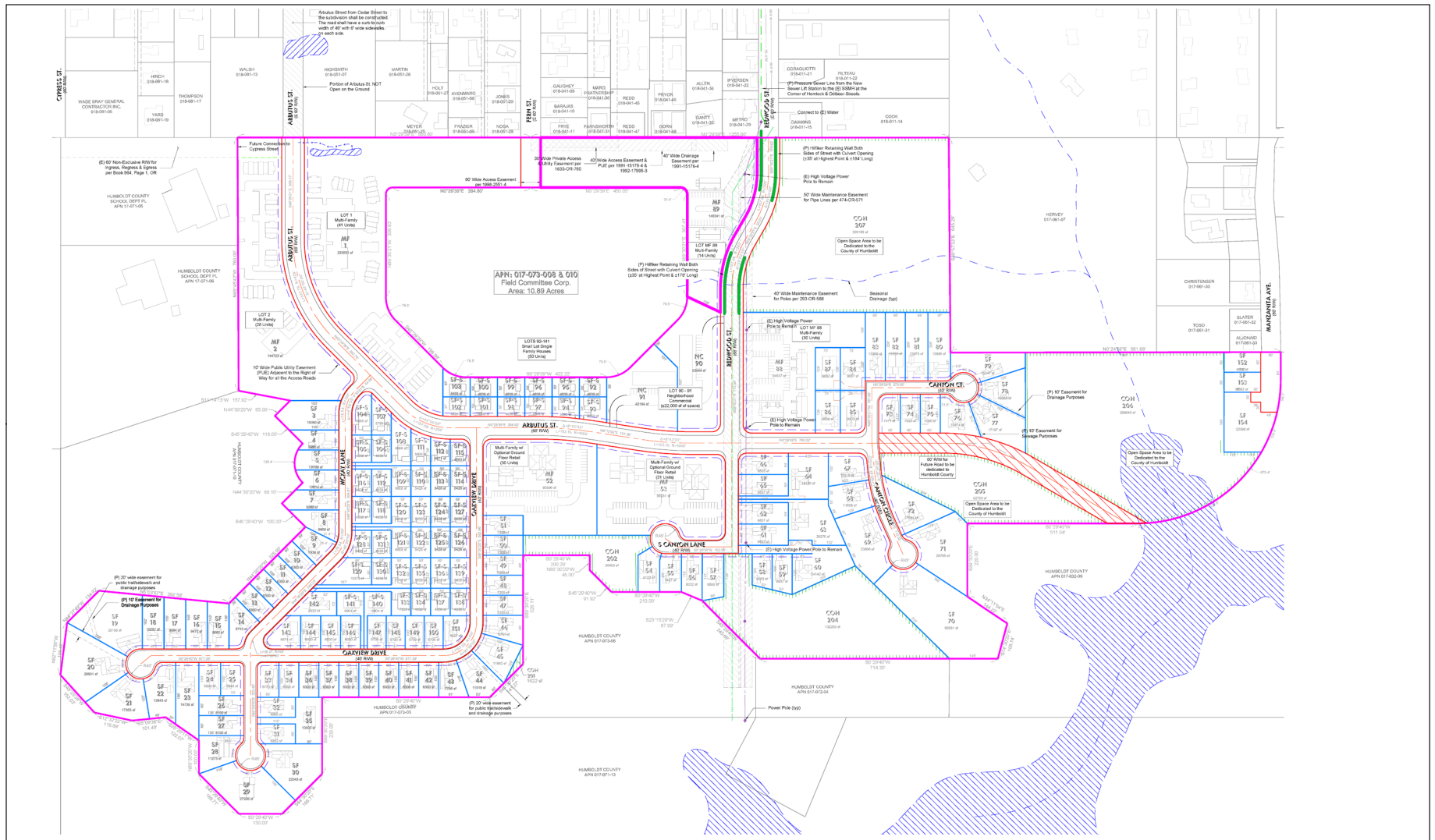
Table 2.2-1: Proposed Project Development Summary

Development Type	Count	Characteristics
Single-family lots	96	6,600 square-foot to 39,670 square-foot lots
Small-lot, single-family (includes 18 affordable housing units)	50	4,758 square-foot lots (minimum)
Multi-family	174	Average of 9 dwelling units per acre
Commercial	2	22,000 square feet total



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Source: Ontiveros & Associates, May 2019



Project Location
Humboldt County, CA Prepared by KJ on 2020-04-28
IR by TG on 2020-04-28

Client/Project
North McKay Ranch Subdivision Project

Figure No.
2-4
Title
Preliminary Site Plan

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Proposed Land Uses

Residential

Up to 320 residential units would be constructed on 81 acres, including approximately 174 multi-family units on 19 acres, 50 small-lot single-family units (includes 18 affordable single-family units) on approximately 6 acres, and 96 single-family lots on approximately 32 acres. The multi-family buildings are anticipated to be two stories and no more than three stories in height. The single-family homes would not exceed 35 feet in height. As shown in Figure 2-4, the multi-family units would be located on the western portion of the project site, closer to Redwood Fields Park. The large-lot, single-family homes would be located farther away to the east bordering the timber forest and at least 300 feet away from Ryan Creek Slough. All development is proposed to occur on the flat upper terrace portion of the property.

Commercial

The proposed neighborhood commercial land uses could include professional and business offices and other neighborhood-serving retail, such as bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry services, drug stores, restaurants and licensed premises appurtenant thereto, automobile service stations, and other uses as principally permitted under the C-1 zoning designation. The commercial buildings would be up to 45 feet in height. The commercial uses would be located at the intersection of proposed new internal roadways, Redwood Street and Arbutus Street, and centrally accessible from other proposed land uses and existing land uses to the west.

Open Space and Recreational Amenities

The proposed project would include the designation of approximately 21.73 acres as permanent open space (areas of steep slopes and drainages) to be preserved through a permanent easement and would be dedicated to the County or conveyed in fee to the County. This would include the northern portion of the project site south of Phase 9. The proposed project would provide 20-foot-wide trail easements and construct trail connections to the future public trails accessing the McKay Community Forest.

These easements and trail connections would be developed in phases. For the purposes of this EIR, tentative locations are identified; final trail alignments would be subject to the approval of the Public Works Director. A temporary trail would be provided from Fern Street, Arbutus Street, or Redwood Street to the McKay Community Forest as part of the project's first phase, and would be abandoned as each subsequent phase and accompanying trails are developed. Phase 3 would include two trail connections. One would provide access from Arbutus Street/Oakview Drive and could be from Lot 52 proposed for multi-family development. A second trail connection and parking lot would be provided between lots 57 and 58, to connect Canyon Lane to the McKay Community Forest. Phase 8 or 9 would include a trail connection to the adjacent McKay Community Forest from Oakview Drive on the southern portion of the project site. The development of future trails outside the project site are not part of the proposed project and are not evaluated in this EIR. Redwood Fields Park would remain in place and would be accessible to the residents of the new subdivision. Landscaping for the proposed project would include a mix of trees, shrubbery, and grass for the residential units and commercial spaces.

Approximately 0.338 acres (14,723 square feet) of wetlands exist within the project area. An estimated 0.168 acres (7,318 square feet) of the wetlands (50%) will be temporarily (0.017 acres) and permanently



(0.151 acres) impacted by the extension of Redwood Street and Arbutus Street in Phase 2. The two ephemeral (headwater) streams that cross the proposed Redwood Street extension would be culverted during roadway construction.

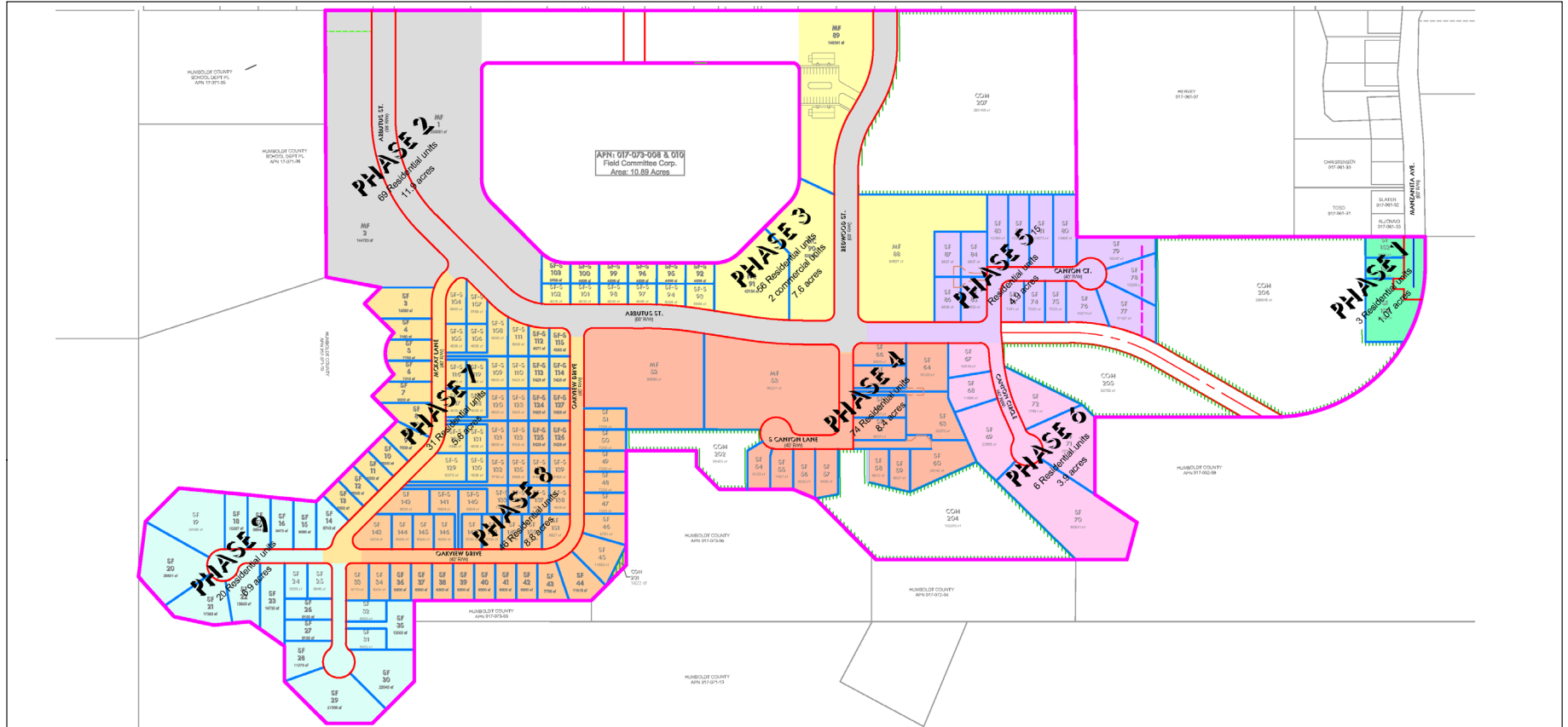
Phasing Plan

The proposed project would provide a comprehensively planned infrastructure system with coordinated phasing and construction of facilities. The different phases of the proposed project may not be developed in the exact sequence, as permitted by the County. However, in general, the phasing/development sequencing plan would provide backbone infrastructure improvements in each phase that would support associated development in compliance with County policies and standards.

The proposed project is anticipated to be developed over a 15- to 20-year period based on market conditions. To assess project impacts, however, a conservative 10-year construction schedule is assumed. There are nine phases designated as Phase 1 through Phase 9 (Figure 2-5). Table 2.2-2 shows the anticipated phases with the associated activities, estimated impact areas, and durations of each phase. As shown in Table 2.2-2, preceding the logical development of infrastructure, the phases with greater ground disturbance are anticipated to be built prior to other phases.

The first area to be developed would be Phase 1, due to its proximity to existing infrastructure and access from adjacent roadway network. Phase 2 would be developed next, followed by Phase 3, which would include construction of Arbutus Street and Redwood Street. Development occurring in Phases 4 through 8 could occur in any order after the completion of Phases 1 through 3, provided the parcels met the public services requirements, the sequencing policies within the proposed project, and the requirements of the County. Since the actual construction schedule is dependent on market conditions, for purposes of this analysis, it is assumed that Phases 1 and 2 would be developed within the first 18 months. Phases 3 and 4 would be developed in the next 36 months, followed by phases 5 and 6 to be developed in the next 24 months. Phases 7 through 9 would be developed in the next 42 months.





PHASE 1 3 Single-Family House Lots (SF) 3 TOTAL RESIDENTIAL UNITS	PHASE 2 69 Multi-Family (MF) 69 TOTAL RESIDENTIAL UNITS	PHASE 3 12 Small Lot Single-Family Houses (SF) 44 Multi-Family (MF) 56 TOTAL RESIDENTIAL UNITS 2 NEIGHBORHOOD COMMERCIAL UNIT	PHASE 4 13 Single-Family House Lots (SF) 61 Multi-Family (MFF) 74 TOTAL RESIDENTIAL UNITS	PHASE 5 15 Single-Family House Lots (SF) 15 TOTAL RESIDENTIAL UNITS
PHASE 6 6 Single-Family House Lots (SF) 6 TOTAL RESIDENTIAL UNITS	PHASE 7 11 Single-Family House Lots (SF) 20 Small Lot Single-Family Houses (SF) 31 TOTAL RESIDENTIAL UNITS	PHASE 8 28 Single-Family House Lots (SF) 18 Affordable Single-Family Houses (AH) 46 TOTAL RESIDENTIAL UNITS	PHASE 9 20 Single-Family House Lots (SF) 20 TOTAL RESIDENTIAL UNITS	PROJECT TOTAL 96 Single-Family House Lots (SF) 174 Multi-Family (MF) 50 Small Lot Single Family (SF) 320 TOTAL RESIDENTIAL UNITS 2 TOTAL COMMERCIAL UNITS

Source: Ontiveros & Associates, May 2019



Project Location
 Humboldt County, CA Prepared by KJ on 2020-04-28
 IR by TG on 2020-04-28

Client/Project
 North McKay Ranch Subdivision Project

Figure No.

2-5

Title

Proposed Phasing Plan

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Table 2.2-2: Proposed Tentative Project Phasing Overview

Phase	Activity	Area of Disturbance	Construction Schedule
1	<ul style="list-style-type: none"> Extension of Manzanita Avenue with extension of utilities Construction of three single-family residences 	1.07 acres	January 2021 - June 2022 (18 months)
2	<ul style="list-style-type: none"> Construction of Redwood Street and Arbutus Street extensions from Cedar Street, and the loop road connecting Arbutus Street with Redwood Street Clear-cutting occurring adjacent to and within the loop road described above and selective cutting for the remainder of the proposed project on top of the bench Utilities constructed concurrently for this portion Construction of 69 multi-family units Construction of the water storage tank 	12.2 acres	
3	<ul style="list-style-type: none"> Construction of 12 small-lot, single-family units Construction of 44 multi-family units Construction of 22,000 square feet commercial 	7.6 acres	July 2022 - June 2025 (36 months)
4	<ul style="list-style-type: none"> Construction of South Canyon Lane with extension of utilities Construction of 13 single-family residences Construction of 61 small-lot, single-family residences 	8.4 acres	
5	<ul style="list-style-type: none"> Construction of Canyon Court with extension of utilities Construction of 15 single-family residences 	4.9 acres	July 2025 - June 2027 (24 months)
6	<ul style="list-style-type: none"> Construction of Canyon Circle with extension of utilities Construction of six single-family residences 	3.9 acres	
7	<ul style="list-style-type: none"> Construction of McKay Lane with extension of utilities Construction of 11 single-family residences Construction of 20 small-lot, single-family residences 	5.8 acres	July 2027 - December 2030 (42 months)
8	<ul style="list-style-type: none"> Construction of Oakview Drive with extension of utilities Construction of 28 single-family lots Construction of 18 affordable single-family residences 	8.8 acres	
9	<ul style="list-style-type: none"> Extension of McKay Lane and Oakview Drive with extension of utilities Construction of 20 single-family residences 	6.9 acres	
N/A	<ul style="list-style-type: none"> Land to be left as undisturbed open space 	21.73 acres	N/A
Total		81 acres	10 years



Roadways and Vehicular Access

On-site Roadways

The proposed project would have two access points from Redwood Street and Arbutus Street. Redwood and Arbutus Streets would extend east into the project site, with Arbutus Street curving north and eventually intersecting with Redwood Street and continuing farther north to meet the proposed internal access road, Canyon Circle. Additional internal access roads would branch off Redwood Street and Arbutus Street to serve the other portions of the proposed project located farther east and north. Fern Street would not extend into the proposed project but would provide secondary access to Lots 1 and 89.

The Redwood Street extension would result in culverting two drainage channels. A retaining wall up to 35 feet deep and 174 feet to 184 feet long would be built at each crossing.

Off-site Improvements

Off-site roadway improvements include proposed construction of infill sidewalks along the south side of Arbutus Street between Walnut Street and Cedar Street, and on the north side of Redwood Street between Walnut Street and the project site.

Emergency Vehicle Access

Emergency access to and from the project site would occur through Redwood Street, Fern Street, and Arbutus Street. All the access roads to serve the project area would consist of two-lane roadways.

Parking

The proposed single-family units would have a minimum of two on-site parking spaces. In addition, on-street parking would be provided. Surface parking for the multi-family units and commercial uses would be provided in accordance with the County Code requirements.

Utilities

Consistent with County Code Section 314-31.1.6.5.4, all utilities associated with the proposed project would be placed underground (Humboldt County 2017b). Lots are to be served by community water, wastewater, and street lighting services, which would be extended from HCSD. The HCSD prepared a Municipal Services Review (MSR) for expansion of its SOI that includes the project site.

Storm Drainage

Development of the proposed project would create additional impervious surfaces and result in an increase in stormwater runoff. A portion of the site is within the County's Municipal Separate Storm Sewer System (MS4) permit jurisdiction, and each individual parcel within the development would be required to comply with the MS4 permit requirements. The proposed project would incorporate a combination of LID features, including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. All proposed roadways would have a depressed parkway adjacent to the road surface that would function as a bioswale for roadway drainage. Storm drain inlets would be located within the bioswales to convey drainage to the storm drain system for flows exceeding the 85th percentile storm. Storm drainage would then be conveyed to the drainage area outlet. Each drainage management area within the MS4 permit



area would require additional stormwater detention. The current site plan identifies potential detention basin locations. However, as the proposed project would be developed in phases, detention basins would be further refined for each phase.

Water

Underground potable water pipelines would be extended to the project site, and potable water supplies would be supplied by HCSD. Additionally, HCSD has determined that a new water storage tank would be required to serve the proposed project. The proposed water storage tank would be located approximately 2.5 miles south of the proposed project, near Ridgewood, California, in proximity to HCSD's existing water storage tank. A water supply study is underway that would identify the exact size and location of the water storage tank. For the purposes of this EIR, and as a worst-case scenario, approximately 0.3 acre would be considered impacted. The proposed water storage tank would be built as part of Phase 2.

Wastewater

Underground wastewater pipelines would be extended to the project site, and wastewater collection and treatment would be provided by HCSD. A new sewer lift station would be added to the northeastern portion of the project site that is planned to remain as open space. All sewage within the subdivision would gravity flow to the low point at the north end of the subdivision to the new sewage lift station. The sewage would then be pumped to the existing sanitary sewer manhole located on Hemlock Street and Dolbeer Street via a new sewer line to be installed between the project site and the intersection of Walnut Drive and Hemlock Street. The new sewer line would extend west onto Redwood Street, turning north onto Walnut Drive, and then connecting to the existing sewer system manhole located on Hemlock Street and Dolbeer Street. All utility work would occur in the existing right-of-way.

Lighting

The project site currently contains existing outdoor lighting around Redwood Fields Park and its associated parking areas. The new roadways and commercial buildings would have street lighting installed for security purposes. All new outdoor lighting would be the minimum lumens required for security purposes, directed downward, and shielded to prevent light spillover onto adjacent properties.

Electricity and Natural Gas

Underground electricity and natural gas lines would be extended to the project site from existing facilities within the Fern Street right-of-way. Service would be provided by PG&E. A 40- to 50-foot-wide easement would be provided along the existing high voltage power line that would remain in place.

The proposed project would include energy conservation features, including homes that are energy efficient with a goal to exceed the state's current Title 24 requirements, and by meeting current Tier 2 Energy Efficiency standards. The proposed residences would have roof top solar. Electrical Vehicle charging will be required at the commercial and multi-family units. To the extent feasible, the proposed project would incorporate sustainable materials such as low- or zero-volatile organic compound paint and carpets.



Construction Activities

The anticipated phasing for the proposed project is likely to take 20 or more years to complete, over nine phases. The construction Stormwater Pollution Prevention Plan (SWPPP) would include year-round sediment and erosion control measures, which would be implemented during each phase.

Tree Removal

Development of the proposed project would require removal of approximately 59.27 acres of timber forests. The removal of trees would occur prior to development of each phase. All trees would be cut into logs on the project site and transported on trucks.

Grading

The project site would be graded in accordance with the phasing plan. The earthwork would include site clearing, grading, utility trenching, and construction of roadways followed by building construction. Subject to market conditions and finalization of construction plans, construction activities would occur over an approximately 10- to 20-year period in nine phases. Construction of the backbone infrastructure would occur first during each phase, which would provide local access to each of the phase locations. All grading or earthwork activities associated with the proposed project would comply with the County Code, Section 331-14, Grading, Excavation, and Sediment Control.

2.4 INTENDED USES OF THIS DRAFT EIR

This Draft EIR is being prepared by the County to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed project. Pursuant to CEQA Guidelines Section 15367, the County is the lead agency for the proposed project and has discretionary authority over the proposed project and project approvals. The Draft EIR is intended to address all development that is within the parameters of the proposed project.

2.4.1 Discretionary and Ministerial Actions

The project application would require the following discretionary approvals and actions, including but not limited to:

- General Plan Amendment, Major Subdivision, Planned Unit Development Permit, and Zoning Ordinance Amendment – Humboldt County
- Development Agreement – Humboldt County
- Special Permit for vegetation removal and work within a Streamside Management and Wetland Area – Humboldt County

Certain ministerial actions would be required for the implementation of the proposed project, including, but not limited to, issuance of encroachment, grading, and building permits.



2.4.2 Responsible and Trustee Agencies

In addition to Humboldt County, several other agencies will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- HCSD Annexation – Humboldt County LAFCo
- Lake and Streambed Alteration Agreement (SAA) – CDFW
- Compliance with the California Endangered Species Act (CESA) for potential take of state listed species (if needed) – CDFW
- Section 404 Permit – USACE
- Compliance with the federal ESA for potential take of listed species (if needed) – U.S. Fish and Wildlife Service (USFWS)
- 401 Water Quality Certification – North Coast RWQCB
- North Coast Unified Air Quality Management District

Actions that would be necessary to implement the proposed project that must be taken by other agencies are as follows:

- Obtain coverage under General Construction Stormwater Permit – State Water Resources Control Board (SWRCB)/North Coast RWQCB; a SWPPP must be submitted in order to obtain such coverage
- Issuance of Encroachment Permits for roadway improvements within facilities under the jurisdiction of the County of Humboldt or the City of Eureka



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3.0 ENVIRONMENTAL IMPACT ANALYSIS

APPROACH TO ENVIRONMENTAL ANALYSIS

In accordance with CEQA Guidelines Section 15126.2, this Draft EIR identifies and focuses on the significant direct and indirect environmental effects of the proposed project, given due consideration to both its short-term and long-term effects. Short-term effects are generally those associated with construction of the proposed project, while long-term effects are generally those associated with operation of project components. As described in Section 1.0, Introduction, of this Draft EIR, this analysis focuses on a limited number of environmental resource topics, as other topics were addressed in the analysis that accompanied the NOP (Appendix A). Sections 3.1 through 3.19 discuss the environmental impacts that may result with approval and implementation of the proposed project.

ENVIRONMENTAL TOPICS

The potential environmental effects associated with the implementation of the proposed project are evaluated in the following environmental resource areas:

- Aesthetics, Light, and Glare
- Air Quality
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Land Use and Planning
- Population and Housing
- Recreation
- Tribal Cultural Resources
- Wildfire
- Agricultural and Forestry Resources
- Biological Resources
- Energy
- Greenhouse Gas Emissions and Climate Change
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation and Traffic
- Utilities and Service Systems

ORGANIZATION OF ISSUE AREAS

Each environmental issue section contains the following components:

Environmental Setting presents the existing environmental conditions on the project site and within the surrounding area as appropriate, in accordance with CEQA Guidelines Section 15125. The extent of the environmental setting area evaluated (the project study area) differs among resources, depending on the locations where impacts would be expected. For example, air quality impacts are assessed for the air basin (macro-scale), as well as the site vicinity (micro-scale), whereas aesthetic impacts are assessed for the project vicinity only.



Regulatory Setting presents the laws, regulations, plans, and policies that are relevant to each issue area. Regulations originating from the federal, state, and/or local levels are each discussed as appropriate.

Methodology for Analysis summarizes the resources, methods, procedures and techniques used to evaluate proposed project impacts.

Thresholds of Significance identifies the thresholds of significance used to determine the level of significance of the environmental impacts for each resource topic, in accordance with CEQA Guidelines Sections 15126, 15126.2, and 15143. The thresholds of significance used in this Draft EIR are based on the checklist presented in Appendix G of the CEQA Guidelines; best available data; and regulatory standards of federal, state, and local agencies.

Project Impacts identify the level of each environmental impact by comparing the effects of the proposed project to the environmental setting. Key methods and assumptions used to frame and conduct the impact analysis, as well as issues or potential impacts not discussed further (i.e., such issues for which the project would have no impact), are also described.

Project impacts are organized numerically in each subsection (e.g., Impact AES-1, Impact AES-2, Impact AES-3). A bold-font environmental impact statement precedes the discussion of each impact while its level of significance succeeds the discussion of each impact. The discussion that follows the impact summary includes the substantial evidence supporting the impact significance conclusion.

Mitigation Measures describe any feasible measures that could avoid, minimize, rectify, reduce, or compensate for significant adverse impacts, with measures having to be fully enforceable through incorporation into the project (PRC Section 21081.6[b]). Mitigation measures are not required for environmental impacts that are found to be less than significant. Where feasible mitigation for a significant environmental impact is available, it is described following the impact. Where sufficient feasible mitigation is not available to reduce environmental impacts to a less than significant level, or where the lead agency lacks the authority to ensure that the mitigation is implemented when needed, the impacts are identified as significant and unavoidable.

Level of Significance After Mitigation describes the level of impact significance remaining after mitigation measures are implemented.

Cumulative Impacts describes two or more individual impacts that, when considered together, are significant or that compound or increase other significant environmental impacts. Cumulative impacts can result from individually minor, but collectively significant projects taking place over a period of time (State CEQA Guidelines Section 15355). The incremental impact of a project, although less than significant on its own, may be considerable when viewed in the cumulative context of other closely related past, present, and reasonably foreseeable probable future projects. A considerable contribution is considered to be significant from the point of view of cumulative impact analysis.



LEVEL OF SIGNIFICANCE

Determining the severity of project impacts is fundamental to achieving the objectives of CEQA. CEQA Guidelines Section 15091 requires that decision makers mitigate, as completely as is feasible, the significant impacts identified in the Final EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision makers to adopt a statement of overriding considerations that explains why the benefits of the project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft EIR is determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds were developed using criteria from the CEQA Guidelines and Appendix G Checklist; federal, state, and local regulatory schemes; regional/local plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

FORMAT USED FOR IMPACT ANALYSIS AND MITIGATION MEASURES

The format adopted in this Draft EIR to present the evaluation of environmental impacts is described and illustrated below.

Summary Heading of Impact

Impact AIR-1: An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact abbreviation identifies the section of the report (AIR for Air Quality in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.

Impact Analysis

A narrative analysis follows the impact statement.

Level of Significance Before Mitigation

This section identifies the level of significance of the impact before any mitigation is proposed.

Mitigation Measures

In some cases, following the impact discussion, reference is made to federal and state regulations and agency policies that would fully or partially mitigate the impact. In addition, policies and programs from applicable local land use plans that partially or fully mitigate the impact may be cited.

Project-specific mitigation measures, beyond those contained in other documents, are set off with a summary heading and described using the format presented below:

MM AIR-1: Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact with which it is associated (AIR-1 in this example).



Level of Significance After Mitigation

This section identifies the resulting level of significance of the impact following mitigation. Abbreviations used in the mitigation measure numbering are shown in Table 3-1.

Table 3-1: Environmental Issue Abbreviations

Code	Environmental Issue
AES	Aesthetics, Light, and Glare
AG	Agricultural and Forestry Resources
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
EN	Energy
GEO	Geology, Soils, and Seismicity
GHG	Greenhouse Gas Emissions and Climate Change
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use and Planning
NOI	Noise
POP	Population and Housing
PS	Public Services
REC	Recreation
TRANS	Transportation and Traffic
TRIB	Tribal Cultural Resources
UTIL	Utilities and Service Systems
WF	Wildfire



3.1 AESTHETICS

This section describes the environmental and regulatory setting for aesthetics. It also describes existing conditions and potential impacts related to aesthetics that would result from implementation of the proposed project, and mitigation measures for potentially significant impacts, where feasible.

3.1.1 Environmental Setting

Regional Visual Character

The proposed project is located in Cutten, California, an unincorporated community in Humboldt County, located south of the City of Eureka. This portion of the County is visually characterized by the mix of urban and rural development along the northern California coastline that is surrounded by natural features, including Arcata Bay to the north, undeveloped timber forests and agricultural lands to the east and south, and Humboldt Bay and the Pacific Ocean to the west. Urban development is primarily concentrated in the City of Eureka, and consists of single-family residential, commercial, visitor serving, industrial, and public uses. In addition to the community of Cutten, there are several other unincorporated communities in this portion of the County, including Myrtle town, Ridgewood, Bayview, Pine Hill, and Humboldt Hill. These unincorporated communities mostly consist of suburban and urban residential uses and supporting commercial uses that are surrounded by timber forest and agricultural lands.

U.S. Highway 101 is the major transportation corridor in the County, which extends north to south and east to west in this portion of the County. U.S. Highway 101 is located about 2.5 miles west of the project site. Important scenic vistas and resources in the County include those that are visible from major public roadways and public areas that contain views of the coast, forests, open space, or agricultural lands, as well as views of historic districts, landmarks, and cultural sites (Humboldt County 2017a).

Project Site Visual Character

The 81-acre project site consists of undeveloped forest land in the eastern portion of Cutten, at the end of Manzanita Avenue, Redwood Street, and Fern Street. The project site is characterized visually by dense third-growth redwood and mixed conifer forest that have historically been used for commercial timber harvesting. The topography is relatively flat in the west portion of the project site, but increasingly slopes down to the east portion of the project site that is traversed by various natural gulches and bordered by Ryan Slough. The overall site elevation ranges from about 150 to 200 feet amsl. The proposed project also includes a 0.3-acre area about 2.5 miles south of the proposed development, near the unincorporated community of Ridgewood. The 0.3-acre site consists of undeveloped forest lands that are next to an existing water tank owned by HCSD. The elevation of the 0.3-acre site is about 475 feet amsl.

The 81-acre project site is immediately adjacent to the developed portion of Cutten. Land uses adjacent to the west boundary of the project site primarily consist of single-family residences that are one to two stories tall. The west boundary of the project site surrounds Redwood Fields Park, an outdoor recreation center that includes two baseball fields, basketball courts, a playground, and surface parking. The south boundary of the project site is adjacent to Glen Paul School and Winship Middle School. Other uses in the vicinity include the PG&E transmission right-of-way near the eastern boundary of the project site. Undeveloped forest land includes part of the McKay Community Forest and additional timber forest land surrounds the north, east, and south boundaries of the project site. The dense forest land largely obstructs public views of the project site from surrounding land uses.



The project site does not contain existing sources of nighttime light and glare. Nighttime lighting immediately surrounding the project site is limited to outdoor lighting around Redwood Fields Park and from the adjacent residential neighborhoods, including street lighting, exterior and interior lighting from the houses, and headlights from vehicles.

3.1.2 Regulatory Setting

State

California Scenic Highway

California's Scenic Highway Program was created by the State Legislature in 1963 and is managed by the Landscape Architecture Division of the California Department of Transportation (Caltrans). Its purpose is to protect and enhance the natural scenic beauty of California's highways and adjacent corridors through special conservation treatment. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view (Caltrans 2020).

According to the Caltrans list of eligible and officially designated State Scenic Highways, there are no officially designated State Scenic Highways in the County (Caltrans 2020). U.S. Highway 101, about 2.5 miles west of the project site, is an eligible State Scenic Highway and has not been officially designated (Caltrans 2020).

Local

Humboldt County General Plan

The following lists goals and policies from the Humboldt County General Plan pertaining to aesthetics that are applicable to the proposed project.

Goal SR-G1: Conservation of Scenic Resources. Protect high-value scenic forest, agriculture, river, and coastal areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources.

- **Policy SR-P1: Working Landscapes.** Recognize the scenic value of resource production lands.

Goal IS-P20: Street Lighting. Street lighting shall be required when necessary to improve public safety in urban and suburban areas and Village Centers.

- **Policy IS-S9: Street Lighting.** Where development is required to install streetlights, they shall be designed to block upward transmission of light, avoid light trespass, and achieve design illumination in prescribed areas with limited scatter.

Additionally, the following standards from the Humboldt County General Plan would apply to the proposed project:

- **Standard SR-S4: Light and Glare.** New outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries.



Humboldt County Code

Section 314-31.1.6, Planned Unit Development Design Guidelines

Section 314-31.1.6 of the Humboldt County Code establishes the design guidelines that should be considered by architects, engineers, and other persons involved in designing Planned Unit Developments, and by the Planning Commission and Board of Supervisors in reviewing them. These guidelines recognize that while few people are in complete accord on what makes a well-designed project, there is general agreement on a number of basic design principles, such as the maintenance of the natural features of the site, circulation and parking considerations, architectural considerations, landscaping, placement of utilities, and site access (Humboldt County 2017b).

3.1.3 Methodology for Analysis

Analysis of the proposed project's visual impacts is based on an evaluation of the changes to the existing visual resources that would result from implementation of the proposed project. In determining the extent and implications of the visual changes, consideration was given to: the existing visual quality of the affected environment; specific changes in the visual character and quality of the affected environment; the extent to which the affected environment contains places or features that provide unique visual experiences or that have been designated in plans and policies for protection or special consideration; and the sensitivity of viewers and their activities and the extent to which these activities are related to the aesthetic qualities affected by the proposed project. In addition, the analysis assumes that approximately 59.27 acres of forest land would be lost, as a worst-case scenario. However, it is reasonable to expect that some trees within the 59.27 acres could be retained, particularly on the eastern periphery where large, single-family lots are proposed.

3.1.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation in an EIR was warranted to ascertain whether the proposed project may:

- Have a substantial adverse effect on a scenic vista
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality
- Create a new source of substantial light or glare that would adversely affect day- or nighttime views in the area



3.1.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts related to aesthetics. When a potential impact is determined to be potentially significant, mitigation measures were identified that would reduce or avoid that impact.

Scenic Vista

Impact AES-1 The proposed project would not have a substantial adverse effect on a scenic vista.

Impact Analysis

Important scenic vistas and resources in Humboldt County include those that are visible from major public roadways and public areas that contain views of the coast, forests, open space, or agricultural lands, as well as views of historic districts, landmarks, and cultural sites (Humboldt County 2017a). The project site consists of undeveloped timber forest lands that are adjacent to the developed portion of Cutten and is approximately 2.5 miles from U.S. Highway 101 and Humboldt Bay. The proposed project also includes a 0.30-acre site located about 2.5 miles to the south, near the unincorporated community of Ridgewood, that consists of undeveloped forest lands next to an existing water tank. The project site is also directly adjacent to Redwood Fields Park, which includes public park facilities. The project site is not designated a scenic vista by the Humboldt County General Plan, and due to the site's generally flat topography, the surrounding dense forest land, and urban development, it is not visible from Humboldt Bay or major public roadways, including U.S. Highway 101.

Although the current land uses provide views of a dense forest that is representative of the region, views of the project site are not unique in the region. The County General Plan sets forth policies concerning the protection and preservation of natural resources. Goal SR-G1 calls for protection of high-value scenic forest, agriculture, river, and coastal areas that contribute to the enjoyment of the County's beauty and abundant natural resources. The proposed project would preserve approximately 21.73 acres of timber forestland in the northern and eastern portion of the project site as permanent open space. In addition, a majority of the trees immediately west of Redwood Fields Park would be retained. The proposed project could require removal of approximately 59.27 acres of timber forest lands to develop the new residential subdivision, commercial uses, roadways, and associated utility infrastructure. While removal of the existing undeveloped timber forest lands would change the views of the project site, the proposed project would comply with the design guidelines established in Section 314-31.1.6 of the County Code for Planned Unit Developments. The design guidelines require new developments to consider maintenance of the prominent natural features of the site, retain existing vegetation to the maximum extent possible, and concentrate development in level areas so that disturbance of steeper slopes is minimized. The proposed project would comply with these design requirements and would be developed on all flat portions of the project site. To further ensure compliance with the County's design guidelines, the proposed project would also implement Mitigation Measure (MM) AES-1 and incorporate the design guidelines into the final development plan and development standards for each phase. Implementation of the design guidelines would ensure the project design is compatible with adjacent residential uses and that existing vegetation is retained to the maximum extent possible to obscure views of the proposed project from surrounding land uses. The proposed water storage tank site is obscured from surrounding land uses and would not impact any scenic vistas. As such, the proposed project would not have a substantial adverse effect on a scenic vista and the impact would be less than significant with implementation of MM AES-1.



Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM AES- 1: Prepare and Submit Design Guidelines. Prior to filing a map for each phase, the Applicant shall submit the final development plan and development standards to the County for review and approval. The County shall review the final development plan and development standards to ensure that the Applicant has incorporated the design guidelines established in Section 314-31.1.6 of the Humboldt County Code for Planned Unit Developments. At a minimum, the final development plan and development standards shall consider the County's design guidelines related to the maintenance of the natural features of the site, circulation and parking considerations, architectural considerations, landscaping, placement of utilities, site access, and setbacks from adjacent land uses.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Scenic Resources within a State Scenic Highway

Impact AES-2 The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact Analysis

According to the Caltrans list of eligible and officially designated State Scenic Highways, there are no officially designated State Scenic Highways in the County. U.S. Highway 101, located about 2.5 miles west of the project site, is listed as an eligible State Scenic Highway and has not been officially designated (Caltrans 2020). The proposed project would require removal of approximately 59.27 acres of forest lands to develop the new residential subdivision, supporting commercial uses, roadways, and associated utility infrastructure. However, the project site is about 2.5 miles east of U.S. Highway 101. Due to intervening urban development and vegetation, removal of timber forest lands on the project site would not be visible. As such, the proposed project would not substantially damage scenic resources within a State Scenic Highway and impacts would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



Visual Character

Impact AES-3 The proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point).

Impact Analysis

The project site consists of undeveloped timber forest lands that are adjacent to existing residential development in Cutten. The proposed project also includes a 0.3-acre site located about 2.5 miles to the south, near the unincorporated community of Ridgewood, that consists of undeveloped forest lands next to an existing water tank. The project site is mostly surrounded by undeveloped timber forest lands; however, there are existing residential, recreation, and public facility uses to the west of the proposed development site. The dense forest land largely obstructs existing public views of the project site from these surrounding land uses.

The proposed project would require removal of approximately 59.27 acres of timber forest lands to develop 146 single-family residences, 174 multi-family units, and 22,000 square feet of neighborhood commercial.

Construction

Construction activities are typically considered short-term as they are temporary and last few years. However, the proposed project would be built over 10 to 20 years resulting in a relatively longer but intermittent construction duration. During construction, equipment and materials would be stored on-site, and temporary facilities (such as construction trailers, staging sites, and portable toilets) would be stored on-site but screened by temporary construction fencing. Existing trees on the west side of Redwood Fields Park largely obstruct any views of the ongoing construction activities. The most visible view of project construction activities would be from Redwood Fields Park. It is anticipated that efforts will be made to continue to present an attractive community presence throughout the duration of construction activities; and in order to enhance safety concerns, construction areas will be clearly partitioned and visually segregated from public areas.

Although construction-related structures and activities would create a notable change to the visual character, these changes would extend only for the duration of the construction activities, which are relatively shorter over the life of the project. Therefore, impacts during construction would be less than significant with regard to visual character.

Operation

Development of the proposed residential subdivision and commercial uses would substantially alter the existing visual character of the project site by removing the existing timber forests. As shown on Figure 2-4, the proposed single-family residences would be located in the eastern portion of the project site at least 300 feet from Ryan Creek. The maximum height of single-family residences would be 35 feet. The proposed multi-family units would be located in the western portion of the project site near the Redwood Fields recreation center, would range from two to three stories tall, and are not expected to be more than 35 feet tall. The proposed commercial buildings would be located in the central portion of the project site at the intersection of proposed new internal roadways, Redwood Street and Arbutus Street. The proposed commercial buildings would be up to 45 feet in height. The County proposes to rezone the project site for



the development of residential and commercial uses; therefore, the proposed project would appear as an extension to the existing residential development in Cutten. The Planned Unit Development (P) overlay is intended to facilitate a cohesive project design among the various base zoning districts. The new water storage tank would be consistent with surrounding uses in terms of shape, size, and color, and would not substantially degrade the existing visual character, as it would be in proximity to another nearby water tank.

As discussed in Impact AES-1, the proposed project would comply with the County's design guidelines established for Planned Unit Development and develop on flat portions of the project site. The proposed project would preserve approximately 21.73 acres of the project site as permanent open space to the north and east, and also would include trail connections to the McKay Community Forest. In addition, a majority of the trees immediately east of Redwood Fields Park would be retained. The County's design guidelines also require a Planned Unit Development to complement nearby development by incorporating similar roof types, siding materials, color schemes, architectural details, and landscaping design. Landscaping should also be used to enhance privacy and to give visual order to new developments. At this time, project-specific Design Guidelines are not available. As such, MM AES-1 is proposed requiring the Applicant to prepare Design Guidelines prior to filing a map for each phase. Implementation of MM AES-1 would ensure the project design is compatible with the adjacent residential uses and that existing vegetation is retained to the maximum extent possible to obscure views of the proposed project from surrounding land uses.

In addition to approval of Design Guidelines, the proposed project would be subject to Landscape Plan review and Site Plan and Design review to ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area. The site plan would include information on construction materials; architectural styles; the harmony and proportion of the overall design; siting of the structure on the property; color scheme of the proposed structure, parking, and circulation; signs; and landscaping and screening.

As such, the proposed project would alter the visual character but not substantially degrade the existing visual character of the project site; therefore, the impact would be less than significant with the implementation of MM AES-1.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM AES-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



Light and Glare

Impact AES-4 The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Impact Analysis

The project site consists of undeveloped forest lands and does not contain any sources of light and glare. Existing sources of nighttime lighting in the project vicinity consist of outdoor lighting around Redwood Fields Park, and from within the residential neighborhoods, including street lighting, exterior and interior lighting from houses, and headlights from vehicles.

The proposed project would develop new residential subdivision and commercial uses on an undeveloped site that would introduce new sources of light and glare that could affect day and nighttime views in the project vicinity. The project would require lighting of roadways, parking lots, commercial uses, and homes for security. If the proposed project was not designed in such a way as to reduce upward directed light, nighttime lighting associated with the proposed project could obscure views of the night sky that are currently visible.

Building windows do not typically produce substantial amounts of glare, and in most cases, glare would be tempered by surrounding trees. Residential uses in general are not anticipated to create significant light and glare. Moreover, as discussed in Section 2.0, Project Description, all new outdoor lighting installed for the proposed project would be the minimum lumens required for security purposes, directed downward, and shielded to prevent lighting spillover onto adjacent properties. However, given the proximity of the proposed project to adjacent forests to the east, the proposed project would add new sources of light and glare.

As such, implementation of MM AES-2 would require the Applicant to submit a lighting plan to the County for review and approval. The lighting plan would identify the location of all proposed outdoor light fixtures and ensure that all outdoor lighting is compatible with the surrounding setting, directed downward, and shielded to reduce light and glare on the adjacent residential areas in accordance with County Code. Therefore, the proposed project would not create a new source of substantial light or glare, and the impact would be less than significant with implementation of MM AES-2. The proposed water storage tank would be adjacent to an existing water tank that is surrounded by dense trees. As such, it would not create any significant new sources of light and glare and would result in a less than significant impact.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM AES-2: Submit Lighting Plan. Prior to filing a map for each phase, the Applicant shall prepare and submit an outdoor lighting plan (which includes a photometric analysis) to Humboldt County for review and approval that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors. The lighting map shall comply with the General Plan policies and shall include minimal levels of street; parking, building, site, and public area lighting to meet safety standards and provide direction; directional shielding for all exterior lighting; and automatic shutoff or motion sensors and/or additional standards as determined by the Director of Planning and Building.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



3.2 AGRICULTURAL AND FORESTRY RESOURCES

This section describes the environmental and regulatory setting for agricultural and forestry resources. It also describes the existing conditions and potential impacts relative to agricultural and forestry materials that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.2.1 Environmental Setting

Regional Agriculture Setting

Agriculture production is an important component of both the local economy and community character. The total agricultural acreage in the County in 2008 was approximately 345,238 acres, covering 15 percent of the County's total land area. There were no substantial conversions of agricultural land to non-agricultural uses between 2008 and 2016 (at the time of drafting of the County General Plan EIR), so total agricultural acreage in 2016 is still about 15 percent of the total land area (Humboldt County 2017c). Since the adoption of the County General Plan, agricultural acreage still remains about 15 percent of the total acreage.

Regional Forestry Setting

There are 1.9 million acres of forested land in the County, covering more than 80 percent of the County's total land area. National Forests encompass nearly 338,000 acres within the County. National and state parks include 70,000 and 72,000 acres, respectively, while national and state wildlife areas cover 2,600 and 2,000 acres, respectively. County parks and community parks account for 1,000 acres. The Bureau of Land Management's (BLM) forest reserves encompass 7,600 acres. Altogether, these public forested lands (including reserves, parks, and other holdings) total more than 679,500 acres, or 35.5 percent, of all forested lands in the County (Humboldt County 2017c).

The County has one of the highest value timber harvests each year, as compared to any county in California, due to the mild and wet climate that is conducive to timber production. Of the 1,900,000 acres of forestland in the County, 1,700,000 acres are considered suitable for timber production. About 1,000,000 acres are designated by the County as a TPZ. This acreage is equal to 45 percent of the total land acreage in the County (Humboldt County 2017c).

Local Agriculture and Forestry Setting

The project area consists primarily of trees, and the site has historically been used for commercial timber harvesting in the past. The entire site has been harvested at least two times, beginning with the old-growth forest and, more recently, the second-growth forest. The last timber harvest appears to have occurred approximately 30 years ago, according to historical aerial photography (Google Earth) and the uniform size and age of trees across the site. Currently, the entire site is dominated by dense, third-growth redwood and mixed conifer forest, with drainages occasionally dominated by red alder. The proposed project parcels are zoned as Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water storage tank parcel is zoned as TPZ.



The proposed project area does not contain any prime farmland according to the County General Plan (Humboldt County 2017d, 2020). Additionally, no Williamson Act contracted lands occur within the project area (Humboldt County 2014, 2020).

3.2.2 Regulatory Setting

State

Z'Berg-Nejedly Forest Practice Act of 1973

The Forest Practice Act was enacted in 1973, to ensure that logging is done in a manner that will preserve and protect California's fish, wildlife, forests and streams. The California Department of Forestry and Fire Protection (CAL FIRE) ensures that private landowners abide by these laws when harvesting trees. Although there are specific exemptions in some cases, compliance with the Forest Practice Act and the State Board of Forestry and Fire Protection (Board) rules apply to all commercial harvesting operations for landowners of small parcels, ranchers owning hundreds of acres, and large timber companies with thousands of acres.

The Timber Harvest Plan (THP) is the environmental review document submitted by landowners to CAL FIRE outlining the timber proposed for harvest, how it would be harvested, and the steps that will be taken to prevent damage to the environment. THPs are prepared by Registered Professional Foresters who are licensed to prepare these comprehensive, detailed plans. Timber harvest activities must be performed by a Licensed Timber Operator. THPs are the functional equivalent of an EIR, in that they evaluate the potential impacts of a proposed project regarding logging and timber harvesting. A THP can implement feasible mitigation measures that can reduce potentially significant impacts to a less than significant level, similar to that of an EIR.

PRC Section 4628 and CCR Title 14 Section 1104.1(b) exempt public agencies from the requirement to file an application for Timberland Conversion or a THP when they construct or maintain rights-of-way on their own property or that of another public agency. This exemption extends to easements over lands owned in fee by private parties. However, if the harvested trees are sold, bartered, or traded for commercial purposes, a timber operation has occurred pursuant to PRC Section 4527, and a notice of exemption is required to be filed by the timber owner. This is true if the timber is owned by the public agency, sold or given by the agency to another party, or if the timber is owned by a private landowner subject to a public agency easement. If the harvested trees are not sold, bartered, or traded for commercial purposes, a notice of exemption is not required.

California Public Resources Code

The California PRC defines forest land, timberland, and TPZs as the following:

California PRC Section 12220(g): "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including: timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.



California PRC Section 4526: "Timberland" means land, other than land owned by the federal government and land designated by the Board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the Board on a district basis.

California PRC Section 51104(g): "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone".

Local

Humboldt County General Plan

The County General Plan, adopted October 23, 2017, contains several policies that directly pertain to agricultural and forestry resources, including the following:

Goal CO-G5. Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the cost of providing public infrastructure and services.

- **Policy CO-P7: Development within Community Separation Areas.** Retain a rural character and promote low intensities of development in community separation areas consistent with the Local Agency Formation Commission process. Provide opportunities for transfer of development rights in exchange for permanent open space preservation within community separation areas.

Goal FR-G4. Incompatible and Conflicting Uses. Timberlands protected from the encroachment of incompatible uses and managed for the inclusion of compatible uses.

3.2.3 Methodology for Analysis

The applicable agricultural and forestry regulations were reviewed as well as the applicable farmland database searches in order to complete the analysis portion of this section. These regulations and databases were analyzed in conjunction with the thresholds of significance identified below.

3.2.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- 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 [refer to Section 7, Effects Found Not To Be Significant]
- Conflict with existing zoning for agricultural use, or a Williamson Act contract [refer to Section 7, Effects Found Not To Be Significant]



- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))
- Result in the loss of forest land or conversion of forest land to non-forest use
- 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

3.2.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to forestry resources. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Forest Land or Timberland Zoning

Impact AG-1: **The proposed project would not 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)).**

Impact Analysis

The proposed project parcels are primarily zoned as Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). Portions of the site are proposed to change to Apartment Professional (R-4) and C-1. The water storage tank parcel is zoned as a TPZ. The project area consists primarily of lands that have historically been used for timber harvesting. However, based on the current zoning, the project area is planned for development. The Eureka Community Plan also considered the rezoning of the site from its historical TPZ use to a subdivision development, which has since occurred since the Eureka Community Plan was adopted (Humboldt County 1995). Therefore, the proposed project would have a less than significant impact related to conflict with existing zoning of forestland.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



Loss or Conversion of Forest Land

Impact AG-2: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.

Impact Analysis

Although the proposed project area is not zoned as a TPZ, it meets the definition of “forest land” (PRC Section 12220[g]), since the majority of the site includes land that can support 10 percent native tree cover. The majority of the project site meets the definition of forest land. As noted in Section 2.0, Project Description, approximately 21.73 acres of land within the project area would be designated as permanent open space which would be preserved through a permanent easement dedicated to the County or conveyed in fee. Therefore, as a conservative assumption in this analysis, it is assumed approximately 59.27 acres of land that meets the definition of forest land (PRC section 12220[g]) would be converted to non-forest use as a result of implementation of the proposed project.

A Timberland Conversion Permit (TCP) was approved in August 1995 for the project site to remove approximately 90 acres of forest land from the TPZ (CAL FIRE 1995). The approval of timberland conversion concurred with the finding that the conversion would not have a substantial or unmitigated adverse effect upon continued timber growing use or open space use of other land zoned timberland production within one mile of the project site on which the immediate rezoning is proposed. As per the TCP application, and as part of the Eureka Community Plan process, the project site completed an immediate rezone out of TPZ. Subsequent to approval of the TCP, impacts to loss of forest land would be considered less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Change to Existing Environment

Impact AG-3: The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Impact Analysis

As discussed under impact AG-2 above, the proposed project would result in the conversion of forest land to non-forest use; however, this conversion would be consistent with the zoning and land use designations of the area. The proposed project is planned for development in the Eureka Community Plan. Once constructed, the proposed project would not result in any additional changes to the surrounding environment, as the surrounding areas are already developed or zoned as TPZ. Therefore, the proposed project would not convert additional forest land to non-forest use, and impacts would be less than significant.



Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



3.3 AIR QUALITY

This section describes the environmental and regulatory setting for air quality. It also describes existing conditions and potential impacts related to air quality that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.3.1 Environmental Setting

North Coast Air Basin and Humboldt County Climate

The project is located in Humboldt County in the North Coast Air Basin (NCAB). The climate of the air basin is influenced by the mountains of the Coast Range and proximity to the Pacific Ocean. The Coast Range runs north to south with peaks reaching heights of approximately 9,000 feet that act as a barrier blocking moisture and wind from reaching the east side of the range.

In addition to effects from the Coast Range, climate of the region is largely dependent on proximity of the site to the Pacific Ocean. The inland areas of the NCAB experience hot, dry summers and cool, snowy winters. Coastal areas experience cool summers and rainy winters. Predominant winds are from the north to northwest in the summer, and from the south to southwest in the winter.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. The project site currently contains sensitive receptors based on existing residences within the site. The future residents of the subject project development would be considered sensitive receptors.

Existing Sources of Toxic Emissions

There are no known existing sources of toxic emissions within 1,000 feet of the project site.

3.3.2 Regulatory Setting

Federal

The U.S. Environmental Protection Agency (USEPA) has been charged with implementing national air quality programs. USEPA air quality mandates are drawn primarily from the federal Clean Air Act (CAA), which was enacted in 1970. The most recent major amendments to the CAA made by Congress were in 1990.

Criteria Air Pollutants

The CAA required USEPA to establish national ambient air quality standards (NAAQS). As shown in Table 3.2-2, the USEPA has established primary and secondary NAAQS for the following criteria air



pollutants: ozone, carbon monoxide (CO), nitrogen dioxide, sulfur dioxide, respirable and fine particulate matter (PM₁₀ and PM_{2.5}), and lead. The primary standards protect the public health, and the secondary standards protect public welfare. The CAA also required each state to prepare an air quality control plan, referred to as a State Implementation Plan (SIP). The federal CAA amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The USEPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and whether implementation would achieve air quality goals. If the USEPA determines a SIP to be inadequate, a federal implementation plan that imposes additional control measures may be prepared for the nonattainment area. If an approvable SIP is not submitted or implemented within the mandated timeframe, sanctions may be applied to transportation funding and stationary air pollution sources in the air basin.

Hazardous Air Pollutants

The USEPA and the California Air Resources Board (CARB) regulate hazardous air pollutants (HAP) and toxic air contaminants (TACs) through statutes and regulations that generally require the use of the maximum available control technology or best available control technology for TACs to limit emissions, respectively. These, in conjunction with additional rules set forth by the Bay Area Air Quality Management District (BAAQMD), described further below, establish the regulatory framework for TACs.

The USEPA has programs for identifying and regulating HAPs. Title III of the CAA directed the USEPA to promulgate national emissions standards for hazardous air pollutants (NESHAP). The NESHAP may differ for major sources and for area sources of HAPs. Major sources are defined as stationary sources with potential to emit more than 10 tons per year (TPY) of any HAP or more than 25 TPY of any combination of HAPs; sources that emit less than 10 TPY of a single air toxic or less than 25 TPY of a combination of air toxics are considered area sources. The emissions standards are to be promulgated in two ways. First, the USEPA has technology-based emission standards designed to produce the maximum emission reduction achievable. These standards are generally referred to as requiring maximum available control technology for toxics. For area sources, the standards may be different, based on generally available control technology. Second, the USEPA also has health-risk-based emissions standards, where deemed necessary, to address risks remaining after implementation of the technology-based NESHAP.

The CAA also required USEPA to issue vehicle or fuel standards containing reasonable requirements that control toxic emissions of, at a minimum, benzene, and formaldehyde. Performance criteria were established to limit mobile-source emissions of toxics, including benzene, formaldehyde, and 1,3-butadiene.

State

The California legislature enacted the California Clean Air Act (CCAA) in 1988 to address air quality issues. CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the CCAA. California law authorizes CARB to set ambient (outdoor) air pollution standards (California Health and Safety Code Section 39606) in



consideration of public health, safety, and welfare (California Ambient Air Quality Standards [CAAQS]). The federal and state ambient air quality standards are listed below in Table 3.3-1.

Table 3.3-1: California and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
Ozone	1 hour	0.09 ppm (180 µg/m ³)	—	Same as primary standard
	8 hour	0.070 ppm (137 µg/m ³)	0.070 ppm (137 µg/m ³)	
Respirable particulate matter	24 hour	50 µg/m ³	150 µg/m ³	Same as primary standard
	Annual arithmetic mean	20 µg/m ³	—	
Fine particulate matter	24 hour	—	35 µg/m ³	Same as primary standard
	Annual arithmetic mean	12 µg/m ³	12 µg/m ³	
Carbon monoxide	1 hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	—
	8 hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	—
Nitrogen dioxide	1 hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)	—
	Annual arithmetic mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	Same as primary standard
Sulfur dioxide	1 hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)	—
	3 hour	—	—	0.5 ppm (1,300 µg/m ³)
	24 hour	0.04 ppm (105 µg/m ³)	0.14 ppm (for certain areas)	—
	Annual arithmetic mean	—	0.030 ppm (for certain areas)	—
Lead	30-day average	1.5 µg/m ³	—	—
	Calendar quarter	—	1.5 µg/m ³	Same as Primary Standard
	Rolling 3-month average	—	0.15 µg/m ³	
Visibility-reducing particles	8 hour	See Footnote ¹	No National Standards	
Sulfates	24 hour	25 µg/m ³		
Hydrogen sulfide	1 hour	0.03 ppm (42 µg/m ³)		
Vinyl chloride	24 hour	0.01 ppm (26 µg/m ³)		

Notes:

1. In 1989, the CARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

µg/m³ =micrograms per liter

mg/m³ = milligrams per cubic meter

Source: CARB 2016



Criteria Air Pollutants

CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. In most cases, the CAAQS are more stringent than the NAAQS. Differences in the standards are generally explained by the health effects studies considered during the standard-setting process and the interpretation of the studies. In addition, the CAAQS incorporate a margin of safety to protect sensitive individuals.

CCAA requires that all local air districts in the state endeavor to achieve and maintain CAAQS by the earliest date practicable. CCAA specifies that local air districts should focus attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources.

Among CARB's other responsibilities are overseeing local air district compliance with federal and state laws, approving local air quality plans, submitting SIPs to the USEPA, monitoring air quality, determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

Toxic Air Contaminants

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, Chapter 1047, Statutes of 1983) and the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (AB 2588, Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are required before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs, including diesel particulate matter (DPM), and has adopted the USEPA's list of HAPs as TACs.

Once a TAC is identified, CARB adopts an airborne toxics control measure for sources that emit that particular TAC. If a safe threshold exists for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If no safe threshold exists, the source must incorporate best available control technology for toxics to minimize emissions.

CARB has adopted diesel exhaust control measures and more stringent emission standards for various on-road mobile sources of emissions, including transit buses, and off-road diesel equipment (e.g., tractors, generators). Recent milestones included the low-sulfur diesel fuel requirement and stricter emissions standards for heavy-duty diesel trucks (effective in 2007 and subsequent model years) and off-road diesel equipment (2011). Over time, replacing older vehicles would result in a vehicle fleet that produces substantially lower levels of TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1,3-butadiene, DPM) in California have been reduced substantially over the last decade; such emissions will be reduced further through a progression of regulatory measures (e.g., low-emission vehicles, clean fuels, and Phase II reformulated-gasoline regulations) and control technologies. The California Air Pollution Control Offices Association Health Risk Assessments for Proposed Land Use Projects Guidance Document recommends that when siting a residential project within 500 feet of a freeway, the associated public health risk should be disclosed in a CEQA document; therefore, a Health Risk Assessment was not prepared for the project.

The attainment status for the criteria pollutants are listed in Table 3.3-2.



Table 3.3-2: Humboldt County Designations for State and National Ambient Air Quality

Criteria Pollutants	State Designation	National Designation
Ozone	Attainment	Attainment
Carbon monoxide	Attainment	Attainment
PM ₁₀	Attainment	Non-attainment
PM _{2.5}	Attainment	Attainment
Carbon monoxide	Attainment	Attainment
Nitrogen dioxide	Attainment	Attainment
Sulfur dioxide	Attainment	Attainment
Sulfates	Attainment	—
Lead	Attainment	Attainment
Hydrogen sulfide	Attainment	—
Visibility reducing particles	Attainment	—

Notes:

PM_{2.5} = particulate matter less than 2.5 microns in aerodynamic diameter

PM₁₀ = particulate matter between 2.5 and 10 microns in aerodynamic diameter

Source: NCUAQMD 2019

As summarized in Table 3.3-2, the County is considered to be in attainment for all NAAQS and state standards, except for the state 24-hour PM₁₀ threshold.

Regional

North Coast Unified Air Quality Management District

All projects are subject to the North Coast Unified Air Pollution Control District’s (NCUAQMD) rules and regulations in effect at the time of construction. Specific rules applicable to project construction may include, but are not limited to:

- Rule 102: Required Permits. Under Rule 102, any project that is a new source of air contaminants, including an indirect source, may be required to obtain an Authority to Construct Permit from the Air Pollution Control Officer, which specifies the location and design of such new source and incorporates necessary permit conditions to ensure compliance with applicable Rules and Regulations and State and Federal Ambient Air Quality Standards.
- Rule 104: Prohibitions. Rule 104 states that “No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the health, comfort, repose or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.” Specifically, Section D of Rule 104 limits fugitive dust emission from handling, transporting, or open storage of materials and requires reasonable precautions to prevent particulate matter from becoming airborne.
- Rule 110: New Source Review (NSR) and Prevention of Significant Deterioration. Rule 110 establishes preconstruction review requirements for new and modified stationary sources of air pollution for use of best available control technology, analysis of air quality impacts, and to ensure that the operation of such sources does not interfere with the attainment or maintenance of the CAAQS or NAAQS. NCUAQMD does not have CEQA guidelines and recommends using the NSR thresholds in CEQA analyses.



Air Quality Plans

Cities, counties, or regions adopt air quality plans to describe control strategies to be implemented. The primary purpose of an air quality plan is to achieve attainment with federal and state air quality standards. In 1995, NCUAQMD adopted a PM₁₀ attainment plan including transportation control measures, guidelines for general plans, regulation of open burning and restrictions on residential burning to achieve PM₁₀ reductions and attainment status.

Humboldt County Policies and Ordinances

The Humboldt County General Plan, adopted October 23, 2017, contains several policies that directly pertain to air quality, including the following:

- **Policy AQ-P2: Reduce Localized Concentrated Air Pollution.** Reduce or minimize the creation of “hot spots” or localized places of concentrated automobile emissions.
- **Policy AQ-P4: Construction and Grading Dust Control.** Dust control practices on construction and grading sites shall achieve compliance with NCAQMD fugitive dust emission standards.
- **Policy AQ-P5: Air Quality Impacts from New Development.** During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCAQMD.
- **Policy AQ-P6: Buffering Land Uses.** During environmental review of discretionary commercial and industrial projects, consider the use of buffers between new sources of emissions and adjacent land uses to minimize exposure to air pollution.
 - **Standard AQ-S1: Construction and Grading Dust Control.** Ground disturbing construction and grading shall employ fugitive dust control strategies to prevent visible emissions from exceeding NCAQMD regulations and prevent public nuisance.
 - **Standard AQ-S3: Evaluate Air Quality Impacts.** During environmental review of discretionary projects, evaluate new commercial and industrial sources of emissions using analytical methods and significance criteria used, or recommended by, the NCAQMD.

3.3.3 Methodology for Analysis

Construction

Short-term construction-related emissions of criteria air pollutants and precursors were calculated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 computer program. CalEEMod was used to calculate emissions from construction of proposed residences and new roadways. Modeling was based on project-specific information (e.g., building type and size, amount of demolition, area to be paved) where available, and default values in CalEEMod are based on the project’s location, land use type, and type of construction.

Construction equipment to be used during the project construction phase would include graders, scrapers, backhoes, front-end loaders, generators, water trucks, and dump trucks. Construction would begin in as early as January 2021 with Phase 1 and would continue with a projected Phase 9 completion in December of 2029. The construction schedule utilized in the analysis represents a “worst-case” analysis scenario, since emission factors for construction equipment decrease as the analysis year increases, due to improvements in technology and more stringent regulatory requirements. Therefore,



construction emissions would decrease if the construction schedule moves to later years. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as require per CEQA guidelines.

Operation

Long-term operational emissions of criteria air pollutants and precursors were also calculated using CalEEMod. Operational activity involving area- and water-heating would be provided by natural gas. Emissions from consumer products, landscape maintenance activities, and mobile-source emissions (including trip rate estimates) were estimated using the applicable modules in CalEEMod. The proposed land use represents the combined uses of housing and commercial facilities. The proposed land use is based on the function space of the project and includes trips generated by residents, patrons and employees. Operational emissions from all sources were estimated at full buildout of the project, which is anticipated to occur in 2030.

Detailed model assumptions and inputs for these calculations can be found in Appendix B of this Draft EIR.

3.3.4 Thresholds of Significance

In developing thresholds of significance for air pollutants, Appendix G of the State CEQA Guidelines require that agencies consider the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary.

NCUAQMD has not established significance criteria resulting from projects such as the North McKay Ranch development. NCUAQMD has indicated that it is appropriate for lead agencies to compare emissions from proposed projects to criteria pollutant significance thresholds for new or modified stationary source projects proposed in its jurisdiction as listed in Rule 110. Table 3.3-3 summarizes NCUAQMD stationary sources thresholds, which were used for this analysis.

Table 3.3-3: NCUAQMD Air Quality CEQA Thresholds of Significance

Criteria Air Pollutants and Precursors (regional)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (TPY)
ROG	50	40
NO _x	50	40
PM ₁₀	80	15
PM _{2.5}	50	10

Notes:

ROG = reactive organic gases

NO_x = nitrous oxides

PM₁₀ = particulate matter 10 microns or less in diameter

PM_{2.5} = particulate matter 2.5 microns or less in diameter



The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area under the applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Have the potential to result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Regarding a project's cumulative impacts, past, present, and future development projects in the region contribute to adverse air quality impacts in the region on a cumulative basis. Air pollution is largely a cumulative impact by its nature. No single project is sufficient in its overall emission, in isolation, to result in nonattainment of ambient air quality standards. A project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. Significance thresholds are intended to analyze whether a project's contribution to the cumulative impact is considerable. Therefore, if a project exceeds the identified significance thresholds, its emissions would also be considered cumulatively considerable, resulting in a significant adverse air quality impact to the region's existing air quality conditions and additional analysis to assess cumulative impacts is unnecessary (BAAQMD 2017).

3.3.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to air quality. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Air Quality Plan

Impact AQ-1	The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
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Impact Analysis

Construction Emissions

There are no applicable local or regional air quality plans related to NAAQS attainment. The NCUAQMD 1995 plan for attainment of state PM₁₀ standards includes the following activities as associated with the production of fugitive dust:

- Grading, excavation and earthmoving activities
- Travel by construction equipment and employee vehicles, especially on unpaved surfaces
- Exhaust from on-site construction equipment



The NCUAQMD 1995 plan includes strategies for reducing PM₁₀ from the above sources, including transportation control measures, guidelines for general plans, and regulation of open and residential burning.

Construction of the proposed project would involve the use of various types of equipment and vehicles which could generate construction emissions in the form of exhaust and fugitive dust from earth moving activities. These activities would involve the use of diesel and gasoline powered equipment that would generate emissions of criteria pollutants, such as reactive organic gases (ROG), nitrous oxide (NO_x), and PM emissions. Construction emissions could occur in the vicinity of both the residential/commercial portion of the project area, as well as in the new water tank location of the project area. Further, removal of approximately 59.27 acres of trees within the project area could further increase dust and construction emissions beyond that of a normal residential/commercial construction site.

Air quality modeling was performed to evaluate the proposed project emissions for criteria pollutants to determine whether the proposed project would generate criteria pollutant emissions in excess of levels identified by the NCUAMQD. The proposed project's unmitigated construction emissions shown in Table 3.3-4 are less than the NCUAMQD's thresholds of significance.

Table 3.3-4: Proposed Project Unmitigated Construction Emissions (Tons/Year)

Construction Year	tons/year			
	ROG	NO _x	PM ₁₀	PM _{2.5}
2021	0.36	3.24	0.61	0.36
2022	1.49	2.82	0.64	0.37
2023	0.30	2.15	0.21	0.12
2024	0.29	2.04	0.21	0.26
2025	3.58	1.79	0.46	0.07
2026	0.19	1.66	0.08	0.29
2027	0.80	1.88	0.53	0.08
2028	0.22	1.75	0.13	0.08
2029	2.95	1.76	0.13	0.03
2030	0.17	0.95	0.07	0.29
NCUAQMD Threshold tons/year	40	40	15	10
Does Any Year Exceed Significance Threshold?	No	No	No	No

Notes:

ROG = reactive organic gases

NO_x = nitrous oxides

PM₁₀ = particulate matter 10 microns or less in diameter

PM_{2.5} = particulate matter 2.5 microns or less in diameter



Table 3.3-5: Proposed Project Unmitigated Construction Emissions (lbs/day)

Construction Year	Average Pounds/Day			
	ROG	NO _x	PM ₁₀	PM _{2.5}
2021	2.77	24.81	4.68	2.79
2022	11.43	21.62	4.92	2.81
2023	2.33	16.50	1.65	0.92
2024	2.21	15.60	1.57	0.84
2025	27.45	13.70	3.56	2.03
2026	1.44	12.69	0.64	0.53
2027	6.14	14.42	4.08	2.24
2028	1.66	13.41	1.01	0.63
2029	22.60	13.52	1.02	0.63
2030	1.31	7.31	0.52	0.24
NCUAQMD Threshold lbs/day	50	50	80	50
Does Any Year Exceed Significance Threshold?	No	No	No	No

Notes:

ROG = reactive organic gases

NO_x = nitrous oxidesPM₁₀ = particulate matter 10 microns or less in diameterPM_{2.5} = particulate matter 2.5 microns or less in diameter

Humboldt County's General Plan lays out practices to reduce and minimize PM₁₀ emissions as described in the above Regulatory Setting and as reflected in NCUAQMD Rule 104 for the prevention of visible fugitive dust emissions. Reduction measures as described in Rule 104 will be implemented at the project site throughout project construction to reduce PM emissions.

Operational Emissions

Operational emission associated with the proposed project would include operation of automobiles and use of energy resources for both the residential and commercial portions of the project. Annual operational emissions are summarized in Table 3.3-6.

Table 3.3-6: Unmitigated Annual Operational Emissions (tons/year)

Emissions Source	tons/year			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Annual Total	6.66	4.35	6.72	5.44
NCUAQMD Threshold tons/year	40	40	15	10
Significant?	No	No	No	No

Notes:

ROG = reactive organic gases

NO_x = nitrous oxidesPM₁₀ = particulate matter 10 microns or less in diameterPM_{2.5} = particulate matter 2.5 microns or less in diameter

Source: CalEEMod Output (Appendix B)



Table 3.3-7: Unmitigated Annual Operational Emissions (lbs/day)

Emissions Source	Average Pounds/Day			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Annual Total	36.48	23.86	36.85	29.82
NCUAQMD Threshold lbs/day	50	50	80	50
Significant?	No	No	No	No

Notes:

ROG = reactive organic gases

NO_x = nitrous oxides

PM₁₀ = particulate matter 10 microns or less in diameter

PM_{2.5} = particulate matter 2.5 microns or less in diameter

Source: CalEEMod Output (Appendix B)

As shown in Table 3.3-6 and Table 3.3-7 above, the proposed project would not exceed any annual or daily significance thresholds for operational emissions sources. Therefore, long-term operational impacts resulting from implementation of the proposed project would be less than significant.

Conclusion

The project does not exceed the NCUAQMD significance thresholds and would implement Rule 104 to further reduce fugitive dust emissions. Therefore, the project’s potential construction and operational impacts would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Criteria Pollutants

Impact AQ-2 **The proposed project could potentially result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).**

Impact Analysis

In developing thresholds of significance for air pollutants, the NCUAQMD allows for the use of thresholds developed in consideration of stationary sources. As construction emissions associated with the proposed project would be temporary, this is a conservative assumption to determine the potential significance of cumulative impacts. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable for the purposes of this analysis. Proposed project construction and operational impacts are assessed separately below.



Construction Emissions

Emissions from construction-related activities are generally short-term but may still cause adverse air quality impacts. The proposed project would generate emissions from construction equipment exhaust, worker travel, and fugitive dust. These construction emissions include criteria air pollutants from the operation of heavy construction equipment.

Construction activities would occur over approximately 10 years, as discussed in Section 2.0, Project Description. The construction schedule used in the analysis represents a “worst-case” analysis scenario since emission factors for construction equipment decrease as the analysis year increases due to improvements in technology and more stringent regulatory requirements. Therefore, construction emissions would decrease if the construction schedule moves to later years. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required pursuant to CEQA Guidelines 15064(f)(5).

Table 3.3-4 and Table 3.3-5 provide the unmitigated construction emissions estimated for the proposed project. The construction emissions in each year are well below the recommended thresholds of significance for annual and daily emissions. In addition, the project would comply with Rule 104 and implement dust control measures. Therefore, emissions from construction would be less than significant.

Operational Emissions

Operational emissions would occur over the lifetime of the proposed project and would be from two main sources: area sources and motor vehicles, or mobile sources. It was assumed that the entire proposed project would be operational in 2030 to provide a conservative estimate of operational emissions. If a later buildout year were used, the emissions would be lower due to cleaner vehicles from increasing regulations. Therefore, using an earlier year to consider full buildout of the proposed project would provide a worst-case scenario of emissions. As shown in Table 3.3-6 and Table 3.3-7, the proposed project operational emissions would be below the NCUAQMD significance thresholds, and therefore, impacts would be considered less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Sensitive Receptors

Impact AQ-3 The proposed project would not expose sensitive receptors to substantial pollutant concentrations.

Impact Analysis

This discussion addresses whether the project would expose sensitive receptors to construction-generated fugitive dust (PM₁₀), naturally occurring asbestos (NOA), construction-generated DPM, operational related TACs, or operational CO hotspots. Some land uses are considered more sensitive to



air pollution than others due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, childcare centers, playgrounds, retirement homes, convalescent homes, hospitals, and medical clinics. The project site is considered a sensitive receptor.

Construction Emissions

Fugitive Dust PM₁₀

Fugitive dust (PM₁₀) would be generated from site grading and other earth-moving activities. Most of this fugitive dust would remain localized and would be deposited near the project site. However, the potential for impacts from fugitive dust exists unless control measures are implemented to reduce the emissions from the project site. The project would comply with the Humboldt County General Plan and the NCUAQMD Rule 104. Therefore, the project’s construction-generated fugitive dust impacts would be less than significant level.

Naturally Occurring Asbestos

Construction in areas of rock formations that contain NOA could release asbestos to the air and pose a health hazard. NCUAQMD enforces CARB’s air toxic control measures at sites that contain ultramafic rock. The air toxic control measures for construction, grading, quarrying and surface mining operations were signed into state law on July 22, 2002, and became effective in the NCAB in November 2002. The purpose of this regulation is to reduce public exposure to NOA. A review of the map with areas more likely to have rock formations containing NOA in California indicates that there is no asbestos in the immediate project area (USGS 2011). Therefore, it can be reasonably concluded that the project would not expose sensitive receptors to NOA. Impacts would be less than significant.

Toxic Air Contaminants/Diesel Particulate Matter

TACs from construction of the proposed project would generally be associated with DPM from diesel-fueled engines. TACs can result in health risks associated with exposure to DPMS from diesel vehicles and generators. Table 3.3-8 shows the distance to the nearest sensitive receptors per phase for construction.

Table 3.3-8: Distance to Sensitive Receptors per Construction Phase

Proposed Project Phase	Closest Sensitive Receptor	Approximate Shortest Distance between Project and Receptor
Phase 1	Single-Family Residence along Manzanita Avenue	20’
Phase 2	Glen Paul School	62’
Phase 3	Single-Family Homes Along Redwood Street	40’
Phase 4	Single-Family Homes Along Fern Street	915’
Phase 5	Single-Family Homes Along Redwood Street	540’



Proposed Project Phase	Closest Sensitive Receptor	Approximate Shortest Distance between Project and Receptor
Phase 6	Single-Family Homes Along Redwood Street	945'
Phase 7	Glen Paul School	470'
Phase 8	Glen Paul School	890'
Phase 9	Glen Paul School	855'

Source: April 17, 2019 Planning NOP Review Drawing Set for North McKay Ranch Subdivision

Construction activities would operate generally close to potential receptors during Phase 1, Phase 2, and Phase 3; therefore, MM AIR-1 would be implemented during construction activities, which would minimize potential off-road construction equipment emissions.

Operational Emissions

Carbon Monoxide Hotspots

Localized high levels of CO hotspots are associated with traffic congestion and idling or slow-moving vehicles. The project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

According to the traffic study prepared for the project by TJKM Transportation Consultants, at buildout, the project would generate 2,879 trips per day. Therefore, it is expected that the project would meet the above screening criteria and, therefore, the project would not significantly contribute to an existing or projected CO hotspot. Impacts would be less than significant.

Toxic Air Contaminants – Operations

The CARB Air Quality and Land Use Handbook contains recommendations that will “help keep California’s children and other vulnerable populations out of harm’s way with respect to nearby sources of air pollution” (CARB 2005), including recommendations for distances between sensitive receptors and certain land uses. The proposed project is not identified as a land use of concern by CARB. The proposed project is considered a sensitive receptor but is not located within any screening distances recommended by CARB to land uses of concern.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM AIR-1: Off-Road Construction Equipment Emissions Minimization. The project shall demonstrate compliance with the following Construction Emissions Minimization Measures prior to issuance of building or grading permits:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
 - a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;
 - b) All off-road equipment shall have:
 - i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 3 off-road emission standards, and
 - ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Impact AQ-4	Result in other emissions (such as those leading to odors) affecting a substantial number of people?
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Impact Analysis

While offensive odors rarely cause any physical harm, they can still be very unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and the NCUAQMD. The occurrence and severity of odor impacts depends on numerous factors, including nature, frequency, and intensity of the source, the wind speed and direction, and the sensitivity of the receptor. The nearest sensitive receptor in the vicinity of the proposed project site would be the residences approximately 20 feet from the project during Phase 1 construction. Construction activities associated with the proposed project could result in short-term odorous emissions from diesel exhaust associated with construction equipment. However, these emissions would be intermittent and would dissipate rapidly from the source. In addition, this diesel-powered equipment would only be present on site temporarily during construction activities. Therefore, construction would not create objectionable odors affecting a substantial number of people, and the impact would be less than significant.

Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. The proposed project does not contain land uses typically associated with emitting objectionable odors. Therefore, the impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



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3.4 BIOLOGICAL RESOURCES

This section describes the environmental and regulatory setting for biological resources. It also describes existing conditions and potential impacts relative to biological resources that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

The analysis in this section is based on the Biological Resources Report prepared by SHN Engineers and Geologists (SHN) (SHN 2016), Aquatic Resources Delineation prepared by Stantec (Stantec 2019), Survey Results Memorandum for the Water Tank Site (Stantec 2020) and a Mitigation, Monitoring, and Reporting Plan prepared by SHN (SHN 2018) that were prepared for the proposed project. These documents are provided in Appendix C1. Results incorporated into these documents are based on biological surveys conducted within the study area for the proposed project. The study area includes the project area and all project related components.

3.4.1 Environmental Setting

Regional Setting

The proposed project is located in the unincorporated area of Humboldt County, California (Township 5 North, Range 1 West, in the Northwest quarter of Section 36) and is within the U.S. Geological Survey (USGS) 7.5-minute Eureka topographic quadrangle. The proposed project would be located on seven parcels (APNs include: 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, and 017-073-009). These parcels total 81 acres and are currently undeveloped.

Project Area

The topography at the proposed project sites includes both flat and steeply sloped areas, with an approximate maximum elevation of 200 feet amsl. The study area is in the Northern California Coastal Hydrologic Region, which extends from southern Oregon to the northern San Francisco Bay, and encompasses 16,744,264 acres (USGS 2019). The entire study area is within the Humboldt Bay-Frontal Pacific Ocean watershed (hydrologic unit code 180101020602) and the Eureka Plain hydrologic unit, which covers 141,191 acres (USGS 2019). The study area includes two unnamed drainages and several small wetlands, as well as a small portion of Ryan Creek located just north of the study area. From a hydrologic perspective, the study area drains north, with two unnamed tributaries feeding Ryan Creek and ultimately draining to Humboldt Bay. Hydrologic sources in the study area include primarily precipitation and groundwater.

The study area is located within the Coast Ranges Geomorphic Province, which is mainly composed of the Franciscan Complex, with schists, sand, and other alluvial deposits associated with the coast. Three soil map units within the study area have been mapped by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) (NRCS 2019a), shown in Table 3.4-1.



Table 3.4-1: Soil Map Units within the Study Area

Map Unit Name	Map Unit Symbol	Hydric Rating Status
Weott, 0 to 2 percent slopes	110	Y
Hookton-Tablebluff complex, 2 to 9 percent slopes	230	N
Lepoil-Espa-Candymountain complex, 15 to 50 percent slopes	258	N

Source: NRCS 2019a

The habitats adjacent to the project area include additional third-growth redwood forest, red alder, and willow-dominated seeps and drainages, suburban development, and, at the base of the slope, Ryan Creek and associated wetlands. The adjacent third-growth redwood forest is very similar to that which occurs within the area of the proposed project that was surveyed. Until recently, the adjacent redwood forest was managed by the Green Diamond Resource Company for timber, and has recently been turned into the McKay Community Forest, which would maintain sustainable harvest across the area, while managing the forest for the enhancement of forest habitat and access for recreation.

3.4.2 Regulatory Setting

Regulatory authority over biological resources is shared by federal, state, and local authorities under a variety of legislative acts. The following section summarizes the federal, state, and local regulations for special status species; jurisdiction over waters of the U.S. and State of California; and sensitive biological resources. This section provides a listing and overview of these federal and state laws; only select regulations would be applicable to this project.

Federal

Clean Water Act Sections 404 and 401

Under Section 404 (33 United States Code [U.S.C.] 1344) of the Clean Water Act (CWA), as amended, the USACE retains primary responsibility for permits to discharge dredged or fill material into waters of the U.S. All discharges of dredged or fill material into jurisdictional waters of the U.S. that result in permanent or temporary losses of waters of the U.S. are regulated by USACE. A permit from USACE must be obtained before placing fill or grading in wetlands or other waters of the U.S., unless the activity is exempt from CWA Section 404 regulation (for example, certain farming and forestry activities).

USACE defines wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions"(USACE 1987). In other words, the USACE defines wetlands by the presence of all three wetland indicators: hydrophytic vegetation, hydric soils, and wetlands hydrology.



Waters of the U.S. are defined at 33 CFR Part 328. They include traditional navigable waters; relatively permanent, non-navigable tributaries of traditional navigable waters; and certain wetlands. The applicability of Section 404 permitting over discharges to wetlands is, therefore, a two-step process: (1) determining the areas that are wetlands, and (2) where a wetland is present, assessing the wetland's connection to traditional navigable waters and non-navigable tributaries to determine whether the wetland is jurisdictional under the CWA. A wetland is considered jurisdictional if it meets certain specified criteria.

USACE is required to consult with the USFWS and/or National Marine Fisheries Service (NMFS) under Section 7 of the federal ESA if the action subject to CWA permitting could result in "Take" of federally listed species or an adverse effect to designated critical habitat. The proposed project is within the jurisdiction of the Sacramento District of USACE.

Section 401 of the CWA (33 U.S.C. 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the U.S. to obtain a certification from the state in which the discharge originates or would originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the affected waters at the point where the discharge originates or would originate. The discharge must comply with the applicable effluent limitations and water quality standards. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility. The responsibility for the protection of water quality in California rests with the SWRCB and its nine RWQCB's. The proposed project is within the jurisdiction of the North Coast RWQCB.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 U.S.C. Sections 661-667e, March 10, 1994, as amended 1946, 1958, 1978, and 1995) requires that whenever waters or channel of a stream or other body of water are proposed or authorized to be modified by a public or private agency under a federal license or permit, the federal agency must first consult with USFWS and/or the NMFS, and with the head of the agency exercising administration over the wildlife resources of the state where construction would occur (in this case, the CDFW). The Fish and Wildlife Coordination Act is intended to conserve birds, fish, mammals and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

If direct, permanent impacts occur to waters of the U.S. from a proposed project, then a permit from USACE under CWA Section 404 is required for the construction of the proposed project. USACE is required to consult with USFWS and/or NMFS as appropriate regarding potential impacts to federally listed species under the ESA. Such action may prompt consultation with CDFW, which would review the proposed project pursuant to CESA and issue a consistency letter with USFWS and/or NMFS, if required.

Federal Endangered Species Act

The U.S. Congress passed the ESA in 1973 to protect species that are endangered or threatened with extinction. The ESA is intended to operate in conjunction with the National Environmental Policy Act to help protect the ecosystems upon which endangered and threatened species depend and within which they live. The USFWS and the NMFS are the designated federal agencies responsible for administering the ESA.



The ESA prohibits the "Take" of endangered or threatened wildlife species. A Take is defined as harassing, harming (including significantly modifying or degrading habitat), pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species, or any attempt to engage in such conduct (16 U.S.C. 1531; 50 CFR 17.3). An activity can be defined as a Take, even if it is unintentional or accidental. Taking can result in civil or criminal penalties. Activities that could result in "Take" of a federally listed species require an incidental Take authorization resulting from ESA Section 7 consultation or ESA Section 10 consultation. Plants are legally protected under the ESA only if Take occurs on federal land or from federal actions, such as issuing a wetland fill permit.

A federal endangered species is one that is considered in danger of becoming extinct throughout all, or a significant portion, of its range. A federal threatened species is one that is likely to become endangered in the foreseeable future. The USFWS also maintains a list of species proposed for listing as threatened or endangered. Proposed species are those for which a proposed rule to list as endangered or threatened has been published in the Federal Register. In addition to endangered, threatened, and proposed species, the USFWS maintains a list of candidate species. Candidate species are those for which the USFWS has on file sufficient information to support issuance of a proposed listing rule.

Pursuant to the requirements of the ESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed endangered or threatened species may be present in the project area and determine whether the proposed project would have a potentially significant impact on such a species. In addition, the agency is required to determine whether the proposed project is likely to jeopardize the continued existence of any species proposed to be listed under the ESA or result in the destruction or adverse modification of critical habitat designated or proposed to be designated for such species (16 U.S.C. 1536[3], [4]). Project-related impacts to species on the ESA endangered or threatened list would be considered significant and would require mitigation.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) of 1918 makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in CFR Part 10, including feather or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). The MBTA also prohibits disturbance and harassment of nesting migratory birds at any time during their breeding season. The USFWS is responsible for enforcing the MBTA (16 U.S.C. 703). The migratory bird nesting season is generally considered to be between March 15 and August 1 within the study region.

State

Porter-Cologne Water Quality Act

The state and RWQCB also maintain independent regulatory authority over the placement of waste, including fill, into waters of the State under the Porter-Cologne Water Quality Act (Porter-Cologne Act). Waters of the State are defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The SWRCB protects all waters in its regulatory scope but has special responsibility for isolated wetlands and headwaters. These water bodies might not be regulated by other programs, such as Section 404 of the CWA. Waters of the State are regulated by the RWQCBs under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the CWA and the Porter-Cologne Act. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to



impact waters of the State, are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, but does involve activities that may result in a discharge of harmful substances to waters of the State, the RWQCBs have the option to regulate such activities under their state authority in the form of Waste Discharge Requirements (WDRs) or certification of WDRs.

California Endangered Species Act

The state enacted the CESA in 1984. The CESA is similar to the ESA but pertains to state-listed endangered and threatened species. Under the CESA, CDFW has the responsibility for maintaining a list of threatened and endangered species designated under state law (California Fish and Game Code [CFGF] 2070). Section 2080 of the CFGF prohibits Take of any species that the commission determines to be an endangered or threatened species. Take is defined in Section 86 of the CFGF as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

The state and federal lists of threatened and endangered species are generally similar; however, a species present on one list may be absent from the other. CESA regulations are also somewhat different from the ESA in that the state regulations include threatened, endangered, and candidate plants on non-federal lands within the definition of Take. CESA allows for Take incidental to otherwise lawful development projects.

Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present in the proposed project area and determine whether the proposed project would have a potentially significant impact on such species. Project-related impacts to species on the CESA endangered or threatened list (or, in addition, designated by the CDFW as a "Species of Special Concern," (SSC) which is a level below threatened or endangered status) would be considered significant and would require mitigation.

California Environmental Quality Act

CEQA Guidelines Sections 15125(c) and 15380(d) provide that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. Thus, CEQA provides the ability to protect a species from potential project impacts until the respective government agencies have an opportunity to designate the species as protected, if warranted.

The California Native Plant Society (CNPS) maintains a list of plant species native to California whose populations that are significantly reduced from historical levels, occur in limited distribution, or are otherwise rare or threatened with extinction. This information is published in the Inventory of Rare and Endangered Plants of California (CNPS 2020). Taxa with a California Rare Plant Rank (CRPR) of 1A, 1B, 2A, 2B, and 3 in the CNPS inventory consist of plants that meet the definitions of the CESA of the CFGF, are eligible for state listing, and meet the definition of Rare or Endangered under CEQA Guidelines Sections 15125 (c) and 15380(d). Some taxa with a CRPR 4 may meet the definitions of the CESA of the CFGF. CRPR 4 populations may qualify for consideration under CEQA if they are peripheral or disjunct populations; represent the type locality of the species; or exhibit unusual morphology and/ or occur on unusual substrates.



Additionally, CDFW maintains lists of special animals and plants. These lists include a species conservation ranking status from multiple sources, including ESA, CESA, federal departments with unique jurisdictions, CNPS, and other non-governmental organizations. Based on these sources, CDFW assigns a heritage rank to each species according to their degree of imperilment (as measured by rarity, trends, and threats). These ranks follow NatureServe's Heritage Methodology, in which all species are listed with a G (global) and S (state) rank. Species with state ranks of S1-S3 are also considered highly imperiled.

CEQA checklist IV (b) calls for the consideration of riparian habitats and sensitive natural communities. Sensitive vegetation communities are natural communities and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. However, these communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies, or regulations, or by the CDFW (i.e., the California Natural Diversity Database [CNDDDB] and VegCAMP programs) or the USFWS. Impacts to sensitive natural communities and habitats must be considered and evaluated under CEQA (CCR Title 14, Div. 6, Chap. 3, Appendix G).

Although sensitive natural communities do not (at present) have legal protection, CEQA calls for an assessment of whether any such resources would be affected and requires a finding of significance if there would be substantial losses. High quality occurrences of natural communities with heritage ranks of 3 or lower are considered by CDFW to be significant resources and fall under the CEQA Guidelines for addressing impacts. Local planning documents (such as general plans) often identify these resources as well. Avoidance, minimizations, or mitigation measures should be implemented if project-affected stands of rare vegetation types or natural communities are considered high-quality occurrences of the given community.

As a trustee agency under CEQA, CDFW reviews potential project impacts to biological resources, including wetlands. In accordance with the CEQA thresholds of significance for biological resources, areas that meet the state criteria of wetlands and could be impacted by a project must be analyzed. Pursuant to CFGC Section 2785, CDFW defines wet areas as "lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools."

California Fish and Wildlife Code Section 1600

Streams, lakes, and riparian vegetation as habitat for fish and other wildlife species are subject to jurisdiction by CDFW under Sections 1600-1616 of the CFGC with regard to any activity that would do one or more of the following: (1) substantially obstruct or divert the natural flow of a river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake generally require a SAA.



The term "stream," which includes creeks and rivers, is defined in the CCR as follows: "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life." This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation (14 CCR 1.72).

In addition, the term stream can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife. Riparian is defined as "on, or pertaining to, the banks of a stream;" therefore, riparian vegetation is defined as, "vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself." Removal of riparian vegetation also requires an SAA from CDFW.

California Fish and Wildlife Code Sections 3503 and 3513

According to Section 3503 of the CFGC, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird (except house sparrows [*Passer domesticus*] and European starlings [*Sturnus vulgaris*]). Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 essentially overlaps with the MBTA, prohibiting the Take or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered Take by the CDFW.

Fully Protected Species and Species of Special Concern

The classification of "fully protected" was CDFW's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibian and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or ESA. CFGC sections (fish at Sec. 5515, amphibian and reptiles at Sec. 5050, birds at Sec. 3511, and mammals at Sec. 4700) dealing with "fully protected" species states that these species "... may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species," although Take may be authorized for necessary scientific research. This language makes the "fully protected" designation the strongest and most restrictive regarding the Take of these species. In 2003, the code sections dealing with fully protected species were amended to allow CDFW to authorize Take resulting from recovery activities for state-listed species.

SSC are broadly defined as animals not listed under the CESA, but that are nonetheless of concern to CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although the SSC designation provides no special legal status, they are given special consideration under CEQA during project review.



Native Plant Protection Act of 1973

The Native Plant Protection Act of 1973 (CFGF Sections 1900-1913) includes provisions that prohibit the taking of endangered or rare native plants from the wild and a salvage requirement for landowners. The CDFW administers the Native Plant Protection Act and generally regards as "rare" many plant species included on Lists 1A, 1B, 2A, 2B, 3, and 4 of the CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS 2016).

Natural Community Conservation Planning Act

The primary objective of the Natural Community Conservation Planning (NCCP) Act of 1991 is to conserve natural communities at the ecosystem scale while accommodating compatible land use. The NCCP Act is an effort by the state and numerous private and public partners that is broader in its orientation and objectives than the CESA and ESA (refer to discussions above). The NCCP Act seeks to anticipate and prevent the controversies and gridlock caused by species listings by focusing on the long-term stability of wildlife and plant communities and including key interests in the process.

Local

Humboldt County General Plan

The County General Plan, adopted October 23, 2017, contains several policies that directly pertain to biological resources, including the following:

Goal BR-G1. Threatened and Endangered Species. Sufficient recovery of threatened and endangered species to support de-listing.

Goal BR-G2. Sensitive and Critical Habitat. A mapped inventory of sensitive and critical habitat where biological resource protection policies apply.

Goal BR-G3. Benefits of Biological Resources. Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits.

- **Policy BR-P1. Compatible Land Uses.** Area containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.
- **Policy BR-P4. Development within Stream Channels.** Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects as listed in Standard BR-S6 -Development within Stream Channels.
- **Policy BR-P5. Streamside Management Areas.** To protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along streams including intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation.



- **Policy BR-P6. Development within Streamside Management Areas.** Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 - Required Mitigation Measures, BR-S9 - Erosion Control, and BR-S10 - Development Standards for Wetlands) have been provided to minimize any adverse environmental effects, and shall be limited to uses as described in Standard BR-S7 - Development within Streamside Management Areas.
- **Policy BR-P7. Wetland Identification.** The presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified professional shall be required when wetland characterization and limits cannot be easily inventoried and identified by site inspection.
- **Policy BR-P11. Biological Resource Maps.** Biological resource maps shall be consulted during the ministerial and discretionary permit review process in order to identify habitat concerns and to guide mitigation for discretionary projects that will reduce biological resource impacts to below levels of significance, consistent with CEQA.
- **Policy BR-P12. Agency Review.** The County shall request the California Department of Fish and Wildlife, as well as other appropriate trustee agencies and organizations, to review plans for development within Sensitive Habitat, including Streamside Management Areas. The County shall request NOAA Fisheries or U.S. Fish and Wildlife Service to review plans for development within critical habitat if the project includes federal permits or federal funding. Recommended mitigation measures to reduce impacts below levels of significance shall be considered during project approval, consistent with CEQA.

Humboldt County Streamside Management Areas and Wetlands Ordinance

Riparian and wetland habitats receive protection under the County's Streamside Management Areas and Wetlands Ordinance (SMAWO), as defined in Title 3, Section 314-61.1, of the Humboldt County Code. Development and work within Streamside Management Areas (SMAs) requires a special permit from the County, if those activities are not exempt.

The purpose of the SMAWO is to provide oversight in the use and development of land located within wet areas, such as rivers, creeks, springs, and other wetland types. This includes natural resource areas along both sides of streams containing the channel and adjacent land. SMAs are identified as a 100-foot setback measured as the horizontal distance from the top of bank or edge of riparian drip-line, whichever is greater on either side of perennial streams, and a 50-foot setback measured as the horizontal distance from the top of bank or edge of riparian drip-line, whichever is greater on either side of intermittent streams.

Routine maintenance activities are permitted under the SMAWO, if trees that are more than 12 inches in diameter are not cut, and no more than 6,000 cumulative square feet of woody vegetation is removed. Additionally, activities are not considered routine maintenance if they could result in a significant environmental impact. Significance with regard to environmental impact can be difficult to qualify on a case-by-case level. However, CDFW generally considers the removal of riparian woody vegetation greater than 4 inches in diameter as an activity that requires compensatory mitigation. Mitigation measures for projects within SMAs can include retaining snags and trees that support nesting birds, replanting of disturbed areas equal to the development area, and other potential site-specific habitat improvements.



3.4.3 Methodology for Analysis

Field Surveys

Surveys were conducted on May 24 and 25, 2016, and July 26, 2016, for an assessment of the habitat, plant and animal species, and vegetation communities found within the proposed project area and the potential for the occurrence of any listed plant or animal species or associated habitat. The survey was floristic in nature, with an attempt to identify all species present, including possible SSC (CDFW 2009). The entire area of potential disturbance from the proposed project was surveyed, including the Arbutus Street right of way (ROW), the tributaries of Ryan Creek to be crossed by Redwood Street, the area around the baseball fields, and throughout the forested remainder of the property, with additional attention given to potential habitat of listed species. Additional surveys were conducted on September 17 and 18, 2019 to determine potential jurisdictional waters of the U.S. (WOTUS) and state (WOS) within the proposed project area. On March 5, 2020 a reconnaissance biological survey was conducted at the water storage tank site, which is an off-site location, separate from the proposed development area. This survey was performed to assess the site for potential special-status species and jurisdictional features.

Regions beyond the property line were not surveyed, as well as the area proposed as open space between the main proposed project off of Redwood Street and the few lots proposed off of Manzanita Avenue, as these areas would not be directly disturbed by the proposed project. In addition to surveying for target species, a list of all botanical and animal species encountered was compiled (SHN 2016). Plants were identified to the lowest taxonomic level possible to distinguish special status species from others. Botanical nomenclature follows The Jepson Manual, Vascular Plants of California (Baldwin et al., 2012) and subsequent taxonomic revisions made to the Jepson eflora (Jepson Flora Project 2015).

The purpose of the field surveys was to determine potential impacts of the proposed project to onsite biological resources and jurisdictional waters (including wetlands). Potential impacts to biological resources and habitats analyzed in this section include impacts from both direct and indirect effects of the proposed project.

Online Database Review

Database searches and literature reviews were conducted to determine which rare natural communities and special-status species have the potential to occur on the proposed project site. A more detailed description of these methods is provided in the proposed project's Biological Report, which is included in this EIR as Appendix C1 (SHN 2016).

Database queries of listed species and special habitats known from the area were performed during March 2020. The following references were reviewed:

- CNDDDB query for the *Eureka* and surrounding USGS 7.5-minute topographic quadrangles (*Tyee City, Arcata North, Arcata South, McWhinney Creek, Fields Landing, and Cannibal Island*) (CDFW 2020a);
- CNDDDB Rarefind Tool for the *Eureka* and surrounding USGS 7.5-minute topographic quadrangles (BIOS; CDFW, 2020b);



- Electronic Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020) query for a list of all plant species reported for the Eureka and surrounding USGS 7.5-minute topographic quadrangles;
- USFWS Listed/Proposed Threatened and Endangered Species for the Eureka and surrounding USGS 7.5-minute topographic quadrangles (Candidates Included; USFWS 2020);
- USFWS Information for Planning and Conservation (IPaC)

Additionally, USFWS's Critical Habitat Portal was queried for habitat designated as critical for species listed under the federal ESA. Ryan Creek is listed as critical habitat for the threatened Northern California Distinct Population Segment (DPS) for Steelhead (*Oncorhynchus mykiss*) and the California Coastal Evolutionarily Significant Unit (ESU) of Chinook salmon (*Oncorhynchus tshawytscha*).

Results

Biotic Communities and Alliances

Vegetation communities within the study area were described in a previously conducted biological survey (SHN 2016) and are listed below:

- Redwood forest
- Non-native grassland
- Drainage swales dominated by red alder (*Alnus rubra*), slough sedge (*Carex obnupta*) and,
- Blackberry patches
- Urban

Nomenclature for vegetation communities contained within aquatic resources follows the alliances and associations used in the Manual of California Vegetation (MCV), Second Edition and updated in the online edition (Sawyer et al. 2009, CNPS 2020). Several of the vegetation types within mapped aquatic resources are not described in the MCV. In these instances, a new vegetation alliance and/or association was described and named, following MCV convention.

Jurisdiction over sensitive biotic communities that are considered critical habitat for species listed as threatened or endangered by the federal government lies with the USFWS and NMFS under the National Oceanic and Atmospheric Administration (NOAA). The CDFW considers sensitive biotic communities to be those which are listed in the CNDDDB (e.g., native grasslands). Sensitive biotic communities are either designated by CDFW, considered by local experts to be communities of limited distribution, and/or considered to be WOTUS or WOS.

Vegetation Communities

Currently, habitat in the study area is characterized primarily by third-growth redwood forest. Sequoia sempervirens Forest Alliance consists of a forest canopy with greater than 50 percent relative cover provided by the Coast Redwood (*Sequoia sempervirens*) (SHN 2016). This forest type has a rarity ranking of G3 S3.2, meaning 10-50,000 acres of this community type within California and is considered threatened. The redwood forest habitat found across the study area is of low quality, reflecting the history



of disturbance and continued disturbance. The majority of the trees on the study area are young, estimated at between 25-35 years of age, and are densely spaced preventing much undergrowth over a large portion of the study area. The parcel has been logged a minimum of two times, which included the development of roads. Disturbance continues today with many ungraded paths crisscrossing the parcel (SHN 2016) and evidence of continued uncontrolled recreational use of the study area, including transient camps in places throughout the property. It is unknown when the area was logged, and how long it has been used as it is today.

Additional vegetation communities found on site include grassland, drainage swales dominated by red alder (*Alnus rubra*), and slough sedge (*Carex obnupta*), as well as Rubus alliances. Grassland was found on the perimeter of the baseball fields, within the Arbutus Street right-of-way and utility service right-of-way. The grassland vegetation community was characterized by non-native grass and shrub species, reflecting the disturbed nature of these areas and proximity to urban development with heavy non-native species cover. These areas are periodically mowed which prevents many rare, threatened, or endangered species from occurring within the study area. Grassland areas represented low quality listed species habitat for plants; however, they represent breaks in the forest canopy, and are used as grazing and foraging areas for many wildlife species as evidenced by deer and numerous bird species observed there during the 2016 surveys of the study area.

Drainage swales with red alder and slough sedge were observed along the break of slope primarily outside of the area of proposed development. While these areas represent unique habitat, the majority of these areas are becoming shaded by the expanding coast redwood canopy. The majority of these patches exist outside of the development area; however, those within the potential project area were scrutinized for additional plant species and were ultimately delineated for the McKay Ranch Subdivision in a separate report (Stantec 2019).

Many Rubus patches exist across the study area. These represent patches of Rubus (*parviflorus*, *spectabilis*, *ursinus*) Shrubland alliance within forest openings. The Rubus shrubland alliance has a rarity ranking of G4S3, meaning globally secure, but somewhat threatened/rare in the State of California. Rubus species observed within the thickets included California blackberry (*Rubus ursinus*), thimbleberry (*Rubus parviflorus*), salmonberry (*Rubus spectabilis*), and Himalayan blackberry (*Rubus armeniacus*). Due to the expanding canopy and intrusion of Himalayan blackberry, the rubus patches do not represent high quality examples of the Rubus (*parviflorus*, *spectabilis*, *ursinus*) Shrubland alliance, and most likely represent transient vegetation communities remaining from the last timber harvest that would be shaded by the expanding redwood canopy in the coming years. Currently the thicket areas represent high quality habitat for many bird species within the forest as an area for food, shelter, and protection from predators.

Vegetation within the study area is characterized by a mix of non-native weedy species and native redwood forest species. Due to the site's close proximity to the urban development of Eureka, the study area has a high percentage of non-native plant species. Of the 154 plant species observed within the study area, 43 percent of them were non-native species. While most of these species were not invasive, a number of them such as the Scotch broom (*Cytisus scoparius*), Spanish Heather (*Erica lusitanica*), Himalayan blackberry, and cotoneaster species were exhibiting invasiveness by covering large areas of land to the exclusion of most other plant species.



Wetlands and Other Waters of the United States

The aquatic resources field assessment was conducted on September 17 and 18, 2019 (Stantec 2019). The last appreciable rainfall prior to the start of the field assessment as recorded by the NRCS Climate Analysis for Wetlands Table Eureka 2.2 S weather station was 0.42 inch and occurred on September 16, 2019. On September 18, 2019, during the field assessment, 0.93 inch of rain was also recorded (NRCS 2019b). Plant species observed during field surveys were recorded using botanical nomenclature following *The Jepson Manual: Vascular Plants of California, Second Edition* (Baldwin et al. 2012). Nomenclatural changes made after the publication date of the Jepson Manual follow the Jepson eFlora (Jepson Flora Project 2019).

A total of 1.053 acres of wetlands and other waters (drainages) potentially under the jurisdiction of RWQCB, USACE, and/or CDFW were mapped in the study area; this includes 0.101 acre (56 linear feet) of riparian canopy potentially under the jurisdiction of CDFW.

Wetlands

The wetlands identified in the study area consist of six different vegetation alliances (Table 3.4-2). The most abundant vegetation type by feature is western rush (*Juncus occidentalis*) marshes, which are present in two wetlands and cover 0.042 acre. The second most abundant vegetation type is hedge nettle (*Stachys ajugoides*) marshes, which are present in two wetlands and cover 0.027 acre. One Pacific willow thicket (*Salix lasiandra*) was identified beyond the southwestern portion of the study area covering 0.227 acre. The wetland indicator status for the dominant species in each vegetation/wetland type is provided below (Lichvar et al. 2016).

Table 3.4-2: Summary of Wetlands by Vegetation Community

Scientific Name	Common Name	Cowardin Code(s) ¹	Acres
Palustrine Emergent			
<i>Stachys ajugoides</i>	Hedge nettle marshes	PEM1b	0.027
<i>Juncus occidentalis</i>	Western rush marsh	PEM1b	0.042
<i>Cyperus eragrostis</i>	Tall flat sedge marsh	PEM1b	0.007
<i>Scirpus microcarpus</i>	Panicled bulrush marsh	PEM1b	0.024
<i>Juncus bufonius</i>	Toad rush marsh	PEM1b	0.011
Subtotal			0.111
Palustrine Scrub-Shrub			
<i>Salix lasiandra</i>	Pacific willow thicket	PSS1a	0.227
Subtotal			0.227
TOTAL			0.338

Notes:

¹PEM1b = palustrine, emergent, persistent, temporarily flooded; PSS1 = palustrine, scrub-shrub, broad-leaved deciduous, and temporarily flooded. Codes based on Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish and Wildlife Service Report No. FWS/OBS/-79/31. Washington, D.C.



Palustrine Emergent Wetlands

Hedge Nettle Marshes

Two wetlands are classified as hedge nettle marshes. Both features are dominated by hedge nettle (obligate wetland species [OBL]) with minimal abundance of creeping buttercup (*Ranunculus repens*) (facultative species [FAC]), blue wildrye (*Elymus glaucus*) (facultative upland species [FACU]), and blackberry (FACU).

Western Rush Marshes

Two wetlands are classified as western rush marshes. All were dominated by western rush (facultative wetland species [FACW]), with a mixture of hedge nettle (OBL) and velvet grass (*Holcus lanatus*) (FAC).

Tall Flat Sedge Marsh

One wetland is classified as a tall flat sedge (*Cyperus eragrostis*) marsh. This feature was dominated by tall flat sedge (FACW) and co-dominated by hedge nettle (OBL), with a mixture of slender rush (*Juncus occidentalis*) (FAC) and curly dock (*Rumex crispus*) (FAC).

Panicled Bulrush Marsh

One wetland is classified as a panicled bulrush (*Scirpus microcarpus*) marsh. This feature was dominated by panicled bulrush (FACW) with a mixture of Italian rye grass (*Festuca perennis*) (FAC), creeping buttercup (FAC), and smaller populations of blackberry (*Rubus ursinus*) (FACU) and blue wildrye (FACU).

Toad Rush Marsh

One wetland is classified as a toad rush marsh (*Juncus bufonius*). This feature was dominated by toad rush (FACW) with bare ground as it was along an earthen access road.

Palustrine Scrub-Shrub Wetlands

Pacific Willow Thickets

One wetland is classified as a Pacific willow (*Salix lasiandra*) thicket. This shrub community is dominated by Pacific willow (FACW) and this stand is associated with a National Wetlands Inventory mapped freshwater pond; however, this area should be mapped as a fresh emergent wetland because there is no open water. This feature is located just beyond the southwestern portion of the study area but was surveyed based on proposed project activities and its proximity to adjacent aquatic features.

Other Waters

A total of two ephemeral drainages were identified in the study area and are potentially under the jurisdiction of the USACE, RWQCB, and CDFW. Based on topography and database research, all drainages mapped eventually drain into Ryan Creek. Both drainages are first order tributaries to Ryan Creek that ultimately drain into Humboldt Bay, which is a traditionally navigable water.



Riparian Canopy

A total of two riparian canopies were mapped, one along each drainage feature, for a total of 0.101 acre. Both areas were dominated by cascara buckthorn (*Frangula purshiana*) (FAC) patches. The riparian canopy vegetation was located along the top of bank, but also extended beyond the top of bank and ordinary high water mark. Other vegetation observed within the riparian canopies included red elderberry (*Sambucus racemose*) and western brackenfern (*Pteridium aquilinum*).

Plants and Wildlife

Wildlife was identified on-site during the biological surveys conducted in 2016 by SHN through one or more of the following: vocalization calls, scat, remains, or direct sight. Plants were also identified during biological surveys conducted in 2016 to determine the presence or absence of special-status species. Plants and wildlife with potential to occur in the study area and to which special regulatory status apply are discussed in the following section. Each species was evaluated for its potential to occur in the study area according to the following criteria:

- **None.** Species listed as having "none" are those species for which:
 - There is no suitable habitat present in the study area (that is, habitats in the study area are unsuitable for the species requirements [for example, elevation, hydrology, plant community, disturbance regime, etc.]).
- **Low.** Species listed as having a "low" potential to occur in the study area are those species for which:
 - There is no known record of occurrence in the vicinity, and
 - There is marginal or very limited suitable habitat present within the study area.
- **Moderate.** Species listed as having a "moderate" potential to occur in the study area are those species for which:
 - There are known records of occurrence in the vicinity, and
 - There is suitable habitat present in the study area.
- **High.** Species listed as having a "high" potential to occur on the study area are those species for which:
 - There are known records of occurrence in the vicinity (there are many records and/or records in close proximity), and
 - There is highly suitable habitat present in the study area.
- **Present.** Species listed as "present" in the study area are those species for which:
 - The species was observed in the study area.



Special Status Species

Special status species are those considered to be of management concern to state and/or federal resource agencies, including species:

- Listed as endangered, threatened, or candidate for listing under the ESA
- Listed as endangered, threatened, rare or proposed for listing under the CESA of 1970
- Designated as endangered or rare, pursuant to CFGC Section 1901
- Designated as fully protected, pursuant to CFGC Sections 3511, 4700, or 5050
- Designated as SSC by CDFW
- Meeting the definitions of rare or endangered under CEQA
- Plants ranked by the CNPS to be “rare, threatened or endangered in California” (CRPR 1A, 1B and 2)

Special Status Plant Species

During the May and July 2016 field surveys, all special status species potentially present in the proposed project area were targeted. The botanical surveys were floristic and seasonally appropriate to detect all of the special status plant species with a moderate to high potential for occurrence within the proposed project area. Forty-seven plant species were reported as existing within the Eureka and surrounding quadrangles (CDFW 2020a; CNPS 2020). A majority of the species recorded for the Eureka and surrounding 7.5-minute quadrangles do not have habitat present on-site, or the habitat on-site is of such low quality that it is not expected to support individuals of the species. Of the 47 species reported within the area, eight had a moderate or higher potential to exist on the property (Table 3.4-3). The complete special status species list is contained in Appendix C2.

Table 3.4-3: Special-Status Plant Species

Species	Status ¹ (Federal/ State/CRPR)	General Habitat Description and Blooming Period	Potential to Occur within Project Area
Vascular Plants			
Pacific golden saxifrage (<i>Chrysosplenium glechomifolium</i>)	NL/NL/4.3	North Coast coniferous forest, riparian forest/streambanks, sometimes seeps, sometimes roadsides. Elevation: 30–720 feet. Bloom: Feb–Jun.	Moderate. Suitable habitat occurs in the project area; however, this species was not observed during the 2016 botanical surveys.
Heart-leaved twayblade (<i>Listera cordata</i>)	NL/NL/4.2	Bogs and fens, lower montane coniferous forest, North Coast coniferous forest. Elevation: 20–4,490 feet. Bloom: Feb–Jul.	Moderate. Suitable habitat exists in the project area; however, the species was not observed during the 2016 botanical survey.



Species	Status ¹ (Federal/ State/CRPR)	General Habitat Description and Blooming Period	Potential to Occur within Project Area
Running-pine (<i>Lycopodium clavatum</i>)	NL/NL/4.1	Lower montane coniferous forest (mesic), marshes and swamps, North Coast coniferous forest (mesic)/often edges, openings, and roadsides. Elevation: 150–4,020 feet. Bloom: Jun–Aug (Sep).	Moderate. Suitable habitat exists in the project area; however, the species was not observed during the 2016 botanical survey.
Leafy-stemmed mitrewort (<i>Mitellastrum caulescens</i>)	NL/NL/4.2	Broadleaf upland forest, lower montane coniferous forest, meadows and seeps, North Coast coniferous forest/mesic, sometimes roadsides. Elevation: 20–5,580 feet. Bloom: (Mar), Apr–Oct.	Moderate. Suitable habitat exists in the project area; however, the species was not observed during the 2016 botanical survey.
Ghost-pipe (<i>Monotropa uniflora</i>)	NL/NL/2B.2	Broadleaf upland forest, North Coast coniferous forest. Elevation: 30–1,800 feet. Bloom: Jun–Aug (Sep).	Moderate. Suitable habitat exists in the project area; however, the species was not observed during the 2016 botanical survey.
Howell's montia (<i>Montia howellii</i>)	NL/NL/2B.2	Meadows and seeps, North Coast coniferous forest, vernal pools/vernally mesic, sometimes roadsides. Elevation: 0–2,740 feet. Bloom: (Feb), Mar–May.	Moderate. Suitable habitat exists in the project area; however, the species was not observed during the 2016 botanical survey.
Trailing black currant (<i>Ribes laxiflorum</i>)	NL/NL/4.3	North Coast coniferous forest/sometimes roadside. Elevation: 20–4,580 feet. Bloom: Mar–Jul (Aug).	High. Suitable habitat exists in the project area; however, the species was not observed during the 2016 botanical survey.
Maple-leaved checkerbloom (<i>Sidalcea malachroides</i>)	NL/NL/4.2	Broadleaf upland forest, coastal prairie, coastal scrub, North Coast coniferous forest, riparian woodland/often in disturbed areas. Elevation: 0–2,390 feet. Bloom: (Mar), Apr–Aug.	Moderate. Suitable habitat exists in the project area; however, the species was not observed during the 2016 botanical survey.

Notes:

¹Federal Status Codes:

FE = Federally Endangered Species; NL = Not Listed

State Status Codes:

SE = State Endangered Species; SR = State Rare Species; NL = Not Listed

California Rare Plant Rank Codes and Threat Ranks:

- 2B Plants rare, threatened, or endangered in California, but more common elsewhere.
- 4 Plants of limited distribution—a watch list.
- 0.1 Seriously endangered in California
- 0.2 Fairly endangered in California
- 0.3 Not very endangered in California

Source: CDFW 2020a



Although no special status plants were observed during botanical surveys in 2016, a discussion of potential plants that could occur are provided below based on habitat within the proposed project area and length of time since the last survey. Overall, based on the 2019 aquatic delineation of the study area, the site is still heavily disturbed and contains similar conditions as observed during the 2016 botanical surveys. None of these species were detected during the 2016 surveys (SHN 2016).

Pacific Golden Saxifrage

The pacific golden saxifrage (*Chrysosplenium glechomifolium*) is a perennial herb in the family Saxifragaceae. Its elevation range is reported from 10 to 220 meters in California and has a bloom period from February through June within its range in California. It is most commonly found within riparian forests and within the north coast coniferous forest, sometimes along seeps and roadsides. This species was not detected within the study area. Although habitat may exist locally for this species, habitat in the study area is marginal (SHN 2016).

Heart Leaf Twayblade

The heart leaf twayblade (*Listera cordata*) is a perennial herb in the family Orchidaceae. Its elevation range is reported from 30 to 1,180 meters in California; however, it is seldom seen lower than 40 meters. It has a wide bloom period from February through July within its range in California. It is usually found within freshwater wetlands within coniferous forests; however, it can also be found on drier sites within conifer duff. Although habitat may exist locally for this species, it was not detected within the study area during the 2016 surveys (SHN 2016) and habitat in the study area is marginal.

Running Pine

The running pine (*Lycopodium clavatum*) is a rhizomatous fern in the family Lycopodiaceae. Its elevation range is reported from 45 to 1,800 meters in California and has a bloom period from June through August. It is most common along edges, openings, and roadsides in mesic sites within coniferous forests, and can also be found in marshes and swamps. Running pine was not detected during the 2016 survey (SHN 2016). Although habitat may exist locally for this species, habitat in the study area is marginal.

Leafy Stemmed Miterwort

The leafy stemmed miterwort (*Mitellastrum caulescens*) is a perennial rhizomatous herb in the Saxifragaceae family. Its elevation range is reported from 5 to 1,700 meters above sea level. Within its range state-wide, its blooming period is reported as April through October. This species is reported from broadleafed upland forests, lower montane coniferous forests, meadows and seeps, mesic North Coast coniferous forests, and sometimes roadside habitats. Although habitat may exist locally for this species, it was not detected within the study area during the 2016 surveys (SHN 2016) and habitat in the study area is marginal.

Ghost Pipe

Ghost pipe (*Monotropa uniflora*) is an achlorophyllous parasitic perennial herb in the Ericaceae family. Its elevation range is reported from 10 to 550 meters in California and has a bloom period from June through August. It is found within mixed evergreen forests and redwood forest, usually on non-wetland sites. Ghost pipe hosts are mycorrhizal fungi. Although this species was observed approximately 0.5 mile away in 1971 and habitat may exist locally for this species; however, it was not detected within the study area during the 2016 surveys (SHN 2016) and habitat in the study area is marginal.



Howell's Montia

Howell's montia (*Mantia howellii*) is an annual herb in the Montiaceae family. Its elevation range is reported from 0 to 835 meters above sea level. Within its range state-wide, Howell's montia blooming period is reported as March through May. This species is reported from vernal mesic meadows and seeps, North Coast coniferous forests, and sometimes roadsides habitats. Although habitat may exist locally for this species, it was not detected within the study area during the 2016 surveys (SHN 2016) and habitat in the study area is marginal.

Trailing Black Currant

Trailing black currant (*Ribes laxiflorum*) is perennial deciduous shrub in the family Grossulariaceae. Elevation range for this species is reported from 5 to 1,395 meters in California and has a bloom period from March through July in California. Trailing black currant is primarily found within north coast coniferous forest. Although habitat may exist locally for this species, it was not detected within the study area during the 2016 surveys (SHN 2016).

Maple-leaved Checkerbloom

The maple-leaved checkerbloom (*Sidalcea malachroides*) is a perennial herb in the Malvaceae family. Its elevation range is reported from 0 to 730 meters above sea level. Within its range state-wide, its blooming period is reported as April through August. This species is reported from broadleaved upland forest, coastal prairie, coastal scrub, North Coast coniferous forests, and riparian woodlands, often in disturbed areas. Although habitat may exist locally for this species, it was not detected within the study area during the 2016 surveys (SHN 2016) and habitat in the study area is marginal.

Special Status Animal Species

During the May and July 2016 field surveys, all special status species potentially present (SHN 2016) in the study area were targeted. A total of 43 special status animal species were reported as occurring within the Eureka and six surrounding 7.5-minute quadrangles (Appendix C2), in addition to 19 migratory birds (Table 3.4-4). Of these species, 10 have a moderate or higher potential of occurring within the proposed project area, and two of the migratory birds have a moderate or higher potential of occurring within the proposed project area. A majority of the species recorded for the Eureka and surrounding 7.5-minute quadrangles do not have habitat present on site, or the habitat on-site is of such low quality that it is not expected to support individuals of the species. The complete special status species list is contained in Appendix C2.



Table 3.4-4: Special-Status Animal Species

Common Name (Scientific Name)	Status ¹ (Fed/State)	General Habitat Description	Potential To Occur
Reptiles and Amphibians			
Northern red-legged frog (<i>Rana aurora</i>)	—/SSC	Found in humid forests, woodlands, grasslands, and stream sides in northwestern California, usually near dense riparian cover. Breeds in perennial aquatic habitats including lakes, ponds, reservoirs and streams.	High. Two drainages within the project area provide suitable habitat for this species.
Southern torrent salamander (<i>Rhyacotriton variegatus</i>)	—/SSC	Inhabits shallow, cold, clear, well-shaded streams and seeps often associated with rock or talus and mature to old growth forests. Occasionally found in riparian vegetation.	Moderate. Marginal habitat occurs nearby, outside of the project area.
Birds			
Sharp-shinned hawk (<i>Accipiter striatus</i>)	NL/NL	Cismontane woodland, lower montane coniferous forest, riparian forest, riparian woodland.	High. Suitable habitat occurs within the project area.
Great egret (<i>Ardea alba</i>)	NL/NL	Brackish marsh, estuary, freshwater marsh, marsh and swamp, riparian forest, wetlands.	Moderate. No suitable nesting or foraging habitat in the study area but fly over is possible.
Great blue heron (<i>Ardea Herodias</i>)	NL/NL	Brackish marsh, estuary, freshwater marsh, marsh and swamp, riparian forest, wetland.	Moderate. No suitable nesting or foraging habitat in the study area, however, fly over is possible.
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	FT/SE	Nests in coastal old growth coniferous forests or coastal forests with old growth characteristics. Requires trees with nest platforms.	Moderate. There is no nesting habitat within the project area and any occurrence of this species onsite would be during flight to and from its nest located within appropriate old-growth forest inland.
Snowy egret (<i>Egretta thula</i>)	NL/NL	Marsh and swamp, meadows and seeps, riparian forest, riparian woodland and wetlands.	Moderate. No suitable nesting or foraging habitat, fly over is possible.
Bald eagle (<i>Haliaeetus leucocephalus</i>)	FD/SE, FP	Requires large bodies of water, or free flowing rivers with abundant fish and adjacent snags and large trees for perching and nesting.	Moderate. The project area does not provide suitable habitat and this species would only be seen in the project area during flyover to and from different feeding locations.
Osprey (<i>Pandion haliaetus</i>)	—/WL	Associated with large fish-bearing waters mainly in ponderosa-pine and mixed conifer habitats.	Moderate. The project area does not provide suitable nesting habitat and this species would only be seen in the project area during flyover to and from different feeding locations.



Common Name (Scientific Name)	Status ¹ (Fed/State)	General Habitat Description	Potential To Occur
Northern spotted owl (<i>Strix occidentalis caurina</i>)	FT/ST, SSC	In northern California, resides in stands of old growth or mature coniferous forest with multi-layered canopy and complex forest understory.	High. Habitat for this species is not present within the project area, and no spotted owls have been observed within 0.5 mile of the project area (CDFW 2020a). The dense third-growth redwood forest does not have the conditions necessary to support its species, with a dense single canopy preventing hunting by this species.

Notes:

¹Federal Status Codes: Federal Endangered (FE); Federal Threatened (FT); Federal Proposed Threatened (FPT); Federal Candidate (FC); Federal Delisted (FD); National Marine Fisheries Service Special Concern (FSC)

State Status Codes: State Endangered (SE); State Threatened (ST); State Candidate Endangered (SCE); State Candidate Threatened (SCT); State Fully Protected (FP); State Species of Special Concern (SSC)

Source: CDFW 2020a

The species with a moderate or higher potential of occurring within the proposed project area include the northern red legged frog (*Rana aurora*), southern torrent salamander (*Rhyacotriton variegatus*), sharp shinned hawk (*Accipiter striatus*), great egret (*Ardea alba*), great blue heron (*Ardea Herodias*), marbled murrelet (*Brachyramphus marmoratus*), snowy egret (*Egretta thula*), bald eagle (*Haliaeetus leucocephalus*), osprey (*Pandion haliaetus*), and the northern spotted owl (*Strix occidentalis caurina*). Habitat for some of these species was present within the study area; however, the great egret, great blue heron, marbled murrelet, snowy egret, bald eagle, and osprey do not have habitat present within the proposed project area, and only have a moderate potential of occurring on-site due to the possibility of flyover, while flying from nesting/roosting sites to foraging locations. No listed species reported as occurring within the Eureka and surrounding 7.5-minute quadrangles, or those with moderate or higher potential of occurring on-site were observed during the surveys.

Amphibians

Red-legged Frog

The northern red-legged frog is known to inhabit moist forests, woodlands, and streamsides in northwestern California. Northern red-legged frogs are usually found near permanent water but can be found far from water in damp woods during non-breeding seasons. Draws and seeps were surveyed for this species; however, northern red-legged frog was not observed during the surveys, possibly due to drier conditions at the time of the surveys. Examination of the drainages showed that they dried up during the summer months; however, the eastern-most of the two drainages had a trickle of water present in July 2016 survey. Substrate within the drainages was fine silt, mud, and sand, with no rocky substrate. Herbaceous vegetation cover was dense within the clearing for the power line right-of-way, with herbaceous cover diminishing within the dense cover of redwood on either side of the right-of-way. Larger drainages and waterways downslope from the proposed project represent higher quality habitat for the red-legged frog.

The nearest CNDDDB occurrence record (occurrence number 203, 2010) for this species is located approximately 1.5 miles southwest of the proposed project area (CDFW 2020a). Two drainages exist at the northwestern edge of the proposed project that are proposed to have portions filled for an extension



of Redwood Street. This area has the highest potential for the northern red-legged frog to occur within the proposed project area, and the filling of these drainages may decrease potentially suitable habitat. Although proposed project construction may impact potentially suitable habitat for this species, overall impacts for this species are anticipated to be less than significant.

Southern Torrent Salamander

Southern torrent salamanders are primarily aquatic but are capable of terrestrial activity during most days and nights. They are principally found within mixed conifer or redwood forests and prefer old growth conditions. Cold, well-shaded permanent streams and seepages or within splash zones or moss-covered substrate within trickling water are its primary habitats. Marginal habitat for this species is represented by the two drainages within the northwestern edge of the proposed project area. The western-most drainage dries up in the summer, precluding it from being year-round habitat for this species. The eastern drainage maintains a trickle of water through the summer months, potentially allowing it to sustain the southern torrent salamander throughout the year.

The nearest CNDDDB occurrence record (occurrence number 164, 2002) is located approximately 5 miles east of the proposed project area (CDFW 2020a). The lack of old growth forest structure and lack of rocky substrate make it unlikely that this species exists within these drainages, or within the proposed project area. Excellent habitat for southern torrent salamander species does exist nearby within Ryan Creek, the Ryan Creek wetland complex, and its larger tributaries. There is moderate potential for the southern torrent salamander to occur within the proposed project area, due to the presence of marginal habitat, and the proximity of the site to high quality habitat within Ryan Creek and some of its larger tributaries.

Birds

Marbled Murrelet

The marbled murrelet feeds near shore of the Pacific Ocean with a range along the pacific coast of California north into Alaska. It nests in old-growth redwood and Douglas fir forests within the County and requires large branches to provide a horizontal surface on which to build a nest. The marbled murrelet is known to travel from old-growth nesting sites over 6 miles from the coast to feeding grounds in the early morning returning in the evening.

There is no appropriate habitat for the marbled murrelet within the proposed project area and known occurrences are more than 5 miles away. The nearest CNDDDB occurrence (occurrence number 83, 1983) for this species is located approximately 8 miles east of the proposed project area (CDFW 2020a). All other CNDDDB occurrence records are located approximately 10 miles southeast of the proposed project area (CDFW 2020a). This species has low potential to fly over the proposed project area, traveling to and from its nest, since known occurrences are not in a direct line of site from nesting and foraging habitat. Therefore, the proposed project would have no effect on the marbled murrelet.

Bald Eagle and Osprey

The bald eagle and the osprey do not have nesting and/or foraging habitat within the proposed project area or vicinity and would only be seen in the proposed project area during flyover to and from different feeding locations. Bald eagles and osprey are known to nest around Humboldt Bay, located more than 0.5 mile from the proposed project area.



Ospreys hunt fish almost exclusively and require large dead snags overlooking a water body on which to construct their nest. No large water bodies or large dead snags exist within the proposed project area, precluding the existence of this species on-site. There is the potential for this species to flyover the proposed project area en route to Humboldt Bay or Ryan's Slough; however, due to the lack of habitat within the proposed project area, the construction of the proposed project would have no effect on the osprey.

The bald eagle has broader foraging habits than the osprey. They are known to nest in large live trees with thick branches that can support a nest weighing up to several tons. Habitat for the bald eagle is not present within the proposed project area, with no open hunting areas, or water bodies large enough to support the bald eagle. In addition, the third growth trees present across the proposed project area are not large enough to provide suitable nesting habitat. As such, there is still potential for this species to fly over the proposed project area while hunting or on the way to preferred hunting grounds around Humboldt Bay. Because suitable habitat for the bald eagle does not exist on-site, the proposed project would have no effect on this species.

Sharp-shinned Hawk

Sharp-shinned hawk prefer forest edges, and deep conifer forest habitat for nesting. Sharp-shinned hawks hunt within forests and are adept at swiftly maneuvering through a forest canopy while pursuing their prey of smaller songbirds. Although the sharp-shinned hawk was not observed during the surveys, habitat for this species does exist within the proposed project area; however, the dense forest growth may prevent the species from being present within some of the proposed project area. The nearest CNDDDB occurrence for this species is located more than 5 miles south of the proposed project area (CDFW 2020a). While the proposed project would result in a reduction of habitat for this species, the creation of forest edges associated with the proposed project and the introduction of suburban features may actually increase the habitat available to the sharp-shinned hawk.

Sharp-shinned hawks are known to thrive in forested areas near suburban development, as this hawk would hunt around backyard bird feeders and on bird species associated with more suburban settings. Because the proposed project proposes forested setbacks and forested open space, the proposed project could potentially improve habitat for this species, but more accurately would likely have little effect on the sharp-shinned hawk populations within the area.

Northern Spotted Owl

The northern spotted owl is known to inhabit the old growth redwood forests of northern California. The spotted owl hunts primarily rodents within complex forest canopies. The spotted owl prefers old growth forests with multiple canopy layers; they nest in cavities within large old trees. As the species has been studied, it has been seen to nest even in second-growth stands. While early seral stage forests represent marginal habitat, there is still the potential for the spotted owl to inhabit them.

Habitat for the spotted owl is not present within the proposed project area, and no spotted owls have been observed within 0.5 mile of the proposed project area (CDFW 2020a). The dense third-growth redwood forest does not have the conditions necessary to support the spotted owl, with a dense single canopy preventing hunting by this species. Even though it is unlikely that this species exists within the proposed project area, no clearing of the proposed project area would begin before a seasonally appropriate northern spotted owl survey has occurred across the entire proposed project area.



Migratory Birds

Of the 19 migratory birds listed as potentially nesting within the proposed project area, only two species had appropriate nesting habitat represented within the proposed project area. The purple finch (*Carpodacus purpureus*) and the yellow warbler (*Dendroica petechia*) have potential nesting habitat within the proposed project area. The purple finch is known to nest within shrubby areas, cool moist evergreen forests and suburban backyards. Nest placement is typically at the tip of conifer branches in a place that is protected by overhead branches. The yellow warbler is known to nest in thickets and other revegetating areas. While nesting habitat for both of these species would be disturbed during the construction of the proposed project, the completed proposed project would potentially increase the nesting habitat available to these species with the increased forest edge and shrubby growth.

3.4.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation in an EIR was warranted to ascertain whether the proposed project may:

- 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 CDFW or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS.
- Have a substantial adverse effect on federal protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal estuaries) through direct removal, filling, hydrological interruption, or other means.
- 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.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

3.4.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to biological resources. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.



Candidate, Sensitive, or Special Status Species

Impact BIO-1: **The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

Impact Analysis

The proposed project is expected to drastically change portions of the habitat found across the site, changing upland forest into a suburban development with necessary access roads, utilities, trails, and services. While this represents a large change within the study area, the forest found on-site has a history of disturbance and does not represent high quality habitat for any of the listed species. Given the proposed project's proximity to the City of Eureka and existing development, this location would continue to experience encroachment by human development and the associated impacts of being near a large population center. Because high quality habitat is not present for any of the listed species within the Eureka and surrounding 7.5-minute quadrangles, the conversion of this land does not represent a significant impact to the natural community of Humboldt County. The habitat found across the proposed project is very common across the County, following the timber harvest and regeneration of stands. Forest structure is simple, and habitat value is low; however, this forest type represents a transition into an older forest structure that can eventually become more complex and begin to have a higher habitat value for more species.

The proposed project would have minimal impact on Ryan Creek and the Ryan Creek wetland complex, as proposed project construction would maintain a 100-foot buffer from the 30 percent break in slope (where feasible), preventing erosion and removal of trees within the steep slope above the creek. In addition, the two drainages proposed to be crossed by Redwood Street would have appropriate crossings to minimize impacts to wildlife that utilize the habitat found in the drainages surrounding the proposed project area. Forested open space corridors would be maintained throughout the proposed project area that would facilitate wildlife movement, would maintain nesting sites for birds within the proposed project area, and would minimize the impacts to the species found within the proposed project area by providing refugia within the proposed project area.

Special-status Wildlife

Although no special status species were observed during biological surveys, the proposed project area does contain suitable habitat for special status species, including northern red-legged frog, southern torrent salamander, and sharp-shinned hawk. Suitable habitat does occur within the proposed project area for special status wildlife, in addition to nesting birds and roosting bats. Although suitable habitat does occur within the proposed project area, based on the frequent and historical disturbance of the site the habitat that exists is not high quality. To ensure special status species are not impacted by construction activities, the proposed project would implement MM BIO-1 and MM BIO-2 described below. With implementation of these mitigation measures, including preconstruction surveys and focused surveys to ensure no special status species are present during construction activities, proposed project impacts are anticipated to be less than significant.



Special-status plants

The proposed project area was surveyed for special-status plant species listed as potentially occurring within the proposed project area. While habitat for special-status plant species did exist within the proposed project area, no special-status plant species were observed during appropriate bloom period surveys. This is most likely due to the fact that the habitat found on-site is of low quality and has been heavily manipulated. Large portions of the proposed project area are forested in dense third-growth redwood forest. The forest floor under the dense canopy receives almost no direct sunlight, and in many places was completely devoid of understory vegetation growth. The conditions within the forested habitat throughout the proposed project area may preclude the existence of some of these species.

Forest openings, trails, the area around the baseball fields, and the powerline right-of-way present habitat area for the maple-leaf checkerbloom, as it requires disturbed openings. No maple-leaf checkerbloom plants were found on-site, nor is it expected that there were any missed, due to the high level of brush and competing vegetation within the available forest openings. Many of the seeps and small drainages were surveyed during the survey for potential habitat of the pacific golden saxifrage, leafy stemmed miterwort, Howell's montia, heart-leaf twayblade and the running pine; however, none of these species were observed in any of the seeps or drainages within the proposed project area. Potential habitat was present; however, many of the wet areas were becoming increasingly shaded by young coast redwood canopy, with many of the seep areas supporting little vegetation.

An observation of the ghost pipe has been recorded approximately 0.5 mile northwest of the nearest corner of the proposed project area. The observation was recorded in 1971, prior to the latest timber harvest. The 2016 surveys were conducted within the appropriate blooming period of this species, and this species was not observed, and is not expected to exist on-site, due to the history of disturbance within the proposed project area.

The botanical surveys were conducted within the appropriate bloom period of all the previously mentioned listed species with potential habitat within the proposed project area. No listed botanical species were observed within the proposed project area during the 2016 botanical surveys, nor are they expected to exist within the proposed project area due to the disturbed nature of the area, and lack of high-quality habitat. Based on these results, proposed project impacts to special status plants are anticipated to be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM BIO-1: Nesting Bird Surveys: In order to avoid Take of any nesting species, any clearing associated with the proposed project shall occur outside of the nesting period for migratory birds, typically from March 1 through August 15 (California Department of Fish and Wildlife [CDFW] Fish and Game Code 3503, 3503.5, and 3513, and Federal Migratory Bird Act 16 United States Code [U.S.C] 703 et seq.). If clearing is to occur within the nesting window of migratory birds, CDFW and the U.S. Fish and Wildlife Service (USFWS) shall be consulted to assess the potential for Take of active nests, or a focused nesting bird survey would need to take place immediately prior to and within the area of the proposed clearing. Pre-construction surveys for nesting pairs, nests, and eggs



shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. Focused survey for spotted owls within the nesting season shall be conducted prior to site clearing. If active nests are encountered, species specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.

MM BIO-2: Amphibian Surveys: Project activities in areas near riparian and seasonally wet areas that provide amphibian habitat shall occur from July 15 through October 31 to minimize potential impacts to northern red-legged frog and southern torrent salamander. Focused surveys for northern red-legged frog and southern torrent salamander shall be conducted during appropriate weather conditions. To mitigate potential impacts to these species, the proposed project shall remediate degraded areas from past use of the proposed project area within slopes above Ryan Creek (where feasible), and within forested open space areas proposed within the proposed project area (where feasible).

Level of Significance After Mitigation

Less Than Significant With Mitigation Incorporated.

Riparian Habitat or Natural Communities

Impact BIO-2: The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Impact Analysis

A total of 0.101 acre of riparian habitat occurs along two drainage features within the proposed project area. Riparian habitat associated with these drainages would be temporarily and permanently impacted during construction. It is anticipated that 0.050 acre of riparian habitat would be temporarily impacted, and 0.041 acre would be permanently impacted. Riparian habitat within the proposed project is dominated by cascara buckthorn (*Frangula purshiana*). The riparian canopy vegetation was located along the top of bank but also extended beyond the top of bank and ordinary high water mark. Other vegetation observed within the riparian canopies included red elderberry (*Sambucus racemose*) and western brackenfern (*Pteridium aquilinum*).

The proposed project would implement MM BIO-3 and MM BIO-4 to mitigate for impacts to riparian vegetation. All mitigation would occur onsite and would be replaced at a 1:1 ratio. The proposed project would prepare a revegetation mitigation and monitoring plan that would detail the exact location, species and number of plants, irrigation requirements and future monitoring needs to ensure survival of planted species. In addition, MM HYD-1, Prepare a Stormwater Pollution and Prevention Plan (SWPPP) and MM HYD-3, Prepare a Low Impact Development Plan, would implement BMPs and features such as bioswales to control potential runoff and sediment from the project area into riparian areas. With implementation of these mitigation measures, impacts to riparian habitat and natural communities are anticipated to be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM BIO-3: Permit Requirements: Prior to filing a map, the Applicant shall consult with the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (USACE) regarding requirements for state and federal permit applications, including a 1602 Lake and Streambed Alteration Agreement (SAA) from the CDFW, a 401 Water Quality Certification from the RWQCB and/or a 404 Nationwide Permit from the USACE. If any permits are required, the Applicant shall submit the permit application to the respective agency and shall abide by all permit conditions. For impacts to waters of the U.S. and/or waters of the State, a revegetation mitigation and monitoring plan shall also be prepared. It is anticipated that additional special-status species surveys and/or monitoring may also be implemented as part of some of these permit conditions.

MM BIO-4: Riparian Replanting: Riparian vegetation shall be mitigated at a 1:1 impact ratio. Local native riparian vegetation would be replanted along non-impacted creek segments within the proposed project site.

MM HYD-1 and MM HYD-3 would also be required.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation Incorporated.

Protected Wetlands

Impact BIO-3: The proposed project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Impact Analysis

Approximately 0.338 acre (14,723 square feet) of wetlands exist within the proposed project area. An estimated 0.168 acre (7,318 square feet) of the wetlands (50 percent) would be temporarily (0.017 acre) and permanently (0.151 acre) impacted by the proposed project and project-related activities. This includes smaller isolated wetlands and a large wetland draining Arbutus Street in the southern portion of the proposed project. Wetlands impacts are associated with fill as part of the proposed project. Wetlands to be impacted include freshwater emergent wetland as well as freshwater forested/scrub wetland within the large wetland and manipulated/disturbed isolated freshwater emergent wetland. The proposed project would impact approximately 0.168 acre of waters of the U.S. (wetlands) and 0.067 acre of waters of the State (other waters). Wetlands within the proposed project consisted of western rush marshes, hedge nettle marshes and Pacific willow thicket. These wetlands are isolated features, not associated or within the floodplain of an intermittent drainage.

The proposed project would mitigate wetland impacts at a 1:1 replacement ratio as described in MM BIO-4 above. Wetlands expected to be impacted by the proposed project and project-related activities are estimated as being 7,318 square feet. A 1:1 replacement ratio would result in the creation of 7,318 square feet of wetlands. Wetland mitigation areas would be contoured and planted with native wetland vegetation to create wetlands of equal or greater value than those being lost as a result of the proposed project. Any wetland mitigation would be created within upland areas to ensure that additional wetland area is not lost. Wetlands created would be of the same type as those lost. Loss of wetland buffer around the southern



wetland as a result of the Arbutus Street extension would be mitigated through existing wetland enhancement and revegetating the highly eroded logging road within the northern portion of the proposed project area. Existing wetland should be enhanced with the removal of non-native vegetation and planting of native hydrophytes. In addition, temporary fencing should be installed prior to construction to prevent additional wetland disturbance or accidental encroachment during construction. Wildlife-friendly fencing should be installed to prevent accidental human encroachment into wetlands following completion of the proposed project.

A 1602 SAA from the CDFW, a 401 Water Quality Certification from the RWQCB and/or a 404 Nationwide Permit from the USACE may be required as discussed above in MM BIO-3 if the proposed project impacts waters of the U.S. and/or waters of the State. With implementation of mitigation measures, it is anticipated that the proposed project would result in less than significant impacts to wetlands.

The proposed project would implement MM BIO-3 above, along with MM BIO-5 and MM BIO-6 below to mitigate for impacts to wetlands. Specifically, wetlands would be created within an upland area associated with the ball fields that is currently partially forested with third-growth redwoods, and partially covered in gravel. The wetland mitigation would be situated within an open space area and would enhance the habitat value of the open space lands.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM BIO-5: Wetland Creation: Wetland creation shall replace wetlands impacted by the proposed project at a 1:1 ratio with wetlands of equal or better quality. Wetlands shall be designed to provide habitat within an urbanized setting. This shall include proper fencing, vegetation screening, and signage.

MM BIO-6: Wetland Enhancement: Existing wetlands currently have high levels of invasive species dominance, and in many places have historic fill placement. Part of the mitigation shall include restoration of the remaining wetlands onsite following installation of the Arbutus Street extension. This shall include invasive species removal, native plant installation, and where appropriate, removal of historic fill. In addition, existing wetlands shall be connected to the proposed mitigation wetlands for habitat connectivity. This shall include stormwater and wildlife crossing culverts in locations where the wetland would be crossed by the proposed Arbutus Street extension.

MM BIO-3 would also be required.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation Incorporated.



Fish and Wildlife

Impact BIO-4: **The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**

Impact Analysis

Potential impacts to special status wildlife is low based on the frequent and historical disturbance of the site and proposed project construction. To ensure special status species are not impacted by construction activities, the proposed project would implement MM BIO-1, MM BIO-2, and MM BIO-3 described above. With implementation of these mitigation measures, including preconstruction surveys and focused surveys, the proposed project impacts would be less than significant.

Conducting the clearing of the site outside of the nesting period for migratory birds would eliminate any take or destruction of bird nests by the construction of the proposed project. Performing preconstruction surveys for amphibians during the appropriate season along unnamed tributaries would minimize potential impacts and take to northern red-legged frog and southern torrent salamanders. The widespread existence of third-growth redwood forest throughout the County and the relative size of this proposed project would not result in substantial cumulative reduction in third-growth upland redwood forest habitat.

Two tributaries of Ryan Creek are proposed to be crossed by an extension of Redwood Street. It is estimated that each crossing would cover an average of 68 linear feet of the tributaries for a total impact of 136 linear feet. Although these tributaries do not provide habitat for special status fish, they are direct tributaries to Ryan Creek, which is considered critical habitat for steelhead (*Oncorhynchus mykiss*) (USFWS 2020) and also contains state and federally listed coho salmon-southern Oregon/northern California ESU. With implementation of mitigation measures BIO-7 and BIO-8 discussed below, the proposed project impacts to fish and wildlife would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM BIO-7: **Ryan Creek Tributaries:** The 100-foot setback (where feasible) from the 30 percent break in slope designated as non-buildable to reduce erosion and removal of trees thereby reducing impacts to Ryan Creek and associated wetlands. The Ryan Creek tributary crossing impacts shall be minimized by using large half-round culverts and mitigated by recontouring the deteriorating logging road within the northern portion of the proposed project.

MM BIO-8 **Stream Stabilization:** Two stream crossings are proposed as part of the proposed project. Crossings shall be designed to facilitate wildlife movement and shall be designed to minimize impacts to the streams. The crossings are anticipated to impact 68 linear feet of each stream, for a total of 136 linear feet of impacts. Crossings shall be mitigated by the recontouring and stabilization of a former logging road, which contains approximately 727 linear feet of highly eroded terrain. In addition, the former roadway shall be planted with native vegetation to facilitate habitat creation on the slope as mitigation for reduced wetland buffers along the Arbutus Street access.

MM BIO-1, MM BIO-2, and MM BIO-3 would also be required.



Level of Significance After Mitigation

Less Than significant Impact With Mitigation Incorporated.

Local Policies or Ordinances

Impact BIO-5: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis

The proposed project would result in conversion of 59.27 acres of forest land for development of residential and commercial uses. Approximately 21.73 acres would be conserved as forest land and dedicated to the County as open space. As discussed in this section and Section 3.11, Land Use and Planning, the proposed project would not conflict with any local policies or ordinances protecting biological resources.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Conservation Plans

Impact BIO-6: The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact Analysis

The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan as there is no such plan adopted by the County (Humboldt County 2017c).

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



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3.5 CULTURAL RESOURCES

This section describes the environmental and regulatory setting for cultural resources. It also describes existing conditions and potential impacts on cultural resources that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible. The analysis in this section is based on the reports listed below.

- A Cultural Resources Investigation for the McKay Ranch Subdivision, Located in Eureka, Humboldt County, California, prepared by Roscoe and Associates in 2017
- A Cultural Resources Investigation of the Eureka Kramer Water Tank Location Final Report, prepared by Archaeological Research and Supply Company in 2020

The cultural resources documentation supporting this section is provided in confidential Appendices D1 and D2.

3.5.1 Environmental Setting

Natural Environment

The proposed development site and sewer line project site is in Cutten, California, an unincorporated, rural community within the County, immediately south of the southern boundary of the City of Eureka. It is approximately 2.5 miles south of Humboldt Bay, 2.5 miles southeast of downtown Eureka and U.S. Highway 101, and less than 0.5 mile southeast of Sequoia Park. The project is situated in a young redwood forest of mostly second and third growth trees (Roscoe & Associates 2017). The surrounding land uses include forest land to the north, east, and south of the project site, and a park and existing residences to the west of the project site. The timber lands surrounding the project site have historically been used for commercial timber uses and currently remain undeveloped. The water storage tank site is located in Eureka, California, approximately 2 miles south of the proposed development site and sewer line project site. The property is currently utilized as a municipal facility parcel with an existing community water tank (Archaeological Research and Supply Company 2020).

Prehistory

Evidence of prehistoric peoples in northwest California begins during the Pleistocene/Holocene transition (11,500–8000 calibrated [cal] Before Christ [BC]) with fluted point assemblages from the Clear Lake basin (Hildebrandt 2007:83). Aside from these fluted (Clovis-like) projectile points and chipped stone crescents found at the Borax Lake site near Clear Lake (LAK-36), well-defined Post Pattern assemblages dated to the Pleistocene/Holocene transition have not been found elsewhere in northwest California. Isolated artifacts possibly dating to this early period lack diagnostic items and context; because of this, very little is known about the adaptive system they represent (Hildebrandt 2007:87).

The Borax Lake Pattern, the Early Berkeley Pattern, and coastal manifestations all figure prominently during the Early Holocene (8000–5000 cal BC). The Borax Lake Pattern is characterized by large, wide-stemmed projectile points with indented bases, serrated bifaces, ovoid flake tools, hand stones, milling slabs, and edge-flaked spalls in Trinity and Humboldt Counties (Hildebrandt 2007:89–90). One Borax Lake Pattern site found near the ocean (HUM-513/H) lies on a coastal prairie about 2 kilometers from the coast. However, this site lacks shellfish or any other marine indicators, and appears to be a short-term



hunting camp, perhaps focused on the acquisition of Roosevelt elk (Hildebrandt 2007:90). The Early Berkeley Pattern provides the first evidence of more stable, long-term settlements (Fredrickson 1974, 1984; White et al. 2002). The initial Mostin Phase (ca. 6500–4300 cal BC) is defined by Houx contracting-stemmed and square-stemmed points, formalized burial patterns, pestles, and acorn macrofossils (Hildebrandt 2007:90).

The Mendocino Pattern (3000 cal BC–cal Anno Domini [AD] 500) is the most prominent cultural pattern to develop in the Middle Holocene (5000–2000 cal BC) in northwest California. It is characterized by side-notched, corner-notched, and concave-base dart points, hand stones and milling slabs, various types of flake tools, cobble tools, and some cobble mortars and pestles. The majority of Mendocino Pattern sites throughout northwest California appear to be seasonal, temporary hunting camps or short-term forager residential bases occupied by people with a largely terrestrial subsistence orientation (Hildebrandt 2007:91).

The Berkeley Pattern, recognized as far back as the Early Holocene, is the predominant cultural pattern moving into the Late Holocene (post 200 cal BC). After a hiatus in the archaeological record, this Pattern re-emerges around 1200 cal BC and continues until about cal AD 800, in a series of phases (Creager, 1200–600 cal BC; Houx, 600 cal BC–cal AD 100; and Redbud, cal AD 100–800) (White et al. 2002). However, the Berkeley Pattern does not spread north of central Mendocino County, as Mendocino Pattern indicators appear to have persisted until about 1,500 years ago in the northern counties (Hildebrandt 2007:93). However, the primary subsistence of this Pattern, fishery, contributed to the subsistence system of surrounding groups, including the upland people associated with the Mendocino Pattern (White et al. 2002; Hildebrandt 2007:92).

Toward the end of the Late Holocene, the Augustine Pattern and the Gunther Pattern (both post cal AD 500) figure prominently in northwest California. The Augustine Pattern is most prominent in the southern portion of northwest California, particularly Sonoma County. The Gunther Pattern is most prominent along the northern coast, and the artifact assemblage of this Pattern focuses on fishing-related tools, including Gunther barbed projectile points, ground and polished stone artifacts, pestles, and notched net sinkers. Gunther Pattern sites suggest a more sedentary lifestyle than the Mendocino Pattern of the Middle Holocene, with well-defined houses, cemeteries, artifact caches, and midden/refuse areas (Hildebrandt 2007:93–94).

Ethnography

The project site is located within the ethnographic territory of the Wiyot. Wiyot, along with Yurok, constitutes the Algonquian language as represented in California. At some point in the distant past, the ancient forms of Wiyot (and Yurok) speech were brought into northwestern California, though not necessarily at the same time. The common ancestral form from which Wiyot, Yurok, and Proto-Algonquians derived was never spoken in California, so the ancestral forms of these languages must have been separate when they were still somewhere to the east or north (Shipley 1978:82; see Kroeber 1925:113, Figure 9).

According to Kroeber, Wiyot territory fell into three natural divisions: the lower Mad River, Humboldt Bay, and the lower Eel River, each with their own distinct names (Kroeber 1925:112). Although this territory is predominated by water, the Wiyot did not depend on the ocean as much as would seem natural for either subsistence or travel; rather, they often lived near “still waters,” such as Humboldt Bay and the mouths of the Eel and Mad Rivers (Elsasser 1978:156).



Like other northwestern Californians, the Wiyot did not have formal tribal organization or clans. They did, however, carry out elaborate ceremonies, such as the “World Renewal” or “Big Time” dance, which involved recitations, displays, and dances with elaborate costumes (Elsasser 1978:159).

In addition to sea resources, such as mollusks and sea lions, the Wiyot also fished, processed acorns, and gathered local berries (especially huckleberries) for sustenance. A typical Wiyot settlement would include residential houses (usually occupied by two or more families) and a sweathouse (Elsasser 1978:158).

The Wiyot have suffered more than other native groups of northwestern California in terms of dispossession and displacement during the past century. Wiyot tribal land, a favorable coastal area, was immediately recognized as such by settlers, who chose to use the area for modern commerce. The Wiyot were displaced much later than other Native American tribes in California (starting in the 1850s), but just as harshly. Conflicts with settlers in the early 1860s decimated nearly the entire Wiyot population (Elsasser 1978:161–162).

History

The following historical discussion is adapted from Roscoe & Associates’ (2017) cultural resources report prepared for this project (Appendix D1), unless otherwise referenced.

Due to the densely timbered tracts of land that extended from the coast to the interior (Archaeological Research and Supply Company 2020), Euro-American and Mexican settlers did not settle as quickly in northwest California as they did in other parts of California, such as Southern California. Although European ships had been investigating California’s north coast since the early 16th century, the first record of Humboldt Bay’s discovery is from 1806, when the O’Cain, an American ship chartered by a Russian-American company, explored this portion of the coastline (Archaeological Research and Supply Company 2020).

The first permanent American frontier settlement in this area dates to 1850, when Josiah Gregg led an overland expedition into the Bay (Archaeological Research and Supply Company 2020). Shortly afterward, Humboldt and Trinidad Bays became shipping points for people and supplies heading to the interior to search for placer gold deposits along the Trinity and Klamath Rivers. Humboldt Bay also became a shipping point for redwood lumber, and as logging operations progressed inward from the coast, the methods for transporting lumber also progressed. Early “skid roads” made of parallel logs to move timber using oxen eventually made way for early “railroads” comprised of peeled poles laid end to end and pulled by oxen, horses, or mules, to the use of the “steam donkey”, which was used to pull logs to a landing to make transport easier. First applied in 1882 by Humboldt County resident John Dolbeer, the steam donkey also acted as a pile driver and could be mounted onto small locomotives called “gypsies” (Archaeological Research and Supply Company 2020).

In 1888, McKay and Company acquired timberland on Ryan Slough and began building a logging railroad up the creek to Eureka Slough (Archaeological Research and Supply Company 2020). From Eureka Slough, the logs traveled to the Occidental Mill, which was located on the Eureka waterfront. The initial 5 miles of track (from 1889) expanded after 2,400 acres of land were purchased from the Pacific Lumber Company in 1911. However, the Great Depression cut production, and the Occidental Mill ceased operation in 1932. A fire in 1934 destroyed the uninsured mill, which resulted in the termination of McKay and Company (Archaeological Research and Supply Company 2020).



In 1967, Georgia Pacific acquired the land on which the project site is located and replaced most of the former railroad grades with truck roads. Since then, the Green Diamond Resource Company has managed the timber production in this area. More recently, portions of the land were purchased by Kramer Properties.

3.5.2 Regulatory Setting

California Environmental Quality Act

CEQA, as codified in PRC Section 21000 et seq. and implemented via the CEQA Guidelines (14 CCR Section 15000 et seq.), is the principal statute governing the environmental review of projects in the State. The CEQA Guidelines define a historical resource as:

1. A resource in the California Register of Historical Resources (CRHR);
2. A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

The CRHR is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). The criteria for eligibility to the CRHR are based on National Register of Historic Places (NRHP) criteria and set forth in PRC Section 5024.1(b). Certain resources are determined by the statute to be automatically included in the CRHR, including California properties formally eligible for or listed in the NRHP.

Following CCR 15064.5, to be eligible for the CRHR as a historical resource, a prehistoric or historic-period resource must be significant at the local, state, and/or federal level under one or more of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history.

For a resource to be eligible for the CRHR, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. A resource that does not retain sufficient integrity to meet the NRHP criteria may still be eligible for listing in the CRHR.



CEQA requires lead agencies to determine if a Project would have a significant effect on important historical resources or unique archaeological resources. If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, then the site may meet the threshold of PRC Section 21083 regarding unique archaeological resources. A unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC Section 21083.2 [g]).

The CEQA Guidelines note that if a resource is neither a unique archaeological resource nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (CCR § 15064.5[c][4]). However, if it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require that reasonable efforts be taken to preserve these resources in place or provide mitigation measures.

Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017, contains several policies that directly apply to cultural resources, including the following:

Goal CU-G1. Protection and Enhancement of Significant Cultural Resources. Protected and enhanced significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations.

- **Policy CU-P1: Identification and Protection.** The potential for impacts to significant cultural resources shall be identified during ministerial permit and discretionary project review, impacts assessed as to significance, and if found to be significant, protected from substantial adverse change per California Public Resources Code (PRC) §5020.1.
- **Policy CU-P2: Native American Tribal Consultation.** Native American Tribes (as defined below in CU-S3) shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. Consultation on ministerial permits shall be initiated if it has been determined the project may create a substantial adverse change to a significant cultural resource. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural resources located in project areas within their respective tribal geographical area of concern.



- **Policy CU-P3: Consultation with Other Historic Preservation Agencies and Organizations.** Historic preservation agencies and organizations shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. These include, but may not be limited to, the County's Cultural Resources Advisory Committee, Humboldt County Public Works Department and the Planning and Building Divisions, the Northwest Information Center of the California Historical Resources Information System (NWIC), the California Office of Historic Preservation, the Native American Heritage Commission, local historical societies, museums, colleges and universities, and incorporated cities historic preservation commissions or committees for their respective LAFCO sphere of influence, and local historians, cultural resources consultants and historic preservation staff affiliated with various state and federal agencies.
- **Policy CU-P4: Avoid Loss or Degradation.** Projects located in areas known or suspected to be archeological sites or Native American burial sites shall be conditioned and designed to avoid significant impacts to significant sites, or disturbance or destruction to Indian burial grounds. Preserving Native American remains undisturbed and in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) are feasible. Conditions of approval shall include standard provisions for post-review inadvertent archaeological discoveries and discovery and respectful treatment and disposition of Native American remains with or without funerary objects in accordance with state law (Health and Safety Code (HSC) §7050.5 and PRC §5097.98).
- **Policy CU-P5: Findings Necessary for Loss or Destruction.** Substantial adverse changes to significant cultural resources shall not be allowed through a ministerial or discretionary action unless:
 - a. The cultural resource has been found not to be significant based on consultation with culturally affiliated Native American Tribe(s) and other historic preservation agencies and organizations as required by CU-P2 and CU-P2x; or
 - b. There is an overriding public benefit from the project, and compensating mitigation to offset the loss is made part of the project.
- **Policy CU-P6: Mitigation.** Mitigation measures shall be required for any permitted project or County action that would adversely impact significant cultural resources.

Additionally, the following standards from the Humboldt County General Plan would apply to the proposed project:

- **Standard CU-S1: Significant Cultural Resources Defined.** Significant cultural resources include, but are not limited to, any object, building, structure, site, district, area, or place that is culturally, historically, or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Humboldt County, the State of California or the Nation. Sites, resources, or structures listed in federal, state, or local registration programs, or formally determined eligible for listing, or that meet the criteria for listing in the California Register of Historical Resources as well as those cultural resources determined to be significant by a lead agency shall also be recognized as significant cultural resources. Significant cultural resources also include Tribal Cultural Resources defined by the 2014 Assembly Bill 52 (Native Americans: CEQA), Native American Sacred Sites such as sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines and Native American Historic Resources such as any historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register, including any "historic or prehistoric ruins, any burial grounds, and any archaeological or historic sites" (PRC §5097.9 and §5097.993).



- **Standard CU-S2: Confidentiality.** As prescribed by California Public Records Act, Government Code § 6250 et seq., and the Information Practices Act of 1977, Civil Code §1798 et seq, the exact location of Native American grave sites, burial grounds, sacred sites, sensitive cultural places, and prehistoric and historic archaeological sites shall not be publicly disclosed in order to prevent the possibility of theft or vandalism.
- **Standard CU-S3: Cultural Resources Community.** The cultural resources community includes:
 - A. Native American Tribes, defined as federally recognized and non-recognized tribes and tribal organizations that have ancestral lands in Humboldt County that are on the contact list maintained by the Native American Heritage Commission; and, the appointed Tribal Historic Preservation Officer (THPO) of such tribes.
 - B. Historic preservation agencies and organizations referenced in CU-P2x.
 - C. Other interested parties who have requested in writing to be notified of such matters.
- **Standard CU-S4: Conditioning, Designing, or Mitigating Projects to Avoid Loss or Reduce Impacts to Archaeological Resources.** Conditioning, designing, and/or mitigating projects to avoid or reduce impacts to archaeological resources, significant for their cultural value to descendent communities and/or scientific value shall consider the following options:
 - A. **Avoidance.** Design projects involving any ground disturbance to avoid known archaeological sites, or
 - B. **Capping.** Provide protective cover (e.g. cap with geotextile material and/or other barrier and cover with imported fill soil using light-weight rubber tired equipment) and confine development to the protective cover for all or portions of known sites that cannot be feasibly avoided, after the site has been adequately characterized (depth, area, constituents) and reported on using appropriate scientific excavation techniques, or
 - C. **Data Recovery.** Where site avoidance or capping is infeasible, design and implement a research design guided mitigation excavation program, in consultation with culturally affiliated Tribe(s) or other descendant groups, as appropriate, under the direction of a professional archaeologist knowledgeable about regional archaeology, to recover and document significant scientific information that would otherwise be lost by project implementation. Preserving Native American remains undisturbed in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) is (are) feasible.
 - D. **Conservation Easements.** Voluntary deeding of the site into a permanent conservation easement.
 - E. **Standard Conditions and Notations for Inadvertent Archaeological or Native American Remains Discoveries.** In addition, for discretionary projects and ministerial permits that involve ground disturbing activities, the following measures shall be included as standard conditions of approval or as notations to be placed on development plans:

“The project site is not located within an area where known archaeological sites have been identified. However, as there exists the possibility that undiscovered archaeological resources may be encountered during construction activities, the following post-review, inadvertent archaeological discovery measures are required under state and federal laws:

If archaeological resources are encountered, all ground disturbing work at the find location plus a reasonable buffer zone must be immediately suspended, the approving County



department contacted, and a qualified professional archaeologist retained to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, and protective cover) in consultation with culturally affiliated tribes or other descendant groups, where applicable.

Pursuant to California Health and Safety Code §7050.5, if known or suspected Native American or other human remains are encountered, all ground-disturbing work must cease in the vicinity of the discovery, and the County Coroner contacted. The respectful treatment and disposition of remains and associated grave offerings shall be in accordance with PRC §5097.98.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.”

- **Standard CU-S5: Professional Archaeologist Qualification Standards and Practices.** For the purpose of this chapter, a professional archaeologist meets the Secretary of the Interior’s Professional Qualification standards for Archaeology Principal Investigator and the explicit education and experience qualification standards adopted by the Society for California Archaeology in 2012. The professional archaeologist shall make a good faith effort to inform and include the descendant community in all aspects of their work, as applicable, to respect sensitive or confidential information, and to integrate the community’s policies and practices in respectful handling of archaeological material.

3.5.3 Methodology for Analysis

The entire project (proposed development site, proposed sewer line, and water storage tank site) was considered as the limits of physical disturbance in relation to the geographical extent of where project actions could be implemented. Potential effects on significant cultural resources (historical resources and “unique archeological resources”, eligible for the NRHP or CRHR) were evaluated based on the background research and literature review conducted for the project, a review of the project description, and the archaeological field surveys completed for the proposed project.

As discussed above, under CCR §15064.5, the impact analysis focuses on impacts to historical resources and “unique archeological resources”. For this reason, non-unique archaeological resources need not be given in depth consideration; a lead agency can simply record its existence.

Records Search and Literature Review

On November 6, 2016, Roscoe and Associates conducted a formal records search at the NWIC of the California Historical Resources Information System (CHRIS), Sonoma State University, Rohnert Park, to obtain the records for previously recorded resources and studies conducted within 0.5 mile of the project. On March 25, 2020, Archaeological Research and Supply Company conducted a formal records search at the NWIC for the water storage tank site. (Roscoe & Associates 2017; Archaeological Research and Supply Company 2020).

No resources were identified within the project sites. Two historic-era built-environment resources were identified within 0.5 mile of the project sites:

- **P-12-002316:** St. Joseph’s Hospital, located approximately 2,600 feet north of the proposed development site and proposed sewer line and over 2.5 miles north of the water storage tank site.



- **P-12-0001987:** The McKay & Co. Railroad, located approximately 1,000 feet east of the proposed development site and proposed sewer line and adjacent to but outside the water storage tank site.

Two previous cultural resource studies included portions of the project site:

- **S-42081, Launi, S. 1998.** *Confidential Archaeological Addendum for Timber Operations on Non-Federal Lands in California, Cutten Sports Complex.* This study, which included an archaeological field survey, did not identify any cultural resources.
- **S-45106, Templeton, G. 2011.** *An Archaeological Survey Report for the McKay R-5 Thin Timber Harvesting Plan, Humboldt County, California.* P-12-001987, the McKay & Co. Railroad, was formally recorded during this survey.

An additional 20 studies have been conducted within 0.5 mile of the project site. These studies are discussed fully in the Roscoe & Associates (2017) and Archaeological Research and Supply Company (2020) reports (Appendices D1 and D2).

Native American Correspondence

On December 8, 2016, Roscoe & Associates contacted the Native American Heritage Commission (NAHC), requesting a search of their Sacred Lands File (SLF) and a list of local Native American groups and individuals who may have interests and/or concerns regarding the project (Roscoe & Associates 2017). The NAHC responded on December 14, 2016, stating that the search of the SLF yielded negative results. They also provided a list of Native American groups and individuals to be contacted regarding the project. On January 17, 2017, Roscoe & Associates sent letters to all of the contacts on this list.

Erika Cooper, THPO for the Bear River Band of Rohnerville Rancheria, and Janet Eidsness, THPO for the Blue Lake Rancheria, stated that they were not aware of any sites at the project site, but asked to be informed of the results of the archaeological field survey. Tom Torma, THPO for the Wiyot Tribe, stated that he was not aware of any sites at the project site. Roscoe & Associates contacted THPO Cooper and THPO Eidsness following the completion of the field survey to inform them that no resources had been identified during the survey. No further concerns were expressed at the time.

In early March 2020, Trevor Estlow, Humboldt County Senior Planner, contacted the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and Wiyot Tribe to discuss the addition of the water storage tank site. Beyond recommending implementation of inadvertent archaeological discovery protocols, Janet Eidsness, THPO for the Blue Lake Rancheria, stated that the Blue Lake Rancheria did not require further consultation. She described the water storage tank site as previously disturbed and having a low sensitivity. Erika Cooper, THPO for the Bear River Band of the Rohnerville Rancheria, said that they do not request any further consultation for this project and requested the inclusion of the standard inadvertent discovery language. Wiyot Cultural Director and Chairman, Ted Hernandez concurred with the Blue Lake Rancheria and Bear River Band of the Rohnerville Rancheria.

Please see the Roscoe & Associates report (Appendix D1) and updated email correspondence regarding the water storage tank site (Appendix D2) for additional information and for the records of this correspondence.



Field Survey Methods and Results

On December 2 and 10, 2016, James Roscoe, Jeremy McFarland, Michael Padian, and Walter Tovar Saldana conducted a field survey of the entire project site (Roscoe & Associates 2017). The field crew observed large burnt redwood stumps scattered throughout the project site, remnants of a former logging area. Areas of flat topography, close to the neighborhoods west of the project site, contained sparse patches of brush on a relatively bare mineral surface. A graded, overhead powerline corridor passes through the middle of the project site. The project site also contains foot paths, bike trails, and game trails. These activities have resulted in exposed mineral soil and excellent ground visibility. However, areas adjacent to these graded/maintained areas contained dense vegetation, including low lying brush and leaf litter, resulting in poor ground visibility. In areas of poor ground visibility, the field crew used a shovel to clear the duff and to better observe the ground surface (Roscoe & Associates 2017).

In early April 2020, Archaeological Research and Supply Company Principal Investigator, Nick Angeloff, MA, conducted a field survey of the entire water storage tank site. The survey utilized 5 meter transects and visibility was good at 75 to 100 percent over most of the project area. The survey did not identify cultural resources within the water storage tank site (Archaeological Research and Supply Company 2020).

No artifacts, features, sites, or other significant cultural resources were identified during the field surveys. For additional information, please see the 2017 Roscoe & Associates report and the 2020 Archaeological Research and Supply Company Report (Appendices D1 and D2).

3.5.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

3.5.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts on cultural resources associated with the proposed project and provides mitigation measures where necessary.



Historical Resources

Impact CUL-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Impact Analysis

The archival research, NWIC records search, and archaeological field surveys completed as part of the cultural resource analysis indicated that there are no known historical resources, as identified in Section 15064.5, within the project sites. However, there is a potential for encountering previously undiscovered historical resources as identified in Section 15064.5 during project implementation.

If an inadvertent discovery were to occur, it could result in damage to the resource that would cause a substantial adverse change in its significance, thereby constituting a significant impact. Historic-period resources might include debris scatters of ceramic, glass, or metal containers; household or personal items; privy pits; or building foundations or other structural remains. Therefore, the implementation of MM CUL-1 is proposed requiring implementation of standard inadvertent discovery procedures to reduce potential impacts to previously undiscovered subsurface historical resources, and MM CUL-2 is proposed to ensure that construction personnel would be aware of the procedures to follow in the event that potential cultural resources are identified. With the implementation of MM CUL-1 and MM CUL-2, the potential impacts would reduce to a less than significant level.

Level of Significance Before Mitigation

Potentially Significant Impact

Mitigation Measures

MM CUL-1 Cultural Materials Discovered During Construction. If any cultural resource (e.g., projectile points, flakes, bottles, or cans) is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a Secretary of the Interior qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) 523 series forms. All forms and associated reports will be submitted to the Northwest Information Center of the California Historical Resources Information System (NWIC) of the California Historical Resources Information System (CHRIS). The archaeologist shall determine whether the resource requires further study. If after the qualified archaeologist conducts appropriate analyses, the resource is determined to be eligible for listing on the California Register of Historical Resources (CRHR) and/or unique, the archaeologist shall develop a plan for the treatment of the resource. This shall contain appropriate mitigation measures, including avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in Public Resources Code (PRC) Section 21083.2.

MM CUL-2 Pre-Construction Worker Environmental Awareness Program (Cultural Resources). Prior to the start of construction, all field personnel shall receive a worker environmental awareness program (WEAP) on cultural resources. The training, which may be conducted with other environmental or safety trainings (i.e. see section 3.7, Geology and Soils), will provide a description of cultural resources that may be encountered during construction and outline the steps to follow in the event that a discovery is made.



Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated

Archaeological Resource

Impact CUL-2: The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Impact Analysis

The archival research, NWIC records search, Native American outreach and Consultations, and archaeological field surveys completed as part of the cultural resource analysis did not identify any known archaeological resources pursuant to Section 15064.5 within the project sites. However, there is a potential for encountering previously undiscovered archaeological resources during project implementation, due to the proximities of Ryan Creek and Humboldt and Arcata Bays.

If an inadvertent discovery were to occur, it could result in damage to the unique archaeological resource that would cause a substantial adverse change in its significance, thereby constituting a significant impact. Prehistoric resources might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. The implementation of MM CUL-1 and CUL-2 would reduce any potential impacts from inadvertent discovery of an archaeological resource to a less than significant level.

Level of Significance Before Mitigation

Potentially Significant Impact

Mitigation Measures

MM CUL-1 and CUL-2 are required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated

Human Remains

Impact CUL-3: The proposed project would not disturb any human remains, including those interred outside of dedicated cemeteries.

Impact Analysis

There are no known human remains within the project site, and no indications that the project location has been used for burial purposes in the past. Therefore, it is unlikely that human remains would be encountered during construction. However, ground disturbance and subsurface construction activities such as trenching and grading associated with the proposed project could potentially disturb previously undiscovered human burial sites. Therefore, MM CUL-3 would be implemented to reduce impacts to a less than significant level by ensuring compliance with Section 7050.5 of the California Health and Safety Code and PRC 5097.98.



Level of Significance Before Mitigation

Potentially Significant Impact

Mitigation Measures

MM CUL-3 **Procedures for Human Burials Encountered During Construction.** If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:

There shall be no further excavation or disturbance of the area where the human remains were found or within 100 feet of the find until the Humboldt County Coroner is contacted. Duly authorized representatives of the Coroner shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found and an area within 100 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the MLD’s recommendations, the owner or the MLD may request mediation by NAHC.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated



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3.6 ENERGY

This section described the environmental and regulatory setting energy resources. It also describes existing conditions and potential impacts relative to energy resources that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.6.1 Environmental Setting

Natural gas and electricity are currently provided to the surrounding community by PG&E. A number of regulations exist associated with reducing energy usage; the most prevalent are Parts 6 and 11 of the California Building Standards Code (CCR Title 24). Part 6, the 2019 Building Energy Efficiency Standards, focuses on several key areas to improve the energy efficiency of newly constructed buildings, as well as additions and alterations to existing buildings, and includes requirements that enable demand reductions, and future solar electric and thermal system installations. The 2019 Building Energy Efficiency Standards also include updates to the energy efficiency divisions of Part 11, the 2019 California Green Building Standards (CalGreen). A set of prerequisites has been established for both residential and nonresidential standards, which include efficiency measures that should be installed in any building project striving to meet advanced levels of energy efficiency. The California Energy Commission (CEC) estimates that implementation of the 2019 Building Energy Efficiency Standards may reduce statewide annual electricity consumption by approximately 53 percent as compared with energy consumption under the 2016 standards, and may reduce greenhouse gas (GHG) emissions by 70,000 metric tons over three years (CEC 2019a).

3.6.2 Regulatory Setting

Federal

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission (FERC) is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. FERC also reviews proposals to build liquefied natural gas terminals and interstate natural gas pipelines, and licenses hydropower projects. Licensing of hydroelectric facilities under FERC's authority includes input from state and federal energy and power generation, environmental protection, fish and wildlife, and water quality agencies.

Federal Energy Conservation Policy Act

The National Energy Conservation Policy Act (42 U.S.C. Section 8201 et seq.) serves as the underlying authority for federal energy management goals and requirements, and is the foundation of most federal energy requirements. The National Energy Conservation Policy Act also established fuel economy standards for on-road motor vehicles in the U.S. The National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards. NHTSA and the USEPA are taking coordinated steps to enable the production of clean energy vehicles with improved fuel efficiency. NHTSA sets the Corporate Average Fuel Economy levels, which, based on Obama-era regulations, would have required about 5 percent annual increases in fuel efficiency. However, in March 2020, the Trump administration rolled back the standards, with the final rule increasing the stringency of Corporate Average Fuel Economy levels and carbon dioxide emission standards by 1.5 percent each year through 2026 (USEPA 2020).



State

California Public Utilities Commission Requirements

The California Public Utilities Commission (CPUC) is a state agency created by a constitutional amendment to regulate privately owned utilities providing telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation services and in-state moving companies. The CPUC is responsible for ensuring that California utility customers have safe, reliable utility services at reasonable rates, while protecting utility customers from fraud. The CPUC regulates the planning and approval for the physical construction of electric generation, transmission, or distribution facilities, and local distribution pipelines of natural gas.

Warren-Alquist Energy Resources Conservation and Development Act

Initially passed in 1974 and amended since, the Warren-Alquist Energy Resources Conservation and Development Act (Warren-Alquist Act) created the CEC, California's primary energy and planning agency. The seven responsibilities of the CEC are forecasting future energy needs, promoting energy efficiency and conservation through setting standards, supporting energy-related research, developing renewable energy resources, advancing alternative and renewable transportation fuels and technologies, certifying thermal power plants 50 megawatts or larger, and planning for and directing state response to energy emergencies. The CEC regulates energy resources by encouraging and coordinating research into energy supply and demand problems to reduce the rate of growth of energy consumption. Additionally, the Warren-Alquist Act acknowledges the need for renewable energy resources and encourages the CEC to explore renewable energy options that would be in line with environmental and public safety goals (Warren-Alquist Act, PRC Section 25000 et seq.)

California Integrated Energy Policy

SB 1389 requires the CEC to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The CEC shall use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety" (PRC Section 25301[a]). The CEC adopts an Integrated Energy Policy Report every two years and an update every other year (CEC 2019b). At the time of the NOP publication, the CEC had published its 2018 report and the 2020 report was circulated for public comments in January 2020. The report noted California's policy initiatives to reduce GHG and transform California's electricity system. The report also noted the additional efforts required to decarbonize California's overall energy system and invest in managing our aging energy infrastructure while planning for the future.

Title 20 and Title 24, California Code of Regulations

New buildings constructed in California must comply with the standards in Title 20, Energy Building Regulations, and Title 24, Energy Conservation Standards, of the CCR. Title 20 contains a range of standards, such as power plant procedures and siting, energy efficiency standards for appliances, and ensuring reliable energy sources are provided and diversified through energy-efficiency and renewable energy resources. Title 24 (AB 970) contains energy-efficiency standards for residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy-efficiency measures that impact energy used for lighting, water



heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs. In addition, the new 2019 standards require rooftop solar on all new residential development under three stories.

Part 11 of Title 24 is the CalGreen code, which sets minimum and mandatory sustainability requirements to reduce environmental impact through better planning, design, and construction practices. CalGreen works along with the mandatory construction codes of Title 24 and is enforced at the local level. Any project-related construction would be required to comply with the Title 24 codes currently in place, including the CalGreen code. The existing 2019 standards became effective in January 2020.

Assembly Bill 1493 – Clean Car Standards (Pavley)

This bill was passed in 2002 and requires CARB to develop and implement regulations to reduce automobile and light truck GHG emissions through mandating gradual reductions in global warming pollutants from cars and light trucks sold in California from 2009 through 2016. The average gram-per-mile reduction of GHG emissions from new California cars and light trucks is required to be about 30 percent in 2016 compared to model year 2004 vehicles.

CARB adopted the Advanced Clean Cars (ACC) program in 2012 in coordination with the USEPA and NHTSA. The ACC program combined the control of criteria pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. CARB adopted a new approach to passenger vehicles—cars and light trucks—by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California. The new standard drops GHG emissions to 166 grams per mile, a reduction of 34 percent compared to 2016 levels, through 2025.

Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017, contains several policies that directly pertain to energy resources, including the following:

Goal E-G1. Countywide Strategic Energy Planning. An effective energy strategy based on self-sufficiency, development of renewable energy resources and energy conservation that is actively implemented countywide through Climate Action Plans, General Plans and the Redwood Coast Energy Authority's Comprehensive Energy Action Plan.

Goal E-G2. Increase Energy Efficiency and Conservation. Decrease energy consumption through increased energy conservation and efficiency in building, transportation, business, industry, government, water and waste management.

- **Policy E-P1. Energy Conservation Standards and Incentives.** Develop incentives to encourage residential and commercial building plans that exceed California Building Standards Code requirements for energy.



- **Policy E-P4. Transportation Energy Conservation and Alternative Fuels Substitution.** Support revitalization and infill projects within Urban Development Areas as a means to reduce long-term vehicle miles traveled as an energy conservation strategy. Support the development and implementation of Electric Vehicle (EV) charging stations and other alternative fueling infrastructure.
- **Policy E-P10. Transportation Management Plans.** Major commercial, business, or industrial, facility developments shall be required to submit a transportation management plan that addresses energy conservation measures such as connectivity to alternative transportation modes; preferential parking for carpools, vanpools, motorcycles, mopeds, and bicycles; shuttle services; alternative fueling stations; transit passes; bike lockers; and locker-room facilities. Develop incentives for projects not deemed as major that incorporate such energy conservation measures.
- **Policy E-P11. Energy-efficient Landscape Design.** Encourage and incentivize energy efficient landscape design in development projects, subdivisions, and in new and existing streets and parking areas in order to reduce impervious surfaces, minimize heat and glare, control soil erosion, and conserve water.
- **Policy E-P12. Water Efficiency.** Promote the efficient use of water in residences, businesses, industries, and agriculture.
- **Policy E-P17. Residential Design.** Proposed single-family residential structures should be designed to maximize solar access, energy conservation and passive solar energy generation. Solar access potential should be evaluated based on each climate zone within the County as established by the National Weather Forecast Center in Eureka.

3.6.3 Methodology for Analysis

The applicable energy regulations were reviewed, as well as available data from County and other databases, in order to complete the analysis portion of this section. The regulations and data were analyzed in conjunction with the thresholds of significance listed below to determine whether the proposed project would result in a significant impact to energy.

3.6.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

3.6.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to energy resources. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.



Energy Consumption

Impact EN-1: The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

**Impact Analysis
Construction**

Off-Road Equipment

The proposed project is anticipated to be constructed in nine phases, with Phase 1 and Phase 2 breaking ground January 2021, and Phase 9 completed in December 2030. Table 3.6-1 provides estimates of the project's construction fuel consumption from off-road construction equipment.

Table 3.6-1: Construction Off-Road Fuel Consumption

Phase	Construction Element	Fuel Consumption (Gallons)
Phase 1 and Phase 2	Site Preparation	5,645
	Grading	9,234
	Building Construction	37,093
	Paving	2,267
	Architectural Coating	240
Phase 3 and Phase 4	Site Preparation	6,586
	Grading	9,234
	Building Construction	84,078
	Paving	2,267
	Architectural Coating	240
Phase 5 and Phase 6	Site Preparation	5,645
	Grading	2,936
	Building Construction	50,076
	Paving	2,267
	Architectural Coating	240
Phase 7, Phase 8, and Phase 9	Site Preparation	5,645
	Grading	10,773
	Building Construction	97,185
	Paving	2,267
	Architectural Coating	240
Total Construction Fuel Consumption		334,158



As shown in Table 3.6-1, construction activities associated with the proposed project would be estimated to consume 334,158 gallons of diesel fuel. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in other parts of the state. Therefore, it is expected that construction-related fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

On-Road Vehicles

On-road vehicles for construction workers, vendors, and haulers would require fuel for travel to and from the site during construction. Table 3.6-2 provides an estimate of the total on-road vehicle fuel usage during construction. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the state. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

Table 3.6-2: Construction On-Road Consumption

Phase	Total Annual Fuel Consumption (Gallons)
Phase 1 and Phase 2	22,114
Phase 3 and Phase 4	72,919
Phase 5 and Phase 6	7,091
Phase 7, Phase 8, Phase 9	46,884

Notes:

Totals may appear not to sum exactly due to rounding. All calculations were completed using unrounded values.

Operation

Transportation Energy Demand

Table 3.6-3 provides an estimate of the daily and annual fuel consumed by vehicles traveling to and from the project site. These estimates were derived using the same assumptions used in the operational air quality analysis for the proposed project.

Table 3.6-3: Long-Term Operational Vehicle Fuel Consumption

Project Component	Trips per Day	Annual Vehicle Miles Traveled (VMT)	Average Fuel Economy (miles/gallon)	Total Annual Fuel Consumption (gallons)
Car Trips				
Commercial	139	743,658	34.2	21,744
Residential	1,728	10,596,096	34.2	309,827



Project Component	Trips per Day	Annual Vehicle Miles Traveled (VMT)	Average Fuel Economy (miles/gallon)	Total Annual Fuel Consumption (gallons)
Truck Trips				
Commercial	103	554,793	6.1	90,950
Residential	1,280	7,848,960	6.1	1,286,715
Total				1,703,236

Notes:

Percent of vehicle trips and VMT provided by CalEEMod.

Average fuel economy is provided by U.S. Department of Transportation, Bureau of Transportation Statistics and reflects fuel economy of overall fleet, not just new vehicles.

VMT = vehicle miles traveled

As shown in Table 3.6-3, annual vehicular fuel consumption is estimated to be 1,703,236 gallons for both gasoline and diesel fuel. In terms of land use planning decisions, the proposed project would constitute development adjacent to an established community. The proposed project would be well positioned to accommodate existing populations. For these reasons, it would be expected that vehicular fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than for any other similar land use activities in the region.

As shown in Tables 3.6-4 and 3.6-5, the proposed project is estimated to demand 1,966,698 kilowatt hours of electricity and 3,356,977 100-thousands of British Thermal Units of natural gas, respectively, on an annual basis.

Table 3.6-4: Long-Term Electricity Usage

Land Use	Size (ksf)	Title 24 Electricity Energy Intensity (kWh/size/year)	Nontitle 24 Electricity Energy Intensity (kWh/size/year)	Lighting Energy Intensity (kWh/size/year)	Total Electricity Energy Demand (kWh/size/year)	Total Electricity Demand (kWh/year)
Multi-Family Housing	147 du	775.93	3172.76	810.36	4759.05	699,580
Commercial	22 ksf	3.63	3.98	3.45	11.06	243
Single Family Housing	146 du	912.41	6155.97	1608.84	8677.22	1,266,874
Total						1,966,698

Notes:

The proposed project could potentially include a variety of uses consistent with the development standards; however, the land use selections above were based on estimating the "worst-case" scenario demand for electricity.

ksf = 1,000 square feet

kWh = kilowatt hour



Table 3.6-5: Long-Term Natural Gas Usage

Land Use	Dwelling Units (ksf)	Title 24 Natural Gas Energy Intensity (KBTU/size/year)	Nontitle 24 Natural Gas Energy Intensity (KBTU/size/year)	Total Natural Gas Energy Demand (KBTU/size/year)	Total Natural Gas Demand (KBTU/year)
Multi-Family Housing	147 du	9200.58	1599	10799.58	1,587,538
Commercial	22 ksf	19.54	0	19.54	430
Single-Family Housing	146 du	10517.5	1599	12116.5	1,769,009
Total					3,356,977

Notes:

The proposed project could potentially include a variety of uses consistent with the development standards; however, the land use selections above were based on estimating the "worst-case" scenario demand for electricity.

ksf = 1,000 square feet

KBTU= 1,000 British Thermal Units

Buildings and infrastructure constructed pursuant to the proposed project would comply with the versions of CCR Titles 20 and 24, including CalGreen, that are applicable at the time that building permits are issued. In addition, the County's General Plan includes policies and programs that seek to reduce energy consumption.

It would be expected that building energy consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than for any other similar buildings in the region. Current state regulatory requirements for new building construction contained in the 2019 CalGreen and Title 24 would increase energy efficiency and reduce energy demand in comparison to existing residential structures, and therefore would reduce actual environmental effects associated with energy use from the proposed project.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Renewable Energy or Energy Efficiency Plans

Impact EN-2: The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Impact Analysis

The proposed project involves the construction and operation of a new residential development, a new water tank, and accompanying commercial spaces that would house general office buildings and neighborhood amenities. The proposed project would constitute development directly adjacent to an established community. The proposed project would be well positioned to accommodate existing populations.



The proposed project would comply with the versions of CCR Titles 20 and 24, including CalGreen, that are applicable at the time that building permits are issued, and would be in accordance with all applicable County measures. In addition, as required by Title 24, the project would install solar panels on the residential units. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



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3.7 GEOLOGY AND SOILS

This section describes the environmental and regulatory setting for geology, soils, and seismicity. It also describes the existing conditions and potential impacts on geology, soils, and seismicity that would result from implementation of the proposed project and mitigation for potentially significant impacts, where feasible.

3.7.1 Environmental Setting

Regional Geology

Two geologic provinces cover the County: the dominant Coast Ranges province in the central and southwest sections of the County, and the Klamath Mountains province in the northeast. The Coast Ranges province is composed mainly of the Franciscan complex inland, sand, and other alluvial deposits located closer to the coast. The Klamath Mountains consist generally of older rocks, many of which are sedimentary (e.g., sandstone, chert, slate, and schist). The South Fork Mountain Ridge generally divides the two provinces. The predominant rock types are the Franciscan Complex and schists, covering over 1 million acres in the County, and the Tertiary-Cretaceous Coastal Belt rocks, covering 340,000 acres. The Franciscan Complex is a suite of rocks that originated on the deep-sea floor and were later pushed up against the continental margin along the coast of California through plate tectonic forces (Humboldt County 2017c).

Local Geology

According to the R-1 Geologic and Geotechnical Investigation completed by SHN Engineers & Geologists for the project site (see Appendix E), the area comprises the gently northwest-sloping, dissected surface of a late Pleistocene age marine terrace. The project area encompasses large portions of the terrace surface, as well as the heads of several tributary stream valleys that encroach from the north, east, and south of the project area. Elevation of the terrace surface across the site ranges from about 170 to 200 feet amsl. The lowest elevation on the project site is at 30 feet in the stream valley at the northern end of the project site. The water storage tank location is at an approximate elevation of 474 feet amsl. Slopes in the project area are typically negligible on the terrace surface, with gradients of less than 5 percent, to moderately steep slopes on the stream valley walls, with gradients of 30 to 40 percent. Steeper valley and ravine wall slopes are locally present within the project area (SHN Engineers & Geologists 2017).

Project Site Soils

Based on the USDA NRCS Web Soil Survey, there are three different soils series present within the project area (USDA 2019a). The soils in this region generally consist of competent, moderately consolidated fine sandy marine deposits that are relatively uniform in texture and consistency (SHN Engineers & Geologists 2017). A complete summary of the soil series that occur in the project area is outlined in Table 3.7-1 below.



Table 3.7-1: Proposed Project Soils Summary

Soil Series Name	Typical Proposed Project Pedon	Slope (%)	Drainage
Weott	Silt loam	0-2	Very poorly drained
Hookton-Tablebluff complex	Loam	2-9	Somewhat poorly drained
Lepoil-Espa-Candymountain complex	Loam	15-50	Well drained

Source: USDA 2019

Seismic Hazards

The County is located within a seismically active area of California, and specifically, within the two highest seismic risk zones as defined in the California Uniform Building Code; Cape Mendocino/Gorda and Juan de Fuca Plates. Both the Cape Mendocino/Gorda and Juan de Fuca Plates are offshore of the County and experience the highest concentration of earthquake events in the continental U.S. In addition to causing ground shaking, an earthquake can trigger other natural disasters, such as fire, landslides, and flooding, resulting in loss of life and property damage. Seismic hazards in the County include earthquake ground shaking, surface fault rupture, liquefaction, and tsunami potential in the coastal zone areas. Geologic hazards that are not specifically related to earthquakes include landslides and unstable soils (Humboldt County 2017c).

Faults

There are six sources of damaging earthquakes in the Eureka region that include the project site, which includes the following faults: (1) the Gorda Plate; (2) the Mendocino fault; (3) the Mendocino Triple Junction; (4) the northern end of the San Andreas fault; (5) faults within the North American Plate (including the Mad River and Little Salmon fault zones; and (6) the Cascadia Subduction Zone (CSZ) (SHN Engineers & Geologists 2017).

The most significant seismic faults relative to the project site are the Little Salmon fault and the CSZ. The Little Salmon fault is the closest known active fault to the project site. Its surface trace is mapped approximately 5 miles to the southwest, although the fault dips beneath the site and may be within 2 miles in the subsurface. The fault appears to be the most active fault in the Humboldt Bay region and is capable of generating very large earthquakes (SHN Engineers & Geologists 2017).

Ground Shaking and Ground Failure

Primary seismic hazard concerns include potential ground shaking and ground rupture along the surface trace of faults. Secondary seismic hazards are caused by the interaction of ground shaking with soft or unstable soils, resulting in liquefaction, settlement, and landslides. Ground shaking can vary over an area as a result of factors such as topography, bedrock type and the location and orientation of a fault rupture due to seismic activity. Ground settlement (i.e., subsidence) is the lowering of the ground surface during seismic activity and is caused by consolidation or the failure of the ground foundation, densification of soil material, or liquefaction (discussed below). Ground failure can cause serious direct damage or collapse of infrastructure caused by seismic activity and is considered the second “primary” earthquake hazard. The severity of ground failure depends on the strength and depth of the earthquake, but there are several other contributing factors such as the regional geology, local topography and the site-specific ground characteristics within the project area.



The primary seismic hazard within the project area is associated with strong ground shaking from the nearest faults, including the Little Salmon Fault and CSZ. This strong seismic ground shaking could introduce slope failure along the steeper and/or wetter portions of the stream valley walls, particularly if the earthquake occurs during the wet season.

Landslides and Lateral Displacement

Any incline where relatively large masses of material are supported by soil that is likely to soften under strain is prone to a landslide. The risk increases in areas where the ground is steep, weak or fractured; is saturated by heavy rain; or is compromised by historical ground movements (Branz 2019). Landslides occur most frequently during or following large storms or seismic activity and will most likely take place in areas where they have previously occurred.

Lateral movement (i.e., displacement, spreading, etc.) occurs when seismic shaking causes a mass of soil to lose cohesion and move relative to the surrounding soil. Lateral movement can be entirely horizontal and occur on flat ground, but it is more likely to occur on or around sloping ground, such as adjacent to hillsides and waterways (Branz 2019).

In general, the potential for landslide, slope failure, and/or lateral displacement in the project area in its current condition is high due to the varying slopes in the area and distance to nearby active fault zones. A desktop review of the Landslide Maps and Report Indices was conducted for the project area. The review of the results indicated that the landslides are considered a minor problem within the Eureka Fields Landing quadrangle, and most of the historic landslides within the area occur at older sites (CGS 2019c). Based on the review of the Geologic and Geotechnical Investigation, the risk of deep-seated rotational landslides at the project site was determined to be predominately low, with the exception of some lots on the northern portion of the site.

Liquefaction

Soil liquefaction occurs when ground shaking from an earthquake causes a sediment layer saturated with groundwater to lose strength and take on the characteristics of a fluid, thus becoming similar to quicksand. Factors determining liquefaction potential are soil type, the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. Loose sands and peat deposits, along with recent Holocene age deposits, are more susceptible to liquefaction, while older deposits of clayey silts, silty clays, and clays deposited in freshwater environments are generally stable under the influence of seismic ground shaking.

Liquefaction can damage buildings, roads, and pipelines through loss of structural support capabilities and subsequent destabilization of soils. The project area consists of primarily poorly drained, loamy soils (see Table 3.7-1 above) that have a high potential for liquefaction to occur. However, because of the geologic age (Pleistocene) of the upland site soils and their generally cohesive nature, it is unlikely that the project site soils would liquefy under seismic conditions (SHN Engineers & Geologists 2017).



3.7.2 Regulatory Setting

Federal

Earthquake Hazards Reduction Act of 1977

The Earthquake Hazards Reduction Act of 1977 (FEMA 1977) established the National Earthquake Hazards Reduction Program (NEHRP) “to reduce the risks of life and property from future earthquakes in the U.S. through the establishment and maintenance of an effective earthquake hazards reduction program.” The National Earthquake Hazards Reduction Program Act significantly amended this program in 1990 by refining the description of the agency responsibilities, program goals, and objectives. The four principal goals of the NEHRP are:

- Develop effective practices and policies for earthquake loss reduction and accelerate their implementation;
- Improve techniques for reducing earthquake vulnerabilities of facilities and systems;
- Improve earthquake hazards identification and risk assessment methods, and their use; and
- Improve the understanding of earthquakes and their effects.

The National Earthquake Hazards Reduction Program Act designates the Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns it several planning, coordinating, and reporting responsibilities.

State

Alquist-Priolo Fault Zoning Act

In 1972, the Alquist-Priolo Earthquake Fault Zoning Act was passed to mitigate the effects of surface faulting on structures designed for human occupancy (CGS 2019a). This act required the State Geologist to delineate Earthquake Fault Zones along known active faults that have a relatively high potential for ground rupture. Faults that are zoned under the Alquist-Priolo Earthquake Fault Zoning Act must meet the strict definition of being “sufficiently active” and “well-defined” for inclusion as an Earthquake Fault Zone. The Earthquake Fault Zones are revised periodically, and they extend 200 to 500 feet on either side of identified fault traces. No structures for human occupancy may be built across an identified active fault trace. An area of 50 feet on either side of an active fault trace is assumed to be underlain by the fault, unless proven otherwise. Proposed construction in an Earthquake Fault Zone is permitted only following the completion of a fault location report prepared by a California Registered Geologist.

California Building Standards Code

The California Building Standards Code establishes building requirements for construction and renovation. The most recent version of the California Building Standards Code was published July 1, 2016, with an effective date of January 1, 2017. The California Building Standards Code is based on the International Code Council’s Building and Fire Codes. Included in the California Building Standards Code are the Electrical Code, Mechanical Code, Plumbing Code, Energy Code, and Fire Code. Title 24, Part 2 of the California Building Standards Code of the CCR contains specific requirements for construction with respect to earthquakes and seismic hazards intended to be protective of public health. Chapter 16



Section 1613, Earthquake Loads, deals with structural design and requires that every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions.

California Seismic Hazards Mapping Act

The California Seismic Hazards Mapping Act of 1990 (California PRC Section 1690-2699.6) addresses seismic hazards other than surface rupture, such as liquefaction and induced landslides. The Seismic Hazards Mapping Act specifies that the lead agency for a project may withhold development permits until geologic or soils investigations are conducted for specific sites and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soil (CGS 2019b).

National Pollutant Discharge Elimination System Permit

In California, the SWRCB administers the USEPA's promulgated regulations (55 CFR 47990) requiring the permitting of stormwater-generated pollution under the National Pollutant Discharge Eliminations System (NPDES). In turn, the SWRCB's jurisdiction is administered through RWQCBs. Pursuant to these federal regulations, an operator must obtain a General Permit under the NPDES Stormwater Program for all construction activities with ground disturbance of 1 acre or greater. The General Permit requires the implementation of Best Management Practices (BMPs) to reduce pollutant loads into the waters of the State and measures to reduce sediment and erosion control. In addition, a SWPPP must be prepared. The SWPPP addresses water pollution control during construction. SWPPPs require that all stormwater discharges associated with construction activity, where clearing, grading, and excavating results in soil disturbances, must by law be free of site pollutants.

Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017, contains several policies that directly pertain to geology, soils, and seismic activity, including the following:

Goal S-G1. Minimize Loss. Communities designed and built to minimize the potential for loss of life and property resulting from natural manmade hazards.

Goal S-G2. Prevent Unnecessary Exposure. Areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury.

- **Policy S-P1: Reduce the Potential for Loss.** Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soil areas, active earthquake faults, wildland fire risk areas, airport influence areas, military operating areas, flood plains, and tsunami run-up areas.
- **Policy S-P7: Structural Hazards.** The County shall protect life and property by applying and enforcing state adopted building codes and Alquist-Priolo requirements to new construction.



- **Policy S-P11: Site Suitability.** New development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.
- **Policy WR-P9: Mitigate Controllable Sediment Discharge Sites.** Proposed development applications involving a site identified as part of the Total Maximum Daily Loads (TMDL) Controllable Sediment Discharge Inventory shall be conditioned to reduce sediment discharge.
- **Policy WR-P10: Erosion and Sediment Discharge.** Ministerial and discretionary projects requiring a grading permit shall comply with performance standards adopted by ordinance and/or conditioned to minimize erosion and discharge of sediments into surface runoff, drainage systems, and water bodies consistent with best management practices, adopted TMDLs, and non-point source regulatory standards.
- **Policy WR-P42: Erosion and Sediment Control Measures.** Incorporate appropriate erosion and sediment control measures into development design and improvements.

Additionally, the following standards from the Humboldt County General Plan would apply to the proposed project:

- **Standard S-S1: Geologic Report Requirements.** Site specific reports addressing geologic hazards and geologic conditions shall be required as part of the review of discretionary development and ministerial permits. Geologic reports shall be required and prepared consistent with land use regulations (Title III, Land Use and Development, Division 3, Building Regulations, Chapter 6—Geologic Hazards).
- **Standard S-S2: Landslide Maps.** Utilize California Division of Mines and Geology, North Coast Watersheds landslide mapping as information to assist in review of developments.
- **Standard S-S3. Alquist-Priolo Fault Hazard Zones.** Utilize California Mines and Geology Board Policies and Criteria for Alquist-Priolo Fault Hazard Zones (Special Publication #42) as standards of implementation within zones.
- **Standard WR-S7: Erosion and Sediment Discharge.** Ministerial and discretionary projects shall conform to grading ordinance standards for erosion and sediment control.

Humboldt County Code

Title III, Land Use and Development, Division 3, Building Regulations, Section 331-12 (Grading, Excavation, Erosion, and Sedimentation Control) of the Humboldt County Code includes specific rules and regulations to control excavation, grading, and earthwork construction. Compliance with this ordinance is mandatory for any project that is required to obtain a grading permit from the County. Requirements in order to obtain a grading permit include the design plans for a project and any accompanying soils engineering, geology, or liquefaction studies required to appropriately document the conditions of the soils in the area.

3.7.3 Methodology for Analysis

The applicable geology, soils, and seismic regulations were reviewed and the applicable geologic database searches conducted in order to complete the analysis portion of this section. Additionally, SHN Engineers & Geologists prepared a R-1 Geologic and Geotechnical Investigation for the project area in October 2017, which provided preliminary geotechnical recommendations for the site development and initial building design. This report summarized the findings of a field investigation and laboratory testing.



The results of this investigation, applicable regulations, and databases were analyzed in conjunction with the thresholds of significance identified below.

Society of Vertebrate Paleontology Guidelines

The Society of Vertebrate Paleontology (SVP) has guidance for assessing and mitigating paleontological resources which could potentially be impacted from land development. This guidance is included in SVP's *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*. As part of the assessment process for paleontological resources, the SVP guidance groups rock units into a high, undetermined, low, or no potential category for containing significant paleontological resources. These categories then determine the level of mitigation required, or further assessment prior to construction, for adequate protection or salvage of paleontological resources within a project area (SVP 2010).

Known Resources

The paleontological database at the University of California, Berkeley's Museum of Paleontology (2020), and soil data from the USDA's NRCS Web Soil Survey (USDA 2019) were reviewed to determine the potential for paleontological resources within the project area. The project area is classified as being between Pleistocene and Holocene age and is composed of marine sedimentary rocks.

A search of the University of California Museum of Paleontology database for mammal fossils identified one paleontological resource in the vicinity of the project site (UCMP 2020). The closest vertebrate fossil sites to the project include an assemblage located approximately 1.5 miles southeast of Cutten, within similar geologic landforms and soils as the project area (UCMP 2020). Therefore, the project site possesses a high potential for significant paleontological resources.

3.7.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State geologist for the area or based on other substantial evidence of a known fault or strong seismic ground shaking
 - Seismic-related ground shaking
 - Seismic-related ground failure, including liquefaction
 - Landslides
- Result in substantial soil erosion or the loss of topsoil



- 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
- Be located on expansive soil, as (previously) defined in Table 18-1-B of the Uniform Building Code (UBC) (1994), creating substantial direct or indirect risks to life or property
- 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 [refer to Section 7, Effects Found Not To Be Significant]
- Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature

3.7.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to geology, soils, and seismicity. When a potential impact is determined to be potentially significant, mitigation measures were identified that would reduce or avoid that impact.

Seismic Hazards

Impact GEO-1:	The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
	ii) Strong seismic ground shaking.
	iii) Seismic-related ground failure, including liquefaction.
	iv) Landslides.

Impact Analysis Fault Rupture

There are no Alquist-Priolo Earthquake Fault Zones within the project site boundaries. In addition, the Geologic and Geotechnical Investigation noted the potential for surface fault rupture is considered to be negligible. This condition precludes the possibility of the proposed project being exposed to fault rupture. No impacts would occur.

Ground Shaking

The faults within the region, including the Little Salmon Fault and CSZ, have the potential to produce strong ground shaking within the vicinity of the proposed project. Strong ground shaking could cause serious structural damage to buildings and other structural components of the proposed project if not engineered and constructed to comply with the current California Building Standards Code and could even cause extensive non-structural damage to properly constructed buildings.



The Geologic and Geotechnical Investigation included conclusions and recommendations for the proposed project as they relate to seismic hazards. These conclusions and recommendations included the incorporation of site-specific design considerations, such as using engineered fill, building structures utilizing wood-frames, and building structures in conformance with the current edition of the California Building Standards Code seismic design parameters. Ultimately, for many areas, the Geologic and Geotechnical Investigation recommends that in order to properly determine if individual lot sites are suitable for construction, further site-specific geotechnical evaluations should be conducted. A soils engineering report and engineering geology report would be required for the project in accordance with the County's Title III, Division 3, Building Regulations of the County Code related to grading permit requirements.

As such, MM GEO-1 would be required and would ensure that performance standards for those reports are met and recommendations are incorporated into the final design of the proposed project. Therefore, the potential for rupture of a known earthquake fault that could expose people or structures to risk from the proposed project would be less than significant with mitigation.

Ground Failure and Liquefaction

As discussed above, the proposed project could be subject to an earthquake event from one of the active faults within the area. However, according to the Geologic and Geotechnical Investigation, the soil liquefaction potential or other ground failure due to strong seismic shaking is considered low for the project area because of the geologic age of the underlying site soils and the generally cohesive nature of these soils (SHN Engineers & Geologists 2017). Additionally, the proposed project would be constructed in conformance with the current California Building Standards Code requirements, related to seismic design parameters, and MM GEO-1. Therefore, the potential for the proposed project to expose people or structures to potentially adverse effects related to liquefaction or seismic related ground failure would be less than significant.

Landslides

As discussed in the environmental setting section above, a review of the California Geological Survey (CGS) Landslide Maps and Report Indices for the project area indicated that the area could be subject to a minor landslide potential (CGS 2019c). The project area has varying slopes, which could be subject to shallow to deep-seated land sliding, depending on exact location within the project area (SHN Engineers & Geologists 2017). In the event of a large earthquake, particularly during the rainy season for the area, these slopes may initiate larger, deeper landslides that could pose a hazard to people and structures associated with the proposed project, thus resulting in a potentially significant impact prior to mitigation.

The Geological and Geotechnical Investigation included recommendations for setbacks for any structures with a moderate to high slope stability hazard. These areas were determined to require additional site-specific geologic and geotechnical investigations. In addition, a site-specific geotechnical study would be needed for the water storage tank site. As such, MM GEO-1 would be required and would ensure that these sites are investigated in conformance with the County Code grading permit requirements. Therefore, with implementation of MM GEO-1 the potential for landslides to expose people or structures to potentially significant effects related to landslides would be less than significant.



Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measure

MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development. Prior to filing a map for each phase, the Applicant shall submit a design-level geotechnical study and building plans for each phase and the water tank location which would be prepared by a registered geologist or geotechnical engineer. The detailed, design-level geotechnical investigations shall include foundation design, criteria for placing proposed fills, as well as structures, deep foundation, subdrainage, and/ or retaining wall systems, setbacks for each lot, and specific engineering criteria for moderate to high slopes. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the most recent version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project. All on-site soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist. A design-level geotechnical study shall be prepared for the water storage tank site in coordination with Humboldt Community Services District (HCSD).

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Erosion

Impact GEO-2: The proposed project would not result in substantial soil erosion or the loss of topsoil.

Impact Analysis

Construction

Construction activities associated with the proposed project would consist of the excavation and the movement of soil, which could result in the loss of topsoil if not properly handled. This would be anticipated throughout the project area, including any paved or previously disturbed areas and the water storage tank location site. Temporary stockpiles of soil have the potential to result in loss of topsoil during construction when soils are exposed and being transported; however, implementation of the proposed project would comply with Title III, Division 3, Building Regulations of the County Code related to grading, excavations, erosion, and sediment control for construction projects. The County Code includes requirements for obtaining a grading permit and general design standards, as well as BMPs for construction related grading and drainage activities. MM HYD-1, Prepare a Stormwater Pollution and Prevention Plan (SWPPP), would incorporate the principals outlined in the County Code requirement for the Applicant and the chosen Contractor to follow, which would minimize the potential for erosion and loss of topsoil from the proposed project construction activities. The Erosion Control Plan and SWPPP would include other requirements from the NPDES Permit related to stormwater, erosion, and sediment control. Therefore, construction-related erosion and loss of topsoil would be considered less than significant with the incorporation of MM HYD-1.



Operation

Long-term operation of the proposed project would not result in substantial soil erosion or loss of topsoil. The majority of the project site would be covered by the proposed structures; thus, no exposed areas subject to erosion would be created or affected by the proposed project. Therefore, operation impacts related to erosion or the loss of topsoil would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HYD-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Unstable Geological Unit or Soil

Impact GEO-3: The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Impact Analysis

As discussed in the environmental setting and under Impact GEO-1 above, the proposed project contains areas that are potentially susceptible to minor liquefaction, slope failure, and ground shaking from the surrounding earthquakes in the area. As such, structures associated with the proposed project could be located on soils that are unstable, thus resulting in a potentially significant impact prior to mitigation.

Implementation of County Code grading permit requirements through MM GEO-1 would ensure that a site-specific geologic and geotechnical investigation is completed for the entire project area as a condition of permit approval. The results and design recommendations of the investigation would be incorporated into the project design to ensure feasibility of constructability and the long-term stability of the site soils. Thus, with implementation of MM GEO-1, the proposed project would be constructed in conformance with current federal, state, and local regulations, and the impact associated with locating proposed project structures on unstable soils would be less than significant with mitigation.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM GEO-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



Expansive Soil

Impact GEO-4: The proposed project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

Impact Analysis

According to the Geologic and Geotechnical Investigation, no evidence of high-plasticity or potentially expansive soils were observed on the project site, although occasional moderately plastic clayey soils are indicated. As a precaution, at the time the foundation excavations are made, the building sites would be reviewed to confirm the absence of plastic, potentially expansive clay deposits, and MM GEO-1 would be required to conduct a site-specific geologic and geotechnical investigation as a condition of permit approval for the project. This investigation would help determine if the site is located on an expansive soil type and the feasibility of constructability of the proposed project for each individual plot identified for development, including the water storage tank location. Therefore, the impact associated with expansive soils would be less than significant with mitigation.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM GEO-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Unique Paleontological Resource or Site or Unique Geologic Feature

Impact GEO-5: The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact Analysis

The project area lies within an area of Pleistocene era deposits. According to the SVP guidance for assessing and mitigating paleontological resources, and the proximity of a known resource in similar context, the paleontological potential of the proposed project would be considered high, due to the age and geographic context of these deposits. Given the high paleontological potential of the underlying rock units within the project area, there is the potential for ground-disturbing construction activities to unearth potentially significant paleontological resources in previously undisturbed areas. Therefore, in order to ensure that construction personnel are trained in appropriate identification and treatment procedures for these potentially significant resources, MM GEO-2 would be required and would include the development of a Worker Environmental Awareness Program (WEAP) for paleontological resources. Further, if previously undiscovered paleontological resources are encountered on the proposed project site, MM GEO-3 would also be required, in order to ensure that the proper handling of these resources is followed in compliance with federal and state regulations for treatment of paleontological resources. Proper handling of these previously undiscovered resources would include stopping all work within 100 feet of the discovery, notifying the County staff and a qualified geologist or paleontologist to evaluate the resource, and implementing further treatment measures if the identified resource is determined to be significant. Implementation of MM GEO-2 and MM GEO-3 would protect resources and develop treatment



measures to effectively eliminate potentially significant impacts to previously undiscovered paleontological resources. Therefore, the impact would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM GEO-2: Pre-Construction Worker Environmental Awareness Program (Paleontological Resources). Prior to start of any construction activity, the Applicant and the contractor shall prepare and implement a Worker Environmental Awareness Program (WEAP). The purpose of the WEAP is to educate personnel (i.e., construction workers) about the existing on-site and surrounding resources and the measures required to protect these resources as well as avoidance and potential hazards within these sites. The WEAP shall include materials and information on potentially sensitive cultural and paleontological resources resulting from construction within the project area and applicable precautions personnel should take to reduce potential impacts. The WEAP shall be subject to review by the County Planning and Building Department.

The WEAP presentation shall be given to all personnel who may harm sensitive environmental resources as identified within the WEAP mitigation measures (i.e., work in non-culturally cleared areas or equipment operators who may encounter sensitive species or resources). The WEAP presentation shall be given prior to the start of construction and as necessary throughout construction as new personnel arrive on-site. The Applicant and the contractor shall be responsible for ensuring all on-site personnel attend the WEAP presentation, receive a summary handout, and sign a training attendance acknowledgement form to indicate that the contents of the program are understood and to provide proof of attendance. Each participant of the WEAP presentation shall be responsible for maintaining their copy of the WEAP reference materials and making sure other on-site personnel are complying with the recommended precautions. The contractor shall keep the sign in sheet on site and submit copies of the WEAP sign-in sheet to the Applicant's Project Manager who shall distribute to the County.

Paleontological resources include any remains, traces, or imprints of a plant or animal that has been preserved in the Earth's crust since some past geologic time and may include fossil materials such as bones, leaf impressions and other carbonized remains and shells of invertebrates such as snails and clams. For the paleontological materials portion of the WEAP, presentation of the following information and implementation steps shall be prepared, presented, and executed prior to and during construction to prevent exposure and raise awareness of potential impacts to unknown paleontological resources:

- The Applicant shall retain a qualified Geologist or Paleontologist to conduct the pre-construction paleontological resource and/or unique geologic feature portion of the construction worker awareness training; and



- Construction personnel shall be informed of the possibility of such resources within the project area and the protocol to be followed if a resource is encountered as detailed in MM GEO-3.

MM GEO-3: Proper Handling of the Unanticipated Discovery of Paleontological Resources or Unique Geologic Features. If paleontological resources (i.e., fossils) and/or unique geologic features are encountered during construction, compliance with federal and state regulations and guidelines regarding the treatment of such resources shall be required. If paleontological resource or unique geologic features are encountered during ground disturbing activities, work within 100 feet of the discovery shall be halted until the Applicant notifies a qualified Geologist or Paleontologist to evaluate the significance of the find. If the find is determined to be significant and the landowner consents, the Applicant will determine the appropriate avoidance measures or other appropriate mitigation in consultation with a qualified archaeologist and landowner, such as site salvage. Significant paleontological resources recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified paleontologist according to current professional standards. The Society of Vertebrate Paleontology (SVP) provides guidelines on assessment and mitigation of adverse impacts to paleontological resources.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



3.8 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

This section describes the environmental and regulatory setting for GHG emissions. It also describes existing conditions and potential impacts relative to GHG emissions that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.8.1 Environmental Setting

Greenhouse Gases

GHGs and climate change are cumulative global issues. The CARB and USEPA regulate GHG emissions within the State of California and the U.S., respectively. While the CARB has the primary regulatory responsibility within the state for GHG emissions, local agencies can also adopt policies for GHG emission reduction.

Many chemical compounds in the earth's atmosphere act as GHGs, as they absorb and emit radiation within the thermal infrared range. When radiation from the sun reaches the Earth's surface, some of it is reflected back into the atmosphere as infrared radiation (heat). GHGs absorb this infrared radiation and trap the heat in the atmosphere. Over time, the amount of energy from the sun to the Earth's surface should be approximately equal to the amount of energy radiated back into space, leaving the temperature of the earth's surface roughly constant. Many gases exhibit these "greenhouse" properties. Some of them occur in nature (water vapor, carbon dioxide [CO₂], methane [CH₄], and nitrous oxide [N₂O]), while others are exclusively human-made (like gases used for aerosols).

The principal climate change gases resulting from human activity that enter and accumulate in the atmosphere are listed below:

Carbon Dioxide

CO₂ enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and chemical reactions (e.g., the manufacture of cement). CO₂ is also removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.

Methane

CH₄ is emitted during the production and transport of coal, natural gas, and oil. CH₄ emissions also result from livestock and agricultural practices and the decay of organic waste in municipal solid waste landfills.

Nitrous Oxide

N₂O is emitted during agricultural and industrial activities as well as during combustion of fossil fuels and solid waste.



Fluorinated Gases

Hydrofluorocarbons, perfluorinated chemicals, and sulfur hexafluoride are synthetic, powerful climate-change gases that are emitted from a variety of industrial processes. Fluorinated gases are often used as substitutes for ozone-depleting substances (i.e., chlorofluorocarbons, hydrochlorofluorocarbons, and halons). These gases are typically emitted in smaller quantities, but because they are potent climate-change gases, they are sometimes referred to as high global warming potential gases.

Potential Environmental Impacts

For California, climate change in the form of warming has the potential to incur or exacerbate environmental impacts, including but not limited to changes to precipitation and runoff patterns, increased agricultural demand for water, inundation of low-lying coastal areas by sea-level rise, and increased incidents and severity of wildfire events. Cooling of the climate may have the opposite effect. Although certain environmental effects are widely accepted to be potential hazards to certain locations, such as rising sea level for low-lying coastal areas, it is currently infeasible to predict all environmental effects of climate change on any one location.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. A project's GHG emissions are at a micro-scale relative to global emissions but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact.

3.8.2 Regulatory Setting

State Regulations

In the absence of federal regulations, control of GHGs is generally regulated at the state level and is typically approached by setting emission reduction targets for existing sources of GHGs, setting policies to promote renewable energy and increase energy efficiency, and developing statewide action plans.

California has adopted statewide legislation addressing various aspects of climate change and GHG emissions mitigation. Much of this legislation establishes a broad framework for the state's long-term GHG reduction and climate change adaptation program. The governor has also issued several EOs related to the state's evolving climate change policy. Of particular importance are the following:

Assembly Bill 32

AB 32, also known as the Global Warming Solutions Act of 2006 (codified in Health and Safety Code, Division 25.5), requires the CARB to establish a statewide GHG emissions cap for 2020 based on 1990 emission levels. AB 32 required the CARB to adopt regulations that identify and require selected sectors or categories of emitters of GHGs to report and verify their statewide GHG emissions, and the CARB is authorized to enforce compliance with the program. Under AB 32, the CARB was also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels set in 1990, which must be achieved by 2020. The 2020 GHG emissions limit is 431 million metric tons of carbon dioxide equivalent (MMT_{CO₂e}), and California reached this goal in 2016.



Toward achieving the maximum technologically feasible and cost-effective GHG emission reductions, AB 32 permits the use of market-based compliance mechanisms and requires the CARB to monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism that it adopts. The CARB has adopted nine Early Action Measures for implementation, including:

- Ship electrification at ports
- Reduction of high global-warming-potential gases in consumer products
- Heavy-duty vehicle GHG emission reduction (aerodynamic efficiency)
- Reduction of perfluorocarbons from semiconductor manufacturing
- Improved landfill gas capture, reduction of hydroflouorocarbon-134a from do-it-yourself motor vehicle servicing
- Sulfur hexafluoride reductions from the non-electric sector, a tire inflation program, and a low-carbon fuel standard

Senate Bill 32

On September 8, 2016, Senate Bill (SB) 32 was signed by California Governor Edmund Gerald Brown Jr.; this bill requires the state board to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030.

B-30-15

B-30-15 provides an interim 2030 goal with the ultimate goal of reducing emissions by 80 percent below 1990 levels by 2050. The B-30-15 interim 2030 emission reduction goal is consistent with SB 32 and represents substantial progress towards the 2050 emissions reduction goal.

Executive Order S-03-05

EO S-03-05 directs the state to reduce GHG emissions to 80 percent below 1990 levels by 2050.

Climate Change Scoping Plan

In December 2008, the CARB approved the AB 32 Scoping Plan outlining the state's strategy to achieve the 2020 GHG emissions limit. The Scoping Plan estimates a reduction of 174 MMTCO_{2e} (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high climate-change-potential sectors, and proposes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify California's energy sources, save energy, create new jobs, and enhance public health. The Scoping Plan must be updated every five years to evaluate the implementation of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction goal. The First Update to the Climate Change Scoping Plan was approved by the CARB on May 22, 2014. In 2016, the legislature passed SB 32, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, the CARB approved the Second Update to the Climate Change Scoping Plan, the 2017 Climate



Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target (CARB 2018).

Assembly Bill 1493 – Clean Car Standards (Pavley)

This bill was passed in 2002 and requires the CARB to develop and implement regulations to reduce automobile and light truck GHG emissions through mandating gradual reductions in global warming pollutants from cars and light trucks sold in California from 2009 through 2016. The average gram-per-mile reduction of GHG emissions from new California cars and light trucks is required to be about 30 percent in 2016, compared to model year 2004 vehicles.

The CARB adopted the ACC program in 2012, in coordination with the USEPA and NHTSA. The ACC program combined the control of criteria pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The CARB adopted a new approach to passenger vehicles—cars and light trucks—by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also included efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California. The new standard drops GHG emissions to 166 grams per mile, a reduction of 34 percent compared to 2016 levels, through 2025.

Renewable Portfolio Standard

The Renewable Portfolio Standard (RPS) promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the "initial RPS"), the goals have been accelerated and increased by EOs S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, the Governor signed SB 2 (1X) codifying California's 33 percent RPS goal; Section 399.19 requires the CPUC, in consultation with the CEC, to report to the legislature on the progress and status of RPS procurement and other benchmarks. The purpose of the RPS upon full implementation is to provide 33 percent of the state's electricity needs through renewable energy sources. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.

SB 375

SB 375 Sustainable Communities Act was signed into law in September 2008 and requires ARB to set regional targets for reducing passenger vehicle GHG emissions in accordance with the Scoping Plan. The purpose of SB 375 is to align regional transportation planning efforts, regional GHG reduction targets, and fair-share housing allocations under state housing law. SB 375 requires Metropolitan Planning Organizations to adopt a Sustainable Communities Strategy or Alternative Planning Strategy to address GHG reduction targets from cars and light-duty trucks in the context of that Metropolitan Planning Organization's RTP.

Senate Bill 97

Senate Bill 97 acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. The California Natural Resources Agency adopted amendments to the CEQA Guidelines to address GHG emissions, consistent with the legislature's directive in PRC Section 21083.05.



Title 20 and Title 24, California Code of Regulations

New buildings constructed in California must comply with the standards in Title 20, Energy Building Regulations, and Title 24, Energy Conservation Standards, of the CCR. Title 20 contains a range of standards, such as power plant procedures and siting, energy efficiency standards for appliances, and ensuring reliable energy sources are provided and diversified through energy-efficiency and renewable energy resources. Title 24 (AB 970) contains energy-efficiency standards for residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy-efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope, such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs. In addition, the new 2019 standards require rooftop solar on all new residential development under three stories.

Part 11 of Title 24 is the CalGreen code, which sets minimum and mandatory sustainability requirements to reduce environmental impact through better planning, design, and construction practices. CalGreen works along with the mandatory construction codes of Title 24 and is enforced at the local level. Any project-related construction would be required to comply with the Title 24 codes currently in place, including CalGreen. The existing 2019 standards became effective in January 2020.

Local

North Coast Unified Air Quality Management District

The NCUAQMD attains and maintains air quality conditions in the County and administers a series of air pollution reduction programs, including open burning permits, grants, permitting of stationary sources, emission inventory and air quality monitoring, and planning and rule development. The NCUAQMD adopted Rule 111 in 2015, which evaluates stationary sources subject to NSR and Title V permitting. Pursuant to Rule 111, stationary sources emitting less than 25,000 tons per year of CO₂ equivalent are exempt from compliance determination.

Humboldt County Policies and Ordinances

The Humboldt County General Plan contains the following goals, policies, and standards relevant to GHG emissions and the proposed project:

Goal AQ-G3: Greenhouse Gas Emissions. Successful mitigation of greenhouse gas emissions associated with this Plan to levels of non-significance as established by the Global Warming Solutions Act and subsequent implementation of legislation and regulations.

- **Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions.** The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.
- **Policy AQ-P17: Preservation and Replacement of On-Site Trees.** Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.
- **Standard AQ-S2: Evaluate Greenhouse Gas Emission Impacts.** During environmental review of large scale residential, commercial and industrial projects, include an assessment of the project's GHG emissions and require feasible mitigation consistent with best practices



documented by the California Air Pollution Control Officers Association in their 2008 white paper “CEQA & Climate Change” or successor documents.

- **Standard AQ-S6: Preservation and Replacement of On-site Trees.** Large scale residential, commercial and industrial projects which remove a significant number of large trees (for example, more than 50 trees of greater than 12 inches DBH) shall plant replacement trees on-site or provide offsetting carbon mitigations.

3.8.3 Methodology for Analysis

The proposed project would result in both short- and long-term emissions of GHGs. Construction emissions would be generated from the exhaust of equipment, the exhaust of construction hauling trips, and worker commuter trips. Long-term, operational GHG emissions would result from vehicular traffic, onsite combustion of natural gas, operation of any landscaping equipment, offsite generation of electrical power over the life of the project, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

Construction and operational emissions were estimated using the CalEEMod (version 2016.3.2). CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operation of a variety of land use projects. The model quantifies direct emissions from construction and operations (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use.

The model was developed in collaboration with the air districts in California. Default data (emission factors, trip lengths, meteorology, source inventory, etc.) have been provided by the various California air districts to account for local requirements and conditions. The model is an accurate and comprehensive tool for quantifying air quality impacts from land use projects throughout California. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as CEQA documents. Information used in the emission modeling is documented in Section 2.0, Project Description, and Appendix B. The CalEEMod module used regulatory compliance reductions for certain existing regulatory requirements that are termed “mitigation” within the model, and the mitigated output from CalEEMod is used; however, those modeling components are not considered mitigation under CEQA, but rather are treated as part of the baseline conditions.

3.8.4 Thresholds of Significance

The CEQA Guidelines’ Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.



A number of expert agencies throughout the state have drafted or adopted varying threshold approaches and guidelines for analyzing GHG emissions in CEQA documents. The different thresholds include the following: (1) compliance with a qualified GHG reduction strategy, (2) performance-based reductions, (3) numeric “bright-line” thresholds, and (4) efficiency-based thresholds.

Efficiency-based thresholds represent the rate of emission reductions needed to achieve a fair share of California’s GHG emissions reduction target established under AB 32 and SB 32, EO B-30- 15, and EO S-03-05. As noted earlier:

- AB 32 is a legal mandate requiring that statewide GHG emissions be reduced to 1990 levels by 2020
- SB 32 requires statewide GHG emissions to 40 percent below 1990 levels by 2030
- B-30-15 provides an interim 2030 goal with the ultimate goal of reducing emissions by 80 percent below 1990 levels by 2050. The B-30-15 interim 2030 emission reduction goal is consistent with SB 32 and represents ‘substantial progress’ towards the 2050 emissions reduction goal.
- EO S-03-05 directs the state to reduce GHG emissions to 80 percent below 1990 levels by 2050.

The NCUAQMD has not identified or recommended any GHG standards or thresholds of significance for the evaluation of development projects. NCUAQMD Rule 111, adopted in 2015, evaluates stationary sources subject to NSR and Title V permitting. Pursuant to Rule 111, stationary sources emitting less than 25,000 tons per year of CO₂ equivalent are exempt from compliance determination.

Utilizing stationary source compliance rules is not recommended for the evaluation of projects subject to CEQA review and therefore we look to other jurisdictions that have developed thresholds, namely other California air districts, to show the emissions associated with this project in a state-wide context. These thresholds are as follows:

- South Coast Air Quality Management District (SCAQMD): SCAQMD’s GHG Working Group has proposed a significance screening level of 3,000 MT CO₂ per year for residential and commercial projects (SCAQMD 2015).
- BAAQMD has adopted an project-level, operational threshold of significance that requires compliance with a qualified GHG reduction strategy or similar plan, maximum annual emissions of 1,100 MT CO₂e per year or less, or achievement of a GHG efficiency rate of no more than 4.6 MT CO₂e per service population per year (BAAQMD 2017). BAAQMD has not adopted a project-level threshold of significance for construction-related GHG emissions.
- Sacramento Metro Air Quality Management District (SMAQMD): SMAQMD has adopted construction and operational GHG thresholds of 1,100 MT CO₂e per year for land development and construction projects (SMAQMD 2015).

In the absence of NCUAQMD thresholds, the GHG emissions from this project will be compared to the SMAQMD threshold of 1,100 MT CO₂e per year for operational emissions because the SMAQMD has updated their guideline to account for the SB 32 2030 targets for GHG emissions. While utilized for comparative purposes, significance of the project’s potential impact is ultimately based on its long-term interaction with the state’s GHG reduction goals as stated in the CARB’s 2017 Scoping Plan.



Post-2020

Given the recent legislative attention and case law regarding post-2020 goals and the scientific evidence that additional GHG reductions are needed through 2050 to stabilize CO₂ concentrations, the Association of Environmental Professionals' Climate Change Committee (2015) recommended in its Beyond 2020: The Challenges of Greenhouse Gas Reduction Planning by Local Governments in California (AEP 2015) white paper that CEQA analyses for most land use development projects can continue to rely on current thresholds for the immediate future, but that long-term projects should consider "post-2020 emissions consistent with 'substantial progress' along a post-2020 reduction trajectory toward meeting the 2050 target." The Beyond 2020 white paper further recommends that the "significance determination... should be based on consistency with 'substantial progress' along a post-2020 trajectory." Therefore, it is assumed that the bright line and project efficiency thresholds developed by SMAQMD, which are consistent with the 2030 targets, are appropriate for this analysis.

3.8.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts related to GHG emissions associated with the proposed project and provides mitigation measures where necessary.

Generation of Greenhouse Gases

Impact GHG-1 **The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

Impact Analysis

Constructions Emission Inventory

The project would emit GHG emissions during construction from off-road equipment, worker vehicles, and any hauling that may occur. The SMAQMD recommends that GHGs be quantified and disclosed and has developed an operational significant threshold for land use development projects. Construction emissions would be generated from the exhaust of equipment, the exhaust of construction hauling trips, and worker commuter trips. The construction phases include site preparation, site grading, paving, building construction, and architectural coating. Metric tons of CO₂ equivalent (MTCO_{2e}) emissions during construction of the project are shown in Table 3.8-1.

Table 3.8-1: Construction Greenhouse Gas Emissions

Construction Year	MTCO _{2e}
2021	441
2022	451
2023	450
2024	450
2025	361
2026	320
2027	374



Construction Year	MTCO _{2e}
2028	372
2029	376
2030	338
Total	3,933
SMAQMD Construction significance threshold	1,100 per year
Exceed Threshold?	No

Notes:

MTCO_{2e} = metric tons of CO₂ equivalent

Source: CalEEMod Output (Appendix B)

As shown in Table 3.8-1, the project’s estimated maximum yearly construction emissions would be 451 MTCO_{2e}, which is below the SMAQMD construction threshold of 1,100 MTCO_{2e} per year. In addition to the potential GHG emission modeled in CalEEMod, the project requires tree removal that would result in a loss of carbon sequestration and a release of carbon that is currently stored in the trees. The Center for Urban Forest Research Carbon Calculator was used to estimate the amount of CO₂ that would be released as a result of the tree removal. Approximately 59.27 acres of forest trees, of which approximately 95 percent are coast redwood with an average diameter at breast height (DBH) of 20 inches, would be permanently removed from the project site. Assuming that 100 percent of the carbon stored would be emitted as CO₂, the Carbon Calculator estimated that removal of each tree would result in 1.48 tons of carbon emission. Additionally, the removal of trees would result in a loss of carbon sequestration potential. The Carbon Calculator estimated that coast redwoods with an average DBH of 20 inches sequester 0.156 tons per tree per year of CO₂. Commercial projects typically have a lifespan of 30 years; therefore, the sequestration loss over the life of the project would be 4.68 tons of CO₂ per tree removed. The Humboldt County Standard AQ-S6: Preservation and Replacement of On-site Trees requires that proposed projects that would remove a large number of trees (i.e., more than 50 trees of greater than 12 inches DBH), either plant replacement trees onsite or provide offsetting for carbon mitigations. Since replanting trees on the proposed project site is not feasible, carbon offsets would be required in order to comply with this General Plan standard. As such, MM GHG-1 would be required in order to implement the carbon offset program from the proposed project. MM GHG-1 would require a payment of \$14 per ton of carbon emitted or loss of sequestration potential. Therefore, the average payment would be \$82.24 per tree removed from the site that is greater than 12 inches DBH. MM GHG-1 is required for consistency with Humboldt County Standard AQ-S6 and would ensure that the loss of trees onsite would be adequately mitigated for through purchasing of local carbon credits. Therefore, with the implementation of MM GHG-1, the proposed project would not have a significant GHG impact during construction.

Operational Emission Inventory

Long-term operational GHG emissions would result from proposed project-generated vehicular traffic, onsite combustion of natural gas, operation of any landscaping equipment, offsite generation of electrical power over the life of the project, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.



Annual operational GHG emissions were determined by modelling the proposed project emissions at the project site. As shown in Table 3.8-2, the total annualized project emissions in 2030 are estimated to be 2,066 MTCO_{2e}. Therefore, the project's emissions would exceed the bright-line SMAQMD threshold of 1,100 MTCO_{2e} per year. To reduce operational mobile GHG emissions, the project would implement MM GHG-2 which requires catalytic converters on all woodburning stoves and the EPA-certified woodburning fireplaces and the prohibition of woodburning devices in the multifamily residential. MM GHG-2 was applied to the CalEEMod modeling and represents approximately 528 MTCO_{2e} per year reduction, as shown in Appendix B. As required by Title 24, the project would install solar panels on the residential units. Motor vehicle emissions associated with the proposed project would be reduced through compliance with State regulations on fuel efficiency and fuel carbon content. As shown in Table 3.8-3, these measures would bring the annual total to 1,538 MTCO_{2e} – still over the SMAQMD bright-line threshold. Therefore, the project would result in a significant and unavoidable impact.

Table 3.8-2: Unmitigated Operational Greenhouse Gas Emissions 2030

Source Category	MTCO _{2e}
Area	856
Energy Consumption	131
Mobile	931
Solid Waste Generation	72
Water Usage	48
Truck Mobile	28
Total Operational Emissions	2,066
<i>SMAQMD Threshold</i>	1,100 tons per year
Significant Impact?	Yes

Notes:

Includes CalEEMod "mitigation" for locational features, compliance with regulatory measure

MTCO_{2e} = metric tons of CO₂ equivalent

Source: CalEEMod Output (Appendix B)

Table 3.8-3: Mitigated Operational Greenhouse Gas Emissions 2030

Source Category	MTCO _{2e}
Area	328
Energy Consumption	131
Mobile	931
Solid Waste Generation	72
Water Usage	48
Truck Mobile	28
Total Operational Emissions	1,538
<i>SMAQMD Threshold</i>	1,100 tons per year
Significant Impact?	Yes

Notes:

Includes CalEEMod "mitigation" for locational features, compliance with regulatory measure

Construction emissions annualized over an anticipated 30-year project lifespan.

MTCO_{2e} = metric tons of CO₂ equivalent

Source: CalEEMod Output (Appendix B)



As described in Section 3.3.4, CEQA Guidelines Section 15064.4 calls for a lead agency to make a “good-faith effort” to “describe, calculate, or estimate” GHG emissions in CEQA environmental documents, and, in assessing significant impacts, should consider the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting, and whether the project emissions would exceed a locally applicable threshold of significance. Table 3.8-3 above provides a quantification and description of the mitigated GHG emissions associated with operation of the proposed project. The majority of the operational emissions are generated by mobile sources. The NCAQMD has not developed significance thresholds; therefore, this analysis uses the SMAQMD threshold when considering the significance determination for GHG emissions. The proposed project represents a local development adjacent to an existing community and is designed in response to normal growth and accommodating housing need. However, even with implementation of MM GHG-2, the proposed project exceeds the SMAQMD threshold, and operational GHG impacts would be significant and unavoidable.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM GHG-1 Carbon Offsets. The proposed project shall enter into a carbon offset agreement with the City of Arcata, which has a verified forest carbon offsets from the Arcata Community Forest (Climate Action Reserve 935 and 575), Climate Reserve Tonnes. Carbon offsets for this program are \$14/metric tonne (City of Arcata ND). The Applicant will receive proof of purchase prior to issuance of any building or grading permits for the proposed project.

MM GHG-2 Stoves and Woodburning Devices. If woodburning heating is used for the residential development, the project shall install woodburning stoves with catalytic converters and/or EPA-certified woodburning fireplaces. Woodburning devices shall be prohibited in the multifamily residential.

Level of Significance After Mitigation

Significant Unavoidable Impact.

Conflict with an Applicable Plan, Policy, or Regulation

Impact GHG-2 The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact Analysis

The following analysis assesses the proposed project’s consistency with local and regional adopted plans to reduce GHG emissions. The Humboldt County General Plan commits to concrete actions to further reduce countywide GHG emissions. The County is currently preparing a Climate Action Plan (CAP). Although not yet finalized, the County is suggesting GHG reduction targets of 40 percent below 1990 levels by 2030, and 60 percent below 1990 levels by 2040. Additionally, the state has developed the Climate Change Scoping Plan, which was updated in 2017, and outlines the strategy for achieving



California's 2030 GHG target of 40 percent emissions reductions below 1990 levels. The following provides a project-specific consistency analysis with each of these local, regional, and statewide plans.

Humboldt County General Plan

The County includes the following relevant goals and reduction measures developed to assist the state in meeting its GHG reduction goals. Those that are applicable to the proposed project, along with the project-specific consistency with each of the goals, are presented below in Table 3.8-4.

Table 3.8-4: Consistency with Humboldt County General Plan

Humboldt County General Plan Provision	Project Consistency
<p>Goal AQ-G3: Greenhouse Gas Emissions. Successful mitigation of greenhouse gas emissions associated with this Plan to levels of non-significance as established by the Global Warming Solutions Act and subsequent implementation of legislation and regulations.</p>	<p>Consistent. The project would be consistent with the growth projected in the County General Plan.</p>
<p>Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions. The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.</p>	<p>Consistent. GHG emissions were evaluated and all feasible mitigation measure to minimize GHG emissions were implemented.</p>
<p>Policy AQ-P17: Preservation and Replacement of On-Site Trees. Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.</p>	<p>Consistent. Large trees will be preserved where possible and over 20 acres of untouched open space will be preserved. In addition, the Applicant will purchase verified forest carbon offsets from the Arcata Community Forest (CAR 935 and 575), Climate Reserve Tonnes.</p>
<p>Standard AQ-S2: Evaluate Greenhouse Gas Emission Impacts. During environmental review of large scale residential, commercial and industrial projects, include an assessment of the project's GHG emissions and require feasible mitigation consistent with best practices documented by the California Air Pollution Control Officers Association in their 2008 white paper "CEQA & Climate Change" or successor documents.</p>	<p>Consistent. GHG emissions were evaluated and all feasible MMs to minimize GHG emissions were implemented.</p>
<p>Standard AQ-S6: Preservation and Replacement of On-site Trees. Large scale residential, commercial and industrial projects which remove a significant number of large trees (for example, more than 50 trees of greater than 12 inches DBH) shall plant replacement trees on-site or provide offsetting carbon mitigations.</p>	<p>Consistent. The proposed project would result in a loss of carbon sequestration from removal of the existing trees onsite. Approximately 59.27 acres of forest trees would be permanently removed from the project site, which would equate to the loss of 6.16 tons per tree removed. This standard requires that proposed projects that would remove a large number of trees (i.e., more than 50 trees of greater than 12 inches DBH), either plant replacement trees onsite or provide offsetting for carbon mitigations. Since replanting trees on the proposed project site is not feasible, carbon offsets would be required in order to comply with this General Plan standard. As such, MM GHG-1 would be required in order to implement the carbon offset program from the proposed project. MM GHG-1 would ensure that the loss of trees onsite would be adequately mitigated for through purchasing of local carbon credits.</p>



California Climate Change Scoping Plan

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (CO₂, CH₄, N₂O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, the CARB adopted the Climate Change Scoping Plan in 2008, which outlines actions recommended to obtain that goal. Scoping Plan Measures that are applicable to the proposed project, along with the project-specific consistency with each of the measures, are presented below in Table 3.8-5.

Table 3.8-5: AB 32 Scoping Plan Consistency Analysis

Scoping Plan Measure	Project Consistency
Transportation	
California Cap-and-Trade Program	Consistent. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Therefore, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.
California Light-Duty Vehicle Greenhouse Gas Standards	Consistent. This measure applies to all new vehicles starting with model year 2012. Passenger vehicles model year 2012 and later associated with construction and operation of the project would be required to comply with the Pavley emissions standards. Therefore, the project would not conflict with implementation.
Low Carbon Fuel Standard	Consistent. The project would not conflict with implementation of this measure because motor vehicles associated with construction and operation of the project would utilize low-carbon transportation fuels as required under this measure.
Medium/Heavy-Duty Vehicles	Consistent. Medium- and heavy-duty vehicles associated with construction and operation of the project would be required to comply with the requirements of this regulation. Therefore, the project would not conflict with implementation of this measure.
Electricity and Natural Gas	
Energy Efficiency	Consistent. The proposed project would be consistent with both City and state minimum green building requirements.
Renewable Portfolio Standard/Renewable Electricity Standard	Consistent. PG&E obtained 33 percent of its power supply from renewable sources, such as solar and geothermal, in 2017; and about 70 percent of the electricity it delivers is carbon-free, including nuclear and large hydroelectric facilities. In addition, the proposed project would be built as solar ready.
Million Solar Roofs Program	Consistent. This measure is intended to increase solar energy generation throughout California by means of a variety of electricity providers and existing solar programs. Projects within the plan area will be able to take advantage of incentives that are in place at the time of construction. The project will meet the "solar ready" requirements of the Green Building Code Standards.



Greenhouse Gas Emissions And Climate Change

Scoping Plan Measure	Project Consistency
Water	
Water	Consistent. The project will comply with CalGreen, which requires a 20 percent reduction in indoor water use.
Green Building	
Green Building Strategy	Consistent. The proposed project would be consistent with both City and state minimum green building requirements.
Recycling and Waste Management	
Recycling and Waste	Consistent. The project is required to achieve the recycling mandates via compliance with CalGreen.

Notes:

City = City of Santa Rosa

PG&E = Pacific Gas and Electric

The Scoping Plan contains a variety of strategies to reduce the state’s emissions. As shown in Table 3.8-6, the project is consistent with the strategies applicable to the proposed project. The 2017 Scoping Plan Update strategies primarily rely on increasing the stringency of existing regulations for which the project would continue to comply with and support through the project’s design and implementation.

Table 3.8-6: SB 32 Scoping Plan Consistency Analysis

2017 Scoping Plan Measures	Project Consistency
SB 350 to reduce GHG emissions in the electricity section through the implementation of the 50 percent Renewable Portfolio Standard.	Consistent. PG&E obtained 33 percent of its power supply from renewable sources, such as solar and geothermal, in 2017; and about 70 percent of the electricity it delivers is carbon-free, including nuclear and large hydroelectric facilities. In addition, the proposed project install solar on all residential development less than three stories.
Low-Carbon Fuel Standard Transition to cleaner/less polluting fuels that have a lower carbon footprint.	Consistent. The project would not conflict with implementation of this measure because motor vehicles associated with construction and operation of the project would utilize low-carbon transportation fuels as required under this measure.
SB 1383 Approve and implement Short-Lived Climate Pollution strategy to reduce highly potent GHGs	Consistent. As part of MM GHG-3, the project would require catalytic converters for all woodburning heat sources.
Post-2020 Cap-and-Trade Program	Consistent. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Therefore, GHG emissions associated with CEQA projects’ electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the program’s first compliance period.

Notes:

PG&E = Pacific Gas and Electric

SB = Senate Bill



EO S-3-05 established a reduction of GHG emissions to 80 percent below 1990 levels by 2050. Regarding the proposed project consistency with EO S-3-05, it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed. Because of the technological shifts required and the unknown parameters of the regulatory framework in 2050, quantitatively analyzing the proposed project's impacts further relative to the 2050 goals is speculative for purposes of CEQA. However, it can be anticipated that operation of the project would comply with measures that are enacted to meet an 80 percent reduction below 1990 levels by 2050. The proposed project would be consistent with the California GHG Plans and would further the state's goals of reducing GHG emissions to 1990 levels by 2020, and 40 percent below 1990 levels by 2030, and does not obstruct their attainment.

In addition to the Plan level consistency analysis presented in Tables 3.8-5, 3.8-6, and 3.8-7, the proposed project would be subject to Title 24 energy efficiency standards. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The proposed project would comply with CalGreen, which includes requirements to increase recycling, reduce waste, reduce water use, increase bicycle use, and other measures that would reduce GHG emissions. In addition, as required by Title 24, the project would install solar panels on the residential units. Motor vehicle emissions associated with the proposed project would be reduced through compliance with state regulations on fuel efficiency and fuel carbon content. The proposed project would not conflict with the County General Plan or regulations adopted by the state to reduce GHG emissions. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM GHG-1 would be required.

Level of Significance After Mitigation

Less Than Significant with Mitigation.



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3.9 HAZARDS AND HAZARDOUS MATERIALS

This section describes the environmental and regulatory setting for hazards and hazardous materials. It also describes existing conditions and potential impacts relative to hazards and hazardous materials that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.9.1 Environmental Setting

Hazardous materials, as defined by the CCR, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into the following four categories, based on their properties:

- Toxic – Causes human health effects
- Ignitable – Has the ability to burn
- Corrosive – Causes severe burns or damage to materials
- Reactive – Causes explosions or generates toxic gases

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. The criteria that define a material as hazardous also define a waste as hazardous. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if they are released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. CCR Title 22, Sections 66261.20-24 contain technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Common Hazardous Materials

Asbestos

NOA generally is found in serpentine soils within the Sierra Nevada foothills of California and is considered a hazardous material due to exposure-related public health concerns (Caltrans 2006). The NOA Hazard Map and Humboldt County General Plan were reviewed to determine if the proposed project would involve construction in areas of relative likelihood for the presence of natural occurring asbestos (CGS 2011; Humboldt County 2017c). The majority of the County, and specifically the unincorporated community of Cutten, is not known for the occurrence of NOA.

Many building materials have the potential to contain asbestos cement (AC) and other hazardous materials that, if disturbed, could cause damage to people and the environment. If material containing asbestos is disturbed, tiny fibers can become airborne, which could cause respiratory damage leading to lung disease or other pulmonary complications.



AC pipe is a material commonly installed in the mid-20th century, prior to much of the federal and state legislation regulating this hazardous material. AC pipe is most commonly encountered where public water systems were developed or extended in the 1940s through 1960s. It is a piping material that is safe if left undisturbed. Risk of exposure is limited to activities that disturb the material causing it to become airborne. The proposed project is not likely to require any interaction with AC pipe or other AC materials, and no demolition is anticipated for this project.

Polychlorinated Biphenyls

Polychlorinated biphenyls (PCBs) are mixtures of synthetic chemicals with similar chemical structures. PCBs can range from oily liquids to waxy solids. Because of their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications, including electrical, heat transfer, and hydraulic equipment; as plasticizers in paints, plastics, and rubber products; in pigments, dyes, and carbonless copy paper; and many other applications. More than 1.5 billion pounds of PCBs were manufactured in the U.S. prior to cessation of production in 1977.

PG&E provides electricity to the project area. As the owner of any transformers present on utility poles, PG&E would be responsible for any inspections, testing, reporting, and release response related to PCBs.

Radon

Radon is a carcinogenic, radioactive gas resulting from the natural breakdown of uranium in soil, rock, and water. Radon gas enters a building through cracks in foundations and walls. Once inside the building, radon decay products may become attached to dust particles and inhaled, or the decayed radioactive particles alone may be inhaled and cause damage to lung tissue. The USEPA has established a safe radon exposure threshold of 4 picocuries per liter of air.

According to the USEPA Map of Radon Zones, the County is located in Zone 3 of the USEPA Radon Zone Map (USEPA 2019a). Zone 3 is designated as a low potential radon zone with levels less than 2 picocuries per liter of air and, therefore, is within the safe radon exposure threshold.

The proposed project area is located in a rural area in the unincorporated community of Cutten. The surrounding land uses include forest land to the north, east, and south of the project site, and Redwood Fields Park and existing residences to the west. The timber lands surrounding the project site have historically been used for commercial timber and currently remains undeveloped.

Schools

There are three schools within 0.25 mile of the project site. These schools are listed in Table 3.9-1 below.

Table 3.9-1: Schools Within One Quarter Mile of Project Site

School Name	Address	Approximate Distance and Direction from Proposed Project
Winship Middle School	2500 Cypress Avenue, Eureka, CA 95503	0.10 mile south
Glen Paul School	2501 Cypress Avenue, Eureka, CA 95503	300 feet south
Cutten Elementary School	4182 Walnut Drive Eureka, CA 95503	0.24 mile southwest



Cortese List Government Code Section 65962

The Cortese list, which is compiled pursuant to Government Code Section 65962, is used to confirm compliance with CEQA requirements, and provides a list of known locations of hazardous material release sites. The Envirostor database, which is managed by the Department of Toxic Substances Control (DTSC), and the GeoTracker database, which is managed by the SWRCB, are used to determine the proximity of a project to the nearest hazardous materials site. Active Cortese list cleanup sites, at the time this Draft EIR was written, are shown in Table 3.9-2 below.

Table 3.9-2: Cortese Listed Sites within One-Half Mile of Project Site

Name	Address	DTSC or SWRCB?	Cleanup Listing Status	Approximate Distance and Direction from Project Site
Redwood Acres	3750 Harris Street, Eureka, CA 95503	DTSC	Voluntary Cleanup	0.50 mile northeast
Former Texaco	3988 Walnut Drive	SWRCB	LUST Cleanup Site-Completed/Case Closed	0.20 mile west
Private Residence	Private Residence, Eureka, CA 95503	SWRCB	LUST Cleanup Site-Completed/Case Closed	0.37 mile southwest
ACE Adams & Sons Printing	4137 Walnut Drive, Eureka, CA 95501	SWRCB	LUST Cleanup Site-Completed/Case Closed	0.13 mile southwest
California National Guard Armory	3517 W Street, Eureka, CA 95501	SWRCB	LUST Cleanup Site-Completed/Case Closed	0.20 mile northwest
Chevron #9-1109	2600 Harris Street, Eureka, CA 95501	SWRCB	LUST Cleanup Site-Completed/Case Closed	0.43 mile north

Source: DTSC 2019; SWRCB 2019

Emergency Response and Emergency Evacuation Plans

County Ordinance 2203 established the Humboldt Operational Area and identified the Sheriff as Director of Emergency Services for the County. The Humboldt Operational Area is composed of the County serving as the lead agency, and all political subdivisions (cities and special districts). The Office of Emergency Services (OES) assists the Sheriff in controlling and directing the effort of the emergency organization of the County and is part of the Special Operations Division within the Sheriff's Department. According to the County General Plan, the OES is responsible for maintaining the County's Emergency Operations Plan (EOP), which addresses the planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in, or affecting, the County. OES also maintains specific hazard response plans for earthquake, flooding, tsunamis, coastal storms, and other events. These response plans are used to determine the most appropriate evacuation routes based on the nature and extent of the hazard. Pre-disaster evacuation route planning is addressed through a variety of efforts, including the FEMA local Hazard Mitigation Plan (HMP) program, the seismic retrofit program for state bridges and overpasses, tsunami response planning, and the application of the CAL FIRE SRA standards for emergency access (Humboldt County 2017c).



Additionally, the Department of the Navy operates military training routes and military operating areas, which traverse central areas of the County. These areas incorporate airspace, and new development within these areas requires notice and consultation with the Department of the Navy in order to ensure compatibility. The proposed project area is not located within one of these military training routes or military operating areas (Humboldt County 2017a).

Airports and Airstrips

The nearest airport to the project site is Murray Field Airport, which is located approximately 2.6 miles northeast of the project site. The proposed project is not located within any airport land use compatibility zones.

3.9.2 Regulatory Setting

Federal

United States Environmental Protection Agency

The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard-setting, and enforcement activities to ensure environmental protection. The USEPA's mission is to protect human health and to safeguard the natural environment—air, water, and land—upon which life depends. The USEPA works to develop and enforce regulations and implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for using permits and for monitoring and enforcing compliance. Where national standards are not met, the USEPA can issue sanctions and take other steps to assist the states and tribes to reach the desired levels of environmental quality.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) set up the federal regulatory program for hazardous substances and gives the USEPA the authority to regulate the generation, transport, treatment, and disposal of hazardous substances in a “cradle to grave” system (USEPA 2019b). Under RCRA, the USEPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances. This regulatory system includes tracking all generators of hazardous waste.

1984 Hazardous and Solid Waste Amendment Act

RCRA was amended by the 1984 Hazardous and Solid Waste Amendment Act, which prohibited the use of certain techniques for the disposal of certain hazardous wastes (USEPA 2016b). The Emergency Planning and Community Right-to-Know Act of 1986 imposes safety requirements to protect local communities in the event of accidental release of hazardous substances. The requirements provide measures so that the risks from interaction with hazardous materials, such as handling, storage, and disposal, are mitigated or prevented. This law protects human health and the environment if the unintended release of hazardous materials was to occur (USEPA 2016c). The USEPA has delegated fulfillment of many of RCRA's requirements to the California DTSC.



State

California hazardous material and waste regulations are equal to or more stringent than federal regulations. The USEPA has granted the state primary oversight responsibility to administer and enforce hazardous waste management programs. Several key state laws pertaining to hazardous materials and wastes are discussed below.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the state hazardous waste management program. It is similar to, but more stringent than, the federal RCRA program. The act is implemented by regulations contained in CCR Title 26, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling treatment, storage and disposal facilities; operation of facilities and staff training; and closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous, and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with DTSC.

California Environmental Protection Agency and Department of Toxic Substances Control

The California Environmental Protection Agency is responsible for creating and enforcing environmental regulations within California. Within California Environmental Protection Agency is DTSC, which was formed under the Hazardous Waste Control Act. DTSC is responsible for regulating hazardous waste, remediating existing contamination, and identifying ways to reduce production of hazardous wastes. DTSC can delegate enforcement responsibilities to local jurisdictions.

Unified Program

The unified hazardous waste and hazardous materials management regulatory program (Unified Program) is a unified hazardous materials management program that was established by California's Secretary for Environmental Protection following SB1082 (1993). The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following programs:

- Hazardous Materials Release Response Plans and Inventories
- California Accidental Release Prevention Program
- Underground Storage Tank Program
- Above Ground Petroleum Storage Act Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements



These six environmental programs are implemented at the local government level by Certified Unified Program Agencies. Certified Unified Program Agencies provide a central permitting and regulatory agency for permits, reporting, and compliance enforcement. California PRC Section 21151.4 sets special requirements for EIRs and negative declarations for projects that involve the construction or alteration of a facility within 0.25 mile of a school that creates the following conditions:

- The project might reasonably be anticipated to emit hazardous air emissions;
- The project would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified in Section 25532(j) of the Health and Safety Code; or
- The project may pose a health or safety hazard to persons who would attend or would be employed at the school.

As part of the CEQA process, the lead agency preparing the EIR must consult with the appropriate school district regarding the potential impact of the project on the school, and the school district must be notified about the project in writing at least 30 days before the proposed certification of the EIR or adoption of the mitigated negative declaration (PRC Section 21151.4; 14 CCR Section 15186[b]).

Cortese List Government Code Section 65962

Government Code Section 65962 was enacted in 1985 and was amended in 1992. It is used as a planning tool to comply with CEQA and requires information about locations of hazardous materials release sites. It states that through the combined efforts of DTSC, the Department of Health Services, the SWRCB, and local enforcement agencies, a list of potentially hazardous areas and sites will be compiled and remain up to date (at a minimum, updated annually). The list is consolidated by the Secretary for Environmental Protection and is distributed to each city and county in which sites on the list are located. The list can be found on DTSC's EnviroStor database, which includes information from the SWRCB's GeoTracker database.

California Department of Transportation

The Caltrans manages interregional transportation, including the management and construction of the California highway system. In addition, Caltrans is responsible for the permitting and regulation of state roadways and requires that permits be obtained for transportation of oversized loads and transportation of certain materials, such as hazardous materials, and for construction-related traffic disturbance.

California Public Resources Code

PRC Section 21151.4 is another key state law pertaining to hazardous materials, and is presented verbatim below:

- (a) An environmental impact report shall not be certified or a negative declaration shall not be approved for any project involving the construction or alteration of a facility within one-fourth of a mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:



- (1) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the Project on the school.
 - (2) The school district has been given written notification of the Project not less than 30 days prior to the proposed certification of the environmental impact report or approval of the negative declaration.
- (b) As used in this section, the following definitions apply:
- (1) "Extremely hazardous substance" means an extremely hazardous substance as defined pursuant to paragraph (2) of subdivision (g) of Section 25532 of the Health and Safety Code.
 - (2) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the Project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air of a substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code. [Amended by Stats. 2008, Ch. 148, Sec. 1. Effective January 1, 2009]

Division of Occupational Safety and Health

The California Division of Occupational Safety and Health Administration is responsible for enforcing workplace safety regulations and requirements in California, including hazardous materials requirements recorded under CCR Title 8. These regulations include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about hazardous substance exposure (such as asbestos), and preparation of emergency action and fire prevention plans.

The California Division of Occupational Safety and Health Administration also enforces hazard-communication program regulations that contain training and information requirements. Such requirements include procedures for identifying and labeling hazardous substances, communicating information about hazardous substances and their handling, and preparing health and safety plans to protect workers and employees at hazardous waste sites. Under the hazard-communication program, employers must make Safety Data Sheets available to employees and document employee information and training programs.

California Emergency Services Act

The California Emergency Services Act provides the basic authority for conducting emergency operations following a proclamation of emergency by the governor and/or appropriate local authorities. Local government and district emergency plans are considered to be extensions of the California Emergency Plan, established in accordance with the Emergency Services Act.

The California Emergency Management Agency (CAL EMA) is the state agency responsible for establishing emergency response and spill notification plans related to hazardous materials accidents. CAL EMA regulates businesses by requiring specific businesses to prepare an inventory of hazardous materials (CCR Title 19). CAL EMA is also the lead state agency for emergency management and is responsible for coordinating the state-level response to emergencies and disasters.



Fire Protection

California state fire safety regulations apply to SRAs during the time of year designated as having hazardous fire conditions. CAL FIRE has developed a fire hazard severity scale that considers vegetation, climate, and slope to evaluate the level of wildfire hazard in all SRAs. An SRA is defined as the part of the state where CAL FIRE is primarily responsible for providing basic wildland fire protection assistance. Areas under the jurisdiction of other fire protection services are considered to be Local Responsibility Areas or, on federal lands, Federal Responsibility Areas.

During the fire hazard season, these regulations include: (1) restrict the use of equipment that may produce a spark, flame, or fire; (2) require the use of spark arrestors on any equipment that has an internal combustion engine; (3) specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and (4) specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas. CAL FIRE has primary responsibility for fire protection within SRAs.

Local

Humboldt County General Plan

The County General Plan, adopted October 23, 2017, contains several policies that directly pertain to hazards and hazardous materials, including the following:

Goal S-G1. Minimize Loss. Communities designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards.

Goal S-G2. Prevent Unnecessary Exposure. Areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury.

Goal S-G3. Natural Drainage and Watershed Protection. Natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding.

- **Policy S-P1: Reduce the Potential for Loss.** Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soils areas, active earthquake faults, wildland fire risk areas, airport influence areas, military operating areas, flood plains, and tsunami run-up areas.
- **Policy S-P4: Disaster Response Plans.** The County shall prepare and maintain current disaster response plans. The County shall support and participate in the preparation of disaster response plans by community organizations, companies, cities, and state and federal agencies.
- **Policy S-P5: Hazard Mitigation.** The County shall actively seek opportunities to reduce the impacts of disasters through hazard mitigation planning.
- **Policy S-P7: Structural Hazards.** The County shall protect life and property by applying and enforcing state adopted building codes and Alquist-Priolo requirements to new construction.
- **Policy S-P6: Earthquake Mitigation Planning.** The potential for a local earthquake in excess of magnitude 9.0 (Richter scale) shall be considered in disaster planning, risk assessment, and pre-disaster mitigation efforts.



- **Policy S-P11: Site Suitability.** New development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.
- **Policy S-P12: Federal Flood Insurance Program.** The County shall participate in the Federal Flood Insurance Program and maintain Flood Damage Prevention regulations in the County Code to regulate land uses in flood hazard areas in order to minimize loss of life and property and public flood-related expense.
- **Policy S-P14: Prohibition of Residential Subdivisions within Floodplain.** The creation of new parcels that increase residential density wholly within the 100 year floodplain, as identified in the most recent FEMA flood insurance rate maps, shall be prohibited unless the Board of Supervisors makes specific findings that the potential for loss of life and property can be reduced to less than significant levels.
- **Policy S-P15: Construction Within Special Flood Hazard Areas.** Construction within a floodplain identified as the 100-Year Flood Boundary on FEMA's Flood Insurance Rate Map shall comply with the County's Flood Damage Prevention Regulations. Fill in the floodplain shall only be allowed if it can be demonstrated that the fill will not have cumulative adverse impacts on or off site and such fill shall not be detrimental to productive farm land, and is otherwise in conformance with the County's Flood Damage Prevention Regulations.
- **Policy S-P33: Hazardous Waste.** Eliminate the use of toxic materials within Humboldt County, where feasible, and require the reduction, recycling, and reuse of such materials, to the greatest extent possible, where complete elimination of their use is not feasible. Require new development which may generate significant quantities of hazardous wastes to be consistent with all the goals and policies of the Hazardous Waste Management Plan (Appendix H).
- **Policy S-P35. Hazard Mitigation Plan.** The County incorporates by reference into this Safety Element the Humboldt Operational Area Hazard Mitigation Plan for unincorporated areas (Volume I and the Humboldt County Annex and the Appendices of Volume II) as adopted and amended by the Board of Supervisors, in accordance with the Federal Disaster Mitigation Act of 2000 and California Government Code, Section 65302.6.

Humboldt County Emergency Operations Plan

The County's EOP addresses the planned response to emergency situations, which could include natural disasters, technological incidents, and human-caused disasters that could affect the County (Humboldt County 2015). This plan establishes a framework for emergency management organization; identifies policies, responsibilities, and procedures required to protect the health and safety of the County; and establishes operational concepts and procedures associated with field response to emergencies.

Humboldt Operational Area Hazard Mitigation Plan

The Humboldt Operational Area HMP is a plan to address multiple hazards faced by County communities. The Humboldt HMP was approved by FEMA on January 28, 2008. The HMP inventoried potential natural hazards that the defined planning area is most vulnerable to; assessed the risk to the planning area's citizens, buildings, and critical facilities; and developed a mitigation strategy to reduce the risk of exposure and facilitate a swift and organized recovery should a disaster occur (Humboldt County 2014).



3.9.3 Methodology for Analysis

The applicable hazards and hazardous materials regulations were reviewed and the applicable hazardous material database searches conducted in order to complete the analysis portion of this section. These regulations and databases were analyzed in conjunction with the thresholds of significance identified below.

3.9.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation in an EIR was warranted to ascertain whether the proposed project may:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- 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.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- 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.
- 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 or private airport or public use airport, would the project result in safety hazard or excessive noise for people residing or working in the project area. (Refer to Section 7, Effects Found Not To Be Significant.)
- Impair implementation of, or physically interfere with an adopted emergency response plan, or emergency evacuation plan.

Additionally, the following threshold is discussed in Section 3.16, Wildfires:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

3.9.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to hazards and hazardous materials. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.



Routine Transport, Use, or Disposal

Impact HAZ-1: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Impact Analysis

Construction

Temporary construction activities associated with implementation of the proposed project would involve the transport and use of gasoline, diesel fuel, hydraulic fuel, solvents, and oils typically associated with operation of construction equipment and vehicles. These chemicals would be used and stored on construction sites within the proposed project area during construction, as well as transported along public roadways throughout the proposed project area. The use of generators for construction or operation of equipment, such as pumps, may also be required under the proposed project. Federal, state, and local laws governing the handling, storage, and transport of these and other hazardous materials and spill clean ups are discussed in the Regulatory Setting of this section and would be required for the storage and transport of hazardous materials associated with implementation of the proposed project. These regulations are established to prevent the improper use of materials and to reduce the risk of exposure to the public. Impacts associated with routine release of hazardous materials during transport, use of, or disposal could potentially result in a significant impact to the public or the environment; however, the County and chosen contractor would be required to comply with all relevant and applicable federal, state, and local laws and regulations governing transport, storage, use, and disposal of hazardous materials during construction and implementation of the proposed project. Therefore, compliance with these regulations would ensure that the potential for impacts related to hazardous materials transport, use, and disposal would be less than significant.

Operation

Operational impacts associated with the proposed project would be limited to hazardous materials typically generated by residential and commercial land uses, which would likely include cleaning materials, such as solvents. These substances would not be used in substantial quantities and would not create a significant hazard to the public or the environment. Additionally, general landscaping and maintenance would likely include the use of pest control and herbicides, which would not be used in substantial quantities. No operational impacts relative to hazards or hazardous materials would occur from operation of the water storage tank. Therefore, operational impacts would be limited in nature and would result in a less than significant hazard impact to the public and the environment.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



Release from Foreseeable Upset and Accident Conditions

Impact HAZ-2: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact Analysis
Construction

The potential for release of hazardous materials into the environment could result from discovery of hazardous materials in the soils excavated during construction or from spills related to construction equipment and activities. The use of heavy construction equipment requires the use of small amounts of hazardous materials, such as oils, fuels, and other potentially flammable substances that have the potential to be released into the environment if not handled properly. The amount of these materials needed for equipment maintenance would not be enough to cause a significant hazard to the public if released, since the quantity of these hazardous materials on-site at any given time would only amount to a refueling truck and the construction equipment. The proposed project would be required to comply with applicable federal, state, and local laws pertaining to the safe handling and storage of hazardous materials. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, MM HYD-1 requires the project Applicant to implement a SWPPP during construction activities to prevent contaminated runoff from leaving the project site. Therefore, no significant impacts would occur during construction activities.

Additionally, as discussed in the introduction of this section above, common hazardous materials such as asbestos, lead, PCBs, and radon are not anticipated to be encountered in the project area, since the region is not a known location for NOA, and no demolition of pipes or other older structures is anticipated for the proposed project. Therefore, potential impacts related to these hazards would be less than significant.

Operation

Similar to Impact HAZ-1, operational impacts would be limited to hazardous materials typically generated by residential and commercial land uses, which would likely include cleaning materials such as solvents. These substances would not be used in substantial quantities and would not create a significant hazard to the public or the environment. Additionally, general landscaping and maintenance would likely include the use of pest control and herbicides, which would not be used in substantial quantities. The water storage tank would not generate any hazardous waste. Therefore, operational impacts would be limited in nature and would result in a less than significant hazard impact to the public and the environment.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HYD-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



Existing or Proposed Schools

Impact HAZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact Analysis

Construction

Construction of the proposed project has the potential to result in emissions of toxic contaminants in the form of DPM emissions from the operation of diesel fueled internal combustion engines. Additionally, other potentially hazardous materials present within soils could be disturbed during construction activities and could become airborne and adversely affect nearby schools. As shown in Table 3.9-1 above, there are three schools within 0.25 mile of the proposed project; therefore, potentially hazardous materials and emissions could be emitted near existing and proposed schools in the region. However, as discussed in Section 3.3, Air Quality, compliance with the North Coast Unified Air Quality Management District Rule104 would be required in order to reduce fugitive dust emissions, and thus reduce the potential for hazardous airborne particles to be released. Therefore, construction impacts would be less than significant.

Operation

Operation of the proposed project would involve limited use of hazardous materials (i.e., cleaning materials and herbicides, as discussed above). These substances would not be used in substantial quantities and would not create a significant hazard to the public or the environment. In addition, project operation would have limited potential to emit hazardous materials, since operation emissions would be limited to small quantities of DPM from vehicles traveling to and from the residences. Thus, project operation would have a less than significant impact on schools within 0.25 mile.

Given the above, the potential for the implementation of the proposed project to generate hazardous emissions within 0.25 mile of a school during both construction and operation would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



Hazardous Materials Sites

Impact HAZ-4: The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Impact Analysis

The project site is not located on the Cortese list database as a potential hazard site. As shown on Table 3.9-2 above, there are six sites within 0.5 mile of the project site that are listed on the Cortese list database (DTSC 2019; SWRCB 2019). However, as shown on Table 3.9-2, all except one of these potentially hazardous sites have a listing status as completed or case closed, meaning no further remediation actions are required at these sites and do not pose any risk or hazard to the public or environment. There is one site, the Redwood Acres, which is listed as a voluntary cleanup site (DTSC 2019). According to the cleanup records for this site, an underground storage tank containing gasoline has leaked into the surrounding soil and groundwater within the parking area of this site. Although no known human receptors were identified within the area, ongoing monitoring and remediation has occurred at this site, and final investigations for soil and groundwater will occur through the end of 2020 (DTSC 2019). Due to the limited nature of this hazardous site, as well as distance from the project site (0.5 mile northeast of project site), it is not anticipated that this site would affect the project site or create a significant hazard to future residents associated with the project. Additionally, there are no hazardous sites near the proposed water storage tank location. Therefore, the proposed project does not have the potential to create significant hazard to the public as a result of the listing. As such, there would be a less than significant impact.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Emergency Response Plan or Emergency Evacuation Plan

Impact HAZ-5: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

The proposed project includes two main access points: one from Redwood Street and another from Arbutus Street. Additional internal access roads would be constructed as part of the proposed project, which would branch off from Redwood Street and Arbutus Street. These access streets would connect to the larger roadway network in the region that provides regional access via U.S. Highway 101 (approximately 2.7 miles west of the project site), which runs in a north-south direction through the County.



The County's EOP outlines procedures to follow in the event of an emergency, such as a flood or fire, that may affect the County. Although the County's EOP does not outline specific emergency evacuation plans or routes for the area, it is likely that in the event of an emergency, residents in the project area would utilize the two access points and would funnel into the large roadway network within the region and would not interfere with the County's EOP. Therefore, operational impacts associated with the proposed project would result in a less than significant impact related to the County's EOP.

During construction, it is not anticipated that construction-related traffic would substantially affect emergency operations or evacuation plans, should an emergency event occur during the 20-year construction period for the proposed project. However, because of the anticipated length of construction of the proposed project, construction activities could interfere with emergency plans or evacuations, should such an event occur. As such, MM TRANS-1, Traffic Management Plan, would be required throughout project construction in order to limit any potential impacts from construction equipment entering and exiting the surrounding roadways, and would ensure that emergency access remains possible at all times. Therefore, through implementation of MM TRANS-1, construction of the proposed project would not interfere with the County's EOP and would therefore have a less than significant impact with mitigation incorporated.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM TRANS-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



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3.10 HYDROLOGY AND WATER QUALITY

This section describes the environmental and regulatory setting for hydrology and water quality. It also describes existing conditions and potential impacts relative to hydrology and water quality that would result from implementation of the proposed project and, mitigation for potentially significant impacts, where feasible.

3.10.1 Environmental Setting

Regional Setting

The County is part of the California Water Resource Control Board's Klamath-North Coast Hydrologic Basin Planning Area. The Klamath-North Coast Hydrologic Basin Planning Area includes all watersheds draining into the Pacific Ocean from the Oregon border south through the Russian River Basin.

Nonpoint source pollution, also known as polluted runoff, is the leading cause of water quality impairments in California and the nation. Nonpoint sources, including natural sources, are the major contributors of pollution to impacted streams, lakes, wetlands, estuaries, marine waters, and ground water basins. Unlike pollution traceable to a single location or "point" (such as a wastewater treatment plant [WWTP]), nonpoint source pollution comes from many diffuse sources and is principally caused by stormwater, snowmelt, or agricultural runoff moving across and diffusing into the ground. The runoff picks up natural and human pollutants and deposits them throughout the natural watershed in rivers, lakes, coastal areas, and aquifers.

According to Section 303(d) of the federal CWA list of impaired waters, water quality issues within the Eureka Plain portion of the watershed include sedimentation and siltation within the Freshwater and Elk watersheds and the presence of dioxin toxin equivalents in Humboldt Bay. The upper hillslope areas of the watershed, while populated to varying degrees, are primarily occupied by timber production and harvesting activities, with coast redwood as the predominant harvested species. Freshwater streams support production of anadromous salmonids, including steelhead and cutthroat trout, and Coho and Chinook salmon. The deltas of the Elk River and Mad River Slough support commercial and sport shellfish production and harvesting. Past practices and continued problems with harvesting techniques and road construction have added to stream sedimentation, in varying degrees, in all the drainages in the watershed. Stormwater runoff from all watersheds draining to the Bay convey indicators of bacterial contamination that impacts shellfish harvest. Seasonal and rainfall-based shellfish harvesting closures are used to mitigate the effects of nonpoint source runoff.

Local Setting

Surface Water

The proposed project is located in the Eureka Plain Planning Watershed. The Eureka Plain Planning Watershed is the most developed watershed in Humboldt County and includes the cities of Eureka and Arcata, and numerous unincorporated communities, including Cutten, where the proposed project is located. Surface water in the project area originates as precipitation in the form of rain or snow and flows on the surface through the various streams, rivers, or stored in lakes and ponds. The USEPA also defines water flows below the ground level as ground water under the influence of surface water if it has



occurrences of insects or other macro-organisms, algae, organic debris, or large-diameter pathogens; or if it exhibits significant and relatively rapid shifts in water characteristics, such as turbidity, temperature, conductivity, or pH, which closely correlate to climatological or surface water conditions.

The project site occupies the gently northwest-sloping, dissected surface of a late Pleistocene age marine terrace. The project area encompasses large portions of the terrace surface, as well as the heads of several tributary stream valleys that encroach from the north, east, and south. The margins of the project area, therefore, typically consist of sloping ground that descends gradually into the adjacent stream valleys but include locally steeper areas. Elevation of the terrace surface ranges across the site from about 170 to 200 feet amsl. The lowest elevation at the site is in the stream valley at the northern end of the property, an elevation of about 30 feet amsl. Slopes in the project area are typically negligible on the terrace surface, with gradients of less than 5 percent, to moderately steep on the stream valley walls, with gradients of 30 to 40 percent. Steeper valley and ravine wall slopes are locally present within the study area.

A total of 0.101 acre of riparian habitat occurs along two drainage features within the project area. Riparian habitat associated with these drainages will be temporarily and permanently impacted. It's anticipated that 0.050 acre of riparian habitat will be temporarily impacted, and 0.041 acre will be permanently impacted. In addition, approximately 0.338 acre (14,723 square feet) of wetlands exist within the project area. An estimated 0.168 acre (7,318 square feet) of the wetlands (50%) will be temporarily (0.017 acre) and permanently (0.151 acre) impacted by the project and project-related activities.

Stormwater

Humboldt County has a wet climate and large amount of land dedicated to timber production and agriculture that is of concern with regard to pollution due to stormwater runoff. According to the County General Plan EIR, runoff from heavy rains picks up potential pollutants and carries them downstream, where they may be deposited or may remain suspended in sensitive ecological areas throughout a watershed.

The County Public Works Department is responsible for storm drainage within the unincorporated areas of the County, including the project site. The community of Cutten has improved stormwater conveyance systems. However, the project site is undeveloped, and based on topography and database research, all mapped drainages eventually drain into Ryan Creek, ultimately draining into Humboldt Bay, which is a traditionally navigable water.

In February 2013, the SWRCB adopted the current version of Water Quality Order No. 2013-0001-DWQ WDRs for Stormwater Discharges MS4 General Permit (hereinafter referred to as "MS4 Permit"). The purpose of the MS4 Permit is to control the discharge of pollutants to stormwater drainage systems that ultimately drain to natural waterways. This MS4 Permit applies to many areas within the County, including the project area. The MS4 Permit requires the County to ensure that certain development projects comply with post-construction stormwater requirements based on LID standards. These standards, effective as of July 1, 2015, are intended to maintain a site's predevelopment runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site. The County is a permittee under SWRCB Water Quality Order No. 2013-0001-DWQ, WDRs for Stormwater Discharges From Small MS4s (Stormwater Permit).



Groundwater

The proposed project is located in the Eureka Plain Groundwater Basin, which encompasses 37,400 acres, receives approximately 37 to 47 inches of rain per year, has an extraction rate of 6,100 acre feet of groundwater, and has local wells yielding 400 gallons of water per minute (Humboldt County 2017c). HCSD delivers 1,500 gallons per minute (gpm) (or 2,400 acre-feet per year [AFY]) to the Humboldt Hill area from wells located within the Eureka Plain groundwater basin. The water quality of groundwater is generally acceptable for most uses, but is considered unsuitable for domestic or municipal use, as concentrations of dissolved iron in many wells may exceed the USEPA's secondary drinking-water recommendation of 300 micrograms per liter (Humboldt County 2017c). Based on the Geologic and Geotechnical Investigation for the project site (see Appendix E), test pits at a depth of 5 feet to 10 feet on the project site did not encounter groundwater, except for the test pit on Lots 77 and 78, where groundwater was encountered at a depth of 6 feet.

Flooding

The most prevalent cause of floods in the County are from river flooding with dam failure. Coastal high-water hazards (tsunamis and flood tides) are less common. Flooding is a concern for many waterways in the County, including the Eureka Plain, especially Freshwater and Jacoby Creeks. According to the FEMA Flood Map Service, the project area is not located in an area known to have substantial flooding (FEMA 2016). An area designated as flood zone A, which is a special flood hazard area without base flood elevation, occurs directly east of the project site. Additionally, the project area is outside of the tsunami hazard areas as identified on the County Web GIS application (Humboldt County 2020).

3.10.2 Regulatory Setting

Federal

Federal Clean Water Act

The federal CWA (33 U.S.C. Section 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the U.S. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the NPDES permit process (CWA Section 402). Section 401 of the CWA regulates surface water quality and a Water Quality Certification is required for federal actions (including construction activities) that may result in impacts to surface water. In California, NPDES permitting authority is delegated to, and administered by, the nine RWQCBs. The proposed project is located within Region 1, regulated by the North Coast RWQCB.

Safe Drinking Water Act

Under the Safe Drinking Water Act (Public Law 93-523), enacted in 1974, the USEPA regulates contaminants of concern to domestic water supply from surface and groundwater. Contaminants of concern relevant to domestic water supply are defined as those that pose a public health threat or alter the aesthetic acceptability of the water. These types of contaminants are regulated by the USEPA's primary and secondary maximum contaminant levels (MCLs), which are applicable to treated water supplies delivered to the distribution system. The USEPA has delegated to the California Department of



Public Health (CDPH) the responsibility for administering California's drinking water program. CDPH is accountable to the USEPA's for program implementation, and for adopting standards and regulations that are at least as stringent as those developed by the USEPA. The applicable state primary and secondary MCLs are set forth in CCR Title 22, Division 4, Chapter 15, Article 4, and are described under "Title 22," below.

NPDES Construction Permit

The federal CWA prohibits certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. The federal statutes and regulations require discharges to surface waters comprising stormwater associated with construction activity, including demolition, clearing, grading, and excavation, and other land disturbance activities (except operations that result in disturbance of less than 1 acre of total land area and/or discharges to municipalities with combined stormwater and sewer systems) to obtain coverage under an NPDES permit. The NPDES permit must require implementation of Best Available Technology Economically Achievable (and Best Conventional Pollutant Control Technology to reduce or eliminate pollutants in stormwater runoff.

State

Porter Cologne Water Quality Control Act

The State of California established the SWRCB, which oversees the nine RWQCBs, through the Porter-Cologne Act. Through the enforcement of Porter-Cologne Act, the SWRCB determines the beneficial uses of the waters (surface and groundwater) of the State, establishes narrative and/or numerical water quality standards, and initiates policies relating to water quality. The SWRCB and, more specifically, the RWQCB, are authorized to prescribe WDRs for the discharge of waste, which may impact waters of the State. Furthermore, the development of water quality control plans, or Basin Plans, are required by the Porter-Cologne Act to protect water quality. The SWRCB issues both General Construction Permits and Individual Permits under the auspices of the federal NPDES program.

Title 22

Water quality standards are enforceable limits composed of two parts: the designated beneficial uses of water, and criteria (i.e., numeric or narrative limits) to protect those beneficial uses. Municipal and domestic supply are among the beneficial uses, as defined in Section 13050(f) of the Porter-Cologne Act, which defines them as uses of surface water and groundwater that must be protected against water quality degradation. MCLs are components of the drinking water standards adopted by CDPH pursuant to the California Safe Drinking Water Act. California MCLs are defined in CCR Title 22, Division 4, Chapter 15, Domestic Water Quality and Monitoring. CDPH is responsible for regulating public drinking water systems, including enforcing Title 22 standards, which also define secondary drinking water standards, established primarily for reasons of consumer acceptance (i.e., taste) rather than for addressing health issues. Drinking water MCLs are directly applicable to water supply systems "at the tap" (i.e., at the point of use by consumers in their homes, offices, or other locations), and are enforceable by CDPH. California MCLs, both primary and secondary, are directly applicable to groundwater and surface water resources when they are specifically referenced as water quality objectives in the pertinent basin plan. In such cases, MCLs become enforceable limits by the SWRCB and the RWQCBs. When fully health protective, MCLs also may be used to interpret narrative water quality objectives, prohibiting toxicity to humans in water designated as a source of drinking water in the basin plan.



Water Quality Control Plan for the North Coast Region

The North Coast RWQCB is responsible for preparing and implementing the Water Quality Control Plan for the North Coast Region or Basin Plan, adopted in 1998, and most recently updated in June 2018 (North Coast RWQCB 2018). The Basin Plan identifies the beneficial uses of water bodies and identifies the water quality objectives and standards for waters of the North Coast Hydrologic Region. Federal and state laws mandate the protection of designated beneficial uses of water bodies. State law defines “beneficial uses” as “domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves” (Water Code Section 13050[f]). The North Coast RWQCB applies the Basin Plan’s “tributary rule” and assigns to creeks the beneficial uses designated for the nearest downstream location. It also regulates waste discharges in undesignated streams, so that downstream water quality conditions and beneficial uses are not degraded. As such, these creeks are subject to regulation for the existing designated uses in their receiving water bodies.

The Basin Plan contains specific narrative and numeric water quality objectives for a number of physical properties (e.g., temperature, dissolved oxygen, turbidity, suspended solids); biological constituents (e.g., coliform bacteria); and chemical constituents of concern, including inorganic parameters, trace metals, and organic compounds. Water quality objectives for toxic priority pollutants (i.e., select trace metals and synthetic organic compounds) also are identified in the Basin Plan.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) is intended to achieve sustainable management of groundwater resources for long-term reliability for multiple benefits while avoiding undesirable results. The SGMA directed the California Department of Water Resources (DWR) to assign priority ratings to groundwater basins throughout the state. All counties and cities that draw water from basins identified as “high” or “medium” priority must comply with the SGMA. The SGMA identifies two compliance options for “high” or “medium” priority basins: form a groundwater sustainability agency and adopt a groundwater sustainability plan; or submit a groundwater sustainability plan alternative if basin conditions demonstrate that the basin has operated under sustainable yield for the past 10 years. The Eureka Plain Groundwater Basin is designated as a “very low priority” basin; therefore, no groundwater sustainability plan has been prepared (Humboldt County 2017c).

Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017, contains several policies that directly pertain to hydrology and water quality, including the following:

Goal WR-G7. Effective Conservation Strategies. Effective application of conservation, water re-use, and low impact storage strategies such as rainwater catchment in meeting year-round water supply needs.

Goal WR-G10. Storm Drainage. Storm drainage utilizing onsite infiltration and natural drainage channels and watercourses, while minimizing erosion, peak runoff, and interference with surface and groundwater flows and stormwater pollution.



- **Policy WR-P9. Mitigate Controllable Sediment Discharge Sites.** Proposed development applications involving a site identified as part of the Total Maximum Daily Loads (TMDL) Controllable Sediment Discharge Inventory shall be conditioned to reduce sediment discharge
- **Policy WR-P10. Erosion and Sediment Discharge.** Ministerial and discretionary projects requiring a grading permit shall comply with performance standards adopted by ordinance and/or conditioned to minimize erosion and discharge of sediments into surface runoff, drainage systems, and water bodies consistent with best management practices, adopted TMDLs, and non-point source regulatory standards.
- **Policy WR-P12. Project Design.** Development should be designed to compliment [sic] and not detract from the function of rivers streams, ponds, wetlands, and their setbacks.
- **Policy WR-P36. Natural Stormwater Drainage Courses.** Natural drainage courses, including ephemeral streams, shall be retained and protected from development impacts which would alter the natural drainage courses, increase erosion or sedimentation, or have a significant adverse effect on flow rates or water quality. Natural vegetation within riparian and wetland protection zones shall be maintained to preserve natural drainage characteristics consistent with the Biological Resource policies. Stormwater discharges from outfalls, culverts, gutters, and other drainage control facilities that discharge into natural drainage courses shall be dissipated so that they make no significant contribution to additional erosion and, where feasible, are filtered and cleaned of pollutants.
- **Policy WR-P38. New Drainage Facilities.** Where it is necessary to develop additional drainage facilities, they shall be designed to be as natural in appearance and function as is feasible. All drainage facilities shall be designed to maintain maximum natural habitat of streams and their streamside management areas and buffers. Detention/retention facilities shall be managed in such a manner as to avoid reducing streamflows during critical low-flow periods.
- **Policy WR-P42. Erosion and Sediment Control Measures.** Incorporate appropriate erosion and sediment control measures into development design and improvements.
- **Policy WR-P43. Storm Drainage Design Standards.** Drainage design standards for new development shall be adopted by ordinance. The design standards shall ensure that storms of specified intensity, frequency, and duration can be accommodated by engineered drainage systems and natural drainage courses.
- **Policy WR-P44. Storm Drainage Impact Reduction.** Develop and require the use of Low Impact Development (LID) standards consistent with Regional Water Board requirements to reduce the quantity and increase the quality of stormwater runoff from new development and redevelopment projects in areas within the County's MS4 boundary or as triggered under other Regional Water Board permits. For all other watersheds, develop storm drainage development guidelines with incentives to encourage LID standards to reduce the quantity and increase the quality of stormwater runoff from new developments.

North Coast Integrated Regional Water Management Plan

Proposition 50 (the Water Security, Clean Drinking Water, Coastal, and Beach Protection Act), enacted in 2002, established a requirement to prepare Integrated Regional Water Management Plans (IRWMPs) for regional management of water resources in at least four main areas: water supply, groundwater management, ecosystem restoration, and water quality. Projects and programs included in an IRWMP are designed to integrate multiple strategies and projects, to provide multiple benefits both locally and regionally. These benefits include:



- support and improvement of local and regional water supply reliability;
- contribution to the long-term attainment and maintenance of water quality standards;
- elimination or significant reduction of pollution in impaired waters and sensitive habitat areas;
- implementation of safe drinking water and water quality projects that serve disadvantaged communities; and
- implementation of groundwater management and recharge projects.

The County is a participating member of the North Coast IRWMP. The North Coast IRWMP covers a seven-county area, corresponding to the boundaries of the North Coast RWQCB's jurisdiction.

Humboldt County Grading, Excavation, Erosion, and Sediment Control Ordinance

The County's Grading, Excavation, Erosion, and Sedimentation Control Ordinance (Section 331-12) sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills, embankments, and erosion and sedimentation controls. In addition to providing a plan that identifies the location of the work, the application for a grading permit must include a site-specific erosion and sediment control plan. The ordinance lists the minimum requirements for erosion and sedimentation control. In some cases, a SWPPP may be submitted in lieu of the erosion and sediment control plan. Grading activities also must conform to grading standards, including for cut slope, fill material, setbacks, terracing, and drainage.

3.10.3 Methodology for Analysis

Descriptions and analyses in this section are based largely on information provided by DWR, SWRCB, the County General Plan, and the Preliminary Hydrology and Drainage Study (see Appendix F). Additionally, applicable hydrology and water quality regulations were reviewed and applicable hydrology database searches conducted in order to complete the analysis portion of this section. These regulations and databases were analyzed in conjunction with the thresholds of significance identified below.

3.10.4 Thresholds of Significance

The CEQA Guidelines Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - result in a substantial erosion or siltation on- or off-site



- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or
- impede or redirect flood flows
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation [refer to Section 7, Effects Found Not To Be Significant]
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan

3.10.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to hydrology and water quality. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Surface and Ground Water Quality

Impact HYD-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Impact Analysis Construction

The construction activities for the proposed project are anticipated to include timber harvesting, ground clearing/excavation and grading, and construction of residences, commercial uses, and water storage tank. Approximately 21.73 acres of the project site would be permanently preserved as forest reserve. Construction activities could result in runoff of sediment and materials into drainages, wetlands, and riparian areas, and eventually to Ryan Creek, if not properly handled.

During earthwork activities, there is the potential for sediment introduction into downstream waterways—potentially degrading water quality. Temporary stockpiles of sediment or other materials also have the potential to erode and be carried into the stormwater system and waterways. Construction activities will likely involve the use of gasoline and diesel-powered vehicles and equipment that pose a potential risk of accidental fuel and related chemical releases that could enter the drainage system and degrade water quality. This would be a potentially significant impact.

Any construction project that will result in the disturbance of more than one acre is required by the SWRCB to obtain a General Activity Stormwater Permit and NPDES permit prior to project initiation. Project-related grading activity is subject to the requirements outlined in a Section 401 water quality certification, an SWRCB statewide NPDES stormwater permit for general construction activity and any other necessary site-specific WDRs or waivers under the Porter Cologne Act. As part of the NPDES permit, the project Applicant must prepare and implement a SWPPP. The SWPPP must identify potential sources of pollution that are reasonably expected to affect the quality of stormwater discharges and identify and implement BMPs to ensure reduction of these pollutants during storm events.



The proposed project would comply with the Title III, Division 3, Building Regulations of the County Code related to grading, excavations, erosion, and sediment control for construction projects. The County Code includes requirements for obtaining a grading permit and general design standards, as well as BMPs for construction related to grading and drainage activities. MM HYD-1, Prepare a Stormwater Pollution Prevention Plan (SWPPP), would incorporate the principals outlined in the County Code requirement and NPDES permit, which would minimize potential erosion, thereby preventing sediment and other materials from entering waterways during construction activities. Therefore, construction related runoff that could result in an impact to water quality would be considered less than significant with MM HYD-1 incorporated.

Operation

Development of the proposed project would convert as much as 59.27 acres of existing forested land to urban use, which will include an increase of impervious surfaces associated with buildings, roadways, parking, and pathways. This large increase in impervious surfaces would create the potential for discharge of urban stormwater pollutants into surface water bodies over the life of the project. The proposed project would generate increased stormwater runoff from roadways, landscaped areas, building roofs, and parking areas that would contain high levels of urban pollutants such as heavy metals, oil and grease, and sediment. Runoff from landscaped areas may contain pesticides and nutrients. This would be a potentially significant impact.

The proposed project aims to have several stormwater quality protection measures, such as bioswales, filter strips infiltration galleries, rain gardens, rain barrels, trees, or other accepted BMPs incorporated into the on-site drainage system to treat urban runoff, in addition to other pervious surfaces. A detailed drainage plan with type, size, and location of these stormwater quality features was not available for review at the time of publication of this Draft EIR.

Implementation of MM HYD-2 would require the project Applicant to prepare and submit a stormwater quality and drainage management plan to the County for review and approval that would demonstrate adequate water quality protection prior to issuance of grading permits. The stormwater quality control plan would be required to document the expected target pollutants and types of treatments that would be required to address those pollutants during operation. The expected polluted runoff from paved roadways and proposed treatment should be included in the stormwater quality control plan. The stormwater quality control plan would also describe any monitoring effort and performance measures required and what entity would provide oversight to ensure that stormwater quality is sufficiently treated so it will not impede downstream detention basin performance or degrade water quality downstream.

The implementation of these mitigation measures would ensure that potential, long-term, operational water quality impacts are reduced to a level of less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP). Prior to the issuance of grading permits for each phase, the project Applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB) electronically and a copy to the County of Humboldt that identifies



specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, monitoring, and maintenance; site restoration; contingency measures; responsible parties; and agency contacts. The SWPPP shall include but will not be limited to the following elements:

- Temporary erosion control measures shall be employed for disturbed areas.
- Specific measures shall be identified to protect downstream drainage features during construction of the proposed project.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures.
- Construction shall be staged in a manner that minimizes the amount of area disturbed at any one time.
- Stockpiles and disturbed areas shall be managed by means of earth berms, diversion ditches, straw wattles, straw bales, silt fences, gravel filters, mulching, revegetation, and temporary covers as appropriate.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.
- In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.
- During and after construction, reconstruction, and upgrading, there shall be no visible increase in turbidity in any drainage facility, construction/reconstruction site, or road surface, any of which drains directly to Class I, II, or III waters (standing water on the road that does not drain to Class I, II, or III waters is not applicable).
- During construction, reconstruction, and upgrading, erosion control material of sufficient quantity shall be stockpiled on-site and used to prevent an increase in turbidity in any drainage facility, construction site, or road surface, any of which drains directly to Class I, II, or III waters.
- Exposed slopes greater than 3:1 shall be stabilized with erosion control matting installed in accordance with the current California Stormwater Quality Association (CASQA) Best Management Practices Handbook. Erosion control matting shall consist of 100 percent biodegradable materials. In lieu of erosion control matting, hydraulic Bonded Fiber Matrix (BFM) consisting of wood mulch with tackifier shall be



applied at a minimum rate of 3,500 pounds per acre. A sterile erosion control seed mix or suitable native seed mix shall be applied with the hydraulic BFM.

- To monitor the effectiveness of wet-season erosion control measures, the project Applicant shall implement a stormwater discharge sampling program in accordance with the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (General Permit). The project Applicant shall comply with the Numeric Action Levels (NALs) for turbidity and pH specified in the General Permit and shall adjust BMPs as necessary to maintain compliance with turbidity and pH NALs. The results of laboratory sampling will be provided to the Humboldt County Planning & Building Department at the time the results are uploaded to the state Stormwater Multiple Application and Report Tracking System database.
- Should erosion and sedimentation devices fail, or should the NALs and/or pH NALs be exceeded, the County will have stop-work authority over project construction activities. The County will stop work on any portion of the project determined by the County to be the source of erosion or sedimentation. Work will be suspended until the erosion and sedimentation control measures can be fortified or reestablished, or until the County determines that site conditions (e.g., weather, soil moisture content) have improved.
- The project Applicant shall inspect erosion and sedimentation control measures before any precipitation event (as defined by greater than 0.25 inch of rain forecasted for a 24-hour period) during the wet season, and shall report the inspection results to the County before conducting work during any precipitation event. Work shall be suspended if the County determines that erosion control measures are in disrepair, or would be ineffective in the prevention of erosion resulting from the forecasted precipitation event. At any time, work may be suspended at the discretion of the County if site conditions deteriorate to the point where erosion control measures would be ineffective.

MM HYD-2: Prepare a Stormwater Quality and Drainage Management Plan. Prior to the filing of the map for each phase, the project Applicant shall submit a stormwater quality control plan to the County of Humboldt for review and approval. The stormwater quality control plan shall include a detailed drainage plan and identify expected, site-specific pollutants and required measures to treat those pollutants before they reach the detention basins, storm drain systems, and ultimately Ryan Creek or other waterbodies. The approved measures shall be incorporated into the proposed project. The stormwater quality control plan shall also describe monitoring and performance measures and standards required in order to ensure water quality is adequately protected during operation of the project area. Examples of stormwater pollution prevention measures and practices to be incorporated into the stormwater quality control plan include but are not limited to:

- Strategically placed bioswales and landscaped areas that promote percolation of runoff
- Pervious pavement
- Roof drains that discharge to landscaped areas
- Curb cuts in parking areas to allow runoff to enter landscaped areas



- Rock-lined areas along landscaped areas in parking lots
- Catch basins
- Oil/water separators
- Regular sweeping of parking areas and cleaning of storm drainage facilities
- Readily posted information for maintenance personnel to implement or follow stormwater pollution prevention measures
- Additionally, the facility shall be designed to evapotranspire, infiltrate, harvest/use, or bio-treat stormwater to meet at least one of the following hydraulic sizing design criteria:
 - Volumetric Criteria:
 - The maximized capture stormwater volume for the tributary area, on the basis of historical rainfall records, determined using the formula and volume capture coefficients in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (i.e., the 85th percentile 24-hour storm event runoff); or
 - The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology in Section 5 of the CASQA Stormwater Best Management Practices Handbook, New Development and Redevelopment (2003), using local rainfall data.
 - Flow-based Criteria:
 - The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or
 - The flow of runoff produced from a rain event equal to at least 2 times the 85th percentile hourly rainfall intensity as determined from local rainfall records.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Groundwater Management

Impact HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Impact Analysis

As discussed in Section 3.18, Utilities and Service systems, the proposed project would result in an increase in water demand of 66,920 gallons per day (GPD) in order to serve the new development. Water would be provided by HCSD, which purchases water from Humboldt Bay Municipal Water District (HBMWD). HBMWD is currently only using 15 percent of its 84,000 acre-feet entitled water capacity and the Eureka Plain Groundwater Basin is designated as a “very low priority” basin with no overdraft conditions (Humboldt County 2017c). The increase in water required for the proposed project would



represent approximately 0.09 percent of HBMWDs total water entitlement capacity. Additionally, HCSD has identified the need for a new water storage tank to meet the proposed project demand and fire protection requirements. This water tank would supply much of the water needed to support the project site, and therefore, would further limit the need for groundwater supply to support the project area. Therefore, it is unlikely that the proposed project would require additional groundwater supplies in excess of existing recharge rates. Therefore, the proposed project would result in a less than significant impact related to groundwater supplies or interference with groundwater recharge.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Drainage Pattern

Impact HYD-3:	The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none">i) result in a substantial erosion or siltation on- or off-site;ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; oriv) impede or redirect flood flows.
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Impact Analysis

A preliminary drainage study was prepared for the proposed project to determine if the project site can support MS4 Permit requirements and that drainage infrastructure can be provided to properly drain the proposed development, which is included as Appendix F.

Construction

Construction activities could temporarily change drainage patterns, due to grading activities that could impact drainages, wetlands, and riparian areas. All grading activities would comply with mitigation measure MM HYD-1, Prepare a Stormwater Pollution Prevention Plan (SWPPP), to minimize potential erosion, thereby preventing sediment and other materials from entering waterways during construction activities. The project site does not lie in a FEMA-identified floodplain, and there would be no potential for on-site or off-site flooding. Impacts would be less than significant.



Operation

As discussed under impact HYD-1 above, operation of the proposed project would result in permanent alterations to the natural drainage patterns in the project area by adding impervious surfaces, thereby resulting in possible long-term erosion, runoff, or redirection of flood flows through the area if not properly managed. Stormwater facilities in this area are managed by the County Public Works Department. County Public Works Department staff have indicated that, for post-construction stormwater control and drainage design, the project will need to meet the requirements of the SWRCB Water Quality Order No. 2013-0001-DWQ WDRs for Stormwater Discharges from Small MS4s. Section E.12 of the MS4 Permit includes standards and regulations pertaining to the numeric sizing criteria for stormwater detention and treatment.

As discussed in the preliminary drainage study and noted in MM HYD-3, each parcel of the proposed development would incorporate a combination of LID features, including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. All proposed roadways would have a depressed parkway adjacent to the road surface that would function as a bioswale for roadway drainage. Storm drain inlets would be located within the bioswales to convey drainage to the storm drain system for flows exceeding the 85th percentile storm. Storm drainage would then be conveyed to the drainage area outlet. Each drainage management area within the MS4 Permit area would require additional stormwater detention. Since a final drainage plan with exact type, size, and location of these stormwater quality features is not available for review, MM HYD-2 requires review and approval of a final drainage plan prior to issuance of grading permits for each phase. Operation of the water storage tank is anticipated to occupy a small footprint and would not change the drainage patterns substantially. The impact related to drainage would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HYD-3: Prepare a Low Impact Development Plan. Prior to the filing of the map for each phase, the project Applicant shall submit a Low Impact Development (LID) Plan for each single-family lot, commercial lots, and multi-family lots as applicable for approval of the Humboldt County Public Works Director. The Plan shall be part of the Improvement Plans and include a combination of LID features including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. The plans may be modified based on the location, design, size and land use type; however, minimum requirements shall be adhered to as required by the Public Works Director.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



Water Quality Control Plan or Sustainable Groundwater Management Plan

Impact HYD-4: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact Analysis

The project site lies within the Eureka Plain Groundwater Basin that is designated as a “very low priority” basin; therefore, no groundwater sustainability plan has been prepared (Humboldt County 2017c). However, the County General Plan EIR acknowledges that future development in the basin may impact water quality or groundwater recharge. As discussed in impact HYD-1 and HYD-2, both construction and operation of the proposed project would not result in significant impacts to water quality or groundwater resources with the implementation of mitigation. Impacts from construction and operation of the proposed project would not substantially affect surface water or groundwater resources within the project area or surrounding area. Therefore, the potential for the proposed project to conflict with or obstruct implementation of water quality control plans or sustainable groundwater management plans would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM HYD-1 and MM HYD-2 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



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3.11 LAND USE AND PLANNING

This section describes the environmental and regulatory setting for land use and planning. It also describes existing conditions and potential impacts related to land use and planning that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.11.1 Environmental Setting

Project Site

The proposed project would include the subdivision of a parcel, consisting of seven APNs, for a total of approximately 81 acres, into mixed-use lots to develop up to 320 residential units, approximately 22,000 square feet of commercial uses, and an off-site water storage tank on approximately 0.3 acre located 2.5 miles to the south. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. Approximately 21.73 acres would be left as undeveloped open space that would be dedicated to the County for future trail management. The off-site water storage tank would be owned and managed by HCSD and would support the proposed development.

The proposed development site is largely occupied by young redwood forest of mostly second and third growth trees. An overhead powerline corridor passes through the middle of the project area, just north of the existing Redwood Fields Park. The proposed water storage tank site is covered with grass and a nearby existing water tank owned by HCSD.

Surrounding Land Uses

The 81-acre development site is surrounded by the following land uses:

- North: Timber forests, gulch occupied by Ryan Creek, and residential development at the end of Manzanita Avenue
- East: Ryan Slough, PG&E powerline, the McKay Community Forest (owned by the County), and Green Diamond Industrial Timberland
- South: Timber forests and Glen Paul School
- West: Redwood Fields Park and residential development farther west

The proposed water storage tank location is surrounded on all sides by dense vegetation and undeveloped areas.

Humboldt County General Plan Land Use Designation

The project site is designated as Residential Low Density (RL) 1-7 units/acre in the County General Plan. The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017c). The water storage tank location is designated as Timberland (T). This designation is utilized to classify land that is primarily suitable for the growing, harvesting, and production of timber (Humboldt County 2017c).



Humboldt County Zoning

County Zoning Regulations for areas outside the coastal zone can be found in Title III, Chapter 4. The project site is out of the coastal zone and is currently zoned as Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water storage tank parcel is zoned as a TPZ. The County Code includes the following requirements for these zoning designations:

- **Residential One-Family (R-1):** The Residential One-Family, or Residential Single-Family zone is intended to be applied to the County in which topography, access, utilities, and public services make the area suitable and desirable for low density residential development.
- **Planned Unit Development (P):** The purpose of the Planned Unit Development zone is to encourage planned unit developments and to allow flexibility to cope with difficulties due to topography and other natural or manmade features. Additionally, the Planned Unit Development zone allows for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services.
- **Recreation (R):** The Recreation zone is intended to be combined with any principal zone in which the addition of recreational uses is desirable and will not be detrimental to the uses of the principal zone or of adjacent zones.
- **Greenway and Open Space (GO):** The Greenway and Open Space Combining zone is intended to be applied within the urban limits of the Eureka Community Planning Area in sensitive habitat areas historically known as gulches.
- **Timberland Production Zone (TPZ):** The TPZ is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber

Eureka Community Plan Area

The 2017 County General Plan has identified and mapped 18 inland Community Plan Areas (CPA). Some of these CPAs have an adopted Community Plan and others do not. The purpose of a Community Plan is to develop an internally consistent General Plan, allow for expanded public participation in the planning process, and meet the needs of individual communities (Humboldt County 2017c).

The Eureka CPA, which has an adopted Community Plan as of 1995, encompasses 11,000 acres and includes the developed area around Eureka, outside the coastal zone, including Cutten, Ridgewood, Pine Hills, Humboldt Hill, and portions of Myrtle town (Humboldt County 2017c, 1995). Although the SOI for the Eureka CPA does not include the entire proposed project area, the North McKay development is specifically discussed and has relevant policies in the Community Plan and is therefore relevant to this section.

3.11.2 Regulatory Setting

State

Cortese-Knox-Hertzberg Local Government Reorganization Act

The Cortese-Knox-Hertzberg Local Government Reorganization Act (Act) of 2000 establishes procedures for establishing, updating, or amending an SOI. The Act's purpose (Section 56301) is discouraging urban



sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation of local agencies based upon local conditions and circumstances. Section 56425 of the Act grants a LAFCo the authority to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the County and its communities.

General Plans

The land use planning and zoning authority of local jurisdictions in California is set forth in the state's planning laws. California Government Code Section 65300, et seq. obliges cities and counties to adopt and implement general plans. A general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a city or county and of any land outside its boundaries that, in the city's or county's judgment, bears relation to its planning. A general plan addresses a broad range of topics including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's or county's vision for the area. A general plan is a long-range document that typically addresses the physical character of an area over a 20-year period. Although a general plan serves as a blueprint for future development and identifies the overall vision for the planning area, it remains general enough to allow flexibility in the approach taken to achieve the plan's goals.

State Zoning Law

The State Zoning Law (California Government Code Section 65800, et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific district, are required to be consistent with a general plan and any applicable specific plans. When amendments to a general plan are made, corresponding changes in the zoning ordinance may be required within a reasonable time to ensure the land uses designated in that general plan would also be allowable by the zoning ordinance (California Government Code Section 65860, sub.[c]).

Local

Humboldt County General Plan

The County General Plan, adopted October 23, 2017, provides a blueprint for growth within the County. The General Plan contains 12 topical elements: Land Use, Community Infrastructure and Services, Telecommunications, Circulation, Economic Development, Housing, Conservation and Open Space, Water Resources, Energy, Noise, Safety, and Air Quality. Each element establishes goals and policies to guide future land use activities and development within the County General Plan boundaries. The applicable goals and policies are discussed later in this section, in Table 3.11-1, General Plan Policy Consistency Analysis.

The project Applicant is proposing to re-designate the proposed development site from RL 1-7 units/acre to RL 1-7 units/acre, Residential Medium Density (RM) 7-30 units/acre, and CG. No land use designation change is required for the water storage tank site. The General Plan describes the purpose and intent of these land use designation as follows:



Residential Low Density

The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units.

Residential Medium Density

The RM designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character.

Commercial General

The CG designation is intended to classify lands that, because of their location, access, and availability of services, are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional needs.

Humboldt County Code

The County Code provides regulation of land and structures in order to promote health, safety, and welfare of the public, and to ensure the orderly development of the County. Title III Land Use and Development, Chapter 4, describes where specific allowed uses, such as residential development, may be located. To establish consistency with the General Plan, rezoning of parcels from R-1, with combining zones indicating P, R, and GO to R-1, R, GO, Apartment Professional (R-4), and C-1 with a Planned Unit Development overlay. The water storage tank location would remain zoned as TPZ. The primary purpose of the Planned Unit Development (P) overlay district is to encourage and facilitate the creative and innovative use of land that may otherwise be limited or prohibited by the standard provisions of this title. The P combining district is designed to allow diversity in the relationship between buildings and open spaces to create interesting physical environments and to maximize the development potential of underutilized or problematic land areas.

Eureka Community Plan

The Eureka Community Plan, adopted April 25, 1995 and amended on October 23, 2017, acts as a blueprint, guiding development throughout the Eureka Planning Area over the next 20 years. While the County General Plan covers countywide issues, the Eureka Community Plan specifically deals with land use within the Eureka Planning Area. The County General Plan and the Eureka Community Plan together comprise the County General Plan within the project area. The applicable goals and policies are discussed later in this section, in Table 3.11-2, Eureka Community Plan Policy Consistency Analysis.

Humboldt County LAFCo

The state has charged the LAFCo with carrying out changes in governmental organization to promote specified legislative policies now codified in the Act. LAFCo has both the local and countywide perspective necessary to implement the policies of the Act. Decisions relating to the most efficient form of local government and the preservation of open space and agricultural land inherently involve the balancing of potentially competing interests of jurisdictions, because applications subject to LAFCo



proceedings may involve the interests of the County, a city, and one or more special districts. Humboldt County LAFCo has developed standards and guidelines in its Boundary Change Policies and Procedures that aid in the implementation of the Act and are provided later in this section, in Table 3.11-3, LAFCo Consistency Analysis (Government Code Section 56668). LAFCo may make exceptions to these general and specific standards if it determines that such exceptions: (1) are necessary due to unique circumstances; (2) are required to resolve conflicts between general and specific standards; (3) would result in improved quality or lower cost of services available; or (4) if there exists no feasible or logical alternative.

3.11.3 Methodology for Analysis

The analysis of potential land use impacts considers the project's consistency with adopted plans and policies that regulate land use on the project site, and the project's compatibility with surrounding land uses. The determination of consistency with applicable land use policies and ordinances is based upon a review of the previously identified planning documents that regulate land use or guide land use decisions pertaining to the project site. CEQA Guidelines section 15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision-makers should address. Evaluations are made to determine whether a project is consistent with such plans. Projects are considered consistent with regulatory plans if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. The intent of the consistency evaluation is to determine if noncompliance with regulatory plans would result in a significant impact.

The impact analysis was based on review of the County General Plan and Eureka Community Plan to identify planned land uses and policies applicable to the proposed project. Additionally, applicable LACFo policies and procedures were reviewed to determine if the proposed project would result in urban sprawl. Existing land uses were determined from site reconnaissance and General Plan designations. The County's zoning regulations were also reviewed to determine the proposed project's consistency with existing zoning.

3.11.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Physically divide an established community
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect

3.11.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to land use and planning. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.



Established Communities

Impact LU-1: The proposed project would not physically divide an established community.

Impact Analysis

The proposed project does not include any improvements or components that would physically divide any existing and established communities in the Cutten area. The proposed project would provide a new mixed-use development in the eastern portion of Cutten on a previously undeveloped area. The proposed project would provide additional commercial and residential space for future use and would expand upon an already established neighboring community. Existing roads would be extended east into undeveloped site to serve the proposed residential and commercial development and would not create new roads that would divide existing neighborhoods. The proposed water storage tank would be located adjacent to an existing HCSO tank and, as such, would not divide any existing community. Therefore, the proposed project would have no potential to physically divide the established community in the area, and there would be no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

No Impact.

Land Use Plans, Policies, or Regulations

Impact LU-2: The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis

The following analysis considers the proposed project's potential to conflict with applicable land use plans and policies and regulatory compatibility.

Land Use and Zoning Consistency

The current land use designation for the project site is Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017a) and the project parcels are currently zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), and Timberland (T).

The proposed project would require the approval of land use and zoning designation changes in order to allow the development of the proposed residences and commercial lots. The proposed project would require the following land use and zoning designation changes (See Figure 2-4):

- **County General Plan:** A General Plan Amendment would change the land use designation of a portion of the parcel from RL 1-7 units/acre to Residential Medium Density (RM) 7-30 units/acre, and CG.



- **County Zoning:** The project site would require rezoning of a portion of the parcel from R-1, P, R, and GO to Apartment Professional (R-4), and C-1 with a P overlay.

The General Plan Amendment for the proposed project would allow for the development of commercial uses as well as include a higher density of development in the area. The proposed General Plan Amendment would be consistent with widely accepted planning principles of facilitating logical and orderly growth, ensuring compatibility with surrounding uses, and ensuring consistency with the goals and policies of the General Plan. Each of these planning principles is evaluated below:

- **Logical and orderly growth:** The project site is within the Eureka CPA and is anticipated to be developed in the future. The proposed General Plan amendment implements the Humboldt County General Plan. The proposed project identifies goals, principles, mandatory requirements, and design standards and guidelines. While the proposed project requires utility extensions, including sanitary sewer and a new, off-site water storage tank, these extensions would allow development adjacent to previously developed land, including community ballfields, a school, and residences. As such, the proposed project would facilitate logical and orderly growth.
- **Compatibility with surrounding land uses:** The project site is surrounded by timberland resources on the north, east, and south, and existing residential and recreational uses directly to the west. The proposed mixed-use development on 81 acres is east of existing residential and recreational land uses and would connect to these existing uses through roads and trails. The proposed 59 multi-family residential units would be located nearest existing single-family residential, school, and park uses; the commercial and small lot single-family residential development would be adjacent to the existing ballfields at Redwood Fields Park. The mixed-use nature of the proposed project means a variety of uses and densities would be present within a defined area.
- **Consistency with goals and policies of the General Plan:** The proposed project would be consistent with applicable goals and policies of the General Plan. Table 3.11-1 provides a consistency determination.

The rezoning would allow for commercial uses located adjacent to residential land uses. In addition, a Planned Unit Development overlay would encourage creative and innovative use of land to allow for diversity of uses and maximize the development potential the project site. The proposed project would also incorporate trail connections. Approximately 21.73 acres of the project site would be dedicated to the County as open space or conveyed in fee.

The General Plan establishes a density of 1 to 7 dwelling units per acre for RL-1-7, a density of 7 to 30 dwelling units per acre for RM land use, and a maximum floor area ratio of 3 for neighborhood commercial and use. The proposed project contemplates development of 146 single-family dwelling units on approximately 37.57 acres, thus establishing a density of 3.8 dwelling units per acre. Up to 174 multi-family dwelling units are proposed on 19.45 acres, resulting in a density of 8.9 dwelling units per acre. The 22,000 square feet commercial uses would be built on 2.1 acres and resulting in floor area ratio of 0.25:1. Therefore, the proposed project conforms to the General Plan densities. In summary, the proposed project is consistent with the proposed land use designations. Impacts would be less than significant.



Humboldt County General Plan Consistency

The proposed project must be consistent with the County’s General Plan. The OPR states that, “an action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment.” (OPR 2005) As shown in Table 3.11-1, the proposed project would be consistent with most of the applicable goals and policies of the General Plan with mitigation incorporated.

Table 3.11-1: General Plan Policy Consistency Analysis

Goal/Policy	Project Consistency
Land Use	
<p>Goal GP-G2. Community Planning Areas. Sufficient development emphasis and public investment in Urban Development Areas to create expanding commerce and housing opportunities, economically viable urban services and conservation of open space and resource lands.</p>	<p>Consistent. The proposed project consists of housing and commercial development, trail connections, and open space preservation.</p>
<p>Goal FR-G4: Incompatible and Conflicting Uses. Timberlands protected from the encroachment of incompatible uses and managed for the inclusion of compatible uses.</p>	<p>Consistent. Although the proposed project area currently consists of a timberland area that was previously used for timber harvesting and is within a THP area, the area has been identified in planning documents and through zoning and general plan land use designations as an area for future development.</p>
Community Infrastructure	
<p>Policy IS-P3: Requirements for Discretionary Development. The adequacy of public infrastructure and services for discretionary development greater than a single-family residence and/or second unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that:</p> <ul style="list-style-type: none"> a. Existing services are adequate; or b. Adequacy will be attained concurrent with project implementation through project conditions; or c. Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or d. Evidence in the record supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community. 	<p>Consistent. As discussed in Section 3.18, Utilities and Service Systems, the proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A new off-site water tank would be constructed as part of the proposed project, expanding HCSD’s service capacities. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.</p>



Goal/Policy	Project Consistency
<p>Policy IS-P4: Fiscal Impact Assessment. The fiscal impacts of discretionary development (i.e. projects that require the preparation of an Environmental Impact Report that may have significant impacts on existing and planned public infrastructure and services) shall be considered during the project review process. Significant adverse effects shall be mitigated to the extent feasible.</p>	<p>Consistent. As discussed in Section 3.18, Utilities and Service Systems, the proposed project includes annexing to HCSD, and extending and installing necessary infrastructure to serve the project. A new off-site water tank would be constructed as part of the proposed project, expanding HCSD's service capacities. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.</p>
<p>IS-P9. District Boundaries, Spheres of Influence, and Community Plans. District boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services.</p>	<p>Consistent. As discussed in Section 3.18, Utilities and Service Systems, the proposed project includes annexing to HCSD, and extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project. The proposed project represents orderly and compatible development as discussed in Table 3.11-3.</p>
<p>Policy IS-P25: Fire Service Impacts from New Development. During review of discretionary permits within fire related district boundaries or identified response areas, utilize recommendations from the appropriate local fire chief as feasible mitigation measures to reduce impacts to emergency response and fire suppression services from new development.</p>	<p>Consistent. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.14, Public Services, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM PS-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations.</p>
Telecommunications	
<p>Goal T-G3: New Construction. Broadband service capability integrated into new buildings and developments.</p>	<p>Consistent. Broadband service capability would be included in the new development as a condition of approval.</p>
<p>Policy T-P13: Subdivision Improvement Requirements. New residential and commercial development projects shall include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment and flexible telephone conduit to allow for easy retrofit for high-speed data systems.</p>	<p>Consistent. The proposed project would include adequate telecommunications and broadband service capability as a condition of approval.</p>



Goal/Policy	Project Consistency
Circulation	
<p>Policy C-P4: Mitigation Measures. Development with potentially significant circulation impacts as determined by CEQA review shall be conditioned to proportionally mitigate such impacts through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications.</p>	<p>Consistent. As discussed in Section 3.16, Transportation, the proposed project would result in less than significant impacts to transportation with implementation of mitigation measures MM TRANS-1, Traffic Management Plan, MM TRANS-2, Intersection Improvements, and MM TRANS-3, Fair Share Contribution incorporated.</p>
<p>Policy C-P5: Level of Service Criteria. The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.</p>	<p>Consistent. As discussed in Section 3.16, Transportation, the proposed project would not result in substantial impacts to level of service (LOS) with mitigation incorporated. Adequate service levels would be maintained with the implementation of MM TRANS-1 and MM TRANS-2.</p>
<p>Policy C-P11: Transportation Demand Management Programs. Require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs.</p>	<p>Consistent. The proposed project would result in more than 15 dwelling units and a discretionary permit is required. As discussed in Section 3.16, Transportation, mitigation measures would be implemented to address any significant impacts.</p>
<p>Policy C-P31: Removal of Obstacles in Pathways. Where feasible and consistent with the County-Wide Transportation Plan, new pathways and sidewalks shall be free of obstacles such as utility poles and mailboxes. Where obstacles are unavoidable on existing sidewalks or pathways, pedestrian facilities shall be widened or otherwise designed to provide the least amount of obstruction to users.</p>	<p>Consistent. The proposed project would include the dedication of easements and public rights-of-way for pedestrian pathways and roads that would include sidewalks. Conditions of approval would require pathways and pedestrian ways to be clear of obstacles.</p>
<p>Policy C-P34: Traffic Calming. Use traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles.</p>	<p>Consistent. As discussed in Section 3.16, Transportation, the proposed project would incorporate intersection improvements through MM TRANS-2, Intersection Improvements. These intersection improvements would help minimize traffic congestion in the vicinity of the proposed project.</p>



Goal/Policy	Project Consistency
<p>Policy C-P38: Develop a Regional Trails System. Support efforts to establish and connect regional trails, particularly in the greater Humboldt Bay and lower Mad River areas, the Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible.</p>	<p>Consistent. The proposed project would include 20-foot-wide trail easements and would construct trail connection to the future public trails to access the McKay Community Forest, consistent with efforts to establish a regional trail system.</p>
<p>Policy C-P39: Encourage Bicycle and Pedestrian-Friendly Development: Incentives should be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods.</p>	<p>Consistent. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary.</p>
Housing Element¹	
<p>Goal H-G2: Housing Diversity. An adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.</p>	<p>Consistent. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>
<p>Goal H-G3: Workforce Housing. An adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.</p>	<p>Consistent. The proposed project consists of a mixed-use development that would place residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.</p>
<p>Policy H-P13: Support Innovative Construction and Design Methods. The County shall support the use of innovative construction and design methods and building materials that make more efficient use of land and materials, including water conserving waste disposal systems, energy systems, dwelling designs, and uses of recycled materials for building. The County shall also encourage and support sweat-equity and collaborative construction methods.</p>	<p>Consistent. As discussed in Section 2.0, Project Description, the proposed project would include energy conservation features that would meet or exceed the state's current Title 24 requirements. Additionally, rooftop solar would be provided on single-family homes and electrical vehicle charging would be provided in commercial uses and multi-family homes.</p>



Goal/Policy	Project Consistency
<p>Policy H-P21: Siting of Multifamily Housing Developments. The County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.</p>	<p>Consistent. The proposed project includes a mixed-use development located approximately 0.3 mile from the neighborhood commercial area at Maple Avenue and Fern Avenue, and adjacent to existing recreational opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.</p>
<p>Policy H-P22: Allowances for a Mixture of Housing Sizes and Types. The County shall allow a variety of housing types and sizes in all residential areas served by public sewer to encourage a mix of housing opportunities for all income categories.</p>	<p>Consistent. The proposed project includes a variety of housing types, including 96 larger single-family lots (6,600 square feet or greater), 50 smaller single-family lots (less than 5,000 square feet), and 174 multi-family units; 18 housing units would be affordable. The residences would be served by public sewer through HCSD.</p>
<p>Economic Development Element</p>	
<p>Goal ED-G6: Competitive Quality of Life. Maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.</p>	<p>Consistent. The proposed project includes trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.</p>
<p>Conservation and Open Space</p>	
<p>Goal CO-G4: Parks and Recreation. Well maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system that meets future recreational and non-motorized transportation demands.</p>	<p>Consistent. The proposed project includes designating and preserving 21.73 acres of permanent open space through a permanent easement dedicated to the County. In addition, 20-foot wide trail easements and trail connections would be provided on-site to connect to the future public trails to the McKay Community Forest.</p>
<p>Goal CO-G5: Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.</p>	<p>Consistent. The project site is currently zoned to allow 320 residential dwelling units. The project location is adjacent to developed lands, including community playfields at Redwood Fields Park, and would be provided with public water and sewer from HCSD, as outlined in the approved MSR. The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 APNs as available for residential development in the Residential Land Inventory. As noted earlier, 21.73 acres of permanent open space would be preserved and dedicated to the</p>



Goal/Policy	Project Consistency
	County through an easement or conveyed in fee. Additionally, 20-foot wide trail easements and constructed trail connections would connect the future public trails to the McKay Community Forest.
<p>Policy BR-P1: Compatible Land Uses. Area containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.</p>	<p>Consistent. As discussed in Section 3.4, Biological Resources, this EIR requires that mitigation for impacts to special-status species and jurisdictional features are implemented to reduce impacts on sensitive habitats.</p>
<p>Water Resources</p>	
<p>Policy WR-P6: Subdivision Water Supply. Any subdivision of land shall be conditioned to require evidence of sufficient water supply during normal and drought conditions to meet the projected demand associated with the proposed subdivision. Sufficient water supply shall include the requirements of the proposed subdivision and existing and planned future uses. Written service letters from a public water system written in conformance with this policy is sufficient evidence. Subdivisions to be served through on-site water supplies or private water systems must provide evidence of sufficient water supply to the County Department of Environmental Health.</p>	<p>Consistent. As discussed in Section 3.10, Hydrology and Water Quality, the proposed project would have less than significant impacts related to water supply. Upon annexation, HCSD would supply water to the project, and a new off-site water storage tank would be constructed to support the new development.</p>
<p>Policy WR-P12: Project Design. Development should be designed to complement and not detract from the function of rivers, streams, ponds, wetlands, and their setback areas.</p>	<p>Consistent. The proposed project would include design features that would blend with the existing environment and would therefore be consistent with this policy.</p>
<p>Policy WR-P36: Natural Stormwater Drainage Courses. Natural drainage courses, including ephemeral streams, shall be retained and protected from development impacts which would alter the natural drainage courses, increase erosion or sedimentation, or have a significant adverse effect on flow rates or water quality. Natural vegetation within riparian and wetland protection zones shall be maintained to preserve natural drainage characteristics consistent with the Biological Resource policies. Stormwater discharges from outfalls, culverts, gutters, and other drainage</p>	<p>Consistent. The proposed project would be required to comply with the County’s MS4 Permit requirements related to LID. LID design is intended to maintain a site’s pre-development runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site. Per the Humboldt Low Impact Development Stormwater Manual, the proposed project is considered a Hydromodification Project because the project would create more than 1 acre of impervious surface and create a net increase in impervious surface. As discussed in Section 3.10, Hydrology and</p>



Goal/Policy	Project Consistency
control facilities that discharge into natural drainage courses shall be dissipated so that they make no significant contribution to additional erosion and, where feasible, are filtered and cleaned of pollutants.	Water Quality, post-project runoff would not exceed estimated pre-project flow rate for the 2-year, 24-hour storm, consistent with the LID Stormwater Manual.
<p>Policy WR-P37: Downstream Stormwater Peak Flows. Peak downstream stormwater discharge shall not exceed the capacity limits of off-site drainage systems or cause downstream erosion, flooding, habitat destruction, or impacts to wetlands and riparian areas. New development shall demonstrate that post development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water.</p>	<p>Consistent. The proposed project would be required to comply with the County’s MS4 Permit requirements. LID design is intended to maintain a site’s pre-development runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site. Per the Humboldt Low Impact Development Stormwater Manual, the proposed project is considered a Hydromodification Project because the project would create more than 1 acre of impervious surface and create a net increase in impervious surface. Conditions of approval would require post-project runoff to not exceed estimated pre-project flow rate for the 2-year, 24-hour storm, consistent with the LID Stormwater Manual.</p>
<p>Policy WR-P42: Erosion and Sediment Control Measures. Incorporate appropriate erosion and sediment control measures into development design and improvements.</p>	<p>Consistent. The proposed project would be required to comply with the County’s MS4 Permit requirements related to LID, including erosion and sediment control features.</p>
<p>Policy WR-P44: Storm Drainage Impact Reduction. Develop and require the use of Low Impact Development (LID) standards consistent with Regional Water Board requirements to reduce the quantity and increase the quality of stormwater runoff from new development and redevelopment projects in areas within the County’s MS4 boundary or as triggered under other Regional Water Board permits. For all other watersheds, develop storm drainage development guidelines with incentives to encourage LID standards to reduce the quantity and increase the quality of stormwater runoff from new developments.</p>	<p>Consistent. As discussed in Section 3.10, Hydrology and Water Quality, the proposed project aims to have stormwater quality protection measures such as bioswales, filter strips infiltration galleries, rain gardens, rain barrels, trees, or other accepted BMPs incorporated into the on-site drainage system to treat urban runoff.</p>
Energy	
<p>Goal E-G2: Increase Energy Efficiency and Conservation. Decrease energy consumption through increased energy conservation and efficiency in building, transportation, business, industry, government, water and waste management.</p>	<p>Consistent. The proposed project would include energy conservation features, including homes that are energy efficient with a goal to meet or exceed the state’s current Title 24 requirements, by meeting current Tier 2 Energy Efficiency standards. Additionally, electric vehicle charging stations would be installed for the commercial and multi-family portions of the</p>



Goal/Policy	Project Consistency
	proposed project, per County Building Code requirements.
<p>Policy E-P12: Water Efficiency. Promote the efficient use of water in residences, businesses, industries, and agriculture.</p>	<p>Consistent. The proposed project would be designed to meet or exceed the state’s current Title 24 requirements by meeting Tier 2 Energy Efficiency standards. This includes features for efficient water use.</p>
<p>Policy E-P17: Residential Design. Proposed single-family residential structures should be designed to maximize solar access, energy conservation and passive solar energy generation. Solar access potential should be evaluated based on each climate zone within the County as established by the National Weather Forecast Center in Eureka.</p>	<p>Consistent. The proposed project would include rooftop solar on single-family homes and electrical vehicle charging stations in commercial and multi-family use. In addition, the proposed project would meet or exceed the state’s current Title 24 requirements by meeting current Tier 2 Energy Efficiency standards.</p>
<p>Safety</p>	
<p>Policy S-G4: Fire Risk and Loss. Development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources.</p>	<p>Consistent. The proposed project would be located adjacent to existing wooded areas and constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE’s regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. Therefore, the proposed project would be consistent with this policy with MM WF-1 incorporated.</p>
<p>Policy S-P11: Site Suitability. New development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.</p>	<p>Consistent. As discussed in Section 3.7, Geology and Soils, the proposed project would not substantially increase or contribute to site geologic instability or place structures within a geologic hazard area. The proposed project would be designed and built in conformance with all applicable federal, state, and local building code requirements related to site stability.</p>
<p>Policy S-P18: Subdivision Design in High and Very High Fire Hazard Zones. Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design,</p>	<p>Inconsistent. The proposed project is located in an SRA with a high fire severity classification. As discussed in Section 3.19, Wildfires, MM WF-1 and MM WF-2 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. However, the proposed project does not provide a 100-foot defensible space along the perimeter of the subdivision and is not consistent with this policy.</p>



Goal/Policy	Project Consistency
slope development constraints, fuel modification plans, and vegetation setbacks.	
<p>Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations. Development shall conform to Humboldt County SRA Fire Safe Regulations.</p>	<p>Consistent. The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE’s regulations for fire safety. MM WF-1 would be implemented in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations.</p>
<p>Policy S-S9: SRA Fire Safe Regulations. Development within SRA shall conform to SRA Fire Safe Regulations (Humboldt County Code, Division 11 of Title III as amended).</p>	<p>Consistent. The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE’s regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations.</p>
<p>Policy S-S10: California Building Codes. New construction shall conform to the most recently adopted California building codes</p>	<p>Consistent. County Code requires new construction, including the proposed project, to be designed and constructed to meet the most recent California building code specifications.</p>
<p>Policy S-S11: California Fire Code. The California Fire Code shall be applied to all applicable development.</p>	<p>Consistent. County Code requires all development, including the proposed project, to be designed and constructed in compliance with the California Fire Code. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE’s regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations. Therefore, the proposed project would be consistent with this policy with MM WF-1 incorporated.</p>



Goal/Policy	Project Consistency
Air Quality	
<p>Policy AQ-P2: Reduce Localized Concentrated Air Pollution. Reduce or minimize the creation of “hot spots” or localized places of concentrated automobile emissions.</p>	<p>Consistent. As discussed in Section 3.3, Air Quality, the proposed project would not result in exceedances of NCUAQMD thresholds related to operational criteria air pollutants. Automobile emissions specifically would not exceed the NCUAQMD thresholds of 50 tons per year of any criteria air pollutant.</p>
<p>Policy AQ-P4: Construction and Grading Dust Control. Dust control practices on construction and grading sites shall achieve compliance with NCUAQMD fugitive dust emission standards.</p>	<p>Consistent. As discussed in Section 3.3, Air Quality, the proposed project would be required to comply with Rule 104 of the NCUAQMD related to limiting fugitive dust from construction activities. The proposed project would incorporate the requirements of this rule through MM AQ-1, which would ensure compliance with Rule 104 related to fugitive dust.</p>
<p>Policy AQ-P5: Air Quality Impacts from New Development. During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCUAQMD.</p>	<p>Consistent. As discussed in Section 3.3, Air Quality, the proposed project would be below all NCUAQMD thresholds for criteria air pollutants for both construction and operation of the proposed project. Therefore, no further mitigation measures would be required to achieve standards of the NCUAQMD.</p>
<p>Policy AQ-P6: Buffering Land Uses. During environmental review of discretionary commercial and industrial projects, consider the use of buffers between new sources of emissions and adjacent land uses to minimize exposure to air pollution.</p>	<p>Consistent. The project area is surrounded on the north, east, and south by forested land that would not produce air emissions. The existing community of Cutten and the Redwood Fields Park to the west of the project area would not produce substantial emissions that would be incompatible with the new development. Therefore, the proposed project would not require any buffers between new source emissions or adjacent land uses to minimize exposure to air pollution.</p>
<p>Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions. The County shall evaluate the greenhouse gas (GHG) emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.</p>	<p>Consistent. As discussed in Section 3.8, Greenhouse Gas Emissions and Climate Change, both the construction and operational GHG emissions resulting from implementation of the proposed project would be below the BAAQMD thresholds of significance. BAAQMD GHG thresholds were used to compare the proposed project GHG emissions because the NCUAQMD does not have specified GHG thresholds. Additionally, the proposed project would be consistent with the state’s 2017 Scoping Plan related to GHG emissions.</p>



Goal/Policy	Project Consistency
<p>Policy AQ-P17: Preservation and Replacement of On-Site Trees. Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.</p>	<p>Consistent. Although the proposed project would require the removal of approximately 59.27 acres of the existing forest land in the area, the other 21.73 acres of forested land within the project would be preserved through a permanent open space easement or conveyed in fee with trails that would connect to the McKay Community Forest. In addition, as discussed in Section 3.8, Greenhouse Gas Emissions and Climate Change, the Applicant will purchase verified forest carbon offsets from the Arcata Community Forest (CAR 935 and 575), Climate Reserve Tonnes.</p>

Notes:

¹ The approved 2019 Housing Element goals and policies was used in this analysis.

Eureka Community Plan Consistency

The proposed project is located within the Eureka CPA, and the Eureka Community Plan was adopted on April 25, 1995, and has since been amended through October 23, 2017 (Humboldt County 1995). Because the proposed project is located within this CPA, it would be required to be consistent with the goals and policies of the Community Plan. The goals and policies within this Community Plan build on policies already contained in the Humboldt County General Plan, Zoning code, and Design Guidelines. As shown in Table 3.11-2, the proposed project would be consistent with all applicable goals and policies for the Eureka Community Plan.

Table 3.11-2: Eureka Community Plan Policy Consistency Analysis

Goal/Policy	Project Consistency
<p>Goal 2210.1. To ensure that adequate land is designated with appropriate densities to allow the Planning Area to absorb its share of anticipated Humboldt County population growth, while retaining as much as possible the current quality of life.</p>	<p>Consistent. The proposed project would establish a mixed-use residential and commercial development that would allow for 320 residential units. The project would include dedication of open space and dedication and construction of trails.</p>
<p>Goal 2310.1. To develop and maintain community and neighborhood commercial uses to support the expected increased residential growth.</p>	<p>Consistent. The proposed project would include residential and commercial units as well as open space. This would allow the County to maintain community and neighborhood commercial uses.</p>
<p>Goal 2310.2. To establish commercial areas close to neighborhoods to reduce traffic on our roads and conserve energy resources.</p>	<p>Consistent. The proposed project includes neighborhood commercial amenities within walking distance of residences. This is expected to reduce traffic, as the commercial uses would be within walking distance to residential uses.</p>



Goal/Policy	Project Consistency
<p>Goal 2410.1. To provide adequate housing and a satisfactory living environment for all community residents.</p>	<p>Consistent. The proposed project would provide 320 new residential units, 22,000 square feet of commercial, trail connectivity, and open space within approximately one mile of employment, commercial, health and other services and opportunities. The project's 22,000 square feet of commercial space would provide accessible amenities.</p>
<p>Goal 2410.3. To provide for affordable housing.</p>	<p>Consistent. The proposed project would create a range of housing types and sizes, including small lot single-family, multi-family, and 18 affordable units.</p>
<p>Policy 2420.2. To reduce conflict between two different land uses, approval of uses on the edges of a zoning district or general plan designation should include provisions for insuring compatibility such as landscaped buffer areas.</p>	<p>Consistent. The proposed project would require a General Plan Amendment and rezoning of the parcels. These land use changes are being analyzed in this Draft EIR for compatibility. All adjacent land uses would be compatible with the proposed development.</p>
<p>Goal 2510.1. To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.</p>	<p>Consistent. Although the proposed project consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.</p>
<p>Goal 2510.2. To assure rural residential development will occur in a manner consistent with rural fire safety standards.</p>	<p>Consistent. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations. Therefore, the proposed project would be consistent with this goal with MM WF-1 incorporated.</p>
<p>Policy 2520.1. Subdivisions. Subdivisions for residential purposes, including subdivisions developed in phases, shall not be approved unless the roads planned to serve such subdivision or individual phases are acceptable to Public Works for development at planned densities and for use by emergency vehicles. Costs of bringing new on-site roads up to standards shall be borne by the subdivider.</p>	<p>Consistent. The proposed project would require that the roads included in the development be constructed early in the process for each phase of development to provide adequate access for construction personnel and equipment. Conditions of approval would require Public Works review and approval for each phase through the Final Map and improvement plans processes.</p>



Goal/Policy	Project Consistency
<p>Goal 2531.2. To protect timberland in areas not proposed for residential expansion.</p>	<p>Consistent. The Eureka Community Plan designated the project site for development. The project would include dedication of open space to the County and would abut a regional park and trail system.</p>
<p>Goal 2610.1. To concentrate new development around existing public services and improvements.</p>	<p>Consistent. The proposed project includes and requires annexation into the HCSD for provision of utilities, which are currently exist on adjacent lands near the project site.</p>
<p>Goal 2610.2. To protect the area’s numerous drainage gulches (greenway/open space areas) while providing for development along hillside terrain.</p>	<p>Consistent. The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages to be preserved through the establishment of permanent easements.</p>
<p>Goal 2610.3. To provide opportunities for public recreation.</p>	<p>Consistent. The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages, to be preserved through the establishment of permanent easements.</p>
<p>Goal 2610.4. To ensure that new development will be provided with adequate infrastructure and services.</p>	<p>Consistent. The proposed project would include extending water, wastewater, and telecommunications facilities consistent with applicable development requirements.</p>
<p>Policy 2620.1. Residential Density and Lot Sizes:</p> <ul style="list-style-type: none"> a. The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre. b. The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre. c. The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps. 	<p>Consistent. The proposed project would have an average density of 3.8 dwelling units per acre for the residential single-family designation (RL) with 96 larger (6,600-square-foot to 39,670-square-foot) lots and 50 smaller (4,758-square-foot) lots and 9 dwelling units per acre for the residential multiple family designation (RM) with 174 multi-family units. The smaller single-family residential lot sizes would be allowed through a Planned Unit Development.</p>



Goal/Policy	Project Consistency
<p>Policy 2620.8. North McKay Tract. Development of this area shall include at least three access points onto Walnut Drive (the extension of Redwood, Fern and Arbutus Streets). Development of this area should also include a through road and its northerly extension to the intersection of Manzanita and Harrison Avenue. Development of the property should occur with an approved plan and rights-of-way for the through road. The timing for extension of each street shall be determined by Public Works.</p>	<p>Consistent. The project would have two primary access points, Redwood Street and Arbutus Street, which would be extended to access 320 units (all but three single-family residential lots), the commercial space, and the open space. Fern Street would provide secondary access to two lots because it currently terminates at the adjacent community ballfields at Redwood Fields Park and does not provide an opportunity for a connection. Manzanita Avenue would access three single-family residential lots. The project does not include a through-road and would not provide a future extension to the intersection of Manzanita and Harrison Avenues.</p> <p>The North McKay Tract was previously rezoned from TPZ to Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), which is consistent with this policy. The project proposes a total of 320 units with a range of lot sizes, trails, and permanent open space.</p> <p>The total Immediate Rezone area of the North McKay Tract is approximately 81 acres. The parcel has been given combining zones to facilitate development of a 10-acre minimum youth sports field facility with a surrounding low density residential community.</p> <p>The Planned Unit Development limits the number of dwelling units to 320. The Planned Unit Development should include a clustering of homesites with lot sizes ranging from 4,000 square feet (adjacent to the park) to 9,600 square feet (along the bluff), enabling a large portion of land to be preserved through a permanent easement as open space.</p>



Humboldt County Local Agency Formation Commission (LAFCO) Consistency

There are seven incorporated cities within the County. All cities but the City of Ferndale have SOIs beyond their city boundaries, ranging in size from 160 acres (City of Trinidad) to 8,200 acres (City of Eureka). The boundaries of a city’s SOI are subject to review and approval by the County LAFCo. The proposed project would require annexation into HCSD for provision of utilities, requiring approval from the County LAFCo.

California Government Code Section 56668 establishes factors LAFCos must use in reviewing annexation proposals to encourage well-planned, well-ordered, efficient urban development and discouraging urban sprawl. Table 3.11-3 provides a consistency analysis with California Government Code Section 56668. As shown in the table, the proposed annexation of the proposed project would be consistent with Section 56668. Impacts would be less than significant.

Table 3.11-3: LAFCo Consistency Analysis (Government Code Section 56668)

Section	Consistency Determination
<p>Section 56668(a): Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p>	<p>Consistent: The proposed project would be adjacent to the City of Eureka SOI and would be directly adjacent to the existing community of Cutten. The project site, while currently undeveloped, is zoned for future residential development, identified for development in the Eureka Community Plan, and addressed in the HCSD MSR for future growth and development.</p>
<p>Section 56668(b): The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</p> <p>“Services,” as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p>	<p>Consistent: The proposed project would include infrastructure improvements, such as water, wastewater, and waste collection, in order to properly serve the new development. As discussed in Section 3.14, Public Services, and Section 3.18, Utilities and Service Systems, the proposed project would be required to pay all necessary fees for utility service connections. A new off-site water tank and a sanitary sewer line extension would be constructed to support the new development and is thus being analyzed throughout this Draft EIR.</p>
<p>Section 56668(c): The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p>	<p>Consistent: The proposed project would function as an extension of the Cutten community to the east, would be annexed to HCSD, would include water and sanitary sewer connections, would add off-site sidewalks to provide pedestrian connectivity, and would include trails to provide access to open space areas. The area would remain an unincorporated area</p>



Section	Consistency Determination
	<p>of the County, relying Humboldt Bay Fire Protection District (FPD) and CAL FIRE for fire protection services, the County for road maintenance, and Sherriff for police services. The development may increase the tax base for the area in the form of assessed values and property taxes. Sales tax and new employment generation from the 22,000 square feet of commercial development cannot be estimated at this time.</p>
<p>Section 56668(d): The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377. (Section 56377 is reproduced below)</p>	<p>Consistent: As discussed in Section 3.2, Agricultural and Forestry resources, the proposed project area does not contain important farmlands or farmlands subject to Williamson Act contracts. The proposed project area currently contains a forested area that has been subject to timber harvesting activities within the last 30 years. The Eureka Community Plan identifies the parcels for development, and the parcels are currently zoned for residential development. The site is located within the HCSD SOI.</p>
<p>56377 In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:</p> <p>(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.</p> <p>(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.</p>	



Section		Consistency Determination
<p>Section 56668(e): The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016. (Section 56016 is reproduced below.)</p>		<p>Consistent: Although the project site currently consists of a site that has historically been used for timber harvesting, it is not currently producing any commodities (i.e., agricultural commodities). The site is no longer zoned for timber harvesting and is planned for a mixed-use development. Therefore, the proposed project would be consistent with this section.</p>
<p>56016</p>	<p>“Agricultural lands” means land currently used for the purpose of producing an Agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.</p>	
<p>Section 56668(f): The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>		<p>Consistent: The project area would be located directly adjacent to the existing community of Cutten. The proposed project would connect this established community to the new residential, commercial, and recreational uses proposed. The project proposes dedicating open space to the County that would abut existing community fields and provide some buffer between a portion of the new development and the existing neighborhood to the west. The County owns the McKay Community Forest property to the east of the project site, which is planned for a future regional park and trails.</p>
<p>Section 56668(g): A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans. (Section 65080 is not reproduced below due to length; however, its information was used in this analysis and the link is provided in a footnote for further reference¹)</p>		<p>Consistent: As discussed in Section, 3.16, Transportation, and under the General Plan Consistency analysis above (Table 3.11-1), the proposed project would be consistent with all transportation policies that are relevant to the proposed project.</p>
<p>Section 56668(h): The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p>		<p>Consistent: The proposed project is within the HCSD SOI.</p>
<p>Section 56668(i): The comments of any affected local agency or other public agency.</p>		<p>Consistent: The Draft EIR and proposal will be circulated to local and affected agencies. Responses to comments will be provided in the Final EIR.</p>
<p>Section 56668(j): The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>		<p>Consistent: The proposed project would be served by municipal services provided by HCSD for water and wastewater, by the Humboldt Bay FPD and CAL FIRE for fire protection services, and the County Sheriff Office for police protection services. Sections 3.14, Public Services, and 3.18, Utilities and Service</p>

¹ http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65080.&lawCode=GOV



Section	Consistency Determination
	<p>Systems, describe the service and infrastructure requirements necessary to ensure that adequate levels of service are provided. The proposed project Applicant would provide the full costs of all infrastructure necessary to serve the proposed project. The proposed project would pay its share of development impact fees.</p>
<p>Section 56668(k): Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Section 65352.5 is reproduced below.)</p>	<p>Consistent: As discussed in Section 3.18, Utilities and Service Systems, there are sufficient water supplies for retail water suppliers, HBMWD retail customers, industrial customers, and system losses during normal, single dry, and multiple dry years (HBMWD 2016). HCS D has a total of 5 million gallons per day (MGD) of storage capacity, has a peak daily water consumption of approximately 3.20 MGD, and an average daily water consumption of approximately 2.56 MGD (SHN Engineers & Geologists 2014). The need for a water tank to support the proposed development was identified by HCS D and, therefore, the construction and operation of this new water tank is being considered as part of this Draft EIR.</p>
<p>65352.5</p> <p>(a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning occurs in order to accommodate projects that will result in increased demands on water supplies.</p> <p>(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p> <p>(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:</p> <p>(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.</p> <p>(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.</p> <p>(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract,</p>	



Section	Consistency Determination
<p>taking into account historical data concerning wet, normal, and dry runoff years.</p> <p>(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.</p> <p>(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.</p> <p>(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.</p> <p>(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:</p> <p>(A) Agricultural users.</p> <p>(B) Commercial users.</p> <p>(C) Industrial users.</p> <p>(D) Residential users.</p> <p>(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.</p> <p>(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p>	
<p>Section 56668(I): The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p>	<p>Consistent: The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 parcels as available for residential development in the Residential Land Inventory included the Housing Element. The development would provide for a range of income levels with 18 affordable units, 50 smaller (less than 5,000 square</p>



Section		Consistency Determination
<p>65580</p>	<p>The Legislature finds and declares as follows:</p> <p>(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.</p> <p>(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.</p> <p>(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.</p> <p>(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.</p> <p>(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.</p>	<p>feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>
<p>Section 56668(m): Any information or comments from the landowner or owners, voters, or residents of the affected territory.</p>		<p>Consistent: The proposed project property is owned by the Applicant of the proposed project. Annexation to HCSD would be considered “uninhabited,” and the Owner/Applicant is in favor of the annexation. Neighboring property owners would be noticed about the availability of the CEQA documents and public meetings. These individuals will have the opportunity to submit comments to both the County and the County LAFCo.</p>



Section	Consistency Determination
<p>Section 56668(n): Any information relating to existing land use designations.</p>	<p>Consistent: The proposed project parcels are designated Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017c). The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017c). The project site also lies within the Eureka Community Plan Planning Area Boundary, but not within its SOI. The water tank location is designated as Timberland (T).</p> <p>The proposed project parcels are zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water tank location is zoning as a TPZ.</p>
<p>Section 56668(o): The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.</p>	<p>Consistent: According to the Governor’s OPR LAFCO MSR Guidelines, a LAFCO decision to approve an extension of a service area or a change in city boundaries could have a significant environmental justice impact especially if it results in the siting of a major industrial, residential, or public works project. Environmental justice can be broken down into two categories: procedural inequity and geographic inequity. In the case of land development projects, procedural inequity can include unfairly attaching mitigation measures to certain projects and not uniformly to all projects, as well as unfair meeting or noticing procedures. Geographic inequity can include concentrating undesirable land uses, such as denser development, in one area of a county while concentrating desirable uses, like parks, in other areas of the county.</p> <p>The proposed project is subject to the procedural requirements of state law and County Code, including but not limited to the analysis contained in this EIR, public hearings before the Planning Commission and Board of Supervisors, and approval from LAFCo for annexing to the HCSD.</p> <p>The proposed project includes 18 affordable housing units that would help address the County’s housing needs, and a combination of single-family and multi-</p>



Section	Consistency Determination
	family residential, together with commercial development, located adjacent to existing ballfields at Redwood Fields Park and, eventually, a regional park and regional trail system.

Timber Harvest Plan Consistency

A THP was developed for the site in September 2017 and is valid through March 5, 2023. This THP serves as the functional equivalent of a CEQA EIR and required approval through CAL FIRE as the lead agency. The THP was developed for the proposed project to allow the timber currently located on the project site to be harvested and sold. The current THP contemplated residential development of the project site as an alternative to timber harvesting; however, the development alternative was rejected at the time because development did not address project objectives of the THP. The proposed project would be consistent with the THP, as development is permitted under the current zoning. Based on market conditions, the Applicant may harvest timber as per the approved THP or remove trees to accommodate the development of the project. This EIR analysis includes a conservative assumption of removal of approximately 59.27 acres of trees onsite, and impacts are discussed in Section 3.1, Aesthetics; Section 3.3 Air Quality; Section 3.4, Biological Resources; Section 3.8, Greenhouse Gas Emissions and Climate Change; and Section 3.10 Hydrology and Water Quality. Once the THP expires in 2023, the site would no longer be used for timber harvesting operations. Therefore, the impact related to consistency with the THP would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



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3.12 NOISE

This section describes the environmental and regulatory setting for noise and vibration. It also describes existing conditions and potential impacts related to noise that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible. Descriptions and analysis in this section are based on noise modeling performed by Stantec. The noise modeling output is included in this EIR as Appendix G.

3.12.1 Environmental Setting

Noise Fundamentals and Terminology

Noise is generally defined as unwanted sound that annoys or disturbs people and potentially causes an adverse psychological or physiological effect on human health. Because noise is an environmental pollutant that can interfere with human activities, evaluation of noise is necessary when considering the environmental impacts of a proposed project.

Sound is mechanical energy (vibration) transmitted by pressure waves over a medium such as air or water. Sound is characterized by various parameters that include the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient (existing) sound level. Although the decibel (dB) scale, a logarithmic scale, is used to quantify sound intensity, it does not accurately describe how sound intensity is perceived by human hearing. The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. The human ear is not equally sensitive to all frequencies in the entire spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive in a process called A-weighting, written as dB(A) and referred to as A-weighted decibels. There is a strong correlation between A-weighted sound levels (expressed as dB(A)) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. Table 3.12-1 defines sound measurements and other terminology used in this EIR, and Table 3.12-2 summarizes typical A-weighted sound levels for different noise sources.

With respect to how humans perceive and react to changes in noise levels, a 1 dB(A) increase is imperceptible, a 3 dB(A) increase is barely perceptible, a 5 dB(A) increase is clearly noticeable, and a 10 dB(A) increase is subjectively perceived as approximately twice as loud. These subjective reactions to changes in noise levels were developed on the basis of test subjects' reactions to changes in the levels of steady-state pure tones or broadband noise and to changes in levels of a given noise source. These statistical indicators are thought to be most applicable to noise levels in the range of 50 to 70 dB(A), as this is the usual range of voice and interior noise levels. Numbers of agencies and municipalities have developed or adopted noise level standards, consistent with these and other similar studies to help prevent annoyance and to protect against the degradation of the existing noise environment.

Different types of measurements are used to characterize the time-varying nature of sound. These measurements include the equivalent sound level (Leq), the minimum and maximum sound levels (Lmin and Lmax), percentile-exceeded sound levels (such as L10, L20), the day-night sound level (Ldn), and the community noise equivalent level (CNEL). Ldn and CNEL values differ by less than 1 dB. As a matter of practice, Ldn and CNEL values are considered to be equivalent and are treated as such in this assessment.



For a point source, such as a stationary compressor or construction equipment, sound attenuates based on geometry at a rate of 6 dB per doubling of distance. For a line source, such as free-flowing traffic on a freeway, sound attenuates at a rate of 3 dB per doubling of distance.¹ Atmospheric conditions, including wind, temperature gradients, and humidity, can change how sound propagates over distance and can affect the level of sound received at a given location. The degree to which the ground surface absorbs acoustical energy also affects sound propagation. Sound that travels over an acoustically absorptive surface, such as grass, attenuates at a greater rate than sound that travels over a hard surface, such as pavement. The increased attenuation is typically in the range of 1 to 2 dB per doubling of distance. Barriers, such as buildings and topography that block the line of sight between a source and receiver, also increase the attenuation of sound over distance.

Table 3.12-1: Definition of Sound Measurement

Sound Measurements	Definition
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which indicates the squared ratio of sound pressure amplitude to a reference sound pressure amplitude. The reference pressure is 20 micro-pascals.
A-Weighted Decibel (dB(A))	An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
Maximum Sound Level (Lmax)	The maximum sound level measured during the measurement period.
Minimum Sound Level (Lmin)	The minimum sound level measured during the measurement period.
Equivalent Sound Level (Leq)	The equivalent steady state sound level that in a stated period of time would contain the same acoustical energy.
Percentile-Exceeded Sound Level (Lxx)	The sound level exceeded xx % of a specific time period. L10 is the sound level exceeded 10% of the time. L90 is the sound level exceeded 90% of the time. L90 is often considered to be representative of the background noise level in a given area.
Day-Night Level (Ldn)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m.
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period with 5 dB added to the A-weighted sound levels occurring during the period from 7:00 p.m. to 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m.
Peak Particle Velocity (Peak Velocity or PPV)	A measurement of ground vibration defined as the maximum speed (measured in inches per second) at which a particle in the ground is moving relative to its inactive state. PPV is usually expressed in inches/second.
Frequency: Hertz	The number of complete pressure fluctuations per second above and below atmospheric pressure.

Source: Federal Highway Administration 2006

¹ Federal Highway Administration 2011



Table 3.12-2: Typical A-Weighted Sound Levels

Common Outdoor Activities	Noise Level (dB(A))	Common Indoor Activities
Jet flyover at 1,000 Feet	-110-	Rock band
Gas lawnmower at 3 Feet	-100-	
Diesel truck at 50 Feet at 50 MPH	-90-	Food blender at 3 Feet
Noisy urban area, daytime	-80-	Garbage Disposal at 3 Feet
Gas lawnmower, 100 Feet		Vacuum Cleaner at 10 Feet
Commercial area	-70-	Normal Speech at 3 Feet
Heavy traffic at 300 Feet	-60-	
Quiet urban daytime	-50-	Large business office
		Dishwasher in next room
Quiet urban nighttime	-40-	Theater, large conference room (Background)
Quiet suburban nighttime	-30-	Library
Quiet rural nighttime	-20-	Bedroom at night, concert hall (Background)
	-10-	
	-0-	Broadcast/recording studio

Source: Egan, David M. Architectural Acoustics. J. Ross Pub., Pub 2007

Decibel Addition

Because dB are logarithmic units, sound pressure levels cannot be added or subtracted through ordinary arithmetic. On the dB scale, a doubling of sound energy corresponds to a 3 dB increase. In other words, when two identical sources are each producing sound of the same loudness, their combined sound level at a given distance would be 3 dB higher than one source under the same conditions. For example, if one source produces a sound pressure level of 70 dB(A), two identical sources would combine to produce 73 dB(A). The cumulative sound level of any number of sources can be determined using dB addition.

Vibration Standards

Vibration is like noise such that noise involves a source, a transmission path, and a receiver. While related to noise, vibration differs in that noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system that is vibrating.



Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of PPV in inches per second. Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV. The County does not have specific policies pertaining to vibration levels. However, vibration levels associated with construction activities and proposed project operations are addressed as potential noise impacts associated with the proposed project implementation.

Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 3.12-3 notes the general threshold at which human annoyance could occur is 0.1 inch per second (in/sec) at PPV. Table 3.12-4 indicates the threshold for damage to structures ranges from 0.2 to 0.6 in/sec at PPV.

Table 3.12-3: Guideline Vibration Annoyance Potential Criteria

Human Response	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Sources
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.1
Severe	2.0	0.4

Notes: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seal equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: Caltrans 2013

Table 3.12-4: Guideline Vibration Damage Potential Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structure	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Source: Caltrans 2013



Operation of heavy construction equipment, particularly pile driving and other impact devices such as pavement breakers, create seismic waves that radiate along the surface of the earth and downward into the earth. These surface waves can be felt as ground vibration. Vibration from operation of this equipment can result in effects ranging from annoyance of people to damage of structures. Varying geology and distance will result in different vibration levels containing different frequencies and displacements. In all cases, vibration amplitudes will decrease with increasing distance.

Perceptible groundborne vibration is generally limited to areas within a few hundred feet of construction activities. As seismic waves travel outward from a vibration source, they excite the particles of rock and soil through which they pass and cause them to oscillate. The actual distance that these particles move is usually only a few ten-thousandths to a few thousandths of an inch. The rate or velocity (in inches per second) at which these particles move is the commonly accepted descriptor of the vibration amplitude, referred to as the PPV.

Table 3.12-5 summarizes typical vibration source levels generated by various construction equipment.

Table 3.12-5: Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 Feet
Vibratory roller	0.210
Large bulldozer	0.089
Loaded trucks	0.076
Small bulldozer	0.003

Source: FTA 2018

Vibration amplitude attenuates over distance and is a complex function of how energy is imparted into the ground and the soil conditions through which the vibration is traveling. The following equation can be used to estimate the vibration level at a given distance for typical soil conditions (FTA 2018). PPVref is the reference PPV from Table 3.12-5:

$$PPV = PPV_{ref} \times (25/Distance)^{1.5}$$

Identification of Sensitive Receptors and Existing Ambient Noise Levels

Sensitive Receptors

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, and residences are considered to be more sensitive to noise intrusion than are commercial or industrial activities. Ambient noise levels can also affect the perceived desirability or livability of a development.

The proposed project is located in Cutten, California, near Arbutus Street, Cedar Street, and Fern Street, and wraps around the existing Redwood Fields Park. The project site is surrounded by the following land uses:

- North: Timber forests, gulch occupied by Ryan Creek, and residential development at the end of Manzanita Avenue



Noise

- East: Ryan Slough, PG&E powerline, the McKay Community Forest (owned by the County), and Green Diamond Industrial Timberland
- South: Timber forests and Glen Paul School
- West: Redwood Fields Park and residential homes located along Cedar Street and Fern Street

Table 3.12-6 lists the proposed project phases, the closest noise-sensitive receptor, and the shortest approximate distance between the receptors and the proposed project.

Table 3.12-6: Closest Noise-Sensitive Receptor to the North McKay Ranch Property by Phase

Proposed Project Phase	Closest Noise-Sensitive Receptor	Approximate Shortest Distance between Project and Receptor
Phase 1	Single-Family Residence along Manzanita Avenue	20'
Phase 2	Glen Paul School	62'
Phase 3	Single-Family Homes Along Redwood Street	40'
Phase 4	Single-Family Homes Along Fern Street	915'
Phase 5	Single-Family Homes Along Redwood Street	540'
Phase 6	Single-Family Homes Along Redwood Street	945'
Phase 7	Glen Paul School	470'
Phase 8	Glen Paul School	890'
Phase 9	Glen Paul School	855'

Source: April 17, 2019 Planning NOP Review Drawing Set for North McKay Ranch Subdivision

The sewer line work on Redwood and Walnut Streets will be approximately 30 feet from the single-family homes along these roads.

The proposed water storage tank location is surrounded on all sides by dense vegetation and undeveloped areas. The closest noise-sensitive receptors are single-family homes in Ridgewood Heights, located 1,531 feet away from the tank site.

The entire project site is located 2.74 miles from Highway U.S. 101 and 2.6 miles from Murray Field (KEKA) Airport.

Ambient Noise Levels

The existing noise environment in a project area is characterized by the area's general level of development due to the high correlation between the level of development and ambient noise levels. Areas which are not urbanized are relatively quiet, while areas which are more urbanized are noisier as a result of roadway traffic, industrial activities, and other human activities.



The unincorporated community of Cutten is a relatively small area without major highways or arterial roads. The main roads through the area, including Fern Street, Arbutus Street, and Walnut Street, are two-lane roads with little traffic. Therefore, noise levels within the area are expected to be low.

Traffic noise depends primarily on traffic speed (tire noise increases with speed) and the proportion of truck traffic (trucks generate engine, exhaust, and wind noise in addition to tire noise). Changes in traffic volumes can also have an impact on overall traffic noise levels. For example, it takes 25 percent more traffic volume to produce an increase of only 1 dB(A) in the ambient noise level. A doubling of traffic volume results in a 3 dB(A) increase in noise levels.

Existing ambient noise contours in Humboldt County are listed in Table 13-B in the County General Plan (Humboldt County 2017a). Table 13-8 states the distance between U.S. Highway 101 to the 60 dB(A) CNEL contour is 1,228 feet between Loleta Drive and Indianola Cutoff. The project site, which is 2.74 miles from U.S. Highway 101, is well beyond the 60 dB(A) CNEL contour line. Therefore, ambient noise levels at the site would most likely be typical of that experienced in a quiet suburban environment, or below 60 dB(A) CNEL.

3.12.2 Regulatory Setting

State

California Building Standards Code

CCR Part 2, Title 24, California Noise Insulation Standards, establishes minimum noise insulation standards to protect persons within new hotels, motels, dormitories, long-term care facilities, apartment houses, and dwellings other than single-family residences. Under Section 1207.11 "Exterior Sound Transmission Control," interior noise levels attributable to exterior noise sources cannot exceed 45 Ldn in any habitable room. Where such residences are located in an environment where exterior noise is 60 Ldn or greater, an acoustical analysis is required to ensure interior levels do not exceed the 45 Ldn interior standard. If the interior allowable noise levels are met by requiring that windows be kept closed, the design for the building must also specify a ventilation or air conditioning system to provide a habitable interior environment.

California Green Building Standards

The 2016 CalGreen, Section 5.507 "Environmental Comfort," will apply to any occupied non-residential (i.e., commercial) buildings. The code states the following:

- 5.507.4.1 Exterior noise transmission. Wall and roof-ceiling assemblies exposed to the noise source making up the building or addition envelope or altered envelope shall meet a composite STC [Sound Transmission Class] rating of at least 50 or a composite Outside-Inside Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 in the following locations:
 1. Within the 65 CNEL noise contour of an airport

Exceptions:

1. Ldn or CNEL for military airports shall be determined by the facility Air Installation Compatible Land Use Zone (AICUZ) plan.



2. Ldn or CNEL for other airports and heliports for which a land use plan that has not been developed shall be determined by the local general plan noise element.
3. Within the 65 CNEL or Ldn noise contour of a freeway or expressway, railroad, industrial source or fixed-guideway noise source as determined by the Noise Element of the General Plan.
 - 5.507.4.1.1 Noise exposure where noise contours are not readily available. Buildings exposed to a noise level of 65 dB Leq-1-hr during any hour of operation shall have building, addition or alteration exterior wall and roof-ceiling assemblies exposed to the noise source meeting a composite STC rating of at least 45 (or OITC 35), with exterior windows of a minimum STC of 40 (or OITC 30).
 - 5.507.4.2 Performance method. For buildings located as defined in Section 5.507.4.1 or 5.507.4.1.1, wall and roof-ceiling assemblies exposed to the noise source making up the building or addition envelope or altered envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level (Leq -1Hr) of 50 dB(A) in occupied areas during any hours of operations.
 - 5.507.4.2.1 Site features. Exterior features such as sound walls or earth berms may be utilized as appropriate to the building, addition or alteration project to mitigate sound migration to the interior.
 - 5.507.4.2.2 Documentation of compliance. An acoustical analysis documenting complying interior sound levels shall be prepared by personnel approved by the architect or engineer of record.
 - 5.507.4.3 Interior sound transmission. Wall and floor-ceiling assemblies separating tenant spaces and tenant spaces and public places shall have an STC of at least 40.

Local

Humboldt County General Plan

Chapter 13, Noise Element, in the County General Plan (adopted October 23, 2017) identified land use compatibility noise standards and maximum interior noise levels for land uses affected by transportation and non-transportation noise sources (Humboldt County 2017a). The following noise level standards are listed in Table 13-C “Land Use / Noise Compatibility Standards”:

- Residential One-Family, Residential Multiple Family
 - Clearly Acceptable²: 50 dB(A) Ldn/CNEL and below
 - Normally Acceptable³: 51-60 dB(A) Ldn/CNEL
 - Normally Unacceptable⁴: 61-71 dB(A) Ldn/CNEL

² Clearly Acceptable means the noise exposure is such that the activities associated with the land use may be carried out with essentially no interference. (Residential areas both indoor and outdoor noise environments are pleasant.)

³ Normally Acceptable means the noise exposure is great enough to of some concern, but common constructions will make the indoor environment acceptable, even for sleeping quarters. (Residential areas: the outdoor environment will be reasonably pleasant for recreation and play at the quiet end and will be tolerable at the noisy end.)

⁴ Normally Unacceptable means the noise exposure is significantly more severe so that unusual and costly building constructions are necessary to ensure adequate performance of activities. (Residential areas: barriers must be erected between the site and prominent noise sources to make the outdoor environment tolerable.)



- Clearly Unacceptable⁵: 72-91+ dB(A) Ldn/CNEL
- Maximum Interior Noise Levels Due to Exterior Sources: 45 dB(A)
- Office Buildings, Commercial, Retail
 - Clearly Acceptable: 61 dB(A) Ldn/CNEL and below
 - Normally Acceptable: 62-71 dB(A) Ldn/CNEL
 - Normally Unacceptable: 72-80 dB(A) Ldn/CNEL
 - Clearly Unacceptable: 81-91+ dB(A) Ldn/CNEL
 - Maximum Interior Noise Levels Due to Exterior Sources: 50 dB(A)

Section 13.4, Goals and Policies, within the County General Plan also lists several relevant policies relating to noise including the following:

- **Policy N-P1:** Minimize Noise from Stationary and Mobile Sources. Minimize stationary noise sources and noise emanating from temporary activities by applying appropriate standards for average and short-term noise levels during permit review and subsequent monitoring.
- **Policy N-P2:** Guide to Land Use Planning. Evaluate current noise levels and mitigate projected noise levels when making community planning and zoning decisions to minimize the exposure of community residents to nuisance noise levels. Minimize vehicular and aircraft noise exposure by planning land uses compatible with transportation corridors and airports and applying noise attenuation designs and construction standards. Avoid zoning patterns that permit people to “move to the nuisance” unless mitigated through project conditions or recorded notice.
- **Policy N-P4:** Protection from Excessive Noise. Protect persons from existing or future excessive levels of noise which interfere with sleep, communication, relaxation, health or legally permitted use of property.

Section 13.5, Standards, in the County General Plan also state the following:

- **Standard N-S1: Land Use/Noise Compatibility Matrix.** The Land Use/Noise Compatibility Standards (Table 13-C) shall be used as a guide to ensure compatibility of land uses. Development may occur in areas identified as “normally unacceptable” if mitigation measures can reduce indoor noise levels to “Maximum Interior Noise Levels” and outdoor noise levels to the maximum “Normally Acceptable” value for the given Land Use Category.
- **Standard N-S2: Noise Impact Combining Zones.** The 20-year projected noise contours in the Map Book Appendix and the most current Airport Land Use Compatibility Plans shall be used to identify noise impact combining zone areas to indicate where special sound insulation measures may apply.
- **Standard N-S5: Noise Standards for Habitable Rooms.** Noise reduction shall be required as necessary in new development to achieve a maximum of 45 CNEL (Community Noise Equivalent Level) interior noise levels in all habitable rooms per California building standards.

⁵ Clearly Unacceptable means the noise exposure of the site is so severe that construction costs to make the indoor environment acceptable for performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)



- **Standard N-S6: Noise Reduction Requirements for Exterior Areas in Residential Zones.** Newly created single-family residential lots of 5,000 square feet or more, should contain a usable outdoor area at least 200 square feet in size per dwelling unit that meets the 60 CNEL (Community Noise Equivalent Level) standard.
- **Standard N-S7: Short-term Noise Performance Standards (L_{max}).** The following noise standards, unless otherwise specifically indicated, shall apply to all property within their assigned noise zones and such standards shall constitute the maximum permissible noise level within the respective zones.

Short-Term Noise Standards (L _{max})		
Zoning Classification	Day (Maximum, dB(A)) 6:00 AM to 10:00 P.M.	Night (Maximum, dB(A)) 10:00 P.M. to 6:00 A.M.
MG, MC, AE, TPZ, TC, AG, FP, FR, MH	80	70
CN, MB, MI, RRA, CG, CR, C-1, C-2, C-3	75	65
RM, R-3, R-4	65	60
RS, R-1, R-2, NR	65	60

Humboldt County Code

There are several mentions of noise within the County Code; however, no reference to noise in the County Code is directly applicable to this project.

3.12.3 Methodology for Analysis

In accordance with the requirements of CEQA, the noise analysis evaluates the project's noise sources to determine the impact of the proposed project on the existing ambient noise environment. The County General Plan noise contour table was used to provide baseline noise conditions at nearby sensitive receptors and within the project site vicinity. For the purpose of this analysis, potential sensitive receptors were determined by reviewing current aerial photography.

Operational Noise and Vibration

Impacts from future project-related traffic were estimated using predicted traffic counts for the project provided in the May 9, 2018, Technical Memorandum, "Focused Traffic Study for the McKay Ranch Subdivision," by TJKM. Noise from the proposed project's mechanical and HVAC systems would operate regularly and are therefore required to comply with the maximum noise limits listed in Standard N-S7 of the County General Plan (refer to regulatory discussion above).

The proposed project would not include sources of vibration during operation. Therefore, no operational vibration assessment is required.



Construction Noise and Vibration

The Federal Highway Administration Roadway Construction Noise Model (RCNM) was used to determine noise generated from construction activities. The RCNM is used as the Federal Highway Administration's national standard for predicting noise generated from construction activities. The RCNM analysis includes the calculation of noise levels (Lmax and Leq) at incremental distances for a variety of construction equipment. The spreadsheet inputs include acoustical use factors, Lmax values, and Leq values at various distances depending on the ambient noise measurement location. Construction noise levels were calculated for each project phase, and each phase of construction is based on a specific equipment list for each phase.

Vibration from construction equipment is analyzed at the surrounding buildings and compared to the applicable Caltrans building damage criteria to determine whether construction activities would generate vibration at levels that could result in building damage.

3.12.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may result in:

- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
- Exposure of persons to or generation of excessive groundborne vibration or noise levels
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project
- 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 (refer to Section 7, Effects Found Not To Be Significant)
- 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 refer to Section 7, Effects Found Not To Be Significant)

USEPA Guidelines

The USEPA has established guidelines (USEPA Region 10 Environmental Impact Statement Guidelines, April 1973) for assessing the impact of an increase in noise levels. These guidelines have been used as industry standard for several years to determine the potential impact of noise increases on communities. Most people will tolerate a small increase in background noise (up to about 5 dB(A)) without complaint, especially if the increase is gradual over a period of years (such as from gradually increasing traffic



volumes). Increases greater than 5 dB(A) may cause complaints and interference with sleep. Increases above 10 dB(A) (heard as a doubling of judged loudness) are likely to cause complaints and should be considered a serious increase. Table 3.12-7 defines each of the traditional impact descriptions, their quantitative range, and the qualitative human response to changes in noise levels.

Table 3.12-7: USEPA Impact Guidelines

Increase over Existing or Baseline Sound Levels	Impact Per EPA Region Guidelines	Qualitative Human Perception of Difference in Sound Levels
0 dB to 5 dB	Minimum Impact	Imperceivable or Slight Difference
6 dB to 10 dB	Significant Impact	Significant Noticeable Difference – Complaints Possible
Over 10 dB	Serious Impact	Loudness Changes by a Factor of Two or Greater. Clearly Audible Difference – Complaints Likely

Source: USEPA 1973

3.12.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to noise and vibration. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Substantial Increase in Ambient Noise

Impact NOI-1: **The proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

Impact Analysis

Exterior Traffic Noise Level Impacts

To describe future noise levels due to traffic added from the project, A.M. and P.M. peak hour traffic counts (with and without the project), are shown in Figures 4 and 7, respectively, in the May 9, 2018, traffic study provided by TJKM. These traffic counts were used to determine the percentage increase of traffic on the roads adjacent to the project sites and adjacent sensitive receivers.

Table 3.12-8 shows the peak hour counts associated with traffic on the local roadway network under the baseline and baseline plus project traffic conditions. The last columns in the table show the overall percentage change and the estimated difference in peak hour noise level.



Table 3.12-8: Traffic Peak Hour Counts and Estimated Noise Increase

Roadway	Baseline Peak Hour Traffic Count	Peak Hour Traffic Count with Project	Percentage Change	Estimated dB Change
Redwood Street and Walnut Street Intersection	1,288 (1,201)	1,451 (1,416)	13% (18%)	0.5 (0.7)
Fern Street and Walnut Street Intersection	1,164 (1,055)	1,259 (1,176)	8% (11%)	0.3 (0.5)
Arbutus Street and Walnut Street Intersection	1,080 (824)	1,123 (878)	4% (7%)	0.2 (0.3)

Note: Numbers in parenthesis are P.M. peak hour traffic volumes.

The project is expected to increase traffic on the local roadways close to the project site between 4 percent and 18 percent. Noise levels in the vicinity due to increased traffic levels are only expected to raise a maximum of 0.7 dB(A) over the ambient levels. According to the USEPA Impact Guidelines in Table 3.12-6, an increase of noise levels of 0 to 5 dB(A) over the ambient conditions is not perceivable and represents a minimal impact.

Therefore, the project should not cause increased traffic noise levels over the baseline conditions at the neighboring sensitive receivers, and this would be a less than significant impact relative to this topic.

Interior Traffic Noise Level Impacts – Residential Buildings

The California Building Standards Code and the County General Plan state the interior noise levels attributable to exterior sources shall not exceed 45 dB(A) in any habitable room within single-family and multi-family residential homes. The needed sound isolation requirements of a building’s exterior façade system will be dependent on the following conditions:

- The dimension of the rooms with exterior windows;
- The finishes within the rooms;
- The ratio of clear glass to solid wall in the exterior wall assembly; and
- The exterior solid wall construction.

Modern construction with punch windows typically provides a 25 dB(A) exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB(A) Ldn or less will typically comply with the code-required interior noise level standard. Modern construction utilizing window walls, curtainwalls, or a high ratio of exterior clear glass will provide less reduction with the windows closed. Building using a high amount of glass will typically comply with the code-required interior noise level standard if exposed to exterior noise levels of 67 dB(A) Ldn or less.

Based on the ambient noise level information provided in the County General Plan, noise levels at the project site are expected to be at or below 60 dB(A) Ldn. With a maximum exterior noise level of 60 dB(A) Ldn, interior noise levels within the residential homes would comply with code requirements with standard façade construction and interior noise from traffic would have a less than significant impact.



Interior Traffic Noise Level Impacts – Commercial Buildings

CalGreen and the County General Plan requires the exterior façade of commercial buildings to incorporate features to reduce noise inside the spaces to a maximum of 50 dB(A). If we assume an exterior noise level of 60 dB(A) Ldn and assuming a worst-case condition of a common space, such as a reception lobby area, with a hard-surfaced floor, gypsum board ceiling and a full-glass exterior wall, windows with a minimum rating of OITC 12 would be required to help achieve the code-dictated maximum 50 dB(A) noise level. A typical 1-inch thick insulating glass unit constructed of ¼-inch glass to ½-inch airspace to ¼-inch glass has an expected rating of OITC 26. Therefore, standard construction should be acceptable for the commercial buildings to achieve the CalGreen and County General Plan requirements to reduce interior noise levels, and, as such, interior noise from traffic would have a less than significant impact.

Project Fixed-Source Noise

Typical residential and commercial building construction will typically involve new rooftop mechanical equipment, such as air handling units, condensing units, make-up air units, and exhaust fans. This equipment would generate noise that would radiate to neighboring properties. The noise from this equipment would be required to comply with the maximum noise limits listed in Standard N-S7 in the County General Plan. Thus, the on-site equipment would be designed to incorporate measures, such as shielding and/or appropriate attenuators, to reduce noise levels that may affect nearby properties. In addition, nighttime noise limits would be applicable to any equipment required to operate between the hours of 10:00 P.M. and 7:00 A.M. With implementation of MM NOI-1, the impact of fixed-source noise to the neighboring properties would be less than significant.

Short-Term Construction Noise Impacts

Two types of short-term noise impacts could occur during construction of the proposed project. First, construction crew commuters and the transport of construction equipment and materials to the project site would incrementally increase noise levels on access roads leading to the project site. This increased traffic would consist of vehicles, medium trucks, and heavy trucks.

The associated short-term noise from construction vehicles along the local roadways (Walnut Street, Arbutus Street, Redwood Street) would be perceptible; however, such a noise increase would be instantaneous and short-term on a daily basis. The Federal Transit Administration (FTA) offers construction mitigation measures listed in Section 12.1.3 “Mitigation of Construction Noise” in the Transit Noise and Vibration Impact Assessment document (FTA-VA-90-1003-06 May 2006). This document recommends re-routing truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available. MM NOI-2 follows the FTA recommendations to limit noise to the closest noise-sensitive receivers. With MM NOI-2, the impact of construction traffic noise to the neighboring properties would be less than significant.

The second type of short-term noise impact is related to noise generated during construction. Construction activities would include excavation activities and grading, foundation work, building construction, and paving. Each construction stage has its own mix of equipment and, consequently, its own noise characteristics. These various construction operations would change the character of the noise generated at the project site and, therefore, the ambient noise level as construction progresses. The loudest phases of construction include excavation, building construction, and grading phases, as the noisiest construction equipment is earthmoving and grading equipment. Table 3.12-9 below lists types of



construction equipment that may be used throughout construction and the maximum and average operational noise level as measured at 40 feet from the operating equipment. The 40-foot distance represents the approximate distance between the Phase 3 project and the closest single-family residences along Redwood Street.

Table 3.12-9: Summary of Federal Highway Administration Roadway Construction Noise Model

Construction Equipment Source	Distance to Nearest Sensitive Receptor	Sound Level at Residence		
		Usage Factor	Lmax, dB(A)	Leq, dB(A)
Backhoe	40 feet	40%	79.5	75.5
Crane	40 feet	16%	82.5	74.5
Concrete Mixer Truck	40 feet	40%	80.7	76.8
Concrete / Industrial Saw	40 feet	20%	91.5	84.5
Compressor (air)	40 feet	40%	79.6	75.6
Bulldozer	40 feet	40%	83.6	79.6
Excavator	40 feet	40%	82.6	78.7
Front End Loader (Forklift ⁶)	40 feet	40%	81.0	77.1
Generator	40 feet	50%	82.6	79.6
Grader	40 feet	40%	86.9	83.0
Paver / Paving Equipment	40 feet	50%	79.2	76.1
Roller	40 feet	20%	81.9	74.9
Scraper	40 feet	40%	85.5	81.5
Welder / Torch	40 feet	40%	75.9	72.0
Tractor	40 feet	40%	85.9	82.0

Source: Stantec 2020; Federal Highway Administration 2006

The construction of the entire project will be conducted in nine phases, in addition to the water tank construction and the sewer line work:

- Phase 1 – 3 residential units at Manzanita Avenue
- Phase 2 – 69 multi-family residential units at Arbutus Street
- Phase 3 – 56 single-family and multi-family residential units, and 2 commercial units at the corner of Arbutus Street and Redwood Street

⁶ The RCNM program does not contain noise levels for a forklift. Therefore, the noise levels from a front loader were used for the forklifts in the construction noise analysis.



- Phase 4 – 74 single-family and multi-family residential units bordered by Arbutus Street, Redwood Street, and S Canyon Lane
- Phase 5 – 15 single-family residential units along Arbutus Street and Canyon Court
- Phase 6 – 6 single-family residential units along Arbutus Street and Canyon Circle
- Phase 7 – 31 single-family residential units bordered by Arbutus Street, McKay Lane, and Oakview Drive
- Phase 8 – 46 single-family residential units along Oakview Drive
- Phase 9 – 20 single-family residential units along Oakview Drive and McKay Lane

Each phase involving homes construction will consist of six separate sub-stages and each stage will utilize different pieces of construction equipment. The main noise-producing equipment for each construction sub-stage are shown below, in Table 3.12-10. The distance between each construction stage and the closest noise-sensitive receptor are shown earlier in this section, in Table 3.12-6.

Table 3.12-10: Construction Phases Equipment

Construction Phase	Construction Equipment	
Phase 1		
Road Extension / Grading	<ul style="list-style-type: none"> • Concrete / Industrial Saw • Excavators (2) • Grader 	<ul style="list-style-type: none"> • Dozer • Scrapers (2) • Tractor / Loader / Backhoe (2)
Road Extension / Paving	<ul style="list-style-type: none"> • Grader • Pavers (2) • Paving Equipment (2) 	<ul style="list-style-type: none"> • Rollers (2) • Tractor / Loader / Backhoe (1)
Homes / Site Preparation	<ul style="list-style-type: none"> • Concrete / Industrial Saw • Dozer 	<ul style="list-style-type: none"> • Tractor / Loader / Backhoe (2)
Homes / Grading	<ul style="list-style-type: none"> • Crane • Excavators (2) • Forklifts (2) • Grader 	<ul style="list-style-type: none"> • Dozer • Scrapers (2) • Tractor / Loader / Backhoe (2)
Homes / Construction	<ul style="list-style-type: none"> • Cement Mixers (4) • Crane • Forklifts (3) • Generator 	<ul style="list-style-type: none"> • Paver • Roller • Tractor / Loader / Backhoe (1) • Welder
Homes / Architectural Coating	<ul style="list-style-type: none"> • Air Compressor 	
Phase 2		
Road Extension / Grading	<ul style="list-style-type: none"> • Air Compressor • Excavators (2) • Grader 	<ul style="list-style-type: none"> • Dozer • Scrapers (2) • Tractor / Loader / Backhoe (2)



Construction Phase	Construction Equipment	
Road Extension / Paving	<ul style="list-style-type: none"> • Pavers (2) • Paving Equipment (2) 	<ul style="list-style-type: none"> • Rollers (2)
Homes / Site Preparation	<ul style="list-style-type: none"> • Dozers (3) 	<ul style="list-style-type: none"> Tractor / Loader / Backhoe (4)
Homes / Grading	<ul style="list-style-type: none"> • Excavators (2) • Grader • Dozer 	<ul style="list-style-type: none"> • Scrapers (2) • Tractor / Loader / Backhoe (2)
Homes / Construction	<ul style="list-style-type: none"> • Crane • Forklifts (3) • Generator 	<ul style="list-style-type: none"> • Tractor / Loader / Backhoe (3) • Welder
Homes / Architectural Coating	<ul style="list-style-type: none"> • Air Compressor 	
Phases 3, 4, 5, 6, 7, 8 and 9		
Road Extension / Grading	<ul style="list-style-type: none"> • Excavators (2) • Grader • Dozer 	<ul style="list-style-type: none"> • Scrapers (2) • Tractor / Loader / Backhoe (2)
Road Extension / Paving	<ul style="list-style-type: none"> • Pavers (2) • Paving Equipment (2) 	<ul style="list-style-type: none"> • Rollers (2)
Homes / Site Preparation	<ul style="list-style-type: none"> • Dozers (3) 	<ul style="list-style-type: none"> • Tractor / Loader / Backhoe (4)
Homes / Grading	<ul style="list-style-type: none"> • Excavators (2) • Grader • Dozer 	<ul style="list-style-type: none"> • Scrapers (2) • Tractor / Loader / Backhoe (2)
Homes / Construction	<ul style="list-style-type: none"> • Crane • Forklifts (3) • Generator 	<ul style="list-style-type: none"> • Tractor / Loader / Backhoe (3) • Welder
Homes / Architectural Coating	<ul style="list-style-type: none"> • Air Compressor 	
Water Storage Tank Construction		
Water Storage Tank Construction	<ul style="list-style-type: none"> • Excavator • Tractor 	<ul style="list-style-type: none"> • Industrial Saw
SEWER LINE WORK		
Sewer Line Work	<ul style="list-style-type: none"> • Backhoe • Front End Loader 	<ul style="list-style-type: none"> • Roller • Pavers

See Appendix B for detailed equipment list



A worst-case condition for construction activity would assume all noise-generating equipment were operating at the same time and at the same distance away from the closest noise-sensitive receiver. Using this assumption, the RCNM program calculated the following combined Leq and Lmax noise levels from each phase and stage of construction as shown in Table 3.12-11.

Table 3.12-11: Calculated Noise Level from Each Construction Stage

Construction Phase	Distance to Closest Noise Sensitive Receptor (feet)	Construction Sub-Phase	Calculated Leq dB(A)	Calculated Lmax dB(A)
Phase 1	20	Road Extension / Grading	97.2	102.1
		Road Extension / Paving	93.7	97.9
		Homes / Site Preparation	94.4	99.9
		Homes / Grading	96.7	100.8
		Homes / Construction	94.5	98.8
		Homes / Architectural Coating	81.6	85.6
Phase 2	62	Road Extension / Grading	86.5	90.5
		Road Extension / Paving	79.8	84.3
		Homes / Site Preparation	85.8	89.7
		Homes / Grading	86.3	90.3
		Homes / Construction	85.0	89.1
		Homes / Architectural Coating	71.8	75.8
Phase 3	40	Road Extension / Grading	90.2	94.1
		Road Extension / Paving	83.6	88.1
		Homes / Site Preparation	89.6	93.5
		Homes / Grading	90.2	93.8
		Homes / Construction	88.8	92.9
		Homes / Architectural Coating	75.6	79.6
Phase 4	915	Road Extension / Grading	63.0	67.0
		Road Extension / Paving	56.4	60.9
		Homes / Site Preparation	62.4	66.4
		Homes / Grading	63.0	67.0
		Homes / Construction	61.6	65.8
		Homes / Architectural Coating	48.4	52.4
Phase 5	540	Road Extension / Grading	67.5	71.5
		Road Extension / Paving	61.0	65.5
		Homes / Site Preparation	67.0	70.9
		Homes / Grading	67.5	71.5
		Homes / Construction	66.2	70.3
		Homes / Architectural Coating	53.0	57.0



Construction Phase	Distance to Closest Noise Sensitive Receptor (feet)	Construction Sub-Phase	Calculated Leq dB(A)	Calculated Lmax dB(A)
Phase 6	945	Road Extension / Grading	62.7	66.7
		Road Extension / Paving	56.1	60.6
		Homes / Site Preparation	62.1	66.1
		Homes / Grading	62.7	66.7
		Homes / Construction	61.3	65.5
		Homes / Architectural Coating	48.2	52.1
Phase 7	470	Road Extension / Grading	68.8	72.7
		Road Extension / Paving	62.2	66.7
		Homes / Site Preparation	68.2	72.1
		Homes / Grading	68.8	72.7
		Homes / Construction	67.4	71.5
		Homes / Architectural Coating	54.2	58.2
Phase 8	890	Road Extension / Grading	63.2	67.2
		Road Extension / Paving	56.6	61.1
		Homes / Site Preparation	62.6	66.6
		Homes / Grading	63.2	67.2
		Homes / Construction	61.9	66.0
		Homes / Architectural Coating	48.7	52.7
Phase 9	855	Road Extension / Grading	63.6	67.5
		Road Extension / Paving	57.0	61.5
		Homes / Site Preparation	63.0	66.9
		Homes / Grading	63.6	67.5
		Homes / Construction	62.2	66.3
		Homes / Architectural Coating	49.0	53.0
Water Tank Construction	1,531	--	55.5	61.4
Sewer Line Work	30	--	86.4	90.3

Source: Stantec 2020

Although noise levels could range into the “clearly unacceptable” range, as defined in Table 13-C, Land Use / Noise Compatibility Standards, in the Humboldt County General Plan, increases in noise levels from construction activities would be temporary.

Even though Humboldt County has no specific restrictions on construction noise in the County Code or the General Plan, Policy N-P1 can be applied to noise from construction:

- Policy N-P1: Minimize Noise from Stationary and Mobile Sources.** Minimize stationary noise sources and noise emanating from temporary activities by applying appropriate standards for average and short-term noise levels during permit review and subsequent monitoring.



In addition to the policy in the General Plan, the FTA offers construction MMs listed in Section 7.1, Construction Noise Assessment, in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123, September 2018). The applicable measures in the FTA document are included in MM NOI-3.

In conclusion, construction noise would be short-term and intermittent. Furthermore, implementation of MM NOI-3 would follow the recommendations within the County General Plan; therefore, impacts would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation

- Exterior Traffic Noise Levels – Less than Significant Impact.
- Interior Traffic Noise Levels – Residential Buildings: Less than Significant Impact.
- Interior Traffic Noise Levels – Commercial Buildings: Less than Significant Impact.
- Project Fixed-Source Noise – Potentially Significant Impact.
- Construction Traffic – Potentially Significant Impact.
- Construction Activity – Potentially Significant Impact.

Mitigation Measures

The Applicant shall implement the following mitigation measures to reduce noise impacts associated with Project Fixed-Source noise levels and construction activities.

MM NOI-1: Project Fixed-Source Noise. The noise from all mechanical equipment associated with the projects shall comply with the maximum noise limits listed in Standard N-S7 in the Humboldt County General Plan.

MM NOI-2: Construction Traffic. Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 12.1.3 “Mitigation of Construction Noise” in the Transit Noise and Vibration Impact Assessment document (FTA-VA-90-1003-06 May 2006). This document recommends re-routing truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available.

MM NOI-3: Construction Activity. Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.1 “Construction Noise Assessment” in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018).

Design Considerations and Project Layout:

- Construct noise barriers, such as temporary walls or piles of excavated material, between noisy activities and noise-sensitive receivers.
- Re-route truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available.
- Site equipment and construction materials on the construction lot as far away from noise-sensitive sites as possible.



- Construct walled enclosures around especially noisy activities, or clusters of noisy equipment. For example, shields can be used around pavement breakers, loaded vinyl curtains can be draped under elevated structures.

Sequence of Operations:

- Combine noisy operations to occur in the same time period. The total noise level produced will not be significantly greater than the level produced if the operations were performed separately.
- Avoid nighttime activities. Sensitivity to noise increases during the nighttime hours in residential neighborhoods.

Alternative Construction Methods:

- Use specially quieted equipment, such as quieted and enclosed air compressors, mufflers, on all engines.

Construction Mitigation Noise Plan

- Describe and commit to a mitigation plan that will be developed later when the information is available to make final decisions (not often available during the project development phase) on all specific mitigation measures. This may be the case for large, complex projects. The objective of the plan shall be to minimize construction noise using all reasonable (e.g., cost vs. benefit) and feasible (e.g., possible to construct) means available. Components of a mitigation plan may include some or all of the following provisions, including equipment noise emission limits, lot-line construction noise limits, operational or equipment restrictions, and a public information and complaint response procedure, including a construction site notice that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the Site, and County telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the County.
- 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 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan.

Level of Significance After Mitigation

- Exterior Traffic Noise Levels – Less than Significant Impact.
- Interior Traffic Noise Levels – Residential Buildings: Less than Significant Impact.
- Interior Traffic Noise Levels – Commercial Buildings: Less than Significant Impact.
- Project Fixed-Source Noise – Less Than Significant with Mitigation Incorporated.
- Construction Traffic – Less Than Significant with Mitigation Incorporated.
- Construction Activity – Less Than Significant with Mitigation Incorporated.



Generation of Excessive Vibration

Impact NOI-2: The proposed project would not generate excessive groundborne vibration or groundborne noise levels.

Impact Analysis

During construction of the proposed project, equipment such as bulldozers, loaded trucks, and rollers may be used as close as 20 feet from the nearest sensitive receptor along Manzanita Avenue. Construction equipment that would be used during project construction would generate vibration levels between 0.29 and 0.004 PPV at 20 feet, as shown below in Table 3.12-12. The groundborne vibration levels for the large bulldozer, loaded trucks, and vibratory roller are expected to be at or above the FTA vibration threshold at which human annoyance could occur of 0.10 PPV for Phase 1 of the project only. According to Table 3.12-3, the vibration levels from this equipment would be strongly perceptible. Nevertheless, when referencing Table 3.12-12, construction vibration levels would not cause damage to existing buildings.

Table 3.12-12: Vibration Source Levels for Construction Equipment

Type of Equipment	PPV at 20 Feet	PPV at 30 Feet	PPV at 100 Feet	Threshold at which Human Annoyance Could Occur	Potential for Proposed Project to Exceed Threshold
Large Bulldozer	0.124	0.068	0.011	0.10	Potential for Phase 1 of the Project
Loaded Trucks	0.106	0.058	0.010	0.10	Potential for Phase 1 of the Project
Small Bulldozer	0.004	0.002	0.000	0.10	None
Vibratory Roller	0.29	0.16	0.026	0.10	Potential for Phase 1 of the Project and during the Sewer Work

Source: FTA 2018

While the overall project construction duration will be over 10 to 20 years, construction activities would be intermittent and would occur during normal daytime working hours. The FTA offers construction vibration mitigation measures listed in Section 7.2, Construction Vibration Assessment, in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018). The applicable measures in the FTA document are included in MM NOI-4.

Implementation of MM NOI-4 would follow the recommendations provided by the FTA; therefore, impacts would be less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM NOI-4: Construction Vibration. Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.2, Construction Vibration Assessment, in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018) for Phase 1 and the Sewer Work Phase of the project only.

Design Considerations and Project Layout

- Route heavily loaded trucks away from residential streets. Select streets with the fewest homes if no alternatives are available.
- Operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible.

Sequence of Operations

- Phase demolition, earth-moving, and ground-impacting operations so as not to occur in the same time period. Unlike noise, the total vibration level produced could be substantially less when each vibration source operates separately.
- Avoid nighttime activities. Sensitivity to vibration increases during the nighttime hours in residential neighborhoods.

Alternate Construction Methods

- Avoid vibratory rollers and packers near sensitive areas.

Vibration Mitigation Plan

- Describe and commit to a mitigation plan that shall be developed and implemented during the engineering and construction phase when the information available during the project development phase will not be sufficient to define specific construction vibration mitigation measures. The objective of the plan shall be to minimize construction vibration damage using all reasonable and feasible means available. The plan shall include the following components:
 - A procedure for establishing threshold and limiting vibration values for potentially affected structures, based on an assessment of each structure's ability to withstand the loads and displacements due to construction vibrations.
 - A commitment to develop a vibration monitoring plan during the engineering phase and to implement a compliance monitoring program during construction.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



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3.13 POPULATION AND HOUSING

This section describes the environmental and regulatory setting for population and housing. It also describes existing conditions and potential impacts relative to population and housing that would result from implementation of the proposed project. Descriptions and analysis in this section are based on population and housing information provided by the California Department of Finance (DOF) and USCB, and the County General Plan and its Housing Element.

3.13.1 Environmental Setting

The 2017 County General Plan has identified and mapped 18 inland CPAs. Some of these CPAs have an adopted a Community Plan, and others have not. The purpose of a Community Plan is to develop an internally consistent General Plan, allow for expanded public participation in the planning process, and meet the needs of individual communities (Humboldt County 2017c). The General Plan also identifies the project site in a housing opportunity zone, which is an area suitable for future development, and is served or potentially served by public water and sewer.

The Eureka CPA, which has an adopted Community Plan as of 1995, encompasses 11,000 acres and includes the developed area around Eureka, outside the coastal zone, including Cutten, Ridgewood, Pine Hills, Humboldt Hill, and portions of Myrtle town (Humboldt County 2017c, 1995). Although the SOI for the Eureka CPA does not include the entire proposed project area, the North McKay development is specifically discussed and has relevant policies in the Community Plan and is therefore relevant to this section.

Population Trends

Current Population and Housing Estimates

The total population in the County was documented at 136,373 persons on July 1, 2018, according to the USCB (USCB 2018). The population as of April 1, 2010 was 134,623 persons, representing an increase of 1,750 persons over an eight-year timeframe. The County's population growth rate increased in the late 1980s and early 1990s and has since returned to a level rate that is more consistent with historic growth rates over the past 20 years. Between 1985 and 1990, the County grew by about 8,000 persons (7.3 percent), representing an average annual increase of 1.4 percent (USCB 2018). Further, the average household size in the County between 2014 and 2018 was 2.43 persons per household (USCB 2018).

As of January 1, 2019, the DOF estimated the population of the County at 135,333 persons. Total number of housing units were estimated to be 63,138 units.

Historic Growth

Population

The County population has grown at a moderate rate since 1990. The County's population increased at the highest rate of 4.7 percent from 1990 to 1995, slowed to less than 1 percent from 2010 to 2015, and then decreased between 2015 and 2019, growing at an annual rate of 0.5 percent. The County's historic population growth between 1990 and 2019 is summarized in Table 3.13-1.



Table 3.13-1: Humboldt County Historic Population Growth

Year	Population	Change from Previous (Percent)
1990	119,118	--
1995	124,721	4.7
2000	126,476	1.4
2005	131,467	3.9
2010	134,623	2.4
2015	135,435	0.6
2019	135,333	-0.1
Annual Growth Rate		0.5

Source: DOF 2007, 2012, 2019

Housing Units

The historical housing growth is calculated from 1990 to 2019. The County's housing units increased at a higher rate from 1990 to 2010. Between 2010 and 2019, the growth rate slowed to slightly above 1 percent. The County's housing growth between 1990 and 2019 is summarized in Table 3.13-2.

Table 3.13-2: Humboldt County Historic Housing Units Growth

Year	Population	Change from Previous (Percent)
1990	51,134	--
1995	53,948	5.5
2000	55,912	3.6
2005	58,738	5.1
2010	61,559	4.8
2015	62,327	1.2
2019	63,138	1.3
Annual Growth Rate		0.8

Source: DOF 2007, 2012, 2019

Projected Countywide Population

According to the County General Plan, the current annual growth rate is about 0.75 percent over the last 35 years, and DOF estimates that the annual growth rate between 2020 and 2025 is projected to be 0.24 percent. The County population is expected to have a positive growth rate until 2030, and then the growth rate is expected to decline through 2040 (Humboldt County 2017c).



Population of Cutten Area

The community of Cutten is an unincorporated, census designated place within the County that has a current population of 2,907 persons (Data USA 2017).

Housing Trends

Countywide Trends

According to DOF population and housing data, in the County’s Eureka area, in 1990 there were approximately 11,137 occupied housing units, with an average of 2.35 persons per household and a 5.47 percent housing vacancy rate. By 2000, there were approximately 10,957 occupied housing units, with an average of 2.26 persons per household and a 5.84 percent housing vacancy rate (DOF 2007). Table 3.13-3 shows the projected regional housing needs assigned to the County. As shown in the table, the County permitted construction of 549 fewer units than the total projected housing needs during the 2014-2018 time period, meeting about half of the projected housing need (Humboldt County 2017c, Housing Element Amended August 20, 2019).

Table 3.13-3: Comparison of Housing Constructed and Quantified (2014-2018)

Housing Type	Housing Units Unincorporated Areas		
	Quantified Objective	Actual Housing Construction	Surplus (Deficit)
Single-Family	814	376	-438
Multi-family	206	116	-90
Second Units	113	57	-56
Total	1,133	549	-584

Source: Humboldt County 2017c, Housing Element amended August 20, 2019

Eureka Community Plan Trends

The Eureka Community Plan includes development potential for the various neighborhoods within the Eureka CPA, including the neighborhood of Cutten and the North McKay area (i.e., the proposed project). Table 3.13-4 below shows the proposed development potential within these areas, as noted in the Eureka Community Plan. The proposed project actual residential mix would include additional multi-family units in addition to the units below.



Table 3.13-4: Development Potential

Location	Residential Low Density	Residential Medium Density	Total Housing Units
Cutten	150	80	230
North McKay	320	--	320

Source: Humboldt County 1995, as Amended 2017

Regional Housing Need Allocation

The Humboldt County Association of Governments (HCAOG) prepares the Regional Housing Needs Assessment (RHNA) to allocate regional housing growth among County communities. The RHNA indicates that the County is expected to accommodate 3,390 new housing units within the four income levels between the 8.7-year projection period that began December 31, 2018 and ends August 31, 2027. Table 3.13-5 summarizes the regional housing needs allocation by income category. It indicates that approximately 60 percent of the housing need will be moderate- to upper-income households, and 40 percent will be very low to low income households (Humboldt County 2019).

For the same 8.7-year projection period, the Department of Housing and Community Development (HCD) has cited a projected population increase of only 4,978 residents, which is much lower than the projected 3,390 housing units. The methodology used by HCD in determining the overall RHNA determination is based on projected population and projected households for the County. HCD applies additional units to correct for overcrowding, low vacancy rates, and demolition rates.

Table 3.13-5: Regional Housing Need Allocation

Jurisdiction	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Proposed Total RHNA Allocation
Arcata	142	95	111	262	610
Blue Lake	7	4-	5	7	23
Eureka	231	147	172	402	952
Ferndale	9	5	6	13	33
Fortuna	73	46	51	120	290
Rio Dell	12	8	9	22	51
Trinidad	4	4	3	7	18
Unincorporated Area	351	223	256	583	1,413
RHNA Targets	829	532	613	1,416	3,390

Source: Humboldt County 2019



3.13.2 Regulatory Setting

State

California Housing Element Law

The state law requires each city and county to adopt a general plan for future growth. This plan must include a housing element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. At the state level, HCD estimates the relative share of California's projected population growth that would occur in each county in the state, based on DOF population projections and historic growth trends. Where there is a regional council of governments, such as HCAOG, HCD provides the regional housing need to the council. The council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations. HCD oversees the process to ensure that the council of governments distributes its share of the state's projected housing need.

Each city and county must update its general plan housing element on a regular basis (approximately every five years). Among other things, the housing element must incorporate policies and identify potential sites that would accommodate a county's share of the regional housing need. Before adopting an update to its housing element, a city or county must submit the draft to HCD for review. HCD will advise the local jurisdiction whether its housing element complies with the provisions of California Housing Element Law.

The councils of government are required to assign regional housing shares to the cities and counties within their region on a similar five-year schedule. At the beginning of each cycle, HCD provides population projections to the councils of government, which then allocate shares to their cities and counties. The shares of the regional need are allocated before the end of the cycle so that the cities and counties can amend their housing elements by mandated deadlines.

Local

Humboldt County General Plan

The County General Plan (adopted October 23, 2017) contains several policies that directly pertain to population and housing. The County General Plan Housing Element was revised in August 2019, and the policies from the revised Housing Element that are relevant to the project include the following:

Goal H-G1. Housing Production. Regulatory policies, practices and financial incentives that promote the creation of affordable housing, protect the public health, safety and welfare, promote clear development requirements, advance equity, minimize the environmental impacts of housing development and reflect the goals and priorities of this Plan.

Goal H-G2. Housing Diversity. An adequate supply of all types of housing for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.



Goal-G3. Workforce Housing. An adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.

- **Policy H-P1: Development of Properties in the Residential Land Inventory.** The County shall encourage development of parcels in the residential land inventory for the current planning period at targeted residential density.
- **Policy H-P6: Contributions to Infrastructure and Service Development.** Market-rate housing will pay its fair share of infrastructure and public service costs. Housing with long-term affordability covenants and restrictions requiring units to be available to, and occupied by, persons or families of low, very low or extremely low income for at least 20 years may be eligible for subsidies to pay for applicable infrastructure and public service costs.
- **Policy H-P7: Residential Subdivision Approvals within Housing Opportunity Zones.** The density of residential subdivisions within Housing Opportunity Zones shall not be reduced below the calculated minimum number of units per Standard H-S2 unless the County makes specified findings.
- **Policy H-P8: Residential Subdivision Permit Process.** The County shall maintain an efficient, streamlined and predictable permitting process designed for residential subdivisions that meet the goals and policies of this Element.
- **Policy H-P9: Expedited Residential Subdivision Review in Housing Opportunity Zones.** The County shall streamline environmental review of residential subdivisions in Housing Opportunity Zones by establishing standardized thresholds of significance. When funding is available and in partnership with the developer, the County may complete pre-development environmental studies for parcels eligible for subdivision into five or more parcels.
- **Policy H-P13: Support Innovative Construction and Design Methods.** The County shall support the use of innovative construction and design methods and building materials that make more efficient use of land and materials, including water conserving waste disposal systems, energy systems, dwelling designs, and uses of recycled materials for building. The County shall also encourage and support sweat-equity and collaborative construction methods.
- **Policy H-P14: Encourage New and Experimental Techniques.** The County shall encourage and be receptive to new and experimental construction techniques.
- **Policy H-P16: Reduce and Avoid Impacts to Biological Resources.** The County shall refer all building permit applications for structures whose water source is from perennial streams or rivers, or from wells within 100 feet of a perennial stream or river, or from springs within 100 feet of a perennial stream or river to the California Department of Fish and Wildlife (CDFW).
- **Policy H-P18: Housing Opportunity Zones.** The County shall continue to stimulate residential and infrastructure development within Housing Opportunity Zones. The County shall review and consider the expansion of or the addition of new Housing Opportunity Zones, as needed and where appropriate.
- **Policy P-21: Siting of Multifamily Housing Developments.** The County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.



- **Policy H-P22: Allowances for a Mixture of Housing Sizes and Types.** The County shall allow a variety of housing types and sizes in all residential subdivisions in areas served by public sewer to encourage a mix of housing opportunities for all income categories.
- **Policy H-P24. Promote Fair Housing and Improved Access to Opportunity.** The County shall support the enforcement of state and federal fair housing and anti-discrimination laws and improve public information and community engagement on fair housing topics.

The Growth Element includes goals and polices to promote and sustain economic prosperity in the County. The following policies are from the County General Plan Growth Element:

Goal ED-G1. Stable Economy. A diverse, stable, and growing local economy.

- **Policy ED-P1: Economic Stability and Diversity.** Promote economic stability, growth and diversity by emphasizing development of industries identified as priorities in the County's Comprehensive Economic Development Strategy (without excluding other industries) and encouraging innovation, entrepreneurship, and global competition.
- **Policy ED-P3: Job Growth and Workforce.** Collaborate with economic development entities in the region to promote job growth, and entrepreneurship in industries identified as priorities in the County's Comprehensive Economic Development Strategy (without excluding other industries). Work with the education and private sectors to promote education, vocational training, professional development, and lifelong learning in the workforce.

Eureka Community Plan

The Eureka Community Plan, adopted April 25, 1995, and amended on October 23, 2017, contains several policies that directly pertain to population and housing, including the following:

Goal 2210.1. To ensure that adequate land is designated with appropriate densities to allow the Planning Area to absorb its share of anticipated Humboldt County population growth, while retaining as much as possible the current quality of life.

Goal 2310.1. To develop and maintain community and neighborhood commercial uses to support the expected increased residential growth.

Goal 2310.2. To establish commercial areas close to neighborhoods to reduce traffic on our roads and conserve energy resources.

Goal 2410.1. To provide adequate housing and a satisfactory living environment for all community residents.

Goal 2410.3. To provide for affordable housing.

- **Policy 2420.2.** To reduce conflict between two different land uses, approval of uses on the edges of a zoning district or general plan designation should include provisions for insuring compatibility such as landscaped buffer areas.
- **Policy 2420.6.** The County encourages the use of a Design Review process for construction of new multiple-family projects. The process shall be included as an implementation measure of this Plan.



Goal 2510.1. To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.

Goal 2510.2. To assure rural residential development will occur in a manner consistent with rural fire safety standards.

- **Policy 2520.1. Subdivisions.** Subdivisions for residential purposes, including subdivisions developed in phases, shall not be approved unless the roads planned to serve such subdivision or individual phases are acceptable to Public Works for development at planned densities and for use by emergency vehicles. Costs of bringing new on-site roads up to standards shall be borne by the subdivider.

Goal 2531.1. To convert timberland only where necessary to provide for the logical expansion of the existing community.

Goal 2610.1. To concentrate new development around existing public services and improvements.

Goal 2610.2. To protect the area's numerous drainage gulches (greenway/open space areas) while providing for development along hillside terrain.

Goal 2610.3. To provide opportunities for public recreation.

Goal 2610.4. To ensure that new development will be provided with adequate infrastructure and services.

- **Policy 2620.1. Residential Density and Lot Sizes:**
 - a) The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.
 - b) The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre.
 - c) The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps.

3.13.3 Methodology for Analysis

Impacts on population and housing were assessed by reviewing existing and anticipated population and housing data provided in the County General Plan and the Eureka Community Plan. The proposed project's impacts were evaluated by determining their consistency with these estimates and projections.

3.13.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)



- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere [refer to Section 7, Effects Found Not To Be Significant]

3.13.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to population and housing. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Unplanned Population Growth

Impact POP-1: The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Impact Analysis

Direct growth consists of activities that directly facilitate population growth. The construction of new dwelling units is considered an activity that directly results in population growth. Indirect growth inducements consist of activities that in and of themselves do not facilitate growth, but instead indirectly cause growth. Examples include the creation of new jobs in a sparsely populated area that results in workers moving into the area or the removal of a physical barrier to growth, such as the extension of a sewer service to an unserved area.

Direct Population Growth

A key consideration in evaluating growth inducement is whether the activity in question constitutes "planned growth." A residential project that is consistent with the underlying General Plan and zoning designations would generally be considered planned growth because it was previously contemplated by long-range documents and, thus, would not be deemed to have a significant growth-inducing effect. Likewise, a project that requires a General Plan Amendment and re-zoning to develop more intense uses than are currently allowed may be considered to have a substantial growth-inducing effect, because such intensity was not contemplated by the applicable long-range documents. It should be noted that these are hypothetical examples and conclusions about the potential for growth inducement will vary on a case-by-case basis.

The proposed project consists of the development of 320 residential units and approximately 22,000 square feet of commercial floor area as part of the North McKay Tract. The residential units would consist of 146 single-family dwellings, as well as 174 multi-family dwellings. Out of the 320 dwelling units, 18 would be affordable housing for very low to low-income families. Based on the USCB's average housing size for the County of 2.43 persons per household, the County's population would increase by 778 people, assuming the project is fully occupied (USCB 2018). The General Plan population projections show a decline between 2020 and 2040. However, the HCD population projections show a population growth of 4,978 residents between 2018 and 2027. The population growth attributable to the proposed project would represent approximately 16 percent of the HCD's forecasted growth between 2016 and 2027. The proposed project would be phased over 10 to 20 years, and this growth would be further spread out. Additionally, the proposed project would provide up to nine percent of the housing stock required under RHNA.



As discussed in the Eureka Community Plan, the North McKay Tract is discussed and analyzed as part of the planned unit development for the Cutten area. Policy 2620.8 of the Eureka Community Plan specifically discusses the parameters of the proposed North McKay tract, including maximum unit amounts, rezoning requirements, access requirements, and open space to be included in final design. The proposed project would be consistent with this policy and would be considered a planned unit development that would provide needed housing to the Cutten area, rather than introduce unplanned population growth to the area.

The proposed commercial uses would generate approximately 44 jobs based on the industry standard of one job for every 500 square feet. The California Employment Development Department indicates that as of January 2020, there were 2,500 unemployed persons in Humboldt County (EDD 2020). Accordingly, it would be expected that the proposed project's new jobs could readily be filled from the local workforce. These jobs would be absorbed by the existing local population and labor pool and would not result in induced growth.

Removal of Barrier to Growth

The proposed project would result in the extension of urban infrastructure to an area that is currently not serviced. In particular, potable water and sewer service would be extended to the project site. The proposed project also requires construction of a water storage tank and extension of sewer lines that would connect to the existing manhole on Hemlock Street and Walnut Drive. However, this would not be considered removal of a barrier to growth, because the project site is within HCSD's SOI and would require annexation to receive services. Furthermore, the project site is already identified as a Housing Opportunity Zone in the General Plan, indicating that the area is suitable for residential use where urban services are available or anticipated to be available. Therefore, development of the project was anticipated and planned for in the County General Plan during the most recent update of this long-range planning document, in 2017. As such, the extension of this urban infrastructure is "growth accommodating," because it is intended to facilitate planned growth instead of inducing new unplanned growth.

Therefore, the proposed project would not introduce substantial unplanned population growth in the County, and this impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



3.14 PUBLIC SERVICES

This section describes the environmental and regulatory setting for public services. It also describes existing conditions and potential impacts relative to public services that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.14.1 Environmental Setting

Fire Protection

There is a total of 39 fire departments providing fire protection to unincorporated communities and cities in Humboldt County, including the following (Humboldt County 2017c):

- 1 County Service Area;
- 7 Community Service Districts;
- 18 FPDs, one Resort Improvement District;
- 1 city fire department;
- 1 Joint Powers Authority that is comprised of a city and an FPD; and
- 12 fire companies in unincorporated towns not associated with local government agencies (including the Hoopa and Yurok Volunteer Fire Departments) that may be established pursuant to Sections 14825 through 14860 of the California Health and Safety Code.

The project area is within the jurisdiction of Humboldt No. 1 FPD (Humboldt #1 FPD) and served by the Humboldt Bay Fire Authority, which is a joint powers authority comprising Humboldt #1 FPD and the City of Eureka Fire Department. The Humboldt Bay FPD has five fire stations, serving Myrtle town, Bayview, Humboldt Hill, Cutten, Freshwater, the City of Eureka, and College of the Redwoods. In responding to emergencies, local fire departments work closely with law enforcement, public utilities, and ambulance service providers. Fire departments and ambulance services are dispatched to medical calls simultaneously. In most cases, fire departments arrive on scene prior to the ambulance and are expected to stabilize the patient, gather vital signs, and prepare the patient for transport to the hospital (Humboldt County 2017c).

Additionally, CAL FIRE has responsibilities for wildland fire protection and resource management. Since the proposed project is within an SRA (see Section 3.19, Wildfires), CAL FIRE is responsible for suppressing wildland fires within the project area; however, it is not the state's responsibility to provide fire protection services to any building or structure located within an SRA, unless CAL FIRE has entered into a cooperative agreement with a local agency for those purposes, pursuant to Section 4142 of the PRC (PRC Section 4136). However, CAL FIRE may provide, when available and to the extent that it does not require additional funds, rescue, first aid, and other emergency services to the public in SRAs (PRC Section 4114) (Humboldt County 2017c).



Police Protection

Law enforcement services within the County are provided by each of the seven cities within their jurisdictional boundaries and by the Hoopa and Yurok Tribe within their respective tribal lands. The County Sheriff's Office provides a variety of public safety services countywide, including court and corrections services and law enforcement services for the unincorporated areas of the County. Additionally, the California Highway Patrol is responsible for enforcing traffic laws on roadways within the unincorporated areas and on state highways throughout the County (Humboldt County 2017c).

While specific data on response times can be difficult to determine for rural or semi-rural areas, the County Sheriff's Office has provided estimates of response times for service calls originating in communities within the County which are included in the County General Plan. The cities of Eureka and Arcata have set a standard five-minute response time to calls for service. Industry standards recommend five- to 10-minute response times. The maximum responses times within the proposed project area is 30 minutes (Humboldt County 2017c).

The nearest police station to the project site is the Humboldt County Sheriff's Office Main Station, located approximately 2.4 miles northwest of the site, at 826 4th Street, in Eureka, California.

Schools

There are currently 32 public school districts in the County. In addition, there are schools operated by the County Office of Education, as well as private schools. The largest district in the County in terms of enrollment is the Eureka City Unified School District, which has almost 4,000 students. There are four other districts with enrollments over 1,000 students. Average district enrollment in the County is approximately 550 students per district (Humboldt County 2017c).

The project area is located within the Cutten Elementary School District and the Eureka City Unified Schools District, which has experienced declining enrollment since 1990 (6,121 students enrolled in 1990 and 3,734 students enrolled in 2015) (Humboldt County 2017c). The schools that would likely serve the project area include the following:

- **Elementary/Middle School:** Ridgewood School (Kindergarten through 2nd grade) and Cutten Elementary School (3rd through 6th Grades), total enrollment of 646 students (Cutten Elementary School District 2020); Winship Middle School, total enrollment of 375 students (School Digger 2020a)
- **High School:** Zoe Barnum High School, total enrollment of 72 students (School Digger 2020b) or Eureka Senior High, total enrollment of 1,130 students (School Digger 2020c)

Parks

More than 20 percent of the County's 2.3 million acres are protected open space, forests, and recreational areas. These areas provide needed recreational opportunities for residents of neighboring counties and visitors from all over the world. Parks and open space within the County, include (Humboldt County 2017c):

- 4 federal parks and beaches;
- 10 state parks (three of which are encompassed by Redwood National Park); and
- 16 County parks, beaches, recreational areas and reserves.



Several agencies manage these parks and open space resources in the County, including several Native American tribes, BLM, USFWS, U.S. Forest Service, CDFW, California State Parks Department, local city governments, the County, and special districts.

The proposed project is directly adjacent to the Redwood Fields Park, which is a 12-acre, non-profit park that includes ballfields, playgrounds, picnic areas, and bocce courts. Additionally, the proposed project is adjacent to the McKay Community Forest, which provides forested trails and other recreational opportunities for the surrounding community.

Library

There are multiple public libraries throughout the County which provide service to all residents. The nearest public library to the project site is the Main Humboldt County Library, located approximately 3 miles to the north, at 1313 3rd Street, in Eureka.

3.14.2 Regulatory Setting

State

California Building Standards Code and California Fire Code

The California Building Standards Code (CCR, Title 24) is a compilation of building standards, including fire safety standards for new buildings, which are provided in the California Fire Code (CCR, Title 24, Part 9). California Building Standards Code standards are based on building standards which have been adopted by state agencies without change from a national model code; building standards based on national model code that have been changed to address particular California conditions; and building standards authorized by the California legislature but are not covered by the national model code. The 2019 edition of the California Building Standards Code became effective on January 1, 2020. The building standards in the California Building Standards Code apply to all locations in California, except where more stringent standards have been adopted by state agencies and local governing bodies. The 2019 California Fire Code also went into effect on January 1, 2020. Typical fire safety requirements of the California Fire Code include: the installation of fire sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures within wildfire hazard areas.

Quimby Act

Section 66477 of the California Government Code, also known as the Quimby Act, was enacted in 1965 in an effort to promote the availability of park and open space areas in California. The Quimby Act authorizes cities and counties to enact ordinances requiring the dedication of land, or the payment of fees for park and/or recreational facilities in lieu thereof, or both, by developers of residential subdivisions as a conditions to the approval of a tentative map or parcel map. The Quimby Act requires the provision of three acres of park area per 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park exceeds that limit, in which case the city or county may adopt a higher standard not to exceed five acres per 1,000 residents. The Quimby Act also specific acceptable uses and expenditures of funds from fees.



Local

Humboldt County General Plan

The County General Plan, adopted October 23, 2017, contains several policies that directly pertain to public services, including the following:

Goal S-G4. Fire Risk and Loss. Development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources.

- **Policy S-P1: Reduce the Potential for Loss.** Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soils areas, active earthquake faults, wildland fire risk areas, airport influence areas, military operating areas, flood plains, and tsunami run-up areas.
- **Policy S-P7: Structural Hazards.** The County shall protect life and property by applying and enforcing state adopted building codes and Alquist-Priolo requirements to new construction.
- **Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.** Development shall conform to Humboldt County SRA Fire Safe Regulations.
- **Policy S-P27: Alternative Owner Builder High and Very High Fire Severity Zones.** Alternative Owner Builder (AOB) permits for construction of new dwellings in high and very high fire severity zones shall be required to comply with the materials and construction methods for exterior wildfire exposures of the California Residential Code (CRC) and chapter 7-A of the California Building Code (CBC) as amended, unless the construction materials can be found to be in substantial conformance with the California Building Codes by the Humboldt County Building Official.

Goal IS-G1. Adequate Infrastructure and Services. Well maintained public infrastructure and services supporting existing development.

- **Policy IS-P3: Requirements for Discretionary Development.** The adequacy of public infrastructure and services for discretionary development greater than a single-family residence and/or second unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that:
 - Existing services are adequate; or
 - Adequacy will be attained concurrent with project implementation through project conditions; or
 - Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or
 - Evidence in the records supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community.
- **Policy IS-P15: Expanded Fire Protection Services.** Encourage and support the expansion of existing special district boundaries, or the formation of County Service Areas with agreements to fund contract fire services, as a means to provide fire protection services to areas outside of fire district boundaries.



- **Policy IS-P22: County Library Facilities and Services.** Continue to assess needs of the County's residents and expand library facilities and services as necessary.
- **Policy IS-P25: Fire Service Impacts form New Development.** During review of discretionary permits within fire related district boundaries or identified response areas, utilize recommendations from the appropriate local fire chief as feasible mitigation measures to reduce impacts to emergency response and fire suppression services from new development.

Additionally, the following standard from the Humboldt County General Plan would apply to the proposed project:

- **Standard FR-S2. Forestland-Residential Interface (FRI)**
 - Require new residential subdivisions adjacent to [timber production zones (TPZ)] and public forestlands to include forested buffers and building setbacks between residential uses and adjacent timberlands to minimize use conflicts and safety hazards and, if necessary, require fire breaks around all or a portion of the development in consultation with CAL FIRE.
 - For residential development, require compliance with fire safe standards, and ongoing fire protection management programs developed by qualified experts.
 - For residential development in high and very high fire severity zones, require the establishment and maintenance of fire breaks and open space adjacent to forestlands, consistent with CAL FIRE recommendations, and ongoing fire protection management programs developed by qualified experts to ensure defensible space.

Humboldt County Code

Parkland

Section 314-110.1, Parkland Dedication of the County Code, includes parkland requirements for future subdivisions. As a condition of approval by the County, a subdivision project shall satisfy the following requirements as they relate to the proposed project:

- 110.1.3.1 For new subdivisions containing fifty-one (51) or more parcels: (Former Section CZ#A314-29(C)(1))
 - 110.1.3.1.1. An offer of dedication of a portion of the land planned for development to a public or private non-profit agency for public park or recreation use as identified in the County General Plan, according to the formula and standards set forth in subsections 313-110.1.4 and 313-110.1.5, trails and support facilities identified in the County Trails Plan, and coastal access as identified in the access component of the Coastal Land Use Plan; or (Former Section CZ#A314-29(C)(1); Amended by Ord. 2167, Sec. 29, 4/7/98)
 - 110.1.3.1.2. An in lieu fee in accordance with the provisions of subsection 313-110.1.6, to provide an appropriate contribution to public parks or recreation. It shall be the County's option to decide whether a dedication of land or payment of in lieu fees shall be required. (Former Section CZ#A314-29(C)(1))



Fire Protection and Impact Fees

With respect to fire protection and impact fees, future design and construction of structures, subdivisions and developments in the SRA are regulated by the standards provided in Title III, Land Use and Development Division 11 - Fire Safe Regulations (herein referred to as the Fire Safe Regulations), as authorized by Section 4290 of the PRC. These standards include provisions for basic emergency access and perimeter wildlife protection measures, signing and building number requirements, and private water supply reserve requirements for emergency fire use.

Additionally, Title III, Land Use and Development, Division 2 - Subdivision Regulations, include fire district development impact fee requirements for new development. This code states the following regarding establishment of fees:

Pursuant to this Chapter, the Board of Supervisors may establish a Fire District Development impact fee for all non-exempt Development within the unincorporated areas of the County and within the boundaries of a Fire District. The Board of Supervisors shall establish the fee and the amount of the fee for a Fire District by separate ordinance at a publicly noticed meeting upon the completion by the Fire District of (1) the requirements set forth in section 3210-5 and (2) an adequate study commissioned, adopted, and provided by such District. The study shall establish a reasonable development impact fee for the District, demonstrate by competent analysis the reasonable relationship between the amount of such fee and the impacts of such development, and satisfy the statutory requirements for fees for development projects contained in chapter 5 of Division 1 of Title 7 of the Government Code. Any action to amend the ordinance levying or increasing such fee for any Fire District shall follow the procedures set forth in this Chapter and in Government Code sections 66016 et seq, and any subsequent amendments, including, without limitation, notice, public hearing and effective date provisions.

3.14.3 Methodology for Analysis

The applicable public services regulations were reviewed, as well as available data from County and other local databases, in order to complete the analysis provided herein. These regulations and databases were analyzed in conjunction with the thresholds of significance identified below.

3.14.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- 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 rations, response times, or other performance objectives for any of the public services:
 - Fire protection
 - Police protection



- Schools
- Parks
- Other public facilities

3.14.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to public services systems. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

New or Physically Altered Governmental Facilities

Impact PS-1:	<p>The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</p> <ul style="list-style-type: none">• Fire protection• Police protection• Schools• Parks• Other public facilities
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Impact Analysis ***Fire Protection***

Construction

As discussed in Section 3.9, Hazards and Hazardous Materials, construction of the proposed project would result in a less than significant impact related to accidental fires with compliance with federal, state, and local regulatory requirements. As such, construction impacts related to fire protection during construction of the proposed project would not result in the need for new or physically altered fire protection throughout construction of the proposed project. In addition, MM TRANS-1, Traffic Management Plan, would be implemented to ensure emergency access is available at all times. The impact would be less than significant.

Operation

The proposed project could result in the need for new or expanded fire protection services, due to the increase in residences and commercial units associated with the development. The new water storage tank would not result in the need for new or expanded fire protection services; therefore, it is not considered further in this analysis. The Humboldt Bay FPD currently provides fire protection and emergency medical services to the project site and the surrounding area. The Humboldt Bay FPD would remain the most logical provider for fire protection and emergency medical response services within the project area. The nearest fire station to the project site is the Humboldt Bay Fire Station 5, which is



located approximately 0.6 mile northeast of the project site at 3455 Harris Street, Eureka, California 95503. The Humboldt Bay FPD does not state response time standards in their strategic plan or on their website; however, they do state that they respond to approximately 6,000 calls for service each year throughout the five fire stations in their district (Humboldt Bay Fire 2020a). Additionally, there are approximately 56 sworn employees and four civilian employees who report to the Humboldt FPD, four fire truck engines staffed with threes personnel, and a four-person staffed ladder truck.

In addition, in accordance with the fire protection-related goals and policies set forth in the County General Plan, Community Infrastructure and Services Element, as listed in the Regulatory Setting of this section above, the County would continue to monitor the demand for existing and projected fire facilities and coordinate the development of new fire facilities to be phased with growth. The proposed project is projected to add 778 new residents to the County's current population of 136,373 persons (USCB 2018), which would result in a less than 1 percent increase in the total population of the County. Further, the Humboldt Bay FPD has reviewed the proposed project and did not identify the need for expanded or new facilities required to serve the proposed project (personal communication, Humboldt Bay Fire 2020b). As such, the increase in population from the proposed project would not overburden fire protection services capabilities.

Based on the analysis above, the proposed project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility in order to maintain service. Therefore, construction and operation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable fire protection services. The impact would be less than significant.

Police Protection

Construction

Construction of the proposed project would not generate a permanent population on the proposed project site that would substantially increase the police protection service demands in the area. The existing uses in the area (nearby park and residential units) currently generate a demand for police protection services. Construction sites can be sources of nuisances and hazards and invite theft and vandalism. When not properly secured, construction sites could contribute to a temporary increase for police protection services. However, standard construction security measures, including security fencing, lighting, and locked entry to the project site, would be incorporated into the project design in order to deter theft and vandalism. Therefore, construction of the proposed project would not result in substantial adverse impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts. This impact would be less than significant.

Operation

The proposed project would introduce an increased residential population and new commercial units, which would potentially increase the police service need in the area. The new water storage tank would not result in the need for new or expanded police protection services; therefore, it is not considered further in this analysis. The nearest police station to the project site is the Humboldt County Sherriff's Main Office, located approximately 2.4 miles northwest of the project site, at 826 4th Street, in Eureka. There are currently 256 employees, 75 sworn deputies, and 87 correctional deputies (Humboldt County



Sheriff's Office 2019). As discussed in the County General Plan, industry standards recommend five to 10 minute response times for police protection services, and the City of Eureka has set a standard of a five-minute response to calls for service (Humboldt County 2017a). According to the County Sheriff's Office policy manual, minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. Watch Commanders ensure that at least one field supervisor is deployed during each watch. Furthermore, the Sheriff's Office Reserve Unit supplements and assists regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels (Humboldt County Sheriff's Office 2018).

The proposed project would add 778 new residents to the County's current population of 136,373 persons (USCB 2018), which would represent less than 1 percent of the total population of the County. After review of the proposed project, the Humboldt County Sheriff's Office confirmed that the current law enforcement facilities and number of personnel are adequate to serve the proposed project (personal communication, Sheriff William F. Honsal, 2020). However, as expected with the increase in population, if there is a potential for an increase in service requests in the future, additional staffing may be needed. As discussed in the County General Plan, additional police office facilities, equipment, and personnel are currently being planned to accommodate growth in the next 20 years. Furthermore, the Humboldt County Sheriff's department completes an annual review an evaluation of staffing and calls that identifies additional resource needs for the County. The General Plan Community Infrastructure and Services Element also includes policies to monitor law enforcement needs and coverage, and to work with the Sheriff to secure funding sources to ensure that facilities are available as service demand increases as a result of future growth. The proposed project would be phased over 15 to 20 years and, therefore, the number of calls exceeding resources at this time is speculative for further evaluation. The County, as part of its future growth planning, would continue to work with the Sheriff's Office to assess the need for additional staffing or facilities needed to service the proposed project.

Based on the analysis above, the proposed project would not require the addition, expansion, consolidation, or relocation of existing police facilities in order to maintain service. Therefore, construction and operation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable police protection services. The impact would be less than significant.

Schools

Construction

Construction of the proposed project would be phased over 10 to 20 years, and it is expected that some students would attend schools while other phases are being developed. The development in phases would follow logical development of roads, sidewalks, and utility infrastructure. In addition, construction areas would be fenced to avoid conflict with developed phases. As noted in MM TRANS-1, Traffic Management Plan, the plan would be updated based on actual site conditions and construction activity to ensure safety and access at all times for uses already developed. The impact would be less than significant with mitigation incorporated.



Operation

The proposed project would generate students through the construction of 320 new mixed-income dwelling units that are expected to attend. The new water storage tank would not result in the need for new or expanded school services; therefore, it is not considered further in this analysis. The schools that would likely serve the project area include the following:

- **Elementary School/Middle:** Ridgewood School (Kindergarten through 2nd grade) and Cutten Elementary School (3rd through 6th Grades), total enrollment of 646 students (Cutten Elementary School District 2020); Winship Middle School, total enrollment of 375 students (School Digger 2020a)
- **High School:** Zoe Barnum High School, total enrollment of 72 students (School Digger 2020b) or Eureka Senior High, total enrollment of 1,130 students (School Digger 2020c)

Based on the average statewide student yield factors from the enrollment certification/projection school facility program (State Allocation Board 50-01), elementary school districts should account for 0.5 student per dwelling unit and high school districts should account for 0.2 student per dwelling unit. From these ratios, the proposed project's 320 dwelling units would be assumed to produce 160 new elementary and middle school students and 64 new high school students to the area. Based on historic enrollment for the schools in the area and the fact that enrollment in the County in general has declined (Humboldt County 2017c), adequate capacity exists to serve the proposed project's project increase in 224 students to the area. Furthermore, this analysis does not take into consideration that some students will attend private schools. However, pursuant to SB 50, and as required by MM PS-1, the project Applicant would be required to pay development fees for schools to the Eureka City Unified School District prior to the issuance of the proposed project's building permit. Pursuant to Government Code Section 65995, the payment of these fees is considered full and complete mitigation of project-related school impacts. Therefore, payment of applicable development school fees to the Eureka City Unified School District would offset the potential impact of additional student enrollment at schools serving the project site. Accordingly, with adherence to existing regulations and with MM PS-1 incorporated, impacts on schools would be less than significant.

Based on the analysis above, the proposed project would not require the addition, expansion, consolidation, or relocation of school facilities in order to maintain service. Therefore, construction and operation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable school services. The impact would be less than significant with mitigation incorporated.

Parks and Other Public Facilities

Construction

Construction of the proposed project would not affect the current use or result in changes to the existing Redwood Fields Park. During construction, there may be intermittent disturbance related to access to Redwood Fields Park, which could deter people from using the park or result in increased use at other nearby parks. As such, implementation of MM TRANS-1, Traffic Management Plan, would be required in order to ensure that access is maintained for Redwood Fields Park throughout the construction period of the proposed project. MM TRANS-1 would include provisions for detours or signage, if necessary, in



order to maintain public access to Redwood Fields Park. As such, construction of the proposed project would not cause physical impacts or result in alterations to any parks or changes in access with MM TRANS-1 incorporated. The impact would be less than significant.

Operation

The proposed project would introduce new residents and commercial users in the area, which could require or necessitate new or expanded parks to meet service ratios. The new water storage tank would not result in the need for new or expanded park facilities; therefore, it is not considered further in this analysis. The current County Zoning Regulations (Section 314-110.1 Parkland Dedication) require that residential subdivisions offer to dedicate land to a public or private non-profit agency for public park or recreation use or pay in-lieu fees to provide an appropriate contribution to public parks or recreation, pursuant to the Quimby Act (Government Code section 66477). This current Parkland Dedication program would require that residential subdivisions in the Eureka area to make fair share contributions towards new park facilities or rehabilitating existing park facilities. These contributions would serve to limit the deterioration of existing facilities in these areas.

The proposed project would include 21.73 acres as permanent open space to be preserved through the establishment of a permanent easement to be owned by the County or conveyance in fee to the County that would satisfy the Quimby Act requirements. Additionally, the proposed project would provide access points that would connect future trails to the McKay Community Forest. Trail linkages and construction of trail segments within the development will occur within dedicated trail easements. Residents, visitors, and employees of the project would likely utilize the open space and recreational opportunities provided by the project and those that are in close proximity, such as Redwood Fields Park and McKay Community Forest. Therefore, because the proposed would incorporate open space into the proposed project, which would be in compliance with state and local parkland regulations, impacts to parks and recreational facilities would be less than significant, and no mitigation measures would be required.

Libraries

The proposed project is projected to add 778 new residents to the County's current population of 136,373 persons (USCB 2018), which would represent less than 1 percent of the total population of the County. Although this is a very small percentage of the County's total population, the increase in 778 new residents could result in increased use of local libraries. The new water storage tank would not result in the need for new or expanded library facilities; therefore, it is not considered further in this analysis. Similarly, construction of the proposed project would not impact access to any libraries, due to their distance from the project site. The nearest public library to the project site is the Main Humboldt County Library, located approximately 3 miles to the north, at 1313 3rd Street, in Eureka. This library would likely serve the new residents, as needed, and the new residents would also be able to access some of the library services remotely through the library's website. It is unlikely the additional residents in the area would necessitate the need for expanded library services in the area. Therefore, this impact would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM PS-1: Development Impact Fee-Schools: Prior to issuance of building permits, the project Applicant shall provide the Eureka City Unified School District with all applicable school development fees in accordance with the latest adopted fee schedule. The Applicant shall submit a receipt to the County of Humboldt prior to issuance of building permits verifying that all fees have been paid.

MM TRANS-1 would also be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



3.15 RECREATION

This section describes the environmental and regulatory setting for recreational resources. It also describes existing conditions and potential impacts related to recreation that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.15.1 Environmental Setting

The County has several recreational opportunities and open spaces. More than 20 percent of the County's 2.3 million acres are protected open space, forests, and recreation areas. Within County boundaries, recreational resources include 4 federal parks and beaches, 10 state parks (3 of which are encompassed by Redwood National Park), 16 county parks, beaches, recreational areas, and reserves. These areas contribute to the quality of life in the County and provide needed recreational opportunities for residents of neighboring counties and visitors from all over the world (Humboldt County 2017c). County parks, recreation, and open space resources are managed by several agencies, including Native American Tribes, BLM, USFWS, U.S. Forest Service, CDFW, California State Parks Department, local city governments, Humboldt County, and special districts (Humboldt County 2017c).

Regional Parks

Most parks in the County are outside the incorporated cities, and there are few local community or neighborhood parks. There are nearly 468,000 acres of federally managed parklands in the County, including National Forest, National Parks, and National Wildlife Areas, in addition to 7,600 acres of BLM Reserve Lands. The County has about 76,000 acres of State Beach, State Parks, and State Reserve Lands. The County operates approximately 850 acres of parkland that includes ocean beaches, river access, boat ramps, and trails (Humboldt County 2017c).

Local Parks

There is one park adjacent to the proposed project area, Redwood Fields Park, which is a 12-acre, non-profit operated park that includes a ball field, playgrounds, picnic areas, and bocce courts. Sequoia Park and Zoo is located approximately 0.5 mile from the project site.

3.15.2 Regulatory Setting

State

Quimby Act

Section 66477 of the California Government Code, also known as the Quimby Act, was enacted in 1965 in an effort to promote the availability of park and open space areas in California. The Quimby Act authorizes cities and counties to enact ordinances requiring the dedication of land, or the payment of fees for park and/or recreational facilities in lieu thereof, or both, by developers of residential subdivisions as a conditions to the approval of a tentative map or parcel map. The Quimby Act requires the provision of three acres of park area per 1,000 persons residing within a subdivision, unless the amount of existing neighborhood and community park exceeds that limit, in which case the city or county may adopt a higher standard not to exceed five acres per 1,000 residents. The Quimby Act also specific acceptable uses and expenditures of funds from fees.



State Public Park Preservation Act

The primary instrument for protecting and preserving parkland is the State Public Park Preservation Act. Under the State Public Park Preservation Act, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provision essentially stipulates that there shall be no net loss of parkland and facilities.

Local

Humboldt County General Plan

The County General Plan, adopted October 23, 2017, contains several policies that directly pertain to recreation, including the following:

Goal CO-G1. Conservation of Open Spaces. Open spaces that distinguish and showcase the County's natural environment, including working resource lands while not impacting the ability to provide livelihoods, profitable economic returns and ecological values.

Goal CO-G4. Parks and Recreation. Well maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system that meets future recreational and non-motorized transportation demands.

- **Policy CO-P8: Planning for Recreational Needs within Communities.** Policies addressing community recreational needs shall be prepared as part of planning efforts within each community. Implement park in-lieu programs in major communities.
- **Policy CO-P9: Develop and Maintain County Parks.** Secure, develop, and maintain county parks and recreation areas that are highly accessible to the public in order to serve the present and future needs of county residents
- **Policy CO-P11: Public Recreation.** Support acquisition, development and management of parklands and trails primarily in locations that are highly accessible to the public in order to serve the outdoor recreation and ADA needs of current and future residents, and where such uses do not reduce the agricultural capability, timber productivity and ecological services on open space lands.

Humboldt County Code

Parkland

Section 314-110.1, Parkland Dedication of the County Code includes parkland requirements for future subdivisions. As a condition of approval by the County, a subdivision project shall satisfy the following requirements as they relate to the proposed project:

- 110.1.3.1 For new subdivisions containing fifty-one (51) or more parcels: (Former Section CZ#A314-29(C)(1))



- 110.1.3.1.1. An offer of dedication of a portion of the land planned for development to a public or private non-profit agency for public park or recreation use as identified in the County General Plan, according to the formula and standards set forth in subsections 313-110.1.4 and 313-110.1.5, trails and support facilities identified in the County Trails Plan, and coastal access as identified in the access component of the Coastal Land Use Plan; or (Former Section CZ#A314-29(C)(1); Amended by Ord. 2167, Sec. 29, 4/7/98)
- 110.1.3.1.2. An in lieu fee in accordance with the provisions of subsection 313-110.1.6, to provide an appropriate contribution to public parks or recreation. It shall be the County's option to decide whether a dedication of land or payment of in lieu fees shall be required. (Former Section CZ#A314-29(C)(1))

3.15.3 Methodology for Analysis

The applicable recreation regulations were reviewed and the applicable County General Plan and County database searches conducted in order to complete the analysis portion of this section. These regulations and databases were analyzed in conjunction with the thresholds of significance identified below.

3.15.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- 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
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment

3.15.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to recreation. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Recreational Facilities

Impact REC-1: The proposed project would not necessitate the construction of new park or recreational facilities, or cause substantial physical deterioration of existing park and recreational facilities.

Impact Analysis Construction

Construction of the proposed project would be phased over a period of 10 to 20 years and may impact the current use or result in changes to the existing Redwood Fields Park. During construction, there may be intermittent disturbance related to park access, which could deter people from using the park. As such, implementation of MM TRANS-1, Traffic Management Plan, would be required in order to ensure that



access is maintained to the Redwood Fields Park throughout the proposed project's construction period. MM TRANS-1 would include provisions for detours or signage, if necessary, in order to maintain public access at the Redwood Fields Park. Additional County General Plan policies CO-P9 and CO-P11 (discussed in Section 3.15.3) require park facilities to remain highly accessible. This impact would be less than significant with mitigation incorporated.

Operation

Operation of the proposed project would introduce new land uses in the area, which could impact the use of the existing Redwood Fields Park or necessitate the need for new or expanded parklands. Current County Zoning Regulations (Section 314-110.1 Parkland Dedication) require that residential subdivisions offer to dedicate land to a public or private non-profit agency for public park or recreation use or pay in-lieu fees to provide an appropriate contribution to public parks or recreation, pursuant to the Quimby Act (Government Code section 66477). This current Parkland Dedication program would require that residential subdivisions in the Eureka area make fair share contributions towards new park facilities or rehabilitating existing park facilities. These contributions are intended to limit the deterioration of existing facilities in these areas.

The proposed project would include 21.73 acres as forest lands to be preserved through the establishment of a permanent easement or conveyance in fee, and would be dedicated to the County, which would satisfy the Quimby Act requirements. Additionally, the proposed project would provide access points and would provide 20-foot-wide trail easements that would connect to the McKay Community Forest. These easements and trail connections and trail sections within the subdivision would be developed as part of the phased development for the proposed project; however, these locations would be subject to approval by the Public Works Director. A temporary trail would be provided from Fern Street, Arbutus Street, or Redwood Street to the McKay Community Forest as part of the first phase of the project. As each subsequent phase is developed, these temporary trails would later be abandoned, as necessary. While the exact trail locations are not known at this time, it is anticipated that Phase 3 could include two trail connections. One would provide access from Arbutus Street/Oakview Drive and could be from Lot 52 proposed for multi-family development. A second trail connection and parking lot could be provided between lots 57 and 58, to connect Canyon Lane to the McKay Community Forest. Trail connection to provide access from Oakview Drive on the southern portion could be developed as part of Phase 8 or 9. The proposed project's population of 778 (or less than 1 percent of the County's total population) would use trails, existing Redwood Fields Park, and other off-site recreational amenities that would be more than sufficient to provide recreational opportunities for the project's residents, visitors, and employees without triggering the requirement for new parks. Since the trail map is not finalized, MM REC-1 would be required to ensure that adequate trail connections are provided to the satisfaction of the County. With the implementation of mitigation measures, impacts would be reduced to a level of less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM REC-1: Final Trail Map. Prior to approval of the final improvement plans for each phase, the Applicant shall prepare a final map showing the precise location and alignment of the trails on the project site and their connection points to the adjacent forest land. The final map for each phase shall be submitted for review and approval by the County of Humboldt Public Works Director. These trails will be recorded in permanent open space easements or in a manner that no future development on the trails shall occur and trail connections shall be maintained for the life of the project.

MM TRANS-1 would also be required.

Level of Significance After Mitigation

Less than Significant Impact With Mitigation Incorporated.



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3.16 TRANSPORTATION

This section describes the environmental and regulatory setting for transportation. It also describes existing conditions and potential effects relative to transportation that would result from implementation of the proposed project, and mitigation for potentially significant impacts. Descriptions and analysis in this section are based on information contained in the Focused Traffic Study for the McKay Ranch Subdivision prepared in May 2018 by TJKM. The document is included in this Draft EIR as Appendix H. The Traffic Impact Study prepared for the proposed project was prepared in accordance with guidance provided by the Humboldt County Department of Public Works and the City of Eureka.

3.16.1 Environmental Setting

Existing Roadway System

The project site is located at the terminus of Fern Street, east of the Redwood Fields Park. Exhibit 3.13-1 shows the 12 intersections selected in consultation with the County and City of Eureka staff that were selected for analysis under weekday AM and PM peak hour conditions. The following describes the local roadways that would serve the proposed project.

Arbutus Street is a two-lane local roadway with sidewalks and on-street parking and runs in an east-west direction. The speed limit is 25 miles per hour (mph). Arbutus Street would be extended east to serve the proposed project.

Fern Street is a two-lane local roadway with sidewalks and on-street parking and runs in an east-west direction. The speed limit is 25 mph. Fern Street currently provides access to Redwood Fields Park.

Redwood Street is a two-lane local roadway and runs in an east-west direction. The speed limit is 25 mph. Redwood Street would be extended east to serve the proposed project and connect to the extended Arbutus Street.

Manzanita Avenue is a two-lane local roadway with sidewalks and parking lanes on both sides and runs in an east-west direction. This road has been extended into a cul-de sac and would serve Phase 1 of the proposed project.

Walnut Drive is a minor arterial, providing north-south connectivity between the residential areas in the study area. Along much of its length in the study area, Walnut Drive provides both a travel lane and a bike lane in each direction, with a two-way left-turn lane in the center of the road. Bike lanes are discontinued north of Holly Street and reemerge on both sides of Walnut Drive, north of Fern Street.

Harris Street is a principal arterial designed to provide high overall travel speeds with minimum interference to through movements. Sections of this roadway are owned by both the City and the County; Harris Street is City-owned west of its intersection with Harrison Avenue, and is County-owned east of the intersection. Through the study area, Harris Street is a two-way street with one lane of traffic in each direction; a two-way left turn lane in the center is on the County-owned portion of the street. Along most sections of this road within the study area, on-street parking is allowed on both sides within City limits, and sharrows (double chevron road markings indicating a shared bicycle/vehicle lane) are provided in lieu of bike lanes in the City-maintained section from Harrison to R Street. Sidewalks are also present.



Pedestrian Facilities and Safety

The neighborhood streets surrounding the project site generally have sidewalks provided on one or both sides, particularly along collector streets, including arterials, such as Walnut Drive, Harris Street, and S Street. The City of Eureka is actively improving pedestrian connectivity, having improved or constructed new sidewalks to fill in gaps, enhanced or adding new crosswalks, and improving curb ramps at corners and other pedestrian crossings. Redwood Street and Fern Street have continuous sidewalks on one side each, with some intermittent sections of sidewalks elsewhere; however, following continuous sidewalks on Fern Street requires crossing at Cedar Street. Arbutus Street and Cedar Street lack continuous sidewalks, with breaks of various sizes on both sides where sidewalks exist on each block.

Transit Facilities

Transit services within the project area consist of Eureka Transit System buses, operated by the Humboldt Transit Authority. On weekdays, the Red Route operates along W Street and Walnut Drive, and the Purple Route and Green Routes operate on Harris Street, providing connectivity throughout the City. Weekday buses operate in a loop with one-hour headways, 6:30 AM to 7:00 PM. On weekends, the Rainbow Route operates on W Street, Dolbeer Street, and Harris Street, and the Purple Route operates on Harris Street. Weekend buses operate with one-hour headways, 10:00 AM to 5:00 PM. The nearest Red and Rainbow Route bus stops are located within 0.5 mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1 to 1.2 miles from the project site.

Bicycle Facilities

Designated bicycle facilities in the project vicinity are limited, but the Humboldt Bay Area Bike Map (Humboldt County) identifies both existing facilities and streets that are suitable for families or bicyclists with a range of skill levels. Class II bike lanes are provided on disconnected sections of Walnut Drive and Harris Street. A portion of Harris Street is designated a Class III bike route with sharrows from R Street to Harrison. Elsewhere it has class II bike lanes, and there is a section of Class I multiuse trail through Sequoia Park. The Bike Map identifies "Intermediate" bike-friendly streets with moderate shoulder widths, traffic volumes, topography, and pavement conditions. Certain streets and intersections are also identified as requiring higher skill and caution, including S Street and Harrison Avenue north of Harris Street, and study intersections 1 and 2.

Planned Intersection Improvements

The County of Humboldt and the City of Eureka have joined together to consider the adoption of the Greater Eureka Area Traffic Impact Fee program. If adopted, fees associated with this program would go toward funding capital improvements at 13 intersections in the Greater City of Eureka Area. Three intersections with suggested capital improvements are also in the study area for the proposed project: Dolbeer Street and Harris Street, W Street and Hodgson Street/Chester Street, and Hemlock Street and Walnut Drive. Signals are recommended at Dolbeer Street and Harris Street and at Walnut Drive and Hemlock Street. Improvements at W Street and Hodgson Street/Chester Street would include realigning the eastern leg of the intersection (Chester Street) to eliminate the current offset. Signalization may also be considered at this intersection. The 13 intersections are noted below:



1. Fairway Drive and Lundblade Drive
2. Hemlock Street and Walnut Drive (study intersection 8)
3. Herrick Avenue and Elk River Road
4. Ridgewood Drive and Elk River Road
5. Walnut Drive and Campton Road
6. Myrtle Avenue and Hall Avenue
7. Hodgson Street and F Street
8. Harris Street and I Street
9. Buhne Street and E Street
10. Dolbeer Street and Harris Street (study intersection 2)
11. Hodgson Street and H Street
12. Wabash Avenue and E Street
13. Hodgson Street and Chester Street (study intersection 6)

Existing Traffic Volumes and Levels of Service

Existing traffic conditions in 2018 were developed from a combination of new intersection turning movement counts conducted in 2017-2018. Earlier counts increased by an annual growth factor, based on volume changes at adjacent intersections. Intersection LOS was calculated at each intersection both with and without added project traffic, using existing intersection controls and lane geometry. The roadways in the project vicinity are generally two-lane streets, with limited all-way stop controlled and signalized intersections. Walnut Street/Dolbeer Street is the primary arterial connecting the project site to the rest of the City. Most roadways are wide enough to provide ample space for two travel lanes and on-street parking on both sides. North of Fern Street, Walnut Drive features a two-way left turn lane, bike lanes on both sides, and on-street parking on one side.

New intersection turning movement data was collected at intersections 1, 4, 5, 6, 7, 8, and 11. Data at the remaining intersections was obtained from the 2008 McKay Tract study (intersections 2 and 3 in the AM peak hour, and intersections 9 and 10) and from the 2017 Sequoia Park Zoo Expansion and Renovation study (intersections 2 and 3 in the PM peak hour). At intersections without new counts available, annual growth factors were calculated relative to the year each older count was obtained (2003-2007 for the 2008 study).

Intersections without new turning movement data were increased to 2018 levels based on growth factors derived based on the traffic from adjoining intersections. Intersection LOS was calculated using Highway Capacity Manual 2000 methodology with Synchro 10 software. Under Existing Conditions, the study intersections generally operate at LOS D or better in both peak hours. The intersection of Dolbeer Street and Harris Street operates at LOS D in the AM peak hour, but LOS F in the PM peak hour. As a two-way stop-controlled intersection, LOS is based on the average delay for the minor street only. LOS results for Existing Conditions are summarized in Table 3.16-1.



Table 3.16-1: Intersection Level of Service Summary – Existing Conditions

ID	Study Intersection	Control	Planned Project	Peak Hour	Existing		
					Delay	LOS	Meet signal warrant?
1	Harrison Avenue and Harris Street	Signal	-	AM	25.4	C	-
				PM	27.0	C	-
2	Dolbeer Street and Harris Street	TWSC	Signal	AM	34.1	D	-
				PM	50.3	F	-
3	W Street and Harris Street	TWSC	-	AM	23.4	C	-
				PM	25.7	D	-
4	S Street and Harris Street	Signal	-	AM	12.8	B	-
				PM	13.2	B	-
5	S Street and Hodgson Street	TWSC	AWSC	AM	31.5	D	-
				PM	21.8	C	-
6	W Street and Hodgson Street/Chester Street	AWSC	Alignment	AM	16.0	C	-
				PM	11.9	B	-
7	Dolbeer Street and Chester Street	AWSC	-	AM	8.9	A	-
				PM	8.7	A	-
8	Walnut Drive and Hemlock Street	AWSC	Signal	AM	22.9	C	-
				PM	21.0	C	-
9	Walnut Drive and Redwood Street	TWSC	-	AM	18.0	C	-
				PM	17.5	C	-
10	Walnut Drive and Fern Street	TWSC	-	AM	16.3	C	-
				PM	16.9	C	-
11	Walnut Drive and Arbutus Street	TWSC	-	AM	28.6	D	-
				PM	17.3	C	-
12	Walnut Drive and Cypress Street	AWSC	-	AM	24.3	C	Yes
				PM	17.3	C	-

Notes:

AWSC = all-way stop control

TWSC = two-way stop control

Source: TKJM 2018

3.16.2 Regulatory Setting

State

Senate Bill 743

On September 27, 2013, SB 743 was signed into law. The legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce VMT and thereby contribute to the reduction of GHG emissions, as required by the California Global



Warming Solutions Act of 2006 (AB 32). SB 743 started a process that will likely change transportation impact analysis as part of CEQA compliance. Changes include the elimination of auto delay, LOS, and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts in many parts of California (if not statewide). The new criteria, “shall promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses” (PRC Section 21099[b][1]). On January 20, 2016, the Governor’s OPR released revisions to its proposed Draft CEQA guidelines for the implementation of SB 743. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including the Guidelines section implementing SB 743 (Section 15064.3). OPR developed a Technical Advisory on Evaluating Transportation Impacts in CEQA, which contains OPR’s technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. The provisions of CEQA Guidelines Section 15064.3 shall apply prospectively as described in Section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. As of this time, the County of Humboldt has not adopted thresholds of significance related to VMT. However, County General Plan Policy C-P5 requires that LOS be reviewed for projects.

Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017 contains several policies that directly pertain to utilities and service systems, including the following:

Goal C-G1. Circulation System Safety and Functionality. A safe, efficient, accessible and convenient circulation system in and between cities, communities, neighborhoods, hamlets, and adjoining regions taking into consideration the context-specific needs of all users, consistent with urban, suburban, rural or remote community character.

- **Policy C-P1. Circulation System.** Encourage development of a circulation system that supports:
 - A. Access to higher density residential areas, local commercial facilities, neighborhood parks and schools, while maintaining maximum bicycle and pedestrian connectivity.
 - B. Designing access to residential areas to minimize disruptions to the flow of traffic while providing for user safety and connectivity on arterial or collector roads.
 - C. Improving connectivity between interrelated areas such as neighborhoods and common destinations.
 - D. Planning retail, service and industrial facilities, community centers, major recreational facilities, employment centers, and other intensive land uses that consider the location of collectors or arterial roads consistent with the Land Use Element.
- **Policy C-P3. Consideration of Transportation Impacts in Land Use Decision Making.** Decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences.



- **Policy C-P4. Mitigation Measures.** Development with potentially significant circulation impacts as determined by CEQA review shall be conditioned to proportionally mitigate such impacts through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications.
- **Policy C-P5. Level of Service Criteria.** The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.
- **Policy C-P6. Jurisdictional Coordination and Integration.** Use HCAOG, formal Memorandums of Understanding, and informal project level cooperation to integrate county-wide transportation planning and implementation efforts.
- **Policy C-P7. Joint Use of Traffic Models.** The County-Wide Transportation Plan (CWTP) and projects with potentially significant transportation impacts should integrate transportation planning through joint use of area-wide traffic models, including but not limited to the Greater Eureka Area Travel Model (GEATM) or the Humboldt County Traffic Demand Model (HCTDM). Develop travel demand models with methods and inputs that incorporate walking, biking and transit. Support coordination with agencies to maintain the accuracy and utility of such models.
- **Policy C-P9. Circulation Planning for Bicycles, Pedestrians and Transit.** Circulation planning and project review shall include an assessment for bicycle, pedestrian and public transit access.
- **Policy C-P11. Transportation Demand Management Programs.** Require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs.
- **Policy C-P12. Countywide Traffic Impact Fee Program.** In coordination with the cities within the County, shall develop and implement a countywide traffic impact fee program that addresses impacts on major roads resulting from development in cities and unincorporated areas. Adopt this fee within one year of the adoption of the General Plan Update. A traffic impact fee is currently being evaluated for the Greater Eureka Area, encompassing the Eureka urbanized area.
- **Policy C-P28. Bicycles and Pedestrian Facilities in New Subdivisions.** Bicycle and pedestrian facilities should be encouraged to connect neighborhoods. Standards for urban, suburban, rural and remote contexts shall be developed.
- **Policy C-P39. Encourage Bicycle and Pedestrian-Friendly Development:** Incentives should be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods.

3.16.3 Methodology for Analysis

TJKM prepared a Transportation Impact Study for the proposed project that evaluated impacts on transportation. The complete study is provided in Appendix H. Below are summaries of key aspects of the study.



Analysis Scenarios

The following scenarios were analyzed in the Transportation Impact Study:

- Existing Conditions
- Existing Plus Proposed Project Conditions
- Future No Project Conditions
- Future Plus Proposed Project Conditions

Study Area

This analysis considers the impact of the full development on 12 nearby intersections selected in consultation with County of Humboldt and the City of Eureka staff. Mitigation measures have been recommended at any intersection that will operate at LOS E or F under Project Conditions. The following intersections were studied:

1. Harrison Avenue and Harris Street
2. Dolbeer Street and Harris Street
3. W Street and Harris Street
4. S Street and Harris Street
5. S Street and Hodgson Street
6. W Street and Hodgson Street/Chester Street
7. Dolbeer Street and Chester Street
8. Walnut Drive and Hemlock Street
9. Walnut drive and Redwood Street
10. Walnut Drive and Fern Street
11. Walnut Drive and Arbutus Street
12. Walnut Drive and Cypress Street

Project Travel Characteristics

Project Summary

The proposed project would consist of 320 residential units and 20,000 square feet of commercial space. The traffic study was based on General Office Building land use. A commercial use under the County's C-1 zoning designation allows for a variety of uses including but not limited to professional and business offices and retail. The proposed project would be built based on market conditions. Therefore, any future use would be limited by the number of trips evaluated in the traffic study. Any change in land use that would result in more trips than those evaluated in this EIR would require a separate CEQA review. Although the project would be constructed over a total of nine phases, the project trip generation and impact analysis are based on the full buildout of all phases, thereby also providing a conservative evaluation of potential project-related traffic impacts. Access to the project site would be provided by extending Redwood Street and Arbutus Street to the east.

Trip Generation

Trip generation for the proposed project was developed using rates from the Institute of Transportation Engineers publication Trip Generation, 10th Edition (2017). A conservative trip reduction of 3 percent was applied to account for trips between the residential and non-residential uses. Table 3.16-2 displays the project's expected daily, AM peak-hour, and PM peak-hour trip generation. As shown in the table, the full



project buildout would generate a total of 2,879 daily trips, including 215 (68 in, 147 out) AM peak hour trips and 269 (156 in, 113 out) PM peak hour trips. Trip generation from the water storage tank would be limited to occasional maintenance and are not significant enough to be accounted for in the trip generation.

Table 3.16-2: Project Trip Generation

Land Use (ITE Code)	Size	Daily		AM Peak						PM Peak					
		Rate	Trips	Rate	In %	Out %	In	Out	Total	Rate	In %	Out %	In	Out	Total
Single Family Detached Housing (210)	146 d.u.	9.44	1,378	0.74	25	75	27	81	108	0.99	63	37	91	54	145
Multifamily Housing (Low-Rise) (220)	174 d.u.	7.32	1,274	0.46	23	77	18	62	80	0.56	63	37	61	36	97
General Office Building (710)	24.0 ksf	9.74	234	1.16	86	14	24	4	28	1.15	16	84	4	24	28
3 Percent Internal Capture Discount: Office			-7				-1	0	-1				0	-1	-1
Total Trips			2,879				68	147	215				156	113	269

Notes: d.u. = dwelling unit, ksf = thousand square feet, Source: TJKM 2018

Project trips were distributed as shown in Figure 3.16-1, taking into account prevailing traffic patterns and surrounding land uses and incorporating feedback from City of Eureka and County staff:

- 25 percent to/from northwest and downtown Eureka via S Street
- 25 percent to/from the west side of Eureka via Harris Street and Hodgson Street
- 15 percent to/from destinations to the northeast via Harrison Avenue
- 15 percent to/from commercial uses northeast of Harrison Avenue and Harris Street
- 20 percent to/from the south and southwest via Walnut Street



<p>Intersection #1 Harrison Ave. & Harris St.</p>	<p>Intersection #2 Dolbeer St. & Harris St.</p>	<p>Intersection #3 W St. & Harris St.</p>	<p>Intersection #4 S St. & Harris St.</p>	<p>Intersection #5 S St. & Hodgson St.</p>
<p>Intersection #6 Hodgson St. / Chester St. & W St.</p>	<p>Intersection #7 Dolbeer St. & Chester St.</p>	<p>Intersection #8 Walnut Dr. & Hemlock St.</p>	<p>Intersection #9 Walnut Dr. & Redwood St.</p>	<p>Intersection #10 Walnut Dr. & Fern St.</p>
<p>Intersection #11 Walnut Dr. & Arbutus St.</p>	<p>Intersection #12 Walnut Dr. & Cypress St.</p>			

LEGEND

- Study Intersection
- Project Site
- Eureka City Limit
- Roadway to be Extended by Project
- XX AM Peak Hour Volumes
- (XX) PM Peak Hour Volumes



Project Location Humboldt County, California Prepared by PG on 2020-03-17
 Technical Review by ZP on 2020-03-18

Client/Project North McKay Ranch Subdivision Project

Figure No. 3.16-1

Title Trip Distribution and Assignment

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3.16.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
- Result in inadequate emergency access.
- Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).
- Substantially increase hazards to a geometric design (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks. [refer to Section 7, Effects Found Not To Be Significant]

3.16.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to transportation. When a potential impact is determined to be potentially significant, mitigation measures were identified that would reduce or avoid that impact.

Traffic Increase

Impact TRANS-1: The proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Impact Analysis Construction

The proposed project would be completed in phases over a period of 10 to 20 years, and would result in construction traffic on the nearby roadway network, including the extension of proposed sewer line in Redwood Street and Walnut Drive. The proposed project would also require the hauling of soil off-site and import of project materials. The highest levels of construction traffic would occur during grading, when soil would be exported off-site. Construction traffic would be temporary and is expected to be substantially less than operational trips. Additionally, construction activities are temporary, and these trips would cease once the proposed project is completed. The extension of sewer line in Redwood Street and Walnut Drive would occur in public right-of-way. As such, it follows that construction traffic would not represent a significant impact to intersection, roadway segment, or queuing impacts on local roadways.



Transportation

Proposed project construction activities may not result in full lane closures but may temporarily impact easy access to Redwood Fields Park. Accordingly, MM TRANS-1 is proposed, requiring the project Applicant to implement a Traffic Management Plan during construction activities to minimize impacts on surrounding roadways, residences, and nearby parking areas. The implementation of this MM would reduce potential impacts to a level of less than significant.

Operation

This impact evaluates traffic conditions at the opening year of the proposed project. Traffic forecasts are presented in two scenarios:

- Existing Plus Proposed Project Conditions
- Future Conditions (2040)

Existing Plus Proposed Project Conditions

This section provides an analysis of proposed project traffic impacts by comparing the existing traffic conditions without the project to existing with project traffic conditions as shown in Table 3.16-3. With the addition of project trips, the intersection of Dolbeer Street and Harris Street (intersection 2) would degrade to LOS E in the AM peak hour and continue to operate at LOS F in the PM peak hour. The intersections of S Street and Hodgson Street (intersection 5) and Walnut Drive and Redwood Street (intersection 9) would degrade to LOS E in the AM peak hour. The intersection of Walnut Drive and Hemlock Street (intersection 8) would degrade to LOS E during both peak hours. The remaining eight intersections would continue to operate at LOS D or better in both peak hours.

Table 3.16-3: Intersection Level of Service Summary – Existing Conditions with Project

ID	Study Intersection	Control	Planned Project	Peak Hour	Existing			Existing Plus Project			
					Delay	LOS	Meet signal warrant?	Delay	LOS	Change in Delay	Meet signal warrant?
1	Harrison Avenue and Harris Street	Signal	-	AM	25.4	C	-	25.4	C	0.0	-
				PM	27.0	C	-	28.1	C	1.1	-
2	Dolbeer Street and Harris Street	TWSC	Signal	AM	34.1	D	-	35.4	E	1.3	-
				PM	50.3	F	-	63.0	F	12.7	-
3	W Street and Harris Street	TWSC	-	AM	23.4	C	-	23.9	C	0.5	-
				PM	25.7	D	-	27.3	D	1.6	-
4	S Street and Harris Street	Signal	-	AM	12.8	B	-	14.7	B	1.9	-
				PM	13.2	B	-	14.8	B	1.6	-
5	S Street and Hodgson Street	TWSC	AWSC	AM	31.5	D	-	40.8	E	9.3	-
				PM	21.8	C	-	28.5	D	6.7	-
6	W Street and Hodgson Street/Chester Street	AWSC	Alignment	AM	16.0	C	-	22.6	C	6.6	-
				PM	11.9	B	-	14.5	B	2.6	-



ID	Study Intersection	Control	Planned Project	Peak Hour	Existing			Existing Plus Project			
					Delay	LOS	Meet signal warrant?	Delay	LOS	Change in Delay	Meet signal warrant?
7	Dolbeer Street and Chester Street	AWSC	-	AM	8.9	A	-	9.3	A	0.4	-
				PM	8.7	A	-	9.3	A	0.6	-
8	Walnut Drive and Hemlock Street	AWSC	Signal	AM	22.9	C	-	38.8	E	15.9	-
				PM	21.0	C	-	43.4	E	22.4	Yes
9	Walnut Drive and Redwood Street	TWSC	-	AM	18.0	C	-	35.1	E	17.1	Yes
				PM	17.5	C	-	27.6	D	10.1	-
10	Walnut Drive and Fern Street	TWSC	-	AM	16.3	C	-	18.3	C	2.0	-
				PM	16.9	C	-	19.3	C	2.4	-
11	Walnut Drive and Arbutus Street	TWSC	-	AM	28.6	D	-	31.5	D	2.9	-
				PM	17.3	C	-	18.4	C	1.1	-
12	Walnut Drive and Cypress Street	AWSC	-	AM	24.3	C	Yes	28.0	D	3.7	Yes
				PM	17.3	C	-	19.5	C	2.2	-

Notes:

TWSC = two-way stop controlled

AWSC = all-way stop control

Source: TKJM 2018

Future Conditions (2040)

Table 3.16-4 shows the LOS under cumulative conditions with and without the proposed project. As shown in the table, under cumulative conditions without the proposed project, 5 of the 12 study intersections would operate at LOS E or F during one or both peak hours. The two-way stop-controlled intersection of Dolbeer Street and Harris Street (intersection 2) would experience a delay of 228.2 seconds in the AM peak hour and 821.7 seconds in the PM peak hour, representing the delay experienced by vehicles on the minor street approach. All other intersections would continue to operate at LOS D or better during both peak hours.

With the addition of traffic generated by the proposed project, the five intersections already operating at LOS E or F under Future Conditions would experience increased delay. In addition, the intersections of W Street and Hodgson Street/Chester Street (intersection 6) and Walnut Drive and Redwood Street (intersection 9) would degrade to LOS F during one or both peak hours. The already extremely delayed intersection of Dolbeer Street and Harris Street (intersection 2) would experience an increase in delay of 308.6 seconds. The remaining four intersections (1, 4, 7, and 10) would continue to operate at LOS D or better.



Table 3.16-4: Cumulative Traffic Conditions

ID	Study Intersection	Control	Planned Project	Peak Hour	Future (2040)			Future plus Project			
					Delay	LOS	Meet signal warrant?	Delay	LOS	Change in Delay	Meet signal warrant?
1	Harrison Avenue and Harris Street	Signal	-	AM	35.0	D	-	36.4	D	1.4	-
				PM	38.8	D	-	42.3	D	3.5	-
2	Dolbeer Street and Harris Street	TWSC	Signal	AM	228.2	F	Yes	248.5	F	20.3	Yes
				PM	821.7	F	Yes	1,130.3	F	308.6	Yes
3	W Street and Harris Street	TWSC	-	AM	49.2	E	-	60.5	F	11.3	-
				PM	35.9	E	-	36.9	E	1.0	-
4	S Street and Harris Street	Signal	-	AM	20.2	C	-	25.4	C	5.2	-
				PM	22.0	C	-	27.6	C	5.6	-
5	S Street and Hodgson Street	TWSC	AWSC	AM	102.4	F	Yes	154.6	F	52.2	Yes
				PM	48.2	E	-	81.6	F	33.4	-
6	W Street and Hodgson Street/Chester Street	AWSC	Alignment	AM	33.7	D	Yes	57.5	F	23.8	Yes
				PM	16.7	C	-	24.6	C	7.9	-
7	Dolbeer Street and Chester Street	AWSC	-	AM	9.8	A	-	10.4	B	0.6	-
				PM	9.8	A	-	11.0	B	1.6	-
8	Walnut Drive and Hemlock Street	AWSC	Signal	AM	53.6	F	-	92.3	F	38.7	Yes
				PM	50.3	F	Yes	142.6	F	92.3	Yes
9	Walnut Drive and Redwood Street	TWSC	-	AM	27.8	D	Yes	252.8	F	225.0	Yes
				PM	22.9	C	-	51.2	F	28.3	Yes
10	Walnut Drive and Fern Street	TWSC	-	AM	22.1	C	-	27.1	D	5.0	-
				PM	22.9	C	-	28.1	D	5.2	-
11	Walnut Drive and Arbutus Street	TWSC	-	AM	76.9	F	-	92.5	F	15.6	-
				PM	23.2	C	-	24.9	C	1.7	-
12	Walnut Drive and Cypress Street	AWSC	-	AM	72.4	F	Yes	82.3	F	9.9	Yes
				PM	40.4	E	-	72.9	F	32.5	-

Notes:

TWSC = two-way stop controlled

AWSC = all-way stop control

Source: TKJM 2018



Peak Hour Signal Warrants

Peak hour signal warrants were conducted at each unsignalized intersection operating at LOS E or F under any scenario. Under Existing Conditions, only the intersection of Walnut Drive and Cypress Street (intersection 12) met the peak hour signal warrant in the AM peak hour. With the addition of project traffic, the intersection of Walnut Drive and Hemlock Street (intersection 8) also met the peak hour signal warrant in the PM peak hour. Under Future Conditions, 5 of the 10 unsignalized intersections met the peak hour signal warrants in one or both peak hours: Dolbeer Street and Harris Street (intersection 2), S Street and Hodgson Street (intersection 5), W Street and Hodgson Street/Chester Street (intersection 6), Walnut Drive and Hemlock Street (intersection 8), and Walnut Drive and Cypress Street (intersection 12). With the addition of proposed project traffic, no additional intersections met the peak hour signal warrant.

Under Existing plus Project Conditions, there are potentially significant impacts at Dolbeer Street and Harris Street (intersection 2), S Street and Hodgson (intersection 5), Walnut Drive and Hemlock Street (intersection 8), and Walnut Drive and Redwood Street (intersection 9). Intersections 2 and 8 are among the intersections that may be signalized under the Greater Eureka Area Traffic Impact Fee plan. These intersections were reevaluated under both Existing and Existing plus Project Conditions, with signalization improving operations to LOS B or better at intersections 2, 8, and 9, and all-way stop control improving operations to LOS B/C at intersection 5 under both scenarios.

Under cumulative conditions with the proposed project, in addition to the intersections listed above, there are potentially significant impacts at W Street and Harris Street (intersection 3), W Street and Hodgson Street/Chester Street (intersection 6), Walnut Drive and Arbutus Street (intersection 11), and Walnut Drive and Cypress Street (intersection 12). These intersections were reevaluated under both Future and Future plus Project Conditions. All-way stop control at intersection 5 failed to improve operations to LOS C or better, so signalization was also evaluated. Signalization improved operations to LOS C or better at all impacted intersections during both peak hours under both scenarios (see Table 3.16-5 for the LOS with mitigation).



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Table 3.16-5: Intersection Level of Service With Mitigation

ID	Study Intersection	Control	Planned Project	Peak Hour	Existing			Existing plus Project				Future (2040)			Future Plus Project			
					Delay	LOS	Meet signal warrant?	Delay	LOS	Change in Delay	Meet signal warrant?	Delay	LOS	Meet signal warrant?	Delay	LOS	Change in Delay	Meet signal warrant?
2	Dolbeer Street and Harris Street	TWSC	Signal	AM	34.1	D	-	35.4	E	1.3	-	228.2	F	Yes	248.5	F	20.3	Yes
				PM	50.3	F	-	63.0	F	12.7	-	821.7	F	Yes	1,130.3	F	308.6	Yes
	Mitigation: Signal	Signal	-	AM	8.2	A	-	8.4	A	0.2	-	9.7	A	-	10.2	B	0.5	-
				PM	8.4	A	-	8.6	A	0.2	-	9.8	A	-	10.2	B	0.4	-
3	W Street and Harris Street	TWSC	-	AM	23.4	C	-	23.9	C	0.5	-	49.2	E	-	60.5	F	11.3	-
				PM	25.7	D	-	27.3	D	1.6	-	35.9	E	-	36.9	E	1.0	-
	Mitigation: Signal	Signal	-	AM	-	-	-	-	-	-	-	7.3	A	-	7.3	A	0.0	-
				PM	-	-	-	-	-	-	-	6.9	A	-	7.4	A	0.5	-
5	S Street and Hodgson Street	TWSC	AWSC	AM	31.5	D	-	40.8	E	9.3	-	102.4	F	Yes	154.6	F	52.2	Yes
				PM	21.8	C	-	28.5	D	6.7	-	48.2	E	-	81.6	F	33.4	-
	Mitigation 1: AWSC	AWSC	-	AM	14.9	B	-	18.7	C	3.8	-	29.2	D	-	45.9	E	16.7	-
				PM	12.5	B	-	14.6	B	2.1	-	18.5	C	-	25.3	D	6.8	-
	Mitigation 2: Signal	Signal	-	AM	-	-	-	-	-	-	-	-	-	-	12.8	A	-16.4	-
				PM	-	-	-	-	-	-	-	-	-	-	-	11.6	B	11.6
6	W Street and Hodgson Street/Chester Street	AWSC	Alignment	AM	16.0	C	-	22.6	C	6.6	-	33.7	D	Yes	57.5	F	23.8	Yes
				PM	11.9	B	-	14.5	B	2.6	-	16.7	C	-	24.6	C	7.9	-
	Mitigation: Signal	Signal	-	AM	-	-	-	-	-	-	-	19.6	B	-	27.8	C	8.2	-
				PM	-	-	-	-	-	-	-	9.7	A	-	11.1	B	1.4	-
8	Walnut Drive and Hemlock Street	AWSC	Signal	AM	22.9	C	-	38.8	E	15.9	-	53.6	F	-	92.3	F	38.7	Yes
				PM	21.0	C	-	43.4	E	22.4	Yes	50.3	F	Yes	142.6	F	92.3	Yes
	Mitigation: Signal	Signal	-	AM	8.9	A	-	10.2	B	1.3	-	11.1	B	-	13.0	B	1.9	-
				PM	9.1	A	-	10.6	B	1.5	-	11.4	B	-	13.5	B	2.1	-
9	Walnut Drive and Redwood Street	TWSC	-	AM	18.0	C	-	35.1	E	17.1	Yes	27.8	D	Yes	252.8	F	225.0	Yes
				PM	17.5	C	-	27.6	D	10.1	-	22.9	C	-	51.2	F	28.3	Yes
	Mitigation: Signal	Signal	-	AM	4.3	A	-	6.0	A	1.7	-	5.6	A	-	8.5	A	2.9	-
				PM	4.1	A	-	5.4	A	1.3	-	5.2	A	-	6.1	A	0.9	-
11	Walnut Drive and Arbutus Street	TWSC	-	AM	28.6	D	-	31.5	D	2.9	-	76.9	F	-	92.5	F	15.6	-
				PM	17.3	C	-	18.4	C	1.1	-	23.2	C	-	24.9	C	1.7	-
	Mitigation: Signal	Signal	-	AM	-	-	-	-	-	-	-	6.8	A	-	6.9	A	0.1	-
				PM	-	-	-	-	-	-	-	2.3	A	-	2.4	A	0.1	-
12	Walnut Drive and Cypress Street	AWSC	-	AM	24.3	C	Yes	28.0	D	3.7	Yes	72.4	F	Yes	82.3	F	9.9	Yes
				PM	17.3	C	-	19.5	C	2.2	-	40.4	E	-	72.9	F	32.5	-
	Mitigation: Signal	Signal	-	AM	-	-	-	-	-	-	-	18.1	B	-	21.3	C	3.2	-
				PM	-	-	-	-	-	-	-	6.4	A	-	6.4	A	0.0	-



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Fair Share

As the proposed project will add new trips to the study intersections and is expected to degrade operations at several of them, a fair share contribution was calculated for each intersection where mitigation measures were evaluated. This fair share represents the proportion of capital improvement costs the project would need to contribute to mitigate potentially significant impacts. Fair share contributions were based on Future plus Project Conditions. The project's fair share was defined as the proportion of peak hour traffic growth above Existing Conditions that is due to the proposed project and is provided in Table 3.16-6 below.

Table 3.16-6: Project Fair Share Contributions

ID	Study Intersection	Peak hour	Existing Volume (1)	Project Trips (2)	Future Plus Project Volumes (3)	Cumulative Growth (4)	Project %	Fair Share
2	Dolbeer Street and Harris Street	AM	1,208	44	1,548	340	13%	11%
		PM	1,400	34	1,776	377	9%	
		Total	2,608	78	3,324	716	11%	
3	W Street and Harris Street	AM	1,199	17	1,509	310	5%	8%
		PM	1,428	39	1,817	388	10%	
		Total	2,627	56	3,326	699	8%	
5	S Street and Hodgson Street	AM	986	91	1,318	332	27%	29%
		PM	847	95	1,149	302	31%	
		Total	1,833	186	2,468	635	29%	
6	W Street and Hodgson Street/Chester Street	AM	913	108	1,244	331	33%	37%
		PM	795	134	1,124	329	41%	
		Total	1,708	242	2,368	660	37%	
8	Walnut Drive and Hemlock Street	AM	1,244	172	1,720	476	36%	40%
		PM	1,113	215	1,600	487	44%	
		Total	2,357	387	3,321	964	40%	
9	Walnut Drive and Redwood Street	AM	1,279	172	1,764	485	35%	39%
		PM	1,201	215	1,710	509	42%	
		Total	2,480	387	3,474	994	39%	
11	Walnut Drive and Arbutus Street	AM	1,080	43	1,387	307	14%	17%
		PM	824	54	1,080	256	21%	
		Total	1,904	97	2,467	563	17%	
12	Walnut Drive and Cypress Street	AM	1,186	43	1,519	333	13%	16%
		PM	955	54	1,243	288	19%	
		Total	2,141	97	2,762	621	16%	

Source: TKJM 2018



Mitigation Measures

The proposed project would result in unacceptable LOS at several intersections and require mitigation. For the purpose of identifying mitigation measures, TJKM evaluated intersection control modifications at any intersection where the addition of project traffic caused operations to degrade from LOS D or better to LOS E or F. However, both the City of Eureka and County of Humboldt strive for LOS C. Therefore, MM TRANS-2 below includes all intersections that would result in LOS D or worse under Existing Plus Project conditions. MM TRANS-3 below includes all intersections that would result in LOS D or worse under cumulative conditions with the project.

Alternative Transportation Impacts

As noted in the traffic study, pedestrian access and safety within the vicinity of the project is generally adequate. TRANS-4 would be implemented to address pedestrian safety. The nearest Red and Rainbow Route bus stops are located within 0.5 mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1 to 1.2 miles from the project site. A review of the Humboldt Regional Bicycle Plan Update 2012 prepared by the HCAOG (HCAOG 2012) lists the following proposed bicycle routes in the project area: (1) a proposed north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on "W" Street, Hemlock Street, and Walnut Drive. The proposed project would not conflict with or prevent implementation of the Humboldt Regional Bicycle Plan Update 2012, which did not propose any bicycle facilities within the immediate project area. Therefore, the impact would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM TRANS-1: Traffic Management Plan. Prior to the commencement of construction activities for each phase, the project Applicant shall prepare and submit a Construction Traffic Control Plan for review and approval by the Director of Public Works. The Traffic Management Plan shall identify routing for all delivery and haul trucks and, if necessary, limit deliveries to non-peak times. The Traffic Management Plan shall also identify suitable locations for construction worker parking and identify a safe access route to Redwood Fields Park and adjacent schools. The Traffic Management Plan shall ensure that access to adjacent land uses on Redwood Street and Walnut Drive is provided at all times. The Traffic Management Plan shall be maintained and updated for all phases of construction.

MM TRANS-2: Intersection Improvements. Prior to issuance of building permits, the Applicant shall make all the intersection improvements identified below to mitigate direct project impacts, subject to approval of the Public Works Director. Alternatively, the Applicant shall submit updated traffic studies prior to issuance of building permits for each phase that would determine the specific intersection improvements needed to maintain acceptable Level of Service (LOS) at the following intersections with the development of each individual phase and accordingly implement the phase specific improvement, subject to approval of the Public Works Director. If improvements are phased, all intersection improvements identified below shall be completed prior to the issuance of the building permit for 320 residential units.



- Install traffic signal at the intersection of Dolbeer Street and Harris Street
- Install traffic signal at the intersection of W Street and Harris Street
- Install all way stop control at the intersection of S Street & Hodgson Street
- Install traffic signal at the intersection of Walnut Drive and Hemlock Street
- Install traffic signal at the intersection of Walnut Drive and Redwood Street
- Install traffic signal at the intersection of Walnut Drive & Arbutus Street
- Install traffic signal at the intersection of Walnut Drive & Cypress Street

The Applicant may request that the County enter into a reimbursement agreement for costs associated with improvements that are beyond the scope of the development project. The reimbursement agreement shall be at the sole discretion of the County and final cost estimates and reimbursement amounts shall be subject to prior approval of the Public Works Director.

MM TRANS-3: Fair Share Contribution. Prior to issuance of building permit for the final phase, the Applicant shall pay its fair share for installation of traffic signals at the following intersections subject to approval of the Public Works Director:

- Intersection of S Street & Hodgson Street
- Intersection of W Street & Hodgson Street/Chester Street

MM TRANS-4: Accessibility. All newly constructed streets shall provide adequate sidewalks and Americans with Disabilities Act-compliant curb ramps, with marked crosswalks as needed.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Vehicle Miles Traveled

Impact TRANS-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).

Impact Analysis

SB 743 ((Steinberg, Chapter 386, Statutes of 2013) required changes to the CEQA Guidelines (CCR Title 14, Div. 6, Ch. 3, Section 15000 et seq.) regarding the analysis of transportation impacts. OPR proposed changes to the CEQA Guidelines that identify VMT as the most appropriate metric to evaluate a project's transportation impacts. Regulatory changes to the CEQA Guidelines that implement SB 743 were approved on December 28, 2018. July 1, 2020 is the statewide implementation date and County of Humboldt and the City of Eureka may opt in use of new metrics prior to that date. The County of Humboldt and the City of Eureka have not adopted new guidelines or thresholds of significance for evaluating VMT. Therefore, the following VMT discussion is presented as a qualitative analysis.



Generally, SB 743 moves away from using delay-based LOS as the primary metric for identifying a project’s significant impact to VMT. The final Technical Advisory released by OPR in December 2018 provides guidance on evaluating transportation impacts and VMT. The Technical Advisory recommends new significance thresholds that may constitute a significant transportation impact. The recommended significance thresholds are summarized in Table 3.16-7 below.

Table 3.16-7: VMT Significance Thresholds

Type of Development	Metric	Threshold of Significance
Residential development	Household VMT per capita	15% less than existing city household VMT per capita or regional household VMT per capita
Office development	VMT per employee	15% less than existing regional VMT per employee
Retail development	Total VMT	If project causes a net increase in total VMT

If a significant impact is identified utilizing the aforementioned significance thresholds, mitigation must be identified. The overall goal of utilizing VMT and the newly defined significance thresholds is to meet statewide air quality and GHG emissions targets, promote more efficient development patterns, and facilitate use of transit and non-motorized transportation.

Based on OPR’s recommended thresholds of significance, the proposed project would have to result in an average household VMT per capita that is either 15 percent less than the existing City of Eureka or County household VMT per capita, or 15 percent less than the regional average household VMT per capita. Given the proposed project’s geographical location at the easterly edge of the City of Eureka, it would likely have an average VMT per capita greater than the City of Eureka average. However, in a regional context, the proposed project site is closer to the urbanized portion of the City of Eureka than most areas of the region. Therefore, the proposed project would likely have a lower than average VMT per capita in comparison to the regional average. The County of Humboldt and the City of Eureka have not yet adopted thresholds of significance in regard to VMT; however, based on a qualitative analysis, VMT impacts are expected to be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



Geometric Design Features or Incompatible Uses

Impact TRANS-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

Ingress/egress to and from the proposed mixed-use residential/commercial subdivision will be by eastward extensions of Arbutus and Redwood Streets from Cedar Street. A street network will be constructed to serve the subdivision. No dangerous conditions have been identified. No incompatible uses such as farm equipment are proposed by the project. All proposed transportation improvements to accommodate the project will be reviewed by and constructed to the standards of the Public Works Department to ensure that no hazardous design features will be developed as part of the project. Impacts would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Emergency Access

Impact TRANS-4: The proposed project would not result in inadequate emergency access.

Impact Analysis

Construction and operation of the proposed project may affect streets in the project area, including installation of sewer line in Redwood Street and Walnut Drive. However, no full street closures are anticipated. The proposed roads and improvements would be constructed to meet County standards and as noted in MM TRANS-1, Traffic Management Plan, emergency access would be allowed at all times along the area roadways impacted by the project. Additionally, the proposed project would not affect any existing County emergency access routes. The proposed project would be designed to incorporate all required Humboldt Bay FPD standards to ensure that the project would not result in hazardous design features or inadequate emergency access. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM TRANS-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



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3.17 TRIBAL CULTURAL RESOURCES

This section describes the environmental and regulatory setting for TCRs. It also describes existing conditions and potential impacts on TCRs that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.17.1 Environmental Setting

Refer to Section 3.5, Cultural Resources, for the ethnographic contextual information.

3.17.2 Regulatory Setting

Refer to Section 3.5, Cultural Resources, for the federal, state, and local regulations that apply to TCRs.

AB 52 Consultations

AB 52 changed sections of the PRC to add consideration of Native American culture to CEQA analyses. The goal of AB 52 is to promote the involvement of California Native American Tribes in the decision-making process when it comes to identifying and developing mitigation for impacts to resources of importance to their culture. To reach this goal, the bill establishes a formal role for tribes in the CEQA process. CEQA lead agencies are required to consult with tribes about potential TCRs in the project area, the potential significance of project impacts, the development of project alternatives, and the type of environmental document that should be prepared. AB 52 specifically states that a project that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment. The County initiated tribal consultation under AB 52, as appropriate.

AB 52 and Other Consultation Results

On December 8, 2016, Roscoe & Associates contacted the NAHC, requesting a search of their SLF and a list of local Native American groups and individuals who may have interests and/or concerns regarding the proposed project (Roscoe & Associates 2017).

The NAHC responded on December 14, 2016, stating that the search of the SLF yielded negative results. They also provided a list of Native American groups and individuals to be contacted regarding the project. On January 17, 2017, Roscoe & Associates sent letters to all of the contacts on this list.

Erika Cooper, THPO for the Bear River Band of Rohnerville Rancheria, and Janet Eidsness, THPO for the Blue Lake Rancheria, stated that they were not aware of any sites at the project site, but asked to be informed of the results of the archaeological field survey. Tom Torma, THPO for the Wiyot Tribe, stated that he was not aware of any sites at the project site.

Roscoe & Associates contacted THPO Cooper and THPO Eidsness following the completion of the field survey to inform them that no resources had been identified during the survey. No further concerns were expressed at the time. Please see the Roscoe & Associates report (Appendix D1) for additional information and for the records of this correspondence.

In early March 2020, as part of Humboldt County's compliance with AB 52, Trevor Estlow, Humboldt County Senior Planner, contacted the Blue Lake Rancheria, Bear River Band of the Rohnerville



Rancheria, and Wiyot Tribe to discuss the addition of the water storage tank site. Beyond recommending implementation of inadvertent archaeological discovery protocols, Janet Eidsness, THPO for the Blue Lake Rancheria, stated that the Blue Lake Rancheria did not require further consultation. She described the water storage tank site as previously disturbed and having a low sensitivity. Erika Cooper, THPO for the Bear River Band of the Rohnerville Rancheria, said that they do not request any further consultation for this project and requested the inclusion of the standard inadvertent discovery language. Wiyot Cultural Director and Chairman, Ted Hernandez, concurred with the Blue Lake Rancheria and Bear River Band of the Rohnerville Rancheria. Please see the email correspondence regarding the water storage tank site (Appendix I) for additional information and for the records of this correspondence.

3.17.3 Methodology for Analysis

The entire project site was considered as the limits of physical disturbance in relation to the geographical extent of where project actions could be implemented. Potential effects on significant TCRs, as defined by PRC Section 21074 were evaluated based on the background research conducted at NWIC's CHRIS, consultation with Native American Tribes (Appendix I and Section 3.5), an archaeological survey, and a review of historic maps and ethnographic documents.

3.17.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may cause a substantial adverse change in the significance of a TCR defined in PRC 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:

- Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
- 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.



3.17.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts on TCRs associated with the proposed project and provides mitigation measures where necessary.

Significant Tribal Cultural Resources

-
- Impact TRIB-1:** The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
-

Impact Analysis

The archival research, the NWIC records search, the archaeological field survey, and the Native American correspondence performed as part of the cultural resource analysis did not identify any known TCRs as defined by PRC Sections 21047 or 5020.1(k) within the project area. However, there is a potential for encountering previously undiscovered TCRs during project implementation, due to the proximity of Ryan Creek and Humboldt and Arcata Bays.

The proposed project is not anticipated to have an impact on any known or potential TCRs. However, ground disturbance and subsurface construction activities, such as trenching and grading associated with the proposed project, could potentially damage or destroy previously undiscovered TCRs. MM CUL-1, MM CUL-2, and MM CUL-3 require the implementation of standard inadvertent discovery procedures to reduce potential impacts to previously undiscovered TCRs (MM CUL-1), a cultural resource awareness training by a qualified archaeologist (MM CUL-2), and procedures for Human Burials encountered during construction (MM CUL-3). With the implementation of MM CUL-1, MM CUL-2, and MM CUL-3, potential impacts would be reduced to a level of less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact

Mitigation Measures

MM CUL-1, MM CUL-2, and MM CUL-3 are required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



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3.18 UTILITIES AND SERVICE SYSTEMS

This section describes the environmental and regulatory setting for water, wastewater, and solid waste. It also describes existing conditions and potential impacts on utilities and service systems that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible. Section 3.6, "Energy," contains information related to electricity and natural gas in the County. Stormwater and groundwater water resources is addressed in Section 3.10, "Hydrology and Water Quality."

3.18.1 Environmental Setting

HCSD provides water, wastewater, and street lighting services to the unincorporated areas surrounding the City of Eureka, including the project area. The project site will be annexed into the HCSD service boundary. HCSD has updated its SOI to include the project site under a separate CEQA review (SHN Engineers and Geologists 2014).

Wastewater

HCSD currently maintains 6,326 sewer service accounts, 97 of which are associated with commercial users, with the remainder associated with residential users (SHN Engineers and Geologists 2014). HCSD's wastewater infrastructure includes 29 wastewater pumping stations, and about 78 miles of sewer mains. Five of HCSD's lift stations are located in the Pine Hill area, five in the Rosewood area, five in the Cutten and Ridgewood areas, six in the Myrtle town area, three in the King Salmon area, and five in the Humboldt Hill area. HCSD's peak daily wastewater flow is approximately 1.92 MGD, with an average wastewater flow of 0.92 MGD (SHN Engineers and Geologists 2014). HCSD has an agreement with the City of Eureka to purchase approximately 30 percent of the capacity at the City of Eureka Elk River WWTP, which has a current peak dry weather treatment capacity of 8.6 MGD and peak wet weather treatment capacity of 12 MGD (Order No. R1-2016-0001 NPDES No. CA0024449) (RWQCB 2016).

Water

Water services within the project area are provided by HCSD. HCSD supplies water to 7,698 active connections, approximately 97 percent of which are residential and 3 percent commercial. Water service is not provided to any industrial uses. In 2015, a total of 740.2 million gallons of water was distributed to customers within the HCSD service area. Average daily use for HCSD customers is estimated at 2.03 MGD in 2015, and peak daily use estimated at 3.6 MGD (Humboldt County 2017c).

HCSD receives approximately 74 percent of its water from HBMWD and the City of Eureka. HCSD also maintains three water supply wells (two active and one active backup) that supplement the water supply, with a rated capacity of 1,580 gpm, or 2.28 MGD. HCSD's active connection with the City of Eureka has a capacity of 800 gpm, or 1.15 MGD. Its contract with the HBMWD allows for a peak rate allocation of 2.9 MGD. Therefore, the combined source capacity is estimated at 6.33 MGD. HCSD has expressed the requirement for a water storage tank to serve the proposed project, and a study to determine the size of the tank and identify infrastructure to support fire suppression is currently underway. The new water storage tank would be located adjacent to the existing tank on HCSD property, as shown in Figure 2-3.



Solid Waste

The Humboldt Waste Management Authority (HWMA) is a Joint Powers Authority (JPA) that was created to provide economic coordination of solid waste management and disposal services. The regions that are a part of the JPA include the County and the cities of Arcata, Blue Lake, Eureka, Ferndale, Rio Dell and Trinidad. The HWMA manages contracts with solid waste disposal companies and coordinated the disposal of solid waste collected within the boundaries of member jurisdictions. In addition, the HWMA manages waste reduction programs on behalf of the County (Humboldt County 2017c).

The HWMA owns and operates the Hawthorne Street Transfer Station (HSTS), the Eureka Recycling Center, and the Cummings Road Landfill (which is pending closure). Waste from this transfer station is then transported to either the Anderson Landfill in Shasta County, or the Dry Creek Landfill near Medford, Oregon. The Anderson Landfill has a daily permitted disposal of about 1,018 tons/day, and a remaining capacity of about 8 million tons. The Anderson Landfill is not expected to reach capacity until 2036. The Dry Creek Landfill has a remaining capacity of about 50 million tons without additional site expansion. It is anticipated that the Dry Creek Landfill could provide disposal capacity for its current service area, including the County, for another 75 to 100 years (Humboldt County 2017c).

Member agencies direct their respective franchise solid waste haulers to HSTS, or to one of the HWMA's contracted satellite facilities, to dispose of the solid waste. However, many residents living in incorporated and unincorporated areas of the County are served by licensed commercial waste haulers or franchise haulers. There are nine specific franchise areas with services provided by one of the five commercial haulers. The Greater Eureka area is served by Recology Humboldt County (Humboldt County 2017c).

The HSTS is the closest transfer station to the proposed project, located at 1059 West Hawthorne Street, in Eureka, approximately 4 miles northwest of the project site. This transfer station receives more than 60,000 tons of municipal solid waste annually and offers a one-stop service that includes the Eureka Recycling Center and hazardous waste collection services (HWMA 2019).

Telecommunication Services

Although County residents and businesses overall are underrepresented in terms of provider choice and speed, the Eureka area (including the proposed project area) has a combined upload and download speed of 10 to 100 megabytes per second for high-speed internet or broadband capability. This service is provided by a variety of providers, including Comcast, AT&T, and Suddenlink (Humboldt County 2017a).

Energy

Electricity is supplied to the project area by PG&E, which currently has an extensive system of natural gas and electrical facilities in the area. The existing utilities in the area would be extended as part of the proposed project to cover the new development.



3.18.2 Regulatory Setting

State

Porter Cologne Water Quality Control Act

The State of California established the SWRCB, which oversees the nine RWQCBs, through the Porter-Cologne Act. Through the enforcement of the Porter Cologne Act, the SWRCB determines the beneficial uses of the waters (surface and groundwater) of the state, establishes narrative and/or numerical water quality standards, and initiates policies relating to water quality. The SWRCB and, more specifically, the RWQCB, is authorized to prescribe WDRs for the discharge of waste, which may impact the waters of the State. Furthermore, the development of water quality control plans, or Basin Plans, are required by the Porter-Cologne Act to protect water quality. The SWRCB issues both general construction permits and individual permits under the auspices of the federal NPDES program.

Urban Water Management Planning Act

In 1983, the California Legislature enacted the Urban Water Management Planning Act (Water Code Sections 10610–10656). The Urban Water Management Planning Act requires that every urban water supplier that provides water to 3,000 or more customers, or that provides over 3,000 AFY shall prepare and adopt an Urban Water Management Plan (UWMP). Water suppliers are required to prepare a UWMP within a year of becoming an urban water supplier and update the plan at least once every five years. The Urban Water Management Planning Act also specifies the content that is to be included in an UWMP. It is the intention of the legislature to permit levels of water management planning commensurate with the number of customers served and the volume of water supplied. The Urban Water Management Planning Act states that urban water suppliers should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple-dry years. The Urban Water Management Planning Act also states that the management of urban water demands, and the efficient use of water shall be actively pursued to protect both the people of the state and their water resources. The latest HCSD UWMP is the 2015 UWMP and was adopted in May 2016. The latest HBMWD UWMP is the 2015 UWMP and was adopted in June of 2016 (HCSD 2016; HBMWD 2016).

California Integrated Waste Management Act (AB 939 and AB 341)

To minimize the amount of solid waste that must be disposed of by transformation (i.e., recycling) and land disposal, the Legislature passed the California Integrated Waste Management Act of 1989 (Assembly Bill [AB] 939), effective January 1990. According to AB 939, all cities and counties are required to divert 25 percent of all solid waste from landfill facilities by January 1, 1995, and 50 percent by January 1, 2000. Solid waste plans are required to explain how each city's AB 939 plan will be integrated within its respective county plan. They must promote (in order of priority) source reduction, recycling and composting, and environmentally safe transformation and land disposal. In 2010, the state legislature passed AB 341 (Chesbro) which set a statewide recycling goal of 75 percent by 2020, which is anticipated to be achieved through source reduction, recycling, and continued diversion of materials such as organic wastes (Humboldt County 2017c).



Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017, contains several policies that directly pertain to utilities and service systems, including the following:

Goal IS-G1. Adequate Infrastructure and Services. Well maintained public infrastructure and services supporting existing development.

- **Policy IS-P3: Requirements for Discretionary Development.** The adequacy of public infrastructure and services for discretionary development greater than a single family residence and/or second unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that:
 - A. Existing services are adequate; or
 - B. Adequacy will be attained concurrent with project implementation through project conditions; or
 - C. Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or
 - D. Evidence in the record supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community.
- **Policy IS-P4: Fiscal Impact Assessment.** The fiscal impacts of discretionary development (i.e. projects that require the preparation of an Environmental Impact Report that may have significant impacts on existing and planned public infrastructure and services) shall be considered during the project review process. Significant adverse effects shall be mitigated to the extent feasible.
- **Policy IS-P9: District Boundaries, Spheres of Influence, and Community Plans.** District boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services.

Goal WR-G6. Public Water Supply. Public water systems able to provide adequate water supply to meet existing and long-term community needs in a manner that protects other beneficial uses and the natural environment.

Goal T-G1. Deployment and Availability. Communications, including high speed broadband, available to every resident, business, and institution in Humboldt County at a level of service and at a price comparable to urban communities.

Goal T-G2. Broadband Access. A broadband internet infrastructure that reliably connects Humboldt to national networks and extends throughout urbanized areas to our most rural communities.

Goal T-G3. New Construction. Broadband service capability integrated into new buildings and developments.

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Goal T-G3. New Construction. Broadband service capability integrated into new buildings and developments.

- **Policy T-P1: Development of Communications Infrastructure and Services.** Support the development of communications infrastructure and services to facilitate the use of the best available technology for business, households, and government.
- **Policy T-P13: Subdivision Improvements Requirements.** New residential and commercial development projects shall include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment and flexible telephone conduit to allow for easy retrofit for high-speed data systems.
- **Policy T-P18: Trip Reduction.** Encourage communications infrastructure improvements and expansion as a means to reduce transportation impacts and improve air quality.
- **Policy T-P1: Development of Communications Infrastructure and Services.** Support the development of communications infrastructure and services to facilitate the use of the best available technology for business, households, and government.
- **Policy T-P13: Subdivision Improvements Requirements.** New residential and commercial development projects shall include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment and flexible telephone conduit to allow for easy retrofit for high-speed data systems.
- **Policy T-P18: Trip Reduction.** Encourage communications infrastructure improvements and expansion as a means to reduce transportation impacts and improve air quality.

Goal WM-G3. Reduce Waste. Reduce the amount and toxicity of waste generated by residents, businesses, industries, and institutions in the County to the greatest possible degree.

- **Policy WM-P1: Basic Principles.** The basic principles for program selection include:
 - Achieving the maximum feasible reduction in volume and/or weight of waste requiring landfill disposal;
 - Maximizing the economic value of materials heretofore discarded; and,
 - Accomplishing both of the above in ways which protect the quality of the environment and the health and safety of county citizens.

Humboldt County Integrated Waste Management Plan

Pursuant to the California Integrated Waste Management Act of 1989, the state has mandated a 50 percent reduction in the rate of solid waste directed to a landfill by 2000 for all municipal solid waste and established a statewide diversion 75 percent goal by 2020 for all municipal solid waste. To encourage the increase in diversion of solid waste from landfills, the California Integrated Waste Management Act also requires that each jurisdiction prepare a local IWMP that evaluates recycling programs, purchasing of recycled products, and waste minimization.



The County has prepared and adopted an IWMP, consistent with the Integrated Waste Management Act. The IWMP addresses source reduction and recycling, household hazardous waste, and countywide landfill capacity needs. Solid waste generation in the County has been reduced by more than half, between the years 1990 to 2014, decreasing from approximately 168,575 to 75,467 annual tons. The unincorporated area disposed of approximately 33,570 tons of solid waste in 2014, or approximately 2.6 pounds per person per day. The 2014 waste diversion rate for the unincorporated area of the County is 79 percent, according to the most recent Jurisdiction Profile published by the California Department of Resources Recycling and Recovery (CalRecycle) (Humboldt County 2017c).

Humboldt County Code

Section 331.11.5., Water Supply Requirements, includes minimum water supply requirements for new buildings within the County. This code states:

An applicant for a building permit must provide proof acceptable to the Chief Building Inspector and Health Department that each dwelling unit will be served by an individual water supply which will supply at least 720 gallons of potable water per day or by a public water supply which conforms to the requirements of the State of California Waterworks Standards (22 California Administrative Code § 64551 et seq.).

3.18.3 Methodology for Analysis

This section is based on a review of available studies and documents from the County, as well as state and local websites related to utilities.

3.18.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Require or result in the relocation or construction of new or expanded water, wastewater, or stormwater drainage, electrical power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have sufficient water supply available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.



3.18.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to utilities and services systems. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Relocation or Construction of Utility Facilities

Impact UTIL-1: The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Impact Analysis

Water

The proposed project would be served by HCSD infrastructure, including infrastructure located adjacent to the western edge of the project site, at Fern Street and Redwood Street. All water delivery to the project site, including water for landscape irrigation, fire protection, would come from the HCSD's municipal water supply. Water capacity is discussed in further detail under Impact UTIL-2, below.

The proposed project would require infrastructure improvements within the planned roadways for the project and would connect to the existing system HCSD system to provide water to the residential and commercial units. The proposed project also includes construction of a water storage tank adjacent to the existing HCSD water tank at an off-site location approximately 2.5 miles to the south of the proposed development. The new water storage tank would connect to the existing tank and impacts related to construction of the water tank are discussed in other sections of the EIR. No infrastructure extension from the proposed water storage tank would be required to connect to the proposed development. The proposed development would connect to the existing infrastructure and it is unknown if adequate pressure would be available to serve the project site. As discussed in Section 3.19, the proposed development would be located in a high fire hazard zone and therefore, having adequate water to service the proposed project but also have adequate pressure flows to service any needed fire hydrants, pressure storage tanks, or other emergency fire flow systems in case of a wildfire is crucial. MM UTIL-1 would require the preparation of a Water Supply, Pressure, and Storage Study that would address the adequate pressure flow to serve the project site including enough firefighting flow capacity. Less than significant impacts would occur with the construction of new or expanded water facilities with mitigation incorporated.

Wastewater

Wastewater pipelines would be extended to the project site from the existing utilities in the area, and wastewater collection and treatment would be provided by HCSD. Wastewater treatment capacity is discussed further under Impact UTIL-3 below.

A new sewer lift station would be added to the northeastern portion of the project site that is planned to be left as undeveloped forest land. All sewage within the subdivision would gravity flow to the low point at the north end of the subdivision to the new sewage lift station where the sewer would then be pumped through the proposed sewer line in Redwood Street and Walnut Drive. The new sewer line would



discharge to the existing sanitary sewer manhole located on Hemlock Street and Walnut Drive. The addition of these minor wastewater infrastructure facilities would be used to serve the new development at the project site. The construction of sewer line on Redwood Street and Walnut Drive would be located within County right of way. Construction impacts would be mitigated through implementation of MM TRANS-1, Traffic Management Plan. In addition, this area was planned for development, which would anticipate the need for new infrastructure. With the exception of the new lift station, a majority of these new wastewater infrastructure facilities would be located below ground after construction is complete and would not pose a significant environmental effect. Therefore, the proposed project would not result in construction of new or expanded wastewater facilities beyond those analyzed in this EIR that would cause a significant environmental effect. The impact would be less than significant with mitigation incorporated.

Storm Drainage

Development of the proposed project would create additional impervious surfaces for roads, rooftops, driveways, and compacted soils that could result in an increase in stormwater runoff. The proposed project site would be located in an area where stormwater runoff would be collected in a range of drainage facilities (such as curbs and gutters along the roadways) which would then flow to HCSO. Stormwater facilities in this area are managed by the County Public Works Department and must comply with the County's subdivision regulations and applicable stormwater standards in order to receive project approval. Additionally, a portion of the project site is within the County's MS4 Permit jurisdiction, and each individual parcel within the development would be required to comply with the MS4 Permit requirements. The proposed project would require implementation of MM HYD-2, Prepare a Stormwater Quality and Drainage Management Plan, to address project runoff post construction. Runoff during construction would be addressed through MM HYD-1, Prepare a Stormwater Pollution and Prevention Plan (SWPPP).

As noted in MM HYD-3, Prepare a Low Impact Development Plan, the proposed project would incorporate a combination of LID features, including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. All proposed roadways would have a depressed parkway adjacent to the road surface that would function as a bioswale for roadway drainage. Storm drain inlets would be located within the bioswales to convey drainage to the storm drain system for flows exceeding the 85th percentile storm. Storm drainage would then be conveyed to the drainage area outlet. Each drainage management area within the MS4 Permit area would require additional stormwater detention. Therefore, with compliance with the MS4 Permit requirements and incorporation of the LID design features, the proposed project would not result in construction of new or expanded storm drain facilities that would cause a significant environmental impact. The impact would be less than significant with mitigation incorporated.

Electric Power/Natural Gas/Telecommunications

Development of the proposed project would require new electrical, natural gas, and telecommunications infrastructure to serve the future residents and commercial business in the area. Underground electricity and natural gas lines would be extended to the project site from existing facilities within the Fern Street right-of-way. Service would be provided by PG&E. A 40- to 50-foot-wide easement would be provided along the existing high voltage power line, which would not require relocation as part of the project. These facilities, once constructed, would be underground and would not pose a substantial adverse impact to the environment. Therefore, the proposed project would not result in construction of new or expanded electrical, natural gas, and telecommunications facilities that would cause a significant environmental impact. This impact would be less than significant.



Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM UTIL-1: Water Supply Pressure and Storage Study. Prior to filing a map for the first phase of the subdivision, the Applicant shall prepare and submit an approved Water Supply, Pressure, and Storage Study to the Humboldt County Public Works to demonstrate that adequate water supplies are available for the proposed development including water for fire suppression. In addition, the study shall include information on adequate pressure flows to serve the project site including adequate firefighting flow.

Mitigation measure TRANS-1 would also be required.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation Incorporated.

Water Supply

Impact UTIL-2: The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Impact Analysis

According to the County General Plan EIR, HCSD purchases water from HBMWD, which currently has 40 to 45 MGD of water available above what is needed for its municipal customers. As such, projected growth in areas served by HBMWD through 2040 is not expected to require significant expansion of existing water supplies (Humboldt County 2017c). Further, the County General Plan EIR states that “serving all of its customers (seven wholesale customers and approximately 200 retail customers) will require less than 15 percent of its 84,000-AFY entitlement in 20 years” (Humboldt County 2017c). Section 7.2 of the HBMWD UWMP 2015 also shows that Mad River and Ruth Lake can provide sufficient water supply to retail water suppliers, HBMWD retail customers, industrial customers, and system losses during normal, single dry, and multiple dry years between now and 2035 (HBMWD 2016). As such, for the planned unit development within the HBWMD service area, there is both sufficient capacity and infrastructure to support such growth through 2035. HCSD’s system specifically has a total of 5 MGD of storage capacity currently, has a peak daily water consumption of approximately 3.20 MGD, and an average daily water consumption of approximately 2.56 MGD (SHN Engineers and Geologists 2014).

Development of the proposed project would result in an increase in long-term water demand for consumption, operational uses, maintenance and other activities on the proposed project site. Table 3.18-1 shows the proposed project’s estimated water demand. As shown in Table 3.18-1, the proposed project would generate an average daily water demand of approximately 231,610 GPD at build-out. As stated above, the HBMWD is currently only using 15 percent of its 84,000 AFY of entitled water capacity to serve existing customers. Since the proposed project would result in 231,610 GPD, or approximately 259 AFY, this would result in a 0.3 percent increase in current water use and would, therefore, be well below the 84,000-AFY entitlement of the HBMWD. This water demand does not include the requirement for adequate pressure flows to service any needed fire hydrants, pressure storage tanks, or other emergency fire flow systems in case of a wildfire. A Water Supply, Pressure, and Storage Study is currently underway



to determine adequate capacity and pressure flows to serve the proposed development. Since the results of the Water Supply, Pressure, and Storage Study are unknown at the time this EIR was prepared, MM UTIL-1 would be required to ensure that adequate pressures, and supporting infrastructure are included in the proposed project. HCSD has identified the location of the water storage tank and no other off-site improvements are required other than those discussed in this EIR. If the Water Supply, Pressure, and Storage Study identifies any other off-site improvements not evaluated in this EIR, additional CEQA review would be required. With implementation of MM UTIL-1, impacts would be less than significant.

Table 3.18-1: Estimated Water Demand

Land Use	Proposed Project Unit Amount	Water Demand	Proposed Project Demand (GPD)
Dwelling Units (du) ¹	320 d.u.	720 GPD per d.u.	230,400
Commercial	22,000 square feet	55 GPD per 1,000 square feet	1,210
Total			231,610

Note: This is a conservative estimate as the same water demand is utilized for multi-family, single-family, and affordable units.
Source: HCSD 2016; Humboldt County Code Section 331.11.5.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM UTIL-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact With Mitigation Incorporated.

Wastewater Treatment

Impact UTIL-3: The proposed project would result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.

Impact Analysis

The proposed project would result in an increase in daily wastewater flows from the project site to the existing wastewater collection system. As discussed in Section 3.8.1, Environmental Setting, HCSD’s existing peak wastewater flow is approximately 1.92 MGD. Through HCSD’s agreement with the City of Eureka Elk River WWTP, HCSD is entitled to 30 percent of the City of Eureka Elk River WWTP’s capacity, which would equate to approximately 2.58 MGD peak dry weather capacity at the WWTP. Wastewater generation from the proposed project is estimated to be less than the average water demand of 0.23 MGD and would not result in exceedance of permitted wastewater treatment capacity for peak dry weather. The County General Plan EIR stated that, based on a 2008 analysis of average dry weather flow at the Elk River WWTP and corrected for District growth through 2015, the HCSD has WWTP capacity that can accommodate about 2,689 additional equivalent dwelling units (Humboldt County 2017c). Thus, the proposed project’s additional wastewater flows would not substantially or incrementally exceed the



existing treatment capacity of the HCSD's wastewater collection system or the City of Eureka Elk River WWTP capacity. Impacts with respect to wastewater treatment capacity would be less than significant.

In summary, the proposed project would not require or result in the construction of new or expanded wastewater treatment capacity beyond what has been planned for either during construction or operation of the proposed project, and sufficient wastewater capacity would be available to serve the proposed project. Therefore, the impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Solid Waste

Impact UTIL-4: The proposed project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Impact Analysis

Construction Waste Generation

Construction of the proposed project would include the construction of approximately 640,000 square feet of residential space and 22,000 square feet of commercial space. An estimate of the total construction debris generation anticipated for the proposed project is provided in Table 3.18-2 below. The estimates for construction debris waste generation rates were provided by the USEPA's *Characterization of Building-Related Construction and Demolition Debris in the United States* (USEPA 1998).

Table 3.18-2: Construction Solid Waste Generation

Activity	Type	Waste Generation (pounds/square foot)	Square Feet	Waste Generation (tons)
Construction	Nonresidential	3.89	22,000	85,580
	Residential ¹	4.38	640,000	2,803,200
Total				2,888,780

Note: Because exact square footage for residential dwelling is not known at this time, an average square footage of 2,000 was used for the 320 dwelling units.

Source: USEPA 1998



Implementation of the proposed project is estimated to generate 2,888,780 tons of construction debris. However, pursuant to AB 341, 75 percent of the construction waste would require to be recycled, resulting in 722,195 tons of waste to be diverted to a landfill. Moreover, this tonnage would be spread out over the length of the 20-year phased developed for the proposed project, and actual volumes of construction waste disposed of at any one time are not expected to be more than several tons of debris. This construction related waste would be hauled to the HSTS, or most current permitted transfer or landfill site, as approved by the County. As discussed in Section 3.8.1, Environmental Setting, the surrounding landfills in in the area have enough capacity to serve Humboldt County for the next 75 to 100 years. Therefore, the construction debris generated from the project would not result in the need for additional soils waste collection or expanded landfill capacity. Construction impacts related to solid waste would therefore be less than significant.

Operational Waste Generation

Operation of the proposed project would include daily and annual solid waste generation from the residences and commercial businesses. Estimates of the annual solid waste generation for the proposed project are included in Table 3.18-3 below. The waste generation rates are conservative assumptions obtained from the *Estimated Solid Waste Generation Rates* listed on the CalRecycle website. Although CalRecycle does not officially endorse any of these rates, they are being used in providing a general level of information for planning and analysis purposes of this section.

Table 3.18-3: Operational Solid Waste Generation

Activity	Size	Waste Generation Rate	Daily Total (tons)	Annual Total (tons)
Commercial	22,000 square feet	13 lbs/1000 square feet/day	0.14	52.2
Residential	320 housing units	13 lbs/household/day	2.08	759.2
Total			2.2	811.4

Source: CalRecycle 2019

Solid waste generated by the proposed project would be recycled or collected by private waste haulers as contracted by the Applicant and permitted by the County and taken for disposal to the HSTS or one of the County’s permitted transfer station locations. As shown in Table 3.18-3, operational waste would equate to approximately 2.2 tons of waste per day, or 811.4 tons of waste annually. This would represent an approximately 0.014 percent increase in HSTS’s of annual solid waste disposal quantity of 60,000 tons. While regional landfill capacity would be available to accommodate this amount of solid waste, this figure could be substantially reduced through recycling and waste reduction practices. The single-family residential dwelling units would be served with curbside solid waste and recycling collection service, which is a standard municipal service provided to all single-family residences. Multi-family residential uses and commercial uses typically employ centralized solid waste collection facilities and do not always offer convenient recycling options. To ensure that that the multi-family residential uses provide on-site recycling collection facilities, MM UTIL-2 is proposed requiring the provision of such facilities. The implementation of this MM would reduce potential impacts to a less than significant level.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM UTIL-2: Recycling Bins. Prior to issuance of final certificate of occupancy for each multi-family residential building and commercial development, the project Applicant shall install on-site recycling collection facilities. Such facilities shall be provided in centralized locations within enclosed facilities. Signage shall clearly identify accepted materials, and recycling collection vessels (i.e., dumpsters, receptacles, bins, totes, etc.) shall be distinctly different in appearance from solid waste collection vessels.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Solid Waste Statutes and Regulations

Impact UTIL-5: The proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact Analysis

As discussed under Impact UTIL-4, construction of the proposed project would generate debris including excess concrete, excess building materials, and excess excavated materials. The proposed project would comply with AB 341 for recycling 75 percent of solid waste. Operation of the proposed project would generate solid waste from daily residential and commercial uses. Some of the material excavated during construction would be used as backfill within the project site such as during the placement of utilities and pipelines for the residences and buildings, which would reduce waste disposal at the HSTS. The proposed project construction and operation would be in compliance with both the state and local regulations relevant to waste. Construction waste is expected to be limited and would be spread out over the 20-year phase lifetime of the proposed project and, as such, would not impact local landfills with substantial amounts of waste at any given time. Operation of the proposed project would not result in substantial amounts of solid waste beyond what is typical for a subdivision. In addition, MM UTIL-2 would ensure that recycling is being implemented. Therefore, construction and operation of the proposed project would not conflict with any of the applicable goals and regulations, and this impact would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



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3.19 WILDFIRE

This section describes the environmental and regulatory setting for wildfires. It also describes existing conditions and potential impacts relative to wildfires that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.19.1 Environmental Setting

There are 39 fire departments providing fire protection to unincorporated communities and cities in the County including: one County Service Area; seven Community Service Districts; 18 FPDs, one Resort Improvement District, one city fire department, one Joint Powers Authority comprising a city and an FPD, and 12 fire companies in unincorporated towns not associated with local government agencies (including the Hoopa and Yurok Volunteer Fire Departments) that may be established pursuant to Sections 14825 through 14860 of the California Health and Safety Code (Humboldt County 2017c).

The project area is within the jurisdiction of the Humboldt Bay FPD (Humboldt #1 FPD and the City of Eureka Fire Department). The Humboldt Bay FPD has five fire stations which cover Myrtle town, Bayview, Humboldt Hill, Cutten, Freshwater, City of Eureka and College of the Redwoods. In responding to emergencies, local fire departments work closely with law enforcement, public utilities, and ambulance service providers. Fire departments and ambulance companies are dispatched to medical calls simultaneously (Humboldt County 2017c).

CAL FIRE maintains fire hazard severity zone maps for Local Responsibility Areas and SRAs. Fire hazard is a way to measure physical fire behavior so that people can predict the damage a fire is likely to cause. CAL FIRE analyzes potential fire hazard zones using the Fire and Resource Assessment Program, which takes into account fuels, terrain, weather, and other relevant factors. The project site is located in an SRA and a 'high' fire severity zone, and CAL FIRE is responsible for containment of wildland fires in the project area (CAL FIRE 2007). However, to receive fire protection services for any building or structure located within an SRA, CAL FIRE would have had to enter into a cooperative agreement with a local agency for those purposes pursuant to PRC Section 4142 (PRC Section 4136). However, CAL FIRE may provide, when available and to the extent that it does not require additional funds, rescue, first aid, and other emergency services to the public in SRAs (PRC Section 4114) (Humboldt County 2017c)

Additionally, according to the Draft EIR completed for the Humboldt County General Plan, the western half of Humboldt County (where the proposed project is located) has a shorter fire season than the eastern half of Humboldt County, because the western half of the County receives more rainfall, has a spring season that is wetter and cooler, temperatures in the eastern half of the County are much higher, and much of the precipitation received in the east is snow that falls during winter (Humboldt County 2017c).



3.19.2 Regulatory Setting

State

California Office of Emergency Services

The CAL EMA was incorporated into the Governor's Office on January 1, 2009 by AB 38 (Nava), and merged the duties, powers, purposes, and responsibilities of the California Governor's Office of Emergency Services (Cal OES) with those of the Governor's Office of Homeland Security. Cal OES is responsible for the coordination of overall state agency response to major disasters in support of local government. The agency is responsible for ensuring the state's readiness to respond to and recover from all hazards—natural, man-made, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts. The Cal OES Fire and Rescue Division coordinates statewide response of fire and rescue mutual aid resources to all types of emergencies, including hazardous materials. The Operations Section under the Fire and Rescue Division coordinates the California Fire and Rescue Mutual Aid System, and coordinated response through the Mutual Aid System includes responses to major fires, earthquakes, tsunamis, hazardous materials and other disasters.

Uniform Fire Code

The Uniform Fire Code contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The code contains specialized technical regulations related to fire and life safety.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, and include regulations for building standards (as also set forth in the California Building Standards Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

California Department of Forestry and Fire Protection

CAL FIRE protects the people of California from fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens. CAL FIRE's firefighters, fire engines, and aircraft respond to an average of more than 5,600 wildland fires each year (CAL FIRE 2018).

The Office of the State Fire Marshal supports CAL FIRE's mission by focusing on fire prevention and provides support through a wide variety of fire safety responsibilities: regulating buildings in which people live, congregate, or are confined; controlling substances and products which may, in and of themselves, or by their misuse, cause injuries, death, and destruction by fire; providing statewide direction for fire prevention in wildland areas; regulating hazardous liquid pipelines; reviewing regulations and building standards; and providing training and education in fire protection methods and responsibilities.



Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017, contains several policies that directly pertain to wildfires, including the following:

Goal S-G1. Minimize Loss. Communities designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards.

Goal S-G2. Prevent Unnecessary Exposure. Areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury.

Goal S-G4. Fire Risk and Loss. Development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources.

- **Policy S-P1: Reduce the Potential for Loss.** Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soils areas, active earthquake faults, wildland fire risk areas, airport influence areas, military operating areas, flood plains, and tsunami run-up areas.
- **Policy S-P4: Disaster Response Plans.** The County shall prepare and maintain current disaster response plans. The County shall support and participate in the preparation of disaster response plans by community organizations, companies, cities, and state and federal agencies.
- **Policy S-P18: Subdivision Design in High and Very High Fire Hazard Zones.** Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design, slope development constraints, fuel modification plans, and vegetation setbacks.
- **Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.** Development shall conform to Humboldt County SRA Fire Safe Regulations.
- **Policy S-P26: Protection of Native Plants.** The County shall promote fire-safe practices that encourage conservation and use of native plants and native plant ecosystems, while protecting citizens, firefighters, and property.
- **Policy S-P27: Alternative Owner Builder High and Very High Fire Severity Zones.** Alternative Owner Builder (AOB) permits for construction of new dwellings in high and very high fire severity zones shall be required to comply with the materials and construction methods for exterior wildfire exposures of the California Residential Code (CRC) and chapter 7-A of the California Building Code (CBC) as amended, unless the construction materials can be found to be in substantial conformance with the California Building Codes by the Humboldt County Building Official.
- **Policy FR-P20: Fire Safety Hazards.** The County Shall continue to implement the State Responsibility Area Fire Safe Standards and Wildland-Urban Interface Building Codes for new development and support voluntary programs for fuels reduction, dwelling fire protection, and creation of defensible space for existing development.



Additionally, the following standard from the Humboldt County General Plan would apply to the proposed project:

- **Standard FR-S2. Forest land-Residential Interface (FRI)**
 - Require new residential subdivisions adjacent to [timber production zones (TPZ)] and public forest lands to include forested buffers and building setbacks between residential uses and adjacent timberlands to minimize use conflicts and safety hazards and, if necessary, require fire breaks around all or a portion of the development in consultation with CAL FIRE.
 - For residential development, require compliance with fire safe standards, and ongoing fire protection management programs developed by qualified experts.
 - For residential development in high and very high fire severity zones, require the establishment and maintenance of fire breaks and open space adjacent to forest lands, consistent with CALFIRE recommendations, and ongoing fire protection management programs developed by qualified experts to ensure defensible space.

Humboldt County Code

Title III, Land Use and Development Division 11 - Fire Safe Regulations are standards as authorized by PRC Section 4290 relating to the future design and construction of structures, subdivisions, and developments in SRAs. These standards include provisions for basic emergency access and perimeter wildlife protection measures, signing and building number requirements, and private water supply reserve requirements for emergency fire use.

Humboldt County Community Wildfire Protection Plan

The Humboldt County Community Wildfire Protection Plan (CWPP), which supersedes the 2006 Master Fire Protection Plan, is overseen by the Humboldt County Fire Safe Council. The CWPP is a plan for the community to prioritize fuel reduction projects and recommend measures to reduce ignitability of structures within the County. The CWPP was recently updated and certified in 2019 (Humboldt County 2019). Based on a review of the CWPP, a portion of the project site immediately south of Redwood Fields Park is located in the Risk/Hazard Area. The project site is also within a community-identified proposed project indicated as the Wildfire Urban Interface fuel break area.

3.19.3 Methodology for Analysis

This analysis of impacts of the proposed project on wildfire hazards is based on a review of CAL FIRE's Fire Hazard Severity Zone map for the County (CAL FIRE 2007), the Humboldt County General Plan Update Revised Draft EIR (Humboldt County 2017c), the Humboldt County General Plan (Humboldt County 2017a), and the CWPP (Humboldt County 2019).

3.19.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain the following:



- If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:
 - Substantially impair an adopted emergency response plan or emergency evacuation plan. [Refer to Section 3.9, Hazards and Hazardous Materials]
 - Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
 - Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
 - Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The proposed water storage tank would not result in any wildfire risk and is not discussed further.

3.19.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts relative to wildfires. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Exacerbate Wildfire Risks

Impact WF-1: The proposed project would, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Impact Analysis

Wildfires may potentially occur in timberland areas adjacent to the project site or on the undeveloped open space areas on-site. The proposed project would include conversion of 81 acres to suburban development with designated landscaping and recreational areas. As discussed in Section 3.7, Geology and Soils, the proposed project area has varying slopes, which could be subject to shallow to deep-seated land sliding, depending on exact location within the project area (SHN Engineers & Geologists 2017). Based on a review of the CWPP, the proposed project site is located in a Fire Regime¹, which means a natural fire return interval is between 0 and 35 years, which is considered a low severity fire. In addition, a majority of the site has been moderately altered from its historical range of fires. Areas considered at moderate departure from the natural fire regime are susceptible to dramatic increases in fire behavior, intensity, severity, and fire size frequency (Humboldt County 2019). Consequently, the majority of the project site is in an area with higher likelihood of fire. Additionally, according to the CARB Woodley Island wind monitoring station (the closest wind monitoring station to the project site), wind generally flows in a northwest direction through the area with some lesser winds blowing in a south eastern direction (CARB 2020). The strongest winds in the area can reach up to 20 to 25 mph and occur

¹ Fire regime is a description of fire's historic natural occurrence, variability, and influence on vegetation dynamics in the landscape. Fire regimes can provide information for fire planning, as they describe the frequency of fire and the effects a fire is expected to have on a particular area's vegetation. Generally based on fire history reconstructions, fire regime descriptions include the season, frequency, severity, size, and spatial distribution of fires (Humboldt County 2019).



toward the northwest and southeast (CARB 2020). These strong wind patterns and direction could further exacerbate the wildfire risk to the occupants in the project area and the surrounding community. Further, an overhead high voltage PG&E power line crosses the proposed development site along the trajectory of Redwood Street in the east-west direction. The CWPP identifies the high voltage power lines as potential incendiary wildfire ignition sources. While 40-foot easements would be implemented on both sides of the power lines, the lines themselves are not planned to be placed underground and would continue to pose a risk to the site in an event of wildfire.

In the event of a wildfire in the project area, all the conditions described above could potentially further the spread of wildfire risk and expose future occupants to pollutant concentrations from wildfires or the uncontrolled spread of wildfire. As discussed in Section 3.7, Geology and Soils, implementation of MM GEO-1, Conduct Site-Specific Geotechnical investigations, would be required and would ensure that individual lot sites are not located on substantial slopes that would put structures at risk due to slope instability. In addition, CAL FIRE's Wildland-Urban Interface building code regulations would be imposed in accordance with state law that requires that homeowners clear flammable vegetation within 30 feet of buildings and modify vegetation within 100 feet around buildings to create a defensible space for firefighters to safely protect their homes. In addition, the structures would be built with ignition-resistant materials, which would diminish ember intrusion.

The CWPP also assesses the risk of wildfire impacts and provides recommendations to reduce risk. As noted in the CWPP, the proposed project is located in an area that is identified as a priority area within the Humboldt Bay Planning Unit for fuels reduction and potential Firewise® programs. Activities might include creating defensible space, roadside clearance, chipper programs, and/or landscape treatments, as well as education and assistance for addressing structural ignitability through home hardening and evacuation preparedness. Considering the project site is located in a High Fire Severity Zone and is susceptible to wildfire, MM WF-1 would be required that would ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. Specific measures that the Fire Safety Management Plan would implement to reduce the potential risk of exacerbating wildfire risk would include (but would not be limited to): design measures to limit the potential for structures to catch fire (e.g., inclusion of fire-resistant building materials and plants); installation of clearly visible address numbers that are displayed in contrasting colors; identification of helicopter landing zones (if feasible); and identification of specific evacuation routes. These measures would help fire personnel efficiently and effectively evacuate residents in the project area in the event of a wildfire. However, the current site plan does not provide a 100-foot defensible space as required by both CAL FIRE and the Humboldt Bay FPD. The CWPP also recommends managing fuels for at least 100 feet of defensible space (Humboldt County 2019) that would provide suppression personnel the option to deploy their resources to defend the homes. Since the current site plan does not provide the 100-foot defensible space, the Applicant and the County are considering a mutual agreement to allow for 70 feet of defensible space on the adjacent McKay Community Forest, with 30 feet of defensible space on the project site. Alternatively, the current site plan could be redesigned to provide the 100-foot defensible space on-site. MM WF-2 would require that the Applicant either redesign the site plan as Option 1 or enter into a mutual agreement with the County as Option 2. The proposed project would require the implementation of both MM WF-1 and MM WF-2. However, there is uncertainty regarding actual implementation of MM WF-2. As such, impacts due to wildfire would remain significant and unavoidable even with mitigation.

Level of Significance Before Mitigation

Potentially Significant Impact.



Mitigation Measures

MM WF-1: Prepare and Implement a Fire Safety Management Plan: Consistent with the Humboldt County General Plan Standard FR-S2, Forest land-Residential Interface (FRI) and pursuant to Section 4142 of the Public Resources Code (PRC), the Applicant shall consult with California Department of Forestry and Fire Protection (CAL FIRE) prior to permit approval for the proposed project. The Applicant shall prepare a Fire Safety Management Plan that is subject to review and approval by the Humboldt County Planning & Building Department in consultation with CAL FIRE and shall be implemented throughout the lifetime of project operations. The scope of the plan shall apply to all property, buildings, structures, operations, and facilities associated with the project. The plan shall include, but is not limited, to the following:

- Specific evacuation routes through the proposed project area and through the larger community;
- Specifications for fire resistant building materials and fire-resistant plants that are strategically planted to resist the spread of fire around residences and other structures;
- Installation of address numbers that are displayed in contrasting colors (4 inches minimum in size) and readable from the street or access road, pursuant to California Fire Code Section 505.1;
- Any identified helicopter landing zones if feasible; and
- Suitable areas for the installation and maintenance of wildland fire control features such as fire hydrants. If streets end into a cul-de-sac, fire hydrants shall be installed at the beginning of the street.
- Clearly identifiable street names.
- Homeowner awareness program as to importance of annual maintenance of defensible space fuel modification measures.

Preparation of the Fire Safety Management Plan will ensure that structures built within the State Responsibility Area (SRA) will meet code requirements and adequate fire safety measures and project features are incorporated into project design. The building permit required for the proposed project shall not be issued until CAL FIRE and Humboldt Bay Fire Department approve the Fire Safety Management Plan.

MM WF-2: Wildfire 100-foot Defensible Space: Prior to filing a map, the Applicant shall do either of the following:

- Option 1 - Revise the site plan prior to final tentative map submittal to demonstrate that a 100-foot buffer is provided on-site. The Applicant shall submit the revised site plan to the Humboldt Bay Fire Protection District (FPD) for approval and provide proof of approval to the County Planning Director.



- Option 2 - The Applicant shall enter into a Memorandum of Agreement (MOA) with the County for provision of 70 feet of defensible space off-site (or as determined by the County, but minimum of 100-foot total) on the County-owned McKay Community Forest. The Applicant shall be subject to any entitlements or environmental review required for the off-site improvements prior to construction permit for the proposed project. The MOA shall clearly identify roles and responsibilities regarding maintenance of the defensible space.

MM GEO-1 would also be required.

Level of Significance After Mitigation

Significant and Unavoidable Impact.

Associated Infrastructure

Impact WF-2: The proposed project would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

Impact Analysis

The proposed project would require the installation of roads, fuel breaks, emergency water sources, power lines, and other utilities. Construction of all buildings associated with the proposed project would be constructed with fire-resistant building materials, as specified in the California Building Standards Code and California Fire Code. The proposed project would include two entrance/exit points into the area. Additionally, fire hydrants would be placed throughout the new development at the entrance of each cul-de-sac street, in accordance with local regulations and Humboldt Bay FDP, which would connect to the existing HCS D water system. The proposed project includes construction of an off-site water storage tank and is expected to have adequate water supplies for fire suppression with implementation of the MM UTIL-1, Water Supply and Storage Study. However, the current site plan does not provide a 100-foot defensible space as required by both CAL FIRE and the Humboldt Bay FPD along the southern and eastern project boundary. MM WF-1 would include safety measures that would be put in place in accordance with CAL FIRE and County regulations; however, because the current site plan does not account for the 100-foot defensible space buffer, compliance with these regulations may not be feasible as the project is currently proposed. Therefore, impacts due to wildfire would remain significant and unavoidable, even with implementation of MM WF-1, MM WF-2, and MM UTIL-1.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM WF-1, MM WF-2, and MM UTIL-1 would be required.

Level of Significance After Mitigation

Significant and Unavoidable Impact.



Expose People or Structures

Impact WF-3: The proposed project would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Impact Analysis

The project would result in an increase in new population and structures on a site that is topographically steep, includes areas at risk for landslides, and is located at the wildfire urban interface. The proposed project would be constructed in accordance with federal, state, and local regulations related to structure stability, location, and drainage. The development associated with the proposed project would include largely compacted areas with fire-resistant landscaping and building materials. Additionally, as discussed in Section 3.7, Geology and Soils, the proposed project area has varying slopes, which could be subject to shallow to deep-seated land sliding, specifically on Lots 79 to 84, 87, and 88 (SHN Engineers & Geologists 2017). As discussed in Section 3.7, Geology and Soils, implementation of MM GEO-1, Conduct Site-Specific Geotechnical investigations, would ensure that individual lot sites are not located on substantial slopes that would put structures at risk and adequate setbacks would be provided to prevent landslides. In addition to adequate setbacks, as noted in Impact WF-1, a 100-foot defensible space is also required in order to conform with CAL FIRE, Humboldt Bay FPD, and CWPP regulations. However, the current site plan does not provide a 100-foot defensible space; therefore, in the event of a wildfire, without adequate defensible space and buffers, post-fire instability could result in a significant impact on the new population and structures. This impact would, therefore, be significant and unavoidable, even after implementation of MMs WF-1, WF-2, and GEO-1.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM WF-1, MM WF-2, and MM GEO-1 would be required.

Level of Significance After Mitigation

Significant and Unavoidable Impact.

Wildland Fires

Impact WF-4: The proposed project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Impact Analysis

Construction activities have the potential to result in accidental on-site fires by exposing combustible materials (e.g., wood, plastics, sawdust, coverings and coatings) to fire risk from machinery equipment sparks and exposed electrical lines, and chemical reactions in combustible materials and coatings. Given the nature of construction activities and the work requirements of construction personnel, Occupational Safety and Health Administration (OSHA) has developed safety and health provisions for implementation during construction, which are set forth in 29 CFR, Part No. 1926. In accordance with these regulations, construction managers and personnel would be trained in emergency response and fire safety operations, which include the monitoring and management of life safety systems and facilities, such as those set forth in the Safety and Health Regulations for Construction established by OSHA. Additionally,



in accordance with OSHA provisions, fire suppression equipment (e.g., fire extinguishers) specific to construction would be maintained on-site. Proposed project construction would also occur in compliance with all federal, state, and local requirements concerning the handling, disposal, use, and management of hazardous materials. Therefore, compliance with regulatory requirements would effectively reduce the potential for proposed project construction activities to expose people to the risk of fire or explosion related to hazardous materials and non-hazardous combustible materials. The construction impact would be less than significant.

As discussed in the environmental setting of this section, the proposed project is located in an SRA with a high fire severity rating. The project area is surrounded by forest lands and would include the conversion of existing forest lands to residential and commercial use. As such, due to the close proximity of these new residential and commercial units to forest land, and because of the high fire severity zone rating of the area, the potential to expose people and structures to risk from wildfires is high and could result in a potentially significant impact.

As discussed under Impact WF-1 above, consultation with CAL FIRE would be required to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1, Prepare and Implement a Fire Safety Management Plan, would be required and would ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. Specific measures that the Fire Safety Management Plan would implement to reduce the potential risk of exacerbating wildfire risk would include (but would not be limited to): design measures to limit the potential for structures to catch fire (e.g., inclusion of fire-resistant building materials and plants); installation of clearly visible address numbers that are displayed in contrasting colors; identification of helicopter landing zones (if feasible); and identification of specific evacuation routes. These measures would help fire personnel efficiently and effectively evacuate residents in the project area in the event of a wildfire. However, the current site plan does not provide a 100-foot defensible space as required by CAL FIRE, Humboldt Bay FPD, and CWPP along the southern and eastern project boundary. The proposed project would require the implementation of both MM WF-1 and MM WF-2. However, there is uncertainty regarding actual implementation of MM WF-2. Therefore, impacts due to wildfire would remain significant and unavoidable even with mitigation.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM WF-1 and MM WF-2 would be required.

Level of Significance After Mitigation

Significant and Unavoidable Impact.



4.0 CUMULATIVE EFFECTS

4.1 INTRODUCTION

Section 15130(a) of the State CEQA Guidelines requires a discussion of the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. Cumulatively considerable, as defined in CEQA Guidelines Section 15065(a)(3), means that the, "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." The State CEQA Guidelines Section 15355 defines a cumulative impact as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

According to the CEQA Guidelines:

Cumulative impacts refer to two or more individual effects that, when considered together, are considerable and that compound or increase other environmental impacts.

- a) *The individual effects may be changes resulting from a single project or multiple separate projects.*
- b) *"The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CCR, Title 14, Division 6, Chapter 3, Section 15355)*

In addition, as stated in CEQA Guidelines:

The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable (CCR, Title 14, Division 6, Chapter 3, Section 15064[T][5]).

4.2 CUMULATIVE IMPACT SETTING

Cumulative impact discussions for each environmental issue area are provided within each individual impact section. As established in the CEQA Guidelines, related projects consist of "closely related past, present, and reasonably foreseeable probable future projects that would likely result in similar impacts and are located in the same geographic area" (CCR, Title 14, Division 6, Chapter 3, Section 15355).

The State CEQA Guidelines define a cumulative impact as two or more individual impacts that, when considered together, are significant or that compound or increase other significant environmental impacts. Cumulative impacts can result from individually minor but collectively significant projects taking place over time (State CEQA Guidelines Section 15355). The incremental impact of a project, although less than significant on its own, may be considerable when viewed in the cumulative context of other closely related past, present, and reasonably foreseeable projects. A considerable contribution is considered significant from the point of view of cumulative impact analysis.



CEQA Guidelines Section 15130 identifies two basic methods for establishing the cumulative environment in which a project is considered: the use of a list of past, present, and probable future projects or the use of adopted projections from a general plan, other regional planning document, or a certified EIR for such a planning document. This cumulative analysis uses a combination of the “list” approach and the “projections” approach to identify the cumulative setting. The plan and projections approach rely on an adopted plan or reliable projection that describes the significant cumulative impact. This Draft EIR combines both the project list and projection approaches to generate the most reliable future projections possible.

4.3 GEOGRAPHIC SCOPE

The geographic area analyzed for cumulative impacts is dependent on the resource being analyzed. The geographic area associated with the proposed project’s environmental impacts defines the boundaries of the area used for compiling the list of past, present, and reasonably foreseeable projects considered in the cumulative impact analysis.

Each section of this Draft EIR considers the specific geographic area that is directly related to the individual topic addressed within that section. For example, the analysis of air quality is based on a regional level because air quality impacts are regional in nature, whereas analysis of aesthetic impacts only considers related projects in the vicinity of the project site, because of the localized nature of the impact.

The geographic area that could be affected by implementation of the proposed project, in combination with other projects, varies depending on the type of environmental resource being considered. Table 4-1 provides the geographic area and the method of evaluation utilized in the cumulative analysis for each resource areas.

Table 4-1: Geographic Scope of Cumulative Impact and Method of Evaluation

Resource Topic	Geographic Area	Method of Evaluation
Aesthetics	Immediate project vicinity	Projects
Agricultural and Forestry Resources	Immediate project vicinity and region	Projects and Projections
Air Quality	Local (TACs) air basin (construction-related and mobile sources)	Projects and Projections
Biological Resources	Immediate project vicinity	Projects
Cultural and Historical Resources	Project site only (does not contribute to cumulative impacts)	Projects
Energy	Immediate project vicinity and region	Projects and Projections
Geology and Soils	Immediate project vicinity (effects are highly localized)	Projects
Greenhouse Gas Emissions and Climate Change	State	Projections
Hazards and Hazardous Materials	Project site only (does not contribute to cumulative impacts)	Projects



Resource Topic	Geographic Area	Method of Evaluation
Hydrology and Water Quality	Immediate project vicinity and region	Projects and Projections
Land Use and Planning	Immediate project vicinity	Projects
Noise	Immediate project vicinity (effects are highly localized)	Projects
Population and Housing	Region	Projects and Projections
Public Services	Immediate project vicinity	Projects and Projections
Recreation	Immediate project vicinity	Projects and Projections
Transportation	Immediate project vicinity	Projects and Projections
Tribal Cultural Resources	Project site only (does not contribute to cumulative impacts)	Projects
Utilities and Service Systems	Immediate project vicinity	Projects and Projections
Wildfire	Immediate project vicinity and region	Projects and Projections

Notes:

Projects = the use of a list of past, present, and reasonably foreseeable projects

Projections = the use of projections contained in relevant planning documents

For those environmental resources that were evaluated based on the projections approach, the projections take into consideration future projects that are not included in the below list of related plans and projects.

4.4 LIST OF RELATED PLANS AND PROJECTS

Table 4-2 lists the past, present, and probable future projects considered in the cumulative impact analysis. This list was developed based on communication with the County representatives who are responsible for approval of projects within the County’s jurisdiction that could be affected by project construction and operation. In addition, the City of Eureka was contacted, since the proposed project is immediately outside the City’s boundary. For topics requiring the use of projections, information is also drawn from the Humboldt County General Plan (General Plan) and supporting EIR for the General Plan Update (Humboldt County 2017a, 2017b). The land use map in the General Plan identifies the ultimate land use pattern and development potential of the adopted General Plan, and the EIR addresses the environmental effects associated with buildout of these land uses. The list shown in Table 4-2 is not intended to encompass every development project in the region; rather, it identifies the projects with the greatest potential for impacts that would overlap with those of the proposed project.

CEQA defines “probable future projects” as those with an active application at the time the NOP was released for a project (in this case, January 24, 2019). The list of projects in Table 4-2 was used in the development and analysis of the cumulative settings and impacts for each resource topic. Past and current projects in the project vicinity were also considered as part of the cumulative setting as they contribute to the existing conditions upon which the project and each probable future project’s environmental effects are compared.



Unless otherwise specified, significance criteria are the same for cumulative impacts as they are for project impacts for each environmental topic area. When considered in relation to other reasonably foreseeable projects, cumulative impacts to some resources would be significant and more severe than those caused by the project alone.

Table 4-2: Cumulative Projects

Lead Agency	Project Name	Project Address	Project Description
CAL FIRE	THPs	Eel River Watershed	Multiple THPs
Humboldt County	Commercial Cannabis Land Use Ordinance	Countywide	Land use regulations concerning the commercial cultivation processing, manufacturing, distribution, testing, and sale of cannabis for medicinal or adult use within the County of Humboldt
Humboldt County	Mid McKay Subdivision	Near Walnut Drive and Campton Road	A minor subdivision, zone reclassification, immediate TPZ rollout and HCSD annexation of an 88-acre parcel
City of Eureka	4-Plex	2348 23 rd Street	Multi-family development
City of Eureka	Sequoia Park Zoo	3414 W Street	Zoo renovation and expansion

Source: Trevor Estlow, personal communication, March 10, 2020; Kristen Goetz, personal communication, March 26, 2020

4.5 CUMULATIVE IMPACT ANALYSIS

For the purposes of this EIR, the North McKay Ranch Subdivision Project would result in a significant cumulative effect if:

- The cumulative effects of related projects (past, current, and probable future projects) are not significant, and the incremental impact of implementing the North McKay Ranch Subdivision Project is substantial enough when added to the cumulative effects of related projects to result in a new cumulatively significant impact; or
- The cumulative effects of related projects (past, current, and probable future projects) are already significant, and implementation of the North McKay Ranch Subdivision Project makes a considerable contribution to the effect. The standards used herein to determine a considerable contribution are that either the impact must be substantial or must exceed an established threshold of significance.

This cumulative analysis assumes that all MMs identified in Sections 3.1 through 3.19 to mitigate project impacts are adopted. The analysis herein analyzes whether, after adoption of project-specific mitigation, the residual impacts of the project would cause a cumulatively significant impact or would contribute considerably to existing and anticipated (without the project) cumulatively significant effects. Where the project would so contribute, additional mitigation is recommended where feasible.



4.5.1 Aesthetics

The geographic scope of the cumulative aesthetics analysis is the area surrounding the project site. This is the area within view of the project; therefore, the area most likely to experience changes in visual character or experience light and glare impacts.

The proposed project would not have significant impacts on scenic vistas, State Scenic Highways, or visual character, because the proposed project is establishing design standards and guidelines that provide certainty that the proposed development does not degrade visual character and does not result in impacts to scenic vistas. The proposed project would result in the introduction of new sources of light and glare, which may create a substantial source of nighttime light, and may affect nighttime views in the surrounding area. The proposed project would implement mitigation to prevent unwanted spillage of light and glare onto neighboring properties, thereby minimizing the amount of light and glare it would add to the ambient environment. The Mid McKay Tract project would be located approximately 0.75 mile south of the proposed development and is expected to be of similar scale. However, there is intervening development and vegetation that visually separates it from the proposed project. Similarly, other projects would be located more than 1 mile away and would not be associated with the visual character of the project area. Any other project resulting in significant impacts on aesthetics would be required to mitigate for its impacts in accordance with locally adopted land use regulations. Because the proposed project's impacts would be less than significant after mitigation, it would not have a cumulatively considerable impact.

4.5.2 Agricultural and Forestry Resources

The geographic scope of the cumulative agricultural and forest resources analysis is Humboldt County. Agricultural and forest resources are most commonly evaluated in the context of countywide resources; therefore, it is most appropriate to use this as the basis for assessing cumulative impacts. As discussed in Section 3.3, Agricultural and Forestry Resources, the project site would not be located on prime soils as shown on the County's Prime Agricultural Land map, or on prime agricultural land as defined in Section 51201(c) of the California Government Code. Therefore, the proposed project would not have a cumulatively considerable impact on agricultural resources.

The proposed water storage tank would have less than significant cumulative impacts related to the conversion of forest land to non-forest uses as no trees would be removed.

The project area consists primarily of lands that have historically been used for timber harvesting. However, based on the current zoning, the project area is planned for development. The Eureka Community Plan also considered the rezoning of the site from its historical TPZ use to a subdivision development, which has since occurred since the Eureka Community Plan was adopted (Humboldt County 1995). Therefore, the proposed project would have a less than significant impact related to conflict with existing zoning of forest land. The Mid-McKay project in Table 4-2 would result in conversion of up to 88 acres of timber forests. However, similar to the proposed project, it is zoned for development. Therefore, the proposed project would not make a cumulatively considerable contribution to a significant cumulative impact related to the conversion of forest land to non-forest uses.



4.5.3 Air Quality

The cumulative setting for air quality is the NCAB. The NCUAQMD regulates air pollutant point sources in the NCAB. The County is in attainment of all California and national ambient air quality standards for criteria air pollutants, except the 24-hour California ambient air quality standard for respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀). Monitoring results have shown that PM₁₀ is the principal pollutant in the NCAB, including the County. The primary sources of PM₁₀ in the NCAB are vehicles (engine exhaust and fugitive dust generated by travel on both paved and unpaved roads), open burning of vegetation (both residential and commercial), residential wood stoves, and stationary industrial sources (factories). PM₁₀ emissions from these sources are considered significant cumulative air quality impacts (Humboldt County 2017b).

Air pollution is largely a cumulative impact by its very nature. No single project is sufficient in its overall emission, in isolation, to result in nonattainment of ambient air quality standards. A project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. Although the project requires a general plan amendment, the estimated population growth is well within the County projections for its 2040 General Plan. The proposed project would not exceed the NCUAQMD thresholds of significance for PM₁₀ emissions and would be required to comply with all applicable NCUAQMD rules and regulations. Therefore, impacts of the proposed project would not be cumulatively considerable when combined with the impacts of the other cumulative projects.

4.5.4 Biological Resources

The geographic scope of the cumulative biological resources analysis is the project vicinity. Biological impacts tend to be localized; therefore, the area near the project area would be the area most affected by project activities (generally within a 0.5-mile radius).

The County is one of the most rural in California. According to the Humboldt County General Plan, past development in the region, including the timber harvest, have resulted in substantial loss of native habitat and degradation of aquatic habitat and water quality in the County's watersheds. Continuing development and other land use activities in both incorporated and unincorporated areas of the County would contribute to a significant cumulative impact on special-status wildlife, special-status plants, natural communities, waters of the U.S., and migratory corridors (Humboldt County 2017b).

Several of the projects listed in Table 4-2 may have the potential to impact biological resources. The proposed project would have significant impacts on special-status species, riparian habitat, wetlands, conflicts with local biological policies, and conflicts with an adopted habitat conservation plan that could be mitigated to a less than significant level. All other project-related biological impacts were found to be less than significant and did not require mitigation. Other projects that result in similar impacts would be required to mitigate those impacts. Because the proposed project can mitigate biological impacts to a less than significant level, it would not have a cumulatively considerable impact.

4.5.5 Cultural Resources

The geographic scope of the cumulative cultural resources analysis is the project area. Cultural Resource impacts tend to be localized; therefore, the area nearest the project area would be most affected by project activities (generally within a 500-foot radius).



The related project sites do not contain any recorded cultural resources or burial sites. However, there is the possibility that previously undiscovered resources could be encountered by subsurface earthwork activities; implementation of standard construction MMs would ensure that undiscovered cultural resources and burial sites are not adversely affected by project-related construction activities, which would prevent the destruction or degradation of potentially significant undiscovered cultural resources or burial sites in the Cutten and Eureka areas. Other projects that result in similar impacts would be required to mitigate for their impacts pursuant to federal and state law. Because the proposed project can mitigate all of its impacts to a less than significant level, it would not have a cumulatively considerable impact.

4.5.6 Energy

The project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (heating, ventilation, air conditioning, and water heating systems), indoor and outdoor lighting, illuminated signs, and the installation of solar panels on all residential structure less than three stories. This would ensure that the project would not result in the inefficient, unnecessary, or wasteful consumption of energy. Other projects in the vicinity and region would similarly be designed to meet existing Title 24 standards. Thus, the proposed project, in conjunction with other planned projects, would not have a cumulatively considerable impact on energy.

4.5.7 Geology and Soils

Geology and Soils

The geographic scope of the cumulative geology, soils, and seismicity analysis is the project area. Geologic, soil, and seismic impacts tend to be localized; therefore, the area near the project area would be most affected by project activities.

Cumulative projects may have the potential to impact geology, soils, and seismicity. The proposed project would have significant impacts on seismic hazards, erosion, unstable geologic units and soils, and expansive soils that could be mitigated to a level of less than significant. All other project geologic impacts were found to be less than significant and did not require mitigation. Other projects that result in similar impacts would be required to mitigate for their impacts pursuant to state law and adopted building code requirements. Because the proposed project can mitigate all of its impacts to a less than significant level, it would not have a cumulatively considerable impact.

Paleontology

The project area lies within an area of Pleistocene era deposits, and according to the SVP guidance, the paleontological potential of the proposed project would be considered high due to the age and geographic context of these deposits. Project-specific mitigation would be implemented to reduce impacts to a less than significant level. Because of the site-specific nature of unique paleontological resources, the low probability that any project would encounter unique and scientifically important fossils, development of cumulative projects, including the proposed project, and other regional development would not result in a cumulatively significant impact on paleontological resources. The proposed project would have a less than cumulatively considerable contribution to cumulative impacts.



4.5.8 Greenhouse Gas Emissions and Climate Change

GHGs and climate change are cumulative global issues. Based on climate change predictions for California, it is reasonably foreseeable that the local climate in the County will shift due to climate change. This shift could lead to other environmental effects on the unincorporated county, such as increased flooding as a result of increased precipitation and runoff, habitat modification and loss, and impacts on sensitive plant and animal species. The unincorporated County areas could also be affected by an increase in sea level.

The County has adopted policies to achieve reductions in GHG emissions consistent with state requirements and is preparing a CAP that will comply with statutory requirements. Although not yet finalized, the County is suggesting GHG reduction targets of 40 percent below 1990 levels by 2030 and 60 percent below 1990 levels by 2040. Because the timing of CAP preparation is uncertain, the influence of CAP policies on future emissions levels cannot be estimated; therefore, the County General Plan EIR considered GHG impacts to be cumulatively significant.

Construction and operation of the proposed project combined with related projects in the County would contribute CO₂ emissions that would contribute to global climate change. The maximum annual construction emissions of the proposed project are estimated to be 451 MTCO_{2e}, which is well below the SMAQMD threshold of significance of 1,100 MTCO_{2e} that was used to determine GHG impacts for the project.

Operation of the proposed project would comply with CalGreen, which includes requirements to increase recycling, reduce waste, reduce water use, increase bicycle use, and other measures that would reduce GHG emissions. However, largely due to mobile GHG emissions, the project would exceed the SMAQMD operational significance thresholds of 1,100 MTCO_{2e} per year. To reduce operational GHG emissions, the project would implement MM GHG-2, which will require a network of on-site EV charging stations. In addition, MM GHG-3 would be implemented, which requires catalytic converters on all wood burning stoves. As required by Title 24, the project would install solar panels on the residential units. Motor vehicle emissions associated with the proposed project would be reduced through compliance with state regulations on fuel efficiency and fuel carbon content. Although these measures would reduce project-level GHG emissions, emissions still would exceed SMAQMD thresholds; therefore, operation of the project would be cumulatively considerable and significant and unavoidable.

4.5.9 Hazards and Hazardous Materials

The geographic scope of the cumulative hazards and hazardous materials analysis is the project area that could cause soil or groundwater contamination or create a risk of upset conditions. Adverse effects of hazards and hazardous materials tend to be localized; therefore, the area near the project area would be most affected by project activities. Impacts related to the transport, use, or disposal of hazardous materials and hazards to the public or environment because of upset and accident conditions are primarily site-specific. These impacts of the proposed project would not combine with impacts from cumulative projects, such that a cumulatively significant impact associated with hazards or hazardous materials could occur. The proposed project would have significant impacts associated with emergency access, wildfires, and accidental release of hazardous substances that could be mitigated to a level of less than significant. All other project-related hazards impacts were found to be less than significant and did not require mitigation. In addition, the project must comply with existing regulations, which would



reduce the potential to create a hazard to the public or environment. Because the proposed project can mitigate all of its impacts to a less than significant level, it would not have a cumulatively considerable impact.

4.5.10 Hydrology and Water Quality

The geographic scope of the cumulative hydrology and water quality analysis is the County area. Hydrologic and water quality impacts concern local waterways and groundwater sources, which affect the Humboldt area.

Preparation and implementation of the SWPPP and compliance with NPDES permitting and 401 certifications would reduce the contribution of each project to the temporary, short-term construction related drainage and water quality effects of urbanization, a potentially significant cumulative impact. The proposed project would have significant impacts on short-term water quality, long-term water quality, groundwater, and drainage, which could be mitigated to a less than significant level.

All other project hydrology impacts were found to be less than significant and did not require mitigation. Other projects that result in similar impacts would be required to mitigate for their impacts pursuant to federal and state law. Adhering to existing regulatory requirements and implementing the MMs outlined in this EIR would reduce the project's impacts on hydrology and water quality to less than significant levels. As a result, the proposed project would not result in a cumulatively considerable contribution to a significant water quality impact.

4.5.11 Land Use and Planning

The geographic scope of the cumulative land use analysis is the County, since land use decisions are made at the county level. The proposed project requires the approval of a General Plan amendment and rezone to facilitate the development of the proposed uses. These approvals are self-mitigating in the sense that they are designed to make changes to bring the project into conformance with the requirements of the General Plan and County Code. Other projects would be required to demonstrate consistency with applicable land use plans and mitigate where necessary in accordance with state law and locally adopted land use regulations. Therefore, the proposed project, in conjunction with other planned projects, would not have a cumulatively considerable impact on land use.

4.5.12 Noise

The geographic scope of the cumulative noise analysis is the project vicinity, including surrounding sensitive receptors. Cumulative impacts from construction-generated noise could result if other future planned construction activities were to take place near the proposed project and cumulatively combine with construction noise from the project. A list of current and future projects considered for the cumulative analysis is presented in Table 4-2. Mid McKay would be the closest construction project to the project and is located approximately 0.35 mile southwest of the project site. The proposed project would result in significant construction noise from construction traffic and construction activities. MMs are proposed that would reduce impacts to less than significant. Therefore, because construction activities would be limited to the project site, construction-generated noise would not combine with any other proposed construction activities within the County, nor result in a substantial contribution such that a new significant cumulative



construction noise impact would result. Cumulative construction noise impacts would continue to be less than significant.

For other noise-related issue areas, the proposed project would have significant impacts related to on-site noise from fixed sources that could be mitigated to less than significant levels. Other projects that result in similar impacts would be required to mitigate for their impacts in accordance with state law and locally adopted land use regulations. Because the proposed project can mitigate all of its construction and operational noise impacts to a less than significant level, it would not have a related, cumulatively considerable impact.

4.5.13 Population and Housing

The geographic scope of the cumulative population and housing analysis is the HCAOG region. The proposed project, in conjunction with other future development in the County, is within the growth projections provided by HCAOG. The proposed project would not have a significant impact on the housing and jobs balance, but would help the County meet its Regional Housing Needs Allocation. Therefore, the proposed project, in conjunction with other planned projects, would not have a cumulatively considerable impact on population and housing.

4.5.14 Public Services

The geographic scope of the cumulative public services analysis is the County area. The proposed project was found not to have significant impacts on fire protection, police protection, school, parks and library services. Prior to building permit issuance for new residential development, a mitigation fee will be collected pursuant to the existing Eureka City Schools school construction impact fee. State law provides that this fee is sufficient mitigation for a potential increase in the school age population, so the impact is less than significant. The project will increase the population by 778 people (residential + commercial), which is a 1 percent increase in the County population. As discussed in Section 3.14, Public Services, this increase will not require additional personnel to meet staffing ratios or alter response times from the Sheriff's Office or law enforcement. Furthermore, the proposed project would not require expansion of library facilities. The related projects would be required to evaluate whether sufficient public services are available and mitigate, as necessary, in accordance with state law and locally adopted land use regulations. Because the proposed project impacts would be less than significant with mitigation, they would not have a cumulatively considerable impact.

4.5.15 Recreation

The geographic scope of the cumulative recreation analysis is the County area. The proposed project was found to have significant impacts on recreation resources, such as Redwood Fields Park, during construction. Mitigation is proposed to reduce impacts to less than significant levels. The proposed project includes dedication of undeveloped forest land to the County and provides trail connections to the adjacent McKay Community Forest. Other projects would be required to evaluate project-specific impacts on recreational facilities and mitigate through impact fees or the creation of recreational opportunities. Because proposed project impacts would be less than significant with mitigation, it would not have a cumulatively considerable impact.



4.5.16 Transportation

The geographic scope of the cumulative transportation analysis is the City of Eureka and Humboldt County area. Note that Section 3.16, Transportation, provides a detailed evaluation of project-related transportation impacts.

All the new development projects would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations, roadway operations, and freeway operations. All projects would be required to mitigate for their fair share of impacts. The proposed project would generate 2,879 daily trips, including 215 AM peak hour trips, and 269 PM peak hour trips. The proposed project would contribute trips to intersections facilities that would operate at unacceptable levels under Existing Plus Project and Cumulative conditions. All feasible MMs are proposed that would improve operations to acceptable levels. Therefore, the proposed project, in conjunction with other projects, would not have a cumulatively considerable contribution to unacceptable intersection or roadway operations.

For other transportation-related areas, the proposed project would have significant impacts on roadway hazards emergency access and construction traffic. After the implementation of mitigation, these impacts would be reduced to a level of less than significant. Other projects that result in similar impacts would be required to mitigate for their impacts. Because the proposed project can mitigate all of its impacts to a less than significant level, it would not have a cumulatively considerable impact.

4.5.17 Tribal Cultural Resources

According to CEQA, the importance of TCRs is the value of the resource to California Native American tribes culturally affiliated with the project area. Therefore, the issue in a cumulative impact analysis is the loss of TCR. For TCRs that are avoided or preserved through dedication within open space, no impacts would occur. However, if avoidance or dedication of open space to preserve TCRs is infeasible, those impacts must be considered in combination with TCRs that would be impacted for other projects included in the cumulative project list.

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of tribal resources through development activities that could cause a substantial adverse change in the significance of a tribal resource. Any cumulative projects that involve ground-disturbing activities would have the potential to result in significant impacts to tribal resources. All projects would be regulated by applicable federal, state, and local regulations to avoid the destruction of TCRs. As discussed in Section 3.17, Tribal Cultural Resources, no TCRs were identified during the cultural resource study or through government-to-government consultation. As such, impacts to TCRs would be unlikely to occur due to implementation of the project. The project would not be likely to cumulatively contribute to a significant TCR impact. Therefore, cumulative impacts would be less than significant.

4.5.18 Utilities and Service Systems

The geographic scope of the cumulative utilities analysis is the HCSD service boundary. The proposed project would require annexation into the HCSD service boundary to receive water and wastewater service. The proposed project includes construction of an off-site water storage tank. The size of the tank is dependent upon a Water Storage, Pressure, and Supply study that is currently underway. In addition, infrastructure improvements, such a lift station and extension of high-pressure sewer line, are required to



serve the proposed development. The proposed project's impact on water supply and adequate pressure would be reduced to less than significant with mitigation. Impacts to other utilities were determined to be less than significant or would fully mitigate to a level of less than significant. Other projects would be required to evaluate whether sufficient public services and utilities are available for their respective projects and mitigate where necessary, in accordance with state law and locally adopted land use regulations. Therefore, the proposed project's impacts to utilities and service systems would not be cumulatively considerable.

4.5.19 Wildfire

The geographic scope of the cumulative wildfire analysis is the County region. The Mid-McKay project would also be located in a high fire hazard zone similar to the proposed project. The proposed project would be constructed in accordance with building codes and implement MMs as required under WF-1, Fire Safety Management Plan. However, the proposed project would still contribute to any potential significant cumulative impacts related to wildfire risks as the project does not provide the required 100-foot defensible space. Therefore, the proposed project would result in a cumulatively considerable impact.



5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The purpose of an alternatives analysis pursuant to CEQA is to identify feasible options that would attain most of the basic objectives of a proposed project while reducing its significant effects. Provisions of CEQA Guidelines (Section 15126.6) that address the number of project alternatives required in an EIR state the following:

The range of alternatives required in an EIR is governed by a “rule of reason;” the EIR must evaluate only those alternatives necessary to permit a reasonable choice. The alternatives shall be limited to those that would avoid or substantially lessen any of the significant effects of a proposed project while meeting most of the underlying project objectives.

5.1 REQUIREMENTS FOR THE CONSIDERATION OF ALTERNATIVES

An important aspect of EIR preparation is the identification and assessment of alternatives to the proposed project that have the potential to avoid or substantially lessen potentially significant impacts. In addition to mandating consideration of the no project alternative, CEQA Guidelines (Section 15126.6[e]) emphasize the selection of a reasonable range of feasible alternatives and adequate assessment, which allows decision-makers to use a comparative analysis. CEQA Guidelines (Section 15126.6[a]) states:

An EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

In accordance with CEQA Guidelines 15126.6, this EIR contains a comparative impact assessment of alternatives to the proposed project. The primary purpose of this assessment is to provide decision-makers and the public with a reasonable number of feasible project alternatives that could attain most of the basic project objectives while avoiding or reducing any of the project’s significant adverse environmental effects. Important considerations for these alternatives’ analyses are provided below:

- An EIR need not consider every conceivable alternative to a project
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process
- Reasons for rejecting an alternative include:
 - Failure to meet most of the basic project objectives
 - Infeasibility
 - Inability to avoid significant environmental effects



5.1.1 No Project Alternative

CEQA Guidelines require that the alternatives be compared to the project’s environmental impacts and that the “no project” alternative be considered (CEQA Guidelines Section 15126.6[d][e]). Section 15126.6(d)(e)(1) states:

The specific alternative of “no project” shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project’s environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline.

The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

5.1.2 Consistency with Project Objectives

A project’s statement of objectives describes the purpose of the project and the reasons for undertaking the project. To be considered for detailed analysis in the EIR, an alternative must meet most of the project objectives. Among the suite of project objectives identified by the Applicant, the County as lead agency has identified the following as the basic objectives for purposes of screening potential alternatives to the proposed project:

- Comply with LAFCo policy to create a more logical service boundary and provide more effective delivery of municipal services by annexing all existing unincorporated areas zoned for development in the HCSD.
- Ensure new residents receive the same level of service as current residents.
- Ensure existing service levels to current County residents are not reduced in order to provide services to the HCSD service area.
- Promote economic vitality by maintaining and expanding small businesses and local services for residents.
- Assist the County in meeting housing needs to accommodate forecasted population growth.
- Incorporate parks and open space, including trails, into the project design in a manner that would provide community connectivity and would be aesthetically pleasing.
- Promote economic growth through new capital investment for an expanded population and increased tax base.
- Provide a diversity of housing choices in one development that would cater to various segments of the community, including low-cost, single-family homes.



5.1.3 Feasibility

According to CEQA Guidelines (Section 15126.6[f][1]):

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

Based on CEQA Guidelines, “feasible” is defined as, “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (CEQA Guidelines Section 15364). CEQA does not require that an EIR determine the ultimate feasibility of a selected alternative, but rather that an alternative be potentially feasible.

For the screening analysis, the potential feasibility of potential alternatives was assessed using the following considerations:

Technological Feasibility: Is the alternative feasible from a technical perspective, considering available technology? Are there any construction, operation, or maintenance constraints that cannot be overcome?

Legal Feasibility: For example, do legal protections on lands or financing strategies preclude or substantially limit the feasibility of constructing the alternative?

Economic Feasibility: Is the alternative so costly that its costs would prohibit its implementation?

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project’s significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, an EIR must contain a discussion of “potentially feasible” alternatives, the ultimate determination whether an alternative is feasible or infeasible is made by the lead agency’s decision-making body (See PRC Section 21081[a][3]).

5.1.4 Potential to Avoid or Lessen Significant Environmental Effects

CEQA requires that alternatives to a proposed project have the potential to avoid or substantially lessen one or more significant effects of the project (CEQA Guidelines Section 15126.6). At the project and/or cumulative level, the Draft EIR has identified the following environmental issues that may result in significant impacts. This list only includes those impacts that were determined to be significant and unavoidable.

Wildfire

- Due to slope, prevailing winds, and other factors that exacerbate wildfire risks, project occupants may be exposed to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.



- The proposed project would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- The proposed project would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.
- The proposed project would cause a cumulatively considerable impact relative to wildfires.

Greenhouse Gas Emissions

- The proposed project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.
- The proposed project would conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

5.2 METHODOLOGY AND SCREENING CRITERIA

A range of potential alternatives was developed and subjected to the screening criteria. Several representative alternatives were considered. There was no attempt to include every conceivable alternative. The following criteria were used to screen potential alternatives:

- Does the alternative meet most of the project objectives?
- Is the alternative potentially feasible?
- Would the alternative substantially reduce one or more of the significant impacts associated with the project?

5.3 ALTERNATIVES CONSIDERED AND REJECTED FROM FURTHER CONSIDERATION

As described above, CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. (In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1165-1167.)

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by lead agency decision-makers. (See PRC Section 21081[a][3].) At the time of action on the project, the decision-makers may consider evidence beyond that found in this EIR in addressing such determinations. The decision-makers, for example, may conclude that a particular alternative is infeasible (i.e., undesirable)



from a policy standpoint, and may reject an alternative on that basis provided that: (1) the decision-makers adopt a finding, supported by substantial evidence, to that effect, and (2) such a finding reflects a reasonable balancing of the relevant economic, environmental, social, and other considerations supported by substantial evidence. (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 401, 417; California Native Plant Society v. City of Santa Cruz [2009] 177 Cal.App.4th 957, 998.)

The EIR should also identify any alternatives that were considered by the lead agency but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination. The following alternatives were considered by the County but are not evaluated further in this Draft EIR for the reasons discussed below.

5.3.1 Alternative Location

CEQA Guidelines Section 15126.6(f)(2) sets forth considerations in evaluating an alternative location as part of the CEQA alternatives analysis. The section indicates that EIRs should only discuss alternative locations if they can avoid or substantially lessen significant project impacts. In addition, the section establishes that if a lead agency determines that no feasible alternative locations exist, it should explain its reasoning for this conclusion.

In consultation with the County, three alternative locations were considered. All three are located southwest of the project site, all are zoned for Residential Low Density (RL). Some parcels have a Planned Unit Development (P), Agriculture General, Greenway and Open Space (GO), and/or Open Space, combining zones. Two of the sites are 320 acres to 360 acres, and a third site is 72 acres. Theoretically, all the sites are large enough to accommodate the proposed project. However, all three sites are heavily timbered and constrained with streams and gulches, limiting usable areas.

If the above sites were developed with a project similar to that of the proposed project, similar significant impacts on air quality, transportation, aesthetics, hydrology and water quality, biological resources, and GHGs would occur. The alternative sites would also require an amendment to the County General Plan and Zoning to accommodate residential and commercial uses. Therefore, relocating the proposed project to any of these sites would result in similar impacts and would not contribute to minimizing, reducing, or avoiding significant impacts of the proposed project. In summary, an alternative location would not meet the CEQA Guidelines' objective of avoiding or substantially lessening the proposed project's significant effects and, therefore, has been rejected from further consideration.

5.3.2 No Project (Existing Land Use Designations Alternative)

For projects that involve a General Plan Amendment, a common alternative is to evaluate a hypothetical development project that could occur under the existing land use designations.

In this case, the Humboldt County General Plan designates the proposed development site as Residential Low Density (RL) 1-7 units/acre and the water storage tank site as Timberland (T). The existing zoning for the proposed development parcels is Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water storage tank location is zoned as a TPZ. No change would occur to the water storage tank site as a water tank is a permitted use under the TPZ zoning. The RL-1-7 land use designation would allow for development of 7 dwelling units per acre. The project site is 81 acres; therefore, this would allow for a development of 567 dwelling units under the current land use designation, which would result in greater impacts. In addition,



no multi-family dwelling units would be provided under this alternative. The current land use designation would not allow for any commercial uses and would not meet the objectives of the proposed project. As such, evaluating a development project that could occur under the existing General Plan land use designations would potentially result in greater impacts due to larger development. Additionally, this alternative would not meet the project objective of promoting economic vitality by maintaining and expanding small businesses and local services for residents and creating an economic base for the County. For these reasons, the Existing Land Use Designations Alternative has been rejected from further consideration.

5.4 ALTERNATIVES CONSIDERED

CEQA Guidelines Section 15126 requires an EIR to identify and discuss a no project alternative, as well as a reasonable range of alternatives to the proposed project that would feasibly attain most of the basic objectives of the proposed project, and would avoid or substantially lessen any of the significant environmental impacts.

Alternatives to the proposed project considered for analysis in this EIR are:

- No Project
- Site Plan Redesign (Impacts addressed: Wildfire)
- Reduced Density (Impacts addressed: GHG and Wildfire)

5.4.1 Alternative 1 – No Project

Under the No Project alternative, the project site would remain in its existing condition and no new development would occur.

Impact Analysis

The project site would remain as it currently exists, and no changes would occur. The timber harvesting may continue to occur through 2023 under the currently approved Timber Harvest Plan. No annexation to the HCSD would occur. Under the No Project alternative, all of the proposed project’s significant impacts would be avoided, and its potentially significant impacts that cannot be mitigated to a level of less than significant would not occur.

Conclusion

The No Project alternative would avoid all of the proposed project’s significant and unavoidable impacts. However, this alternative would not advance any of the project objectives, promote economic vitality, assist County in meeting housing needs, increase the tax base, and provide a diversity of housing choices.



5.4.2 Alternative 2 – Site Plan Redesign

The Site Plan Redesign alternative was developed to reduce potential impacts from wildfire risk by increasing the size of lots located along the project boundary adjacent to the North McKay Forest, as shown in Figure 5-1. The large lots would provide the 100-foot defensible space as required by CAL FIRE, CWPPP, and Humboldt Bay FPD. This alternative would result in reduction of 10 single-family dwelling units and 14 small lot single-family dwelling units. The number of multi-family dwelling units would remain at 174, and the 22,000 square feet of commercial development would also remain unchanged. This alternative would require extending Redwood Street and Arbutus Street, which would require drainage crossings similar to the proposed project. In addition, with the site redesign proposed under this alternative, it is expected that there would be adequate buffer from the PG&E high voltage power line.

The purpose of the Site Plan Redesign alternative is to reduce significant and unavoidable impacts from wildfires by providing 100-foot defensible space. Furthermore, this alternative is anticipated to reduce trip generation, air emissions, noise, and demands on public services and utility providers as a result of the net decrease in development potential relative to the proposed project.

Impact Analysis

Aesthetics

The Site Plan Redesign alternative would result in a fewer number of residential dwelling units to provide the 100-foot defensible space, as the number of homes would be reduced to 296 units. The proposed project's impacts to aesthetics were found to be less than significant after the implementation of mitigation measures in the form of compliance with design guidelines that include maintenance of the natural features of the site, circulation and parking considerations, architectural considerations, landscaping, and setbacks from adjacent land uses. The Site Plan Redesign alternative would be subject to the same mitigation measures and regulations concerning aesthetics. However, with fewer homes, this alternative would have less of an impact on aesthetics compared to the proposed project.

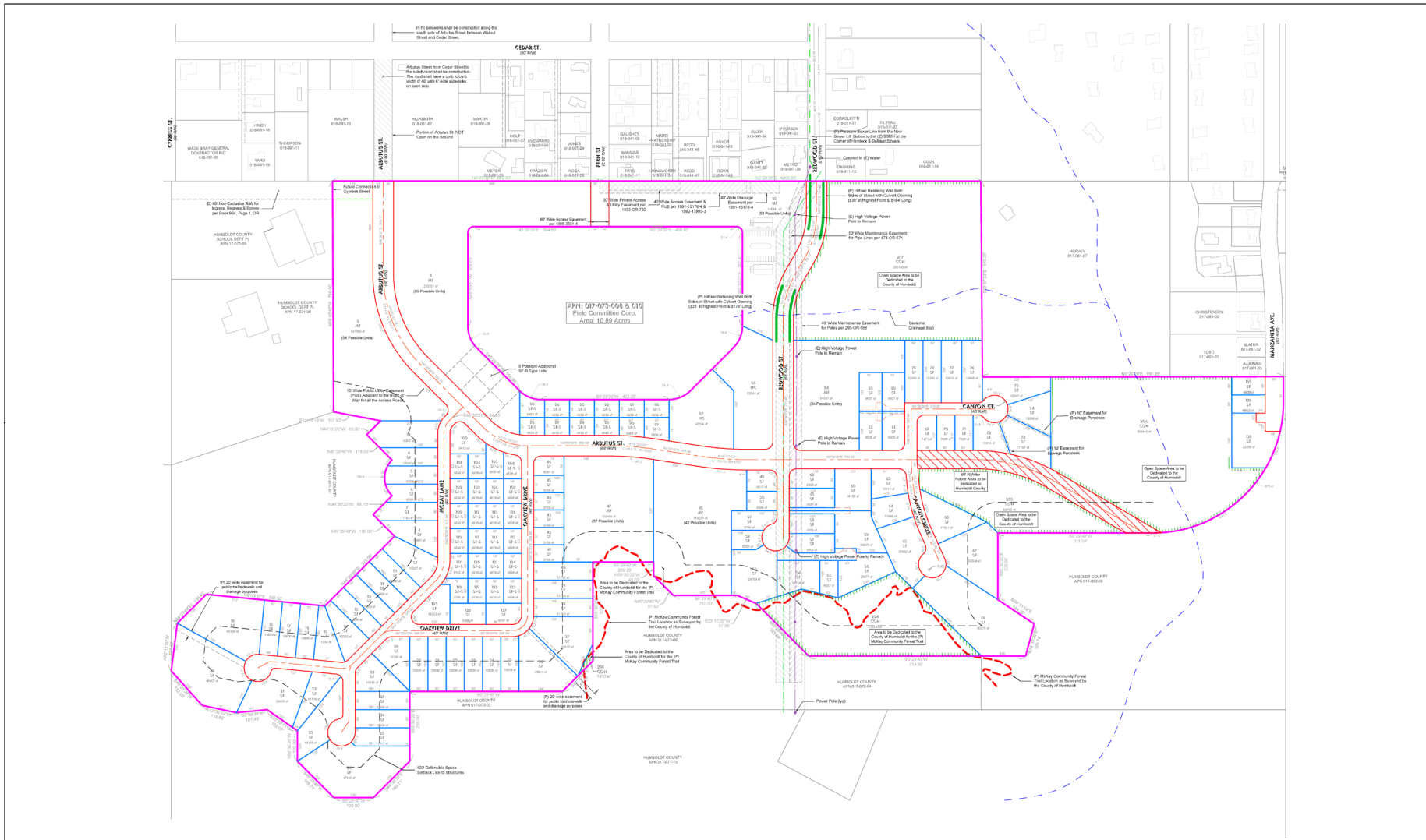
Agricultural and Forestry Resources

The proposed project did not identify any significant impact on loss of forest land as the project site was already zoned for development under the approved Eureka Community Plan, and a timber conversion permit was approved as part of that process. The Site Plan Redesign alternative would require a 100-foot defensible space that could include a combination of clear space and vegetation management. In addition, this alternative would result in fewer units. Therefore, this alternative would potentially result in removal of fewer trees than the proposed project. The Site Plan Redesign alternative would have less of an impact on agricultural and forestry resources compared to the proposed project.



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Project Location
 Humboldt County, CA Prepared by KJ on 2020-05-06
 TR by TG on 2020-05-06

Client/Project
 North Mckay Ranch Subdivision Project

Figure No.
5-1
 Title
Site Plan Redesign Alternative

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Air Quality

This alternative would result in 296 units as compared to the proposed project's 320 units. The proposed project was found to have less than significant impacts associated with air quality for operations and less than significant impacts with mitigation for construction impacts. This alternative would potentially result in reduced grading and fewer air quality impacts from construction. In addition, this alternative would result in fewer operational trips corresponding to fewer operational emissions. Therefore, this alternative would have fewer impacts related to air quality than the proposed project.

Biological Resources

The Site Plan Redesign alternative would result in a similar impact on the two drainage crossings, as the only logical access to the project site is through Redwood Street and Arbutus Street. The proposed project was found to have significant impacts on special-status species, riparian habitat, and wetlands. Mitigation was proposed to address all of these impacts and would fully mitigate these issues to a less than significant level. Because this alternative would result in fewer units, it can be reasonably expected that impacts to habitat would be less than that of the proposed project. The Site Plan Redesign alternative would have less of an impact on biological resources compared to the proposed project.

Cultural Resources

The Site Plan Redesign alternative would result in the same amount of development. The anticipated ground disturbance would be similar to that of the proposed project; therefore, potential impacts to cultural and paleontological resources would be similar to the proposed project. As a result, the same cultural resource mitigation measures identified for the proposed project would be required to be implemented under this alternative. This alternative would have similar impacts on cultural resources compared to the proposed project.

Energy

Under this alternative, the proposed dwelling units and commercial spaces would comply with the same energy efficiency standards as the proposed project. However, since fewer homes would be built, energy consumption would be less. Therefore, impacts to energy would be less than that of the proposed project.

Geology and Soils

This alternative would result in development of fewer units and include 100-foot setbacks as defensible space from the project boundary. The proposed project was found to have significant impacts on seismic hazards, erosion, and unstable geologic units and soils. Mitigation was proposed to address all of these impacts and would fully mitigate these issues to a less than significant level. Because this alternative would result in fewer units, it would lessen the severity of its impacts. Therefore, this alternative would have fewer impacts related to geology and soils compared to the proposed project.

Greenhouse Gas Emissions and Climate Change

This alternative would result in less construction activity as the amount of development would be reduced, in turn reducing construction emissions. The proposed project was found to have significant and unavoidable impacts to operational GHG with mitigation. Similar to the proposed project, this alternative



would implement mitigation to reduce GHG emissions. With a reduction of 24 dwelling units, this alternative would result in fewer operational GHGs. Therefore, this alternative would have fewer impacts to GHG compared to the proposed project, but impacts would still remain significant and unavoidable.

Hazards and Hazardous Materials

Under the Site Plan Redesign alternative, the amount of development would be reduced. The proposed project was found to have significant impacts associated with hazardous materials from potential for risk of upset. Mitigation was proposed to address all of these impacts and would fully mitigate these issues to a less than significant level. This alternative would require the same mitigation measures. Therefore, this alternative would have fewer impacts related to hazards and hazardous materials compared to the proposed project.

Hydrology and Water Quality

The Site Plan Redesign alternative would result in less ground disturbance than the proposed project as the number of dwelling units would be reduced to 296. The proposed project was found to have significant impacts on short-term water quality, long-term water quality, drainage, and soil erosion that were determined to be less than significant with mitigation and regulatory compliance. Similarly, with respect to water quality, this alternative would also comply with the statewide General Permit and would be subject to the requirements of the County MS4 Permit for municipal stormwater. Similar to the proposed project, this alternative would be required to implement the same mitigation measures to ensure that short-term surface water quality impacts would be less than significant. Because this alternative would result in fewer units, this alternative would have fewer impacts on hydrology and water quality compared to the proposed project.

Land Use and Planning

The Site Plan Redesign alternative, like the proposed project, would require a General Plan Amendment, rezone, tentative map, and other discretionary approvals. Similar to the proposed project, this alternative would be consistent with the Humboldt County General Plan and the County Code. However, with the reduction of wildfire risk, this alternative would be more consistent with the County Wildfire Protection Plan. Therefore, this alternative would have fewer impacts relative to land use and planning compared to the proposed project.

Noise

This alternative would result in approximately 296 dwelling units and 22,000 square feet of commercial uses. The proposed project's noise impacts from construction, onsite roadways, and stationary sources were found to be less than significant after the implementation of mitigation. Construction and operation noise associated with development under this alternative would result in similar impacts to surrounding sensitive receptors and would require the same mitigation measures as the proposed project. Due to the reduction in development as compared to the proposed project, construction activities would potentially cause fewer mobile noise impacts resulting from movement of equipment and workers along access routes to and from the site. The alternative's construction-related vibration impacts would also be similar to the proposed project and would be less than significant with mitigation. Because this alternative would disturb less acreage, develop fewer dwelling units, and would generate fewer vehicle trips than the



proposed project, the severity of these impacts would be decreased. Therefore, this alternative would have fewer noise impacts compared to the proposed project.

Population and Housing

This alternative would develop 296 dwelling units and increase the County's population by 718 persons, while the proposed project would increase the population by 778 persons. The proposed project's population growth was found to be less than significant because it was within the forecasted population growth level; therefore, this alternative would yield a similar conclusion. However, this alternative would result in fewer housing units and would be less effective in meeting the housing needs under the Regional Housing Needs Allocation Program. Therefore, this alternative would have greater adverse impacts on population and housing compared to the proposed project.

Public Services

This alternative would result in reduced development, and, therefore, would result in a proportional reduction in all public service needs. With respect to schools, this alternative would result in a smaller increase in public school student population as compared to the proposed project. As discussed in Section 3.14, Public Services, the schools serving the project site have been experiencing declining enrollment. This alternative would still create an increase in demand for public services and would require implementation of mitigation similar to the proposed project for impacts on schools. Because this alternative would develop fewer dwelling units than the proposed project, it would reduce demands on public services and would lessen the severity of these impacts. Therefore, this alternative would have fewer impacts on public services compared to the proposed project.

Recreation

The Site Plan Redesign alternative would be anticipated to increase the population by approximately 718 persons. Similar to the proposed project, 21.73 acres of undeveloped forest land would be dedicated to the County and trail connections would be provided. Therefore, this alternative would result in fewer impacts with regard to recreation.

Transportation

The Site Plan Redesign alternative would result in 2,757 daily trips, slightly fewer than the proposed project's 2,879 daily trips. Under this alternative, there would be less traffic compared to the proposed project, and payment of fair-share fees for intersection improvements at intersections noted in Section 3.16, Transportation, to facilitate future traffic growth under the cumulative conditions would still be required. The reduction in vehicle trips associated with the reduced dwelling units would not be enough to reduce potential traffic impacts, because it would still contribute additional vehicle trips to intersections that are projected to operate at unacceptable levels; and mitigation would be required to reduce impacts to a less than significant level. Therefore, impacts related to transportation would be similar to the proposed project.

Tribal Cultural Resources

The Site Plan Redesign alternative would result in the development of fewer dwelling units. The proposed project is not anticipated to have an impact on any known or potential TCRs. However, mitigation is



required for inadvertent discoveries. Although the anticipated ground disturbance would be less than that of the proposed project, potential impacts to TCRs would be similar, as the potential for unearthing cultural resources during development would be same as the proposed project.

Utilities and Service Systems

The reduced development square footage and population under the Site Plan Redesign alternative would have a corresponding reduced demand for potable water and wastewater disposal and treatment, as compared to the proposed project. This alternative would still require annexation into the HCSD and construction of the off-site water storage tank. This alternative would result in less construction and operational solid waste generation due to the reduction in the number of dwelling units, and, similar to the proposed project, this alternative would be required to implement waste reduction measures. Therefore, this alternative would have fewer impacts on utility systems compared to the proposed project.

Wildfire

The Site Plan Redesign alternative would provide a 100-foot defensible space by eliminating 10 single-family dwelling units and 14 small lot single-family dwelling units. The proposed project was determined to have a significant and unavoidable impact on wildfires, even with implementation of mitigation. Under this alternative, the impact would be less than significant with site redesign to incorporate the 100-foot defensible space and implementation of the mitigation measures. Accordingly, the Site Plan Redesign alternative would have fewer impacts to wildfire compared to the proposed project.

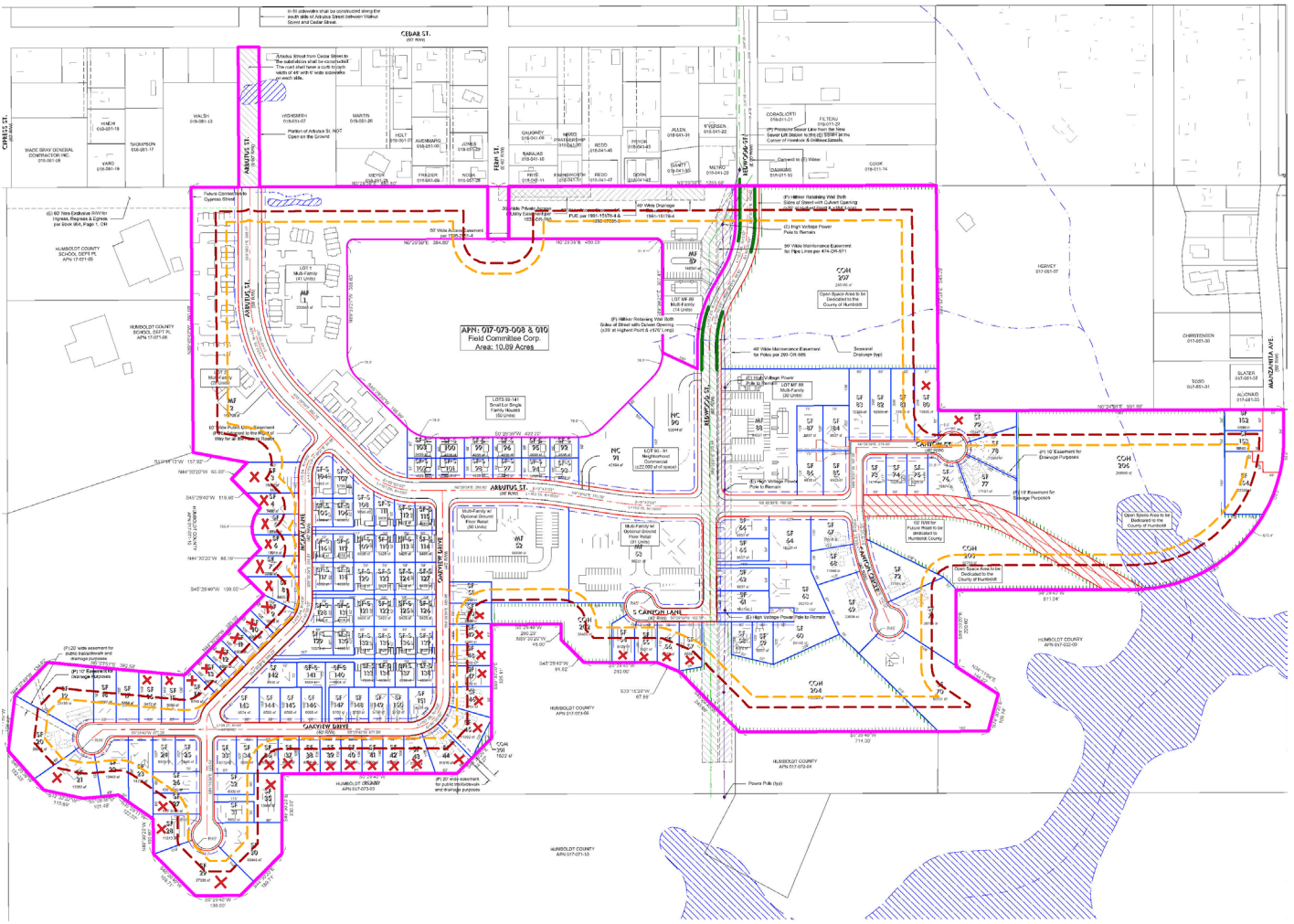
Conclusion




The Site Plan Redesign alternative would result in a less than significant impact relative to wildfires when compared to the significant and unavoidable impacts of the proposed project. In addition, this alternative would lessen the severity of other impacts, including those associated with agriculture and forestry resources; air quality; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; and transportation. This alternative would also advance all of the proposed project objectives.

5.4.3 Alternative 3 – Reduced Density

The Reduced Density alternative was developed to reduce potential significant and unavoidable impacts from both GHG emissions and wildfire risk. To address both considerations, the following modifications have been made to the proposed project site plan: (1) the elimination of specific lots that would prohibit the existing site plan's ability to include a 100-foot defensible space buffer, and (2) a reduction in the total amount of single-family and multi-family residential units to reduce operational mobile source GHG emissions. The redesign would result in a smaller development, with 22,000 square feet of commercial space (limited by the number of trips evaluated in the traffic study for an office use), 150 multi-family low rise apartments, and 130 single-family homes. The requirement for on-site, 100-foot defensible space is anticipated to eliminate single-family lots 3 through 16, 21, 27 through 29, 35 through 50, 54 through 57, 79 and 80 for a total of 39 lots as shown in Figure 5-2. The GHG modeling determined that reduction in 26 multi-family and 14 single-family units would reduce operational GHGs. While redesign could result in any development layout, for purposes of this analysis, it is assumed that reduction of 40 units would consist of elimination of the 39 single-family lots, of which 15 lots would be accommodated on-site by reducing lot sizes. In addition, 26 of the multi-family units would be eliminated on Lot 88 to avoid steep slopes based on the geotechnical report.





-  70 foot interior buffer
-  100 foot interior buffer
-  Lots to be eliminated for 100-foot defensible space



Project Location
Humboldt County, CA Prepared by KJ on 2020-04-28
IR by TG on 2020-04-28

Client/Project
North Mckay Ranch Subdivision Project

Figure No.
5-2
Title
Reduced Density Alternative

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This alternative would require extending Redwood Street and Arbutus Street, which would require drainage crossings similar to the proposed project. In addition, with the site redesign, it is expected that there would be adequate buffer from the PG&E high voltage power line.

The purpose of the Reduced Density alternative is to reduce significant and unavoidable impacts from wildfires by providing 100-foot defensible space, avoiding steep slopes in the northern portion of the project site, and reducing GHG emissions to less than significant levels. Furthermore, this alternative is anticipated to reduce trip generation, air emissions, noise, and demands on public services and utility providers as a result of the net decrease in development potential relative to the proposed project.

Impact Analysis

Aesthetics

The Reduced Density alternative would result in a fewer number of residential dwelling units and potentially a more compact development due to the creation of 100-foot defensible space, as a number of homes would be reduced to 280 units. The proposed project's impacts to aesthetics were found to be less than significant after the implementation of mitigation measures in the form of design guidelines that include maintenance of the natural features of the site, circulation and parking considerations, architectural considerations, landscaping, and setbacks from adjacent land uses. The Reduced Density alternative would be subject to the same mitigation measures and regulations concerning aesthetics. However, with fewer homes, this alternative would reduce the severity of impacts on aesthetics compared to the proposed project.

Agricultural and Forestry Resources

The proposed project did not identify any significant impact on loss of forest land as the project site was already zoned for development under the approved Eureka Community Plan, and a timber conversion permit was approved as part of that process. The Reduced Density alternative would require a 100-foot defensible space that could include a combination of clear space and vegetation management. In addition, this alternative would result in a compact development and fewer units. Therefore, this alternative would potentially result in removal of fewer trees than the proposed project. The Reduced Density alternative would have less of an impact on agricultural and forestry resources compared to the proposed project.

Air Quality

This alternative would result in a smaller development on 81 acres. The proposed project was found to have less than significant impacts associated with air quality for operations and less than significant impacts with mitigation for construction impacts. This alternative would avoid steep slopes and potentially result in reduced grading and fewer air quality impacts from construction. In addition, this alternative would result in fewer operational trips corresponding to fewer operational emissions. Therefore, this alternative would have fewer impacts related to air quality than the proposed project.



Biological Resources

The Reduced Density alternative would result in a similar impact on the two drainage crossings as the only logical access to the project site is through Redwood Street and Arbutus Street. The proposed project was found to have significant impacts on special-status species, riparian habitat, and wetlands. Mitigation was proposed to address all of these impacts and would fully mitigate these issues to a level of less than significant. Because this alternative would result in a smaller development, it can be reasonably expected that impacts to habitat would be less than that of the proposed project. The Reduced Density alternative would have less of an impact on biological resources compared to the proposed project.

Cultural Resources

The Reduced Density alternative would result in the same amount of development. The anticipated ground disturbance would be similar to that of the proposed project; therefore, potential impacts to cultural and paleontological resources would be similar to the proposed project. As a result, similar cultural resource mitigation measures identified for the proposed project would be required to be implemented under this alternative. This alternative would have equivalent impacts on cultural resources compared to the proposed project.

Energy

Under this alternative, the proposed dwelling units and commercial spaces would comply with the same energy efficiency standards as the proposed project. However, since fewer homes would be built, energy consumption would be less. Therefore, impacts to energy would be less compared to the proposed project.

Geology and Soils

This alternative would result in a smaller and more compact development that would avoid steeper slopes. The proposed project was found to have significant impacts on seismic hazards, erosion, and unstable geologic units and soils. Mitigation was proposed to address all of these impacts and would fully mitigate these issues to a level of less than significant. Because this alternative would avoid steep slopes, it would lessen the severity of its impacts. Therefore, this alternative would have less impacts relative to geology and soils compared to the proposed project.

Greenhouse Gas Emissions and Climate Change

This alternative would result in less construction activity as the amount of development would be reduced, in turn reducing construction emissions. The proposed project was found to have significant and unavoidable impacts to operational GHG with mitigation. Similar to the proposed project, this alternative would implement mitigation to reduce GHG emissions. With a reduction of 40 dwelling units, this alternative would result in operational GHGs below the SMAQMD thresholds; as such, a less than significant impact would occur. Therefore, this alternative would result in fewer GHG emissions and have fewer impacts compared to the proposed project.



Hazards and Hazardous Materials

Under the Reduced Density alternative, the amount of development would be reduced. The proposed project was found to have significant impacts associated with hazardous materials from potential for risk of upset. Mitigation was proposed to address all of these impacts and would fully mitigate these issues to a level of less than significant. This alternative would require the same mitigation measures. Therefore, this alternative would have fewer impacts relative to hazards and hazardous materials compared to the proposed project.

Hydrology and Water Quality

The Reduced Density alternative would avoid steep slopes resulting in less ground disturbance than the proposed project. The proposed project was found to have significant impacts on short-term water quality, long-term water quality, drainage, and soil erosion that were determined to be less than significant with mitigation and regulatory compliance. Similarly, with respect to water quality, this alternative would also comply with the statewide General Permit and would be subject to the requirements of the County MS4 Permit for municipal stormwater. Similar to the proposed project, this alternative would be required to implement the same mitigation measures to ensure that short-term surface water quality impacts regarding water quality would be less than significant. Because this alternative would avoid steep slopes, it would lessen the severity of its impacts. Therefore, this alternative would have fewer impacts on hydrology and water quality compared to the proposed project.

Land Use and Planning

The Reduced Density alternative, like the proposed project, would require a General Plan Amendment, rezone, tentative map, and other discretionary approvals. Similar to the proposed project, this alternative would be consistent with the Humboldt County General Plan and the County Code. However, with the reduction of wildfire risk and GHG emissions, this alternative would be more consistent with the County Wildfire Protection Plan and County General Plan policies for GHGs. Therefore, this alternative would have fewer impacts relative to land use and planning compared to the proposed project.

Noise

This alternative would result in approximately 280 dwelling units and 22,000 square feet of commercial uses. The proposed project's construction, onsite roadway, and stationary noise impacts were found to be less than significant after the implementation of mitigation. Construction and operation noise associated with the development under this alternative would result in similar impacts to surrounding sensitive receptors and would require the same mitigation measures as the proposed project. Due to the reduction in development as compared to the proposed project, construction activities would potentially cause less mobile noise resulting from movement of equipment and workers along access routes to and from the site. The alternative's construction-related vibration impacts would also be similar to the proposed project and would be less than significant with mitigation. Because this alternative would disturb less acreage, develop fewer dwelling units, and would generate fewer vehicle trips than the proposed project, it would lessen the severity of all of these impacts. Therefore, this alternative would have fewer noise impacts compared to the proposed project.



Population and Housing

This alternative would develop 280 dwelling units and increase the County's population by 680 persons, while the proposed project would increase the population by 778 persons. The proposed project's population growth was found to be less than significant because it was within the population growth forecasted level; therefore, this alternative would yield a similar conclusion. However, this alternative would result in fewer housing units and would be less effective in meeting the housing needs under the Regional Housing Needs Allocation Program. Therefore, this alternative would have greater adverse impacts on population and housing compared to the proposed project.

Public Services

This alternative would result in reduced development and, therefore, would result in a proportional reduction in all public service needs. With respect to schools, this alternative would result in a smaller increase in public school student population as compared to the proposed project. As discussed in Section 3.14, Public Services, the schools serving the project site have been experiencing declining enrollment. This alternative would increase demands for public services and would implement mitigation similar to the proposed project for impacts on schools. Because this alternative would develop fewer dwelling units than the proposed project, it would reduce demands on public services and would lessen the severity of its impacts. Therefore, this alternative would have fewer impacts on public services compared to the proposed project.

Recreation

The Reduced Density alternative would be anticipated to increase the population by approximately 680 persons. Similar to the proposed project, 21.73 acres of undeveloped forest land would be dedicated to the County and trail connections would be provided. Therefore, this alternative would result in fewer impacts with regard to recreation.

Transportation

The Reduced Density alternative would result in 2,552 daily trips, slightly fewer than the proposed project's 2,879 daily trips. Under this alternative, there would be less traffic compared to the proposed project, and payment of fair-share fees for intersection improvements at intersections noted in Section 3.16, Transportation, to facilitate future traffic growth under the cumulative conditions would still be required. The reduction in vehicle trips associated with the reduced dwelling units would not be enough to reduce potential traffic impacts, because it would still contribute additional vehicle trips to intersections that are projected to operate at unacceptable levels; and mitigation would be required to reduce impacts to a level of less than significant. Therefore, impacts related to transportation would be equivalent to the proposed project.

Tribal Cultural Resources

The Reduced Density alternative would result in the development of fewer dwelling units. The proposed project is not anticipated to have an impact on any known or potential TCRs. However, mitigation is required for inadvertent discoveries. Although the anticipated ground disturbance would be less than that of the proposed project, potential impacts to TCRs would be similar, as the potential for unearthing cultural resources during development would be same as the proposed project.



Utilities and Service Systems

The reduced development square footage and population under the Reduced Density alternative would have corresponding reduced demand for potable water and wastewater disposal and treatment relative to the proposed project. This alternative would still require annexation into the HCSD and construction of the off-site water storage tank. This alternative would result in less construction and operational solid waste due to the reduction in the number of dwelling units and, similar to the proposed project, would be required to implement waste reduction measures. Therefore, this alternative would have fewer impacts on utility systems compared to the proposed project.

Wildfire

The Reduced Density alternative would provide 100-foot defensible space by eliminating 39 single-family lots. In addition, this alternative would avoid steep slopes by eliminating 26 multi-family units on Lot 88 and provide a buffer from the PG&E high voltage power line. The proposed project was determined to have a significant and unavoidable impact on wildfires with implementation of mitigation. Under this alternative, the impact would be less than significant with site redesign to incorporate the 100-foot defensible space, avoidance of steep slopes, buffer from the PG&E power line, and implementation of the mitigation measures. Accordingly, the Reduced Density alternative would have fewer impacts to wildfire compared to the proposed project.

Conclusion

The Reduced Density alternative would result in a less than significant impact relative to wildfires and GHG emissions when compared to the significant and unavoidable impacts of the proposed project. In addition, this alternative would lessen the severity of other impacts, including those associated with agriculture and forestry resources; air quality; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; and transportation. This alternative would advance all of the proposed project objectives.

5.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA Guidelines Section 15126.6(e)(2) requires an EIR to identify an “environmentally superior alternative.” If the No Project alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. Note that CEQA Guidelines Section 15126(e)(3)(B) defines the “No Project Alternative” as the circumstance in which the project site remains in its existing state.

The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 5-1. To quantitatively identify an environmentally superior alternative, a value has been applied to each environmental effect. Additionally, Table 5-2 provides a comparison of the alternatives with the proposed project objectives. Accordingly, the alternative with the fewest amount of impacts and the ability to achieve the most project objectives is the environmentally superior alternative.

Table 5-1 compares how each alternative would avoid or substantially lessen the proposed project’s significant unavoidable impacts. Overall, the Reduced Density alternative achieves a substantial decrease in wildfire and GHG impacts to a less than significant level. As such, it would lessen the severity of the proposed project’s significant unavoidable GHG impacts by the greatest degree. All other resource



areas would be less than significant or less than significant with mitigation. The Reduced Density alternative would also meet all of the proposed project objectives and would be more consistent with the County CWPP and County General Plan policies. Therefore, the Reduced Density alternative is the environmentally superior alternative.

Table 5-1: Summary of Alternatives

Environmental Topic Area	Proposed Project	No Project Alternative	Site Plan Redesign Alternative	Reduced Density Alternative
Aesthetics	LTS/M	L	L	L (-)
Agricultural and Forestry Resources	LTS	L	L	L (-)
Air Quality	LTS/M	L	L	L (-)
Biological Resources	LTS/M	L	L	L
Cultural Resources	LTS/M	L	E	E
Energy	LTS	L	L	L (-)
Geology and Soils	LTS/M	L	L	L (-)
Greenhouse Gas Emissions and Climate Change	SU/M	L	L	L (-)
Hazards and Hazardous Materials	LTS/M	L	L	L (-)
Hydrology and Water Quality	LTS/M	L	L	L (-)
Land Use and Planning	LTS	L	L	L (-)
Noise	LTS/M	L	L	L
Population and Housing	LTS	L	G	G (+)
Public Services	LTS/M	L	L	L (-)
Recreation	LTS/M	L	L	L (-)
Transportation	LTS/M	L	E	E
Tribal Cultural Resources	LTS/M	L	E	E
Utilities and Service Systems	SU	L	L	L (-)
Wildfire	SU/M	L	L	L

Notes:

LTS = Less than Significant Impact

LTS/M = Less than Significant Impact with Mitigation

SU = Significant and Unavoidable

L = Less impact than the proposed project

E = Equivalent impact to the proposed project

G = Greater impact than the proposed project

(-) = Fewer impacts than the proposed project and the Site Plan Redesign Alternative

(+) = Greater impacts than the proposed project and the Site Plan Redesign Alternative



Table 5-2: Alternatives Comparison with Project Objectives

Project Objectives	Proposed Project	No Project Alternative	Site Plan Redesign Alternative	Reduced Density Alternative
Comply with the Humboldt County Local Agency Formation Commission (LAFCo) policy to create a more logical service boundary and provide more effective delivery of municipal services by annexing all existing unincorporated islands zoned for development in the HCSD.	X	-	X	X
Ensure new residents receive the same level of service as current residents.	X	-	X	X
Ensure existing service levels to current County residents are not reduced in order to provide services to the HCSD service area.	X	-	X	X
Promote economic vitality by maintaining and expanding small businesses and local services for residents.	X	-	X	X
Assist County in meeting housing needs to accommodate forecasted population growth.	X	-	X	X
Incorporate parks and open space, including trails, into the project design in a manner that would provide community connectivity and is aesthetically pleasing.	X	-	X	X
Promote economic growth through new capital investment for an expanded population and increased tax base.	X	-	X	X
Provide a diversity of housing choices in one development that would cater to various segments of the community including low-cost single-family homes.	X	-	X	X



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6.0 OTHER CEQA CONSIDERATIONS

This section describes the other statutorily required topics, including growth inducing impacts, significant and unavoidable impacts, significant irreversible environmental changes, and mandatory findings of significance. It also provides a discussion of energy conservation as required by Section 15126.4 of the CEQA Guidelines.

6.1 GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the CEQA Guidelines requires that an EIR evaluate the growth-inducing impacts of a proposed action:

Discuss the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a WWTP with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth, may provide a catalyst for future unrelated development in an area, such as a new residential community that requires additional commercial uses to support residents.

6.1.1 Direct Population Growth

The proposed project would cause direct population growth by constructing 320 residential units and 22,000 square feet of commercial uses on undeveloped land. These dwelling units would directly generate population growth of an estimated 778 new residents to the County's population. As discussed in Section 3.13, Population and Housing, the proposed project's population growth is within HCD population projections that show a population growth of 4,978 residents between 2018 and 2027. The population growth attributable to the proposed project would represent approximately 16 percent of the HCD's forecasted growth between 2016 and 2027. The proposed project would be phased over 10 to 20 years, and this growth would be further spread out. Additionally, the proposed project would provide up to 9 percent of the housing stock required under RHNA. Moreover, the Humboldt County Housing Element identifies the project site as a Housing Opportunity Zone. Because the proposed project's population growth figures are within HCD growth projections and the site has been considered for development in the County's long range plans, it can be concluded that the proposed project would be considered planned growth and, therefore, is not growth inducing.



The commercial uses are anticipated to employ as many as 44 persons. The California Employment Development Department indicates that as of January 2020, there were 2,500 unemployed persons in the County. Accordingly, it would be expected that the proposed project's new jobs could readily be filled from the local workforce. Therefore, no substantial indirect growth from the proposed project's employment opportunities would occur. In summary, the proposed project would not have the potential to cause substantial direct or indirect population growth.

6.1.2 Removal of Barrier to Growth

The proposed project would be served by existing utilities in the project area and require annexation into the HCSD service boundary for water and sewer demand. The proposed high-pressure sewer line would be installed to specifically serve the development and would not result in growth inducement. The proposed project also includes construction of an off-site water storage tank. HCSD is currently preparing the Water Supply and Storage Study for the project's water storage tank, and the results of the study are not currently available. However, construction of a new water storage tank would not be considered growth inducing, since any project seeking HCSD's services would have to go through a separate discretionary review process. The additional demand for utilities and public services generated by operation of the proposed project would be met by supplies and service from existing facilities, as described in Section 3.18, Utilities and Service Systems. The proposed project was considered in the Eureka Community Plan and is contemplated for urban development by both the General Plan and Zoning Ordinance. As such, the extension of this urban infrastructure is "growth accommodating," because it is intended to facilitate planned growth.

6.2 SIGNIFICANT UNAVOIDABLE IMPACTS

CEQA Guidelines Section 15126(b) requires an EIR to "describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described."

Section 3.0, Environmental Impact Analysis, provides a description of the potential environmental impacts of the proposed project and recommends MMs to reduce impacts to a less than significant level, where possible. Section 4.0, Cumulative Impacts, determines whether the incremental effects of this project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. After implementation of the recommended MMs, the following resource areas would have significant unavoidable impacts:

6.2.1 Greenhouse Gas

Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

Cause a cumulatively considerable adverse impact from greenhouse gases.



6.2.2 Wildfire

Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Cause a cumulatively considerable adverse impact from wildfires.

6.3 SIGNIFICANT IRREVERSIBLE CHANGES

As mandated by the CEQA Guidelines, the EIR must address any significant irreversible environmental change that would result from implementation of the proposed project. Specifically, pursuant to the CEQA Guidelines (Section 15126.2[c]), such an impact would occur if:

- The project would involve a large commitment of nonrenewable resources;
- Land area committed to new project facilities;
- Irreversible damage can result from environmental accidents associated with the project; and
- The proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Development of the proposed project would result in an irretrievable commitment of nonrenewable natural and energy resources, such as water resources during construction and operation. The energy resource demands would be used for construction, heating, and cooling of buildings, transportation of people and goods, heating and refrigeration, lighting, and other associated energy needs. However, the proposed project would implement a number of design features and MMs that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and lessen the severity of corresponding environmental effects. Although the proposed project would result in an irretrievable commitment of non-renewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

The proposed project would develop residential and commercial uses within an 81-acre area. The residential uses would consist of single-family and multi-family dwelling units. The exact type of commercial uses would be based on market conditions but are expected to serve the local community and could consist of retail and restaurants. None of these uses would handle large quantities of hazardous materials or engage in activities that have the potential to result in serious environmental accidents (chemical manufacturing, mineral extraction, refining, etc.). As such, the proposed project would not have the potential to cause serious environmental accidents.



Resources that would be permanently and continually consumed by proposed project implementation include water, electricity, natural gas, and fossil fuels; however, such consumption would not be unusually high or disproportionate relative to similar land uses (refer to Section 3.14, Public Services, and Section 3.18, Utilities and Service Systems, for further discussion). The proposed project would incorporate design features and MMs to reduce energy and water consumption. These design features would include EV charging stations in commercial and multi-family uses and rooftop solar to the extent feasible and permitted by the County. These measures, planning policies, standard conservation features, and MMs would ensure that natural resources are conserved to the maximum extent possible. Although the proposed project would result in an irretrievable commitment of nonrenewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.



7.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

7.1 INTRODUCTION

This section is based on the NOP, dated May 21, 2019, and contained in Appendix A of this EIR. The NOP was prepared to identify the potentially significant effects of the proposed projects and was circulated for public review between May 21, 2019 and June 20, 2019. In the course of this evaluation, certain impacts were found to be less than significant because the proposed project's characteristics would not create such impacts. This section provides a brief description of effects found not to be significant or less than significant, based on the NOP comments or more detailed analysis conducted as part of the EIR preparation process. Note that a number of impacts that are found to be less than significant are addressed in the various EIR topical sections (Sections 3.1 through 3.19) to provide more comprehensive discussion of why impacts are less than significant, in order to better inform decision makers and the general public.

7.2 EFFECTS FOUND NOT TO BE SIGNIFICANT

7.2.1 Agricultural Resources

Farmland to Non-Agricultural Use

The project area does not fall within an area designated as having prime soils, nor does it meet the definition for prime soils included in the Humboldt County General Plan. The project area consists primarily of lands that have historically been used for timber harvesting and is therefore not conducive to agricultural or grazing operations. Therefore, the proposed project would not convert any prime farmland to non-agricultural use. There would be no impact.

Agricultural Zoning or Williamson Act Contract

The proposed project does not contain any parcels that are zoned for agricultural use or that contain a Williamson Act contract. The proposed project parcels are zoned as Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). Therefore, since the proposed project would not conflict with agricultural zoning or Williamson Act contracts, no impact would occur.

Pressures to Convert Farmland to Non-Agricultural Use

The proposed project is not surrounded by any prime agricultural lands or lands able to support agricultural or grazing; therefore, the proposed project would not result in the conversion of any farmlands to non-agriculture use, and no impact would occur.



7.2.2 Geology, Soils, and Seismicity

Septic or Alternative Wastewater Disposal Systems

The proposed project would be served by sanitary sewer service provided by HCSD. No septic or alternative wastewater disposal systems would be used. This condition precludes the possibility of impacts in this regard. No impacts would occur.

7.2.3 Hazards and Hazardous Materials

Airports

There are no public or private air strips or airports located within 2 miles of the proposed project. The nearest airport to the project site is the Murray Field (KEKA) Airport, which is located approximately 2.6 miles northeast of the project site. Additionally, the proposed project would not include any elements that could potentially obstruct or interfere with airport operations or conflict with the airport land use plan. Therefore, there would be no impact associated with a safety hazard from nearby airports and no mitigation measures would be required.

7.2.4 Hydrology and Water Quality

Seiches, Tsunamis, or Mudflows

The project site is not located in a flood hazard area, tsunami or seiche zone or at risk of releasing pollutants due to project inundation (FEMA 2016; Humboldt County 2020). Elevations at the project site, which are 150-200 feet amsl, are higher than the coastal areas, which means a lower susceptibility for tsunami inundation. The proposed project, once constructed, would be built in conformance with all applicable state, federal, and local regulations related to safety, and would not result in an increased risk related to release of pollutants due to project inundation. Therefore, there would be no impact.

7.2.5 Mineral Resources

Mineral Resources of Statewide or Local Importance

The proposed project location does not contain mineral resources that are of value locally, to the region, or to residents. Mineral resources that could potentially be used for the project include aggregate road base used for road construction. The project includes parking areas, walkways, roads, etc. The volume of material needed for the project can be supplied by local providers using existing sources. The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan, as the proposed project is not identified as a locally important mineral resource recovery site. Therefore, the proposed project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and no impact would occur.



7.2.6 Noise

Aviation Noise

The proposed project is not located in an airport land use plan area, within 2 miles of a public airport, or public use airport, or in the vicinity of a private airstrip. The nearest airport to the project site is the Murray Field (KEKA) Airport, which is located approximately 2.6 miles northeast of the project site. The project does not have the potential to expose people residing or working in the project area to excessive noise levels. No impact would occur.

7.2.7 Population and Housing

Displacement of Persons or Housing

The proposed project would not displace substantial numbers of existing people or housing. No development that would require substantial displacement of people or housing is proposed as part of the project. To the contrary, the proposed project itself is a development project that would provide new housing to the area, in an area that has not been previously developed. Therefore, no impact would occur.

7.2.8 Transportation

Air Traffic Patterns

The project site is not within the boundaries of an airport land use plan or airport influence area. The nearest airport to the project site is the Murray Field (KEKA) Airport, which is located approximately 2.6 miles northeast of the project site. This precludes the possibility of the proposed project altering air traffic patterns. No impacts would occur.



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None

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None

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APPENDIX C1

**Biological Report, Wetland Delineation,
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APPENDIX C2

**California Department of Fish and Wildlife
California Natural Diversity Database**

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APPENDIX D1

**Cultural Resources Investigation
(CONFIDENTIAL)**

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APPENDIX D2

**Cultural Resources Investigation Addendum – Water Storage
Tank (CONFIDENTIAL)**

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APPENDIX E

Geologic and Geotechnical Investigation

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APPENDIX F

Preliminary Hydrologic / Drainage Study

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APPENDIX G

Noise Calculations

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APPENDIX H

Focused Traffic Study

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APPENDIX I

Native American Consultation

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North McKay Ranch Subdivision Project
Partial Recirculation - Draft Environmental Impact Report
Humboldt County Record No. PLN-9902-GPA

SCH #: 2019049166

Prepared for:

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Planning and Building Department
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North McKay Ranch Subdivision Project Partial Recirculation - Draft EIR

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ACRONYMS AND ABBREVIATIONS

amsl	above mean sea level
APN	assessor parcel numbers
Applicant	Kramer Properties, Inc.
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
County	Humboldt County
EIR	Environmental Impact Report
GHG	greenhouse gas
GO	greenway and open space
HCSD	Humboldt Community Services District
LAFCo	Local Agency Formation Commission
LOS	Level of Service
NOP	Notice of Preparation
OPR	Governor's Office of Planning and Research
PG&E	Pacific Gas and Electric Company
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SWPPP	Stormwater Pollution Prevention Plan
TAZ	Traffic Analysis Zone
THP	Timber Harvest Plan
TPZ	Timberland Production Zone
USACE	United States Army Corps of Engineers
USCB	United States Census Bureau
USFWS	United States Fish and Wildlife Service
VMT	vehicle miles traveled



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1.0 INTRODUCTION

1.1 BACKGROUND

On May 15, 2020, Humboldt County (County) released the Draft Environmental Impact Report (Draft EIR) for the North McKay Ranch Subdivision Project. The Draft EIR evaluated the environmental impacts associated with the construction and operation of the project. The Draft EIR public review period ended on June 29, 2020. A number of comments were received during the public review period that will be addressed in the Final EIR. On July 1, 2020, the provisions of the new CEQA Guidelines Section 15064.3 Determining the Significance of Transportation Impacts became effective. Section 15064.3 was added to the CEQA Guidelines in response to Senate Bill 743.

Before July 1, 2020, traffic congestion levels (known as level of service, or LOS) were the main measurement to determine the negative environmental impacts of development and transportation projects. Under SB 743, these effects are now measured according to the overall amount that people drive (known as vehicle-miles traveled, or VMT). VMT is calculated as part of a building or transportation project's CEQA environmental review process.

Because of this shift in determining the significance of transportation impacts, Humboldt County has decided to recirculate two environmental impact analysis sections that have been impacted by this shift from LOS to VMT: the Land Use and Planning section and the Transportation section as well as provide an update to the Project Description.

1.2 DRAFT EIR RECIRCULATION

In accordance with Public Resources Code Section 21092.1 and State California Environmental Quality Act (CEQA) Guidelines Section 15088.5, Humboldt County is recirculating portions of the North McKay Ranch Subdivision Project Draft EIR (Partial Recirculated Draft EIR) in response to shift in determining the significance of transportation impacts.

CEQA Guidelines Section 15088.5 sets forth the legal standards and principles governing the recirculation of Draft EIRs. Subdivision (a) of that provision states that recirculation of an EIR should occur if:

... significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term 'information' can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project ...

Humboldt County is recirculating affected sections the document to provide the public with a meaningful opportunity to comment on the additional information. The recirculation is "partial" (meaning that only chapters or portions of the prior Draft EIR with new information have been revised and reissued) rather than "full" (meaning that the entire document has been revised and reissued).



Recirculation of an EIR requires notice pursuant to CEQA Guidelines Section 15087, and consultation pursuant to Section 15086 [see State CEQA Guidelines, Section 15088.5, subd.(d)].

1.3 RECIRCULATION DRAFT EIR PROCESS

The Recirculated Draft EIR will be subject to review and comment by the public, as well as all responsible agencies and other interested parties, agencies, and organizations for a period of 45 days. Comments on the Recirculated Draft EIR should be submitted to:

Desmond Johnston, Senior Planner
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501
(707) 445-7541
CEQAResponses@co.humboldt.ca.us

The Recirculated Draft EIR is available for public review at the County's office, identified above, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Subdivision (f)(2) of Section 15088.5 describes the specific procedural and noticing requirements associated with the partial recirculation of the Draft EIR:

When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised Draft EIR or by an attachment to the revised Draft EIR.

Therefore, pursuant to CEQA, commenters are asked to limit their comments to the revised sections of the Draft EIR. As limited to the topics of the recirculation, Humboldt County will respond in writing to significant environmental points raised by the reviewers in their comments on the Recirculated Draft EIR. The comments and responses will be included in the Final EIR. The Final EIR shall consist of the Draft EIR, the Recirculated Draft EIR, comments received on both the Draft EIR and Recirculated Draft EIR, and the responses to those comments. After a public hearing on the project, the lead agency decision-making body (that is, the Humboldt County Board of Supervisors) will review the Final EIR and any public testimony and decide whether to certify the Final EIR and whether to approve or deny the project.

1.4 SUMMARY OF REVISIONS TO DRAFT EIR

The State CEQA Guidelines state that “[w]hen recirculating a revised EIR, either in whole or in part, the lead agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR” [see CEQA Guidelines, Section 15088.5, subd. (g)]. The revisions to the Draft EIR include revised environmental impact analysis for Land Use and Planning and



Transportation. These revisions of this Recirculated Draft EIR are provided as Chapter 2, Chapter 3.11 and Chapter 3.16, to follow the document numbering convention of the Draft EIR.

The Executive Summary, specifically Table ES-1 Executive Summary of Impacts and Mitigation Measures will be updated to include revised impact determinations for the Final EIR. No other changes would be made to the following chapters of the Draft EIR: Chapter 1: Introduction, Chapter 4, Cumulative Effects, Chapter 5, Alternatives, Chapter 6, Other CEQA Considerations, Chapter 7 Effects Found Not To Be Significant, Chapter 8, Preparers and Organizations Consulted, and Chapter 9, References. Therefore, these sections have not been reproduced in this Partial Recirculated Draft EIR.

After circulation of the Draft EIR, a Water Supply Analysis was completed in October 2020, which confirmed the need for a water storage tank and potential upsizing of a water main. In addition, a VMT Analysis was completed for the project in September 2021. The Water Supply Analysis and VMT Analysis have been provided as Appendix J and K of this Partial Recirculated EIR to follow the document numbering convention of the Draft EIR.

1.5 RECIRCULATION DRAFT EIR

Three chapters, the Chapter 2, Project Descriptions, Chapter 3.11 Land Use and Planning, and Chapter 3.16 Transportation Changes have been revised to reflect updates to the project based on the water supply analysis completed post circulation of the Draft EIR, and changes to the regulatory environment that resulted in how the significance of transportation impacts are evaluated because of SB 743 and updates to the CEQA Guidelines Section 15064.3, which became effective July 1, 2020. In addition, two new appendices: Appendix J: Water Supply Analysis and Appendix K: VMT Analysis have been provided.



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2.0 PROJECT DESCRIPTION

This chapter describes the proposed North McKay Ranch Subdivision Project (proposed project) that is evaluated in this Draft EIR. This chapter provides information on the proposed project's location, objectives, existing and proposed facilities, construction techniques, maintenance, and permitting and entitlement requirements.

2.1 PROPOSED PROJECT OVERVIEW

The project site is in the unincorporated community of Cutten in Humboldt County (County), California, and comprises two discontinuous areas: the proposed development area and the off-site water storage tank. The proposed project would include the resubdivision of seven legal parcels, consisting of seven assessor parcel numbers (APN), for a total of approximately 81 acres, into mixed-use lots to develop up to 320 residential units, approximately 22,000 square feet of commercial development, an off-water storage tank on approximately 0.3 acre, located 2.5 miles to the south. In addition, an off-site sewer line would be constructed. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix would include 146 single-family houses, and 174 multi-family units on six lots. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space on two parcels. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the HCSD and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. Several on-site and off-site improvements are planned as part of the proposed project development. The proposed project would require annexation into HCDE for the provision of utilities.

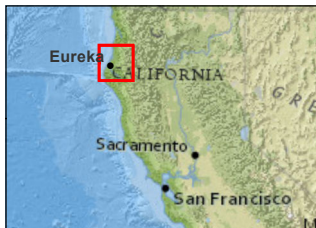
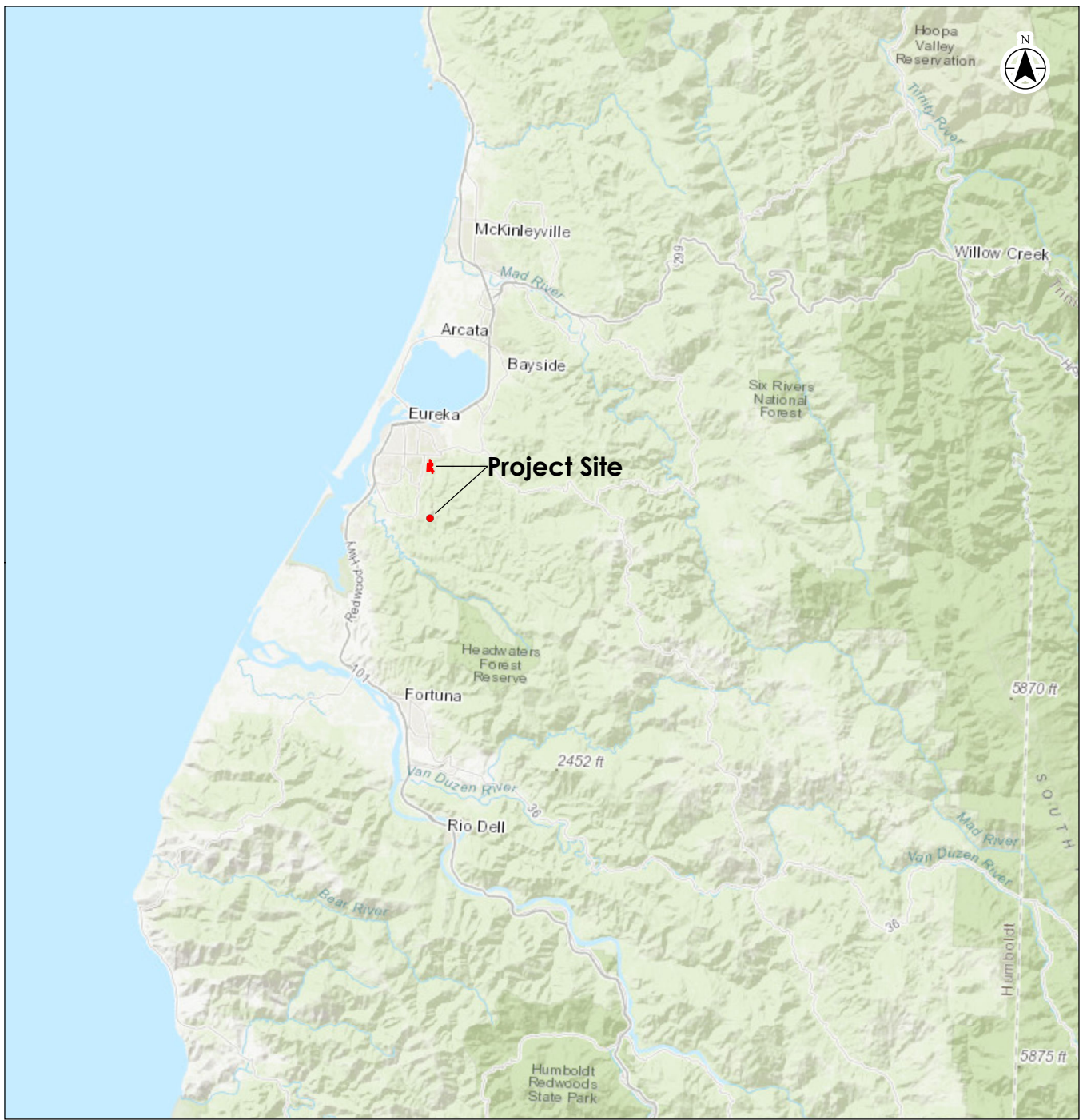
2.1.1 Location

The project site is located in Cutten, California, an unincorporated community within the County, immediately south of the southern boundary of the City of Eureka (Figure 2-1). The proposed development would be on the seven APNs located approximately 2.5 miles south of Humboldt Bay, 2.5 miles southeast of downtown Eureka and U.S. Highway 101, and less than 0.5 mile southeast of Sequoia Park. The associated APNs are 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, 017-073-009 (Figure 2-2). The proposed water storage tank would be located approximately 2.5 miles south, near Ridgewood, California, in proximity to HCSD's existing water storage tank (Figure 2-2). The associated APN is 303-012-020. The project site is generally located on U.S. Geological Survey Eureka 7.5-minute Quadrangle, Township 5 North, Range 1 West, Section 36, Humboldt Meridian.

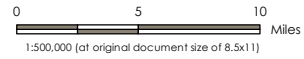


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 Project Site



Project Location Humboldt County, California Prepared by PG on 2020-04-06 Technical Review by ZP on 2020-04-06

Client/Project North McKay Ranch Subdivision Project

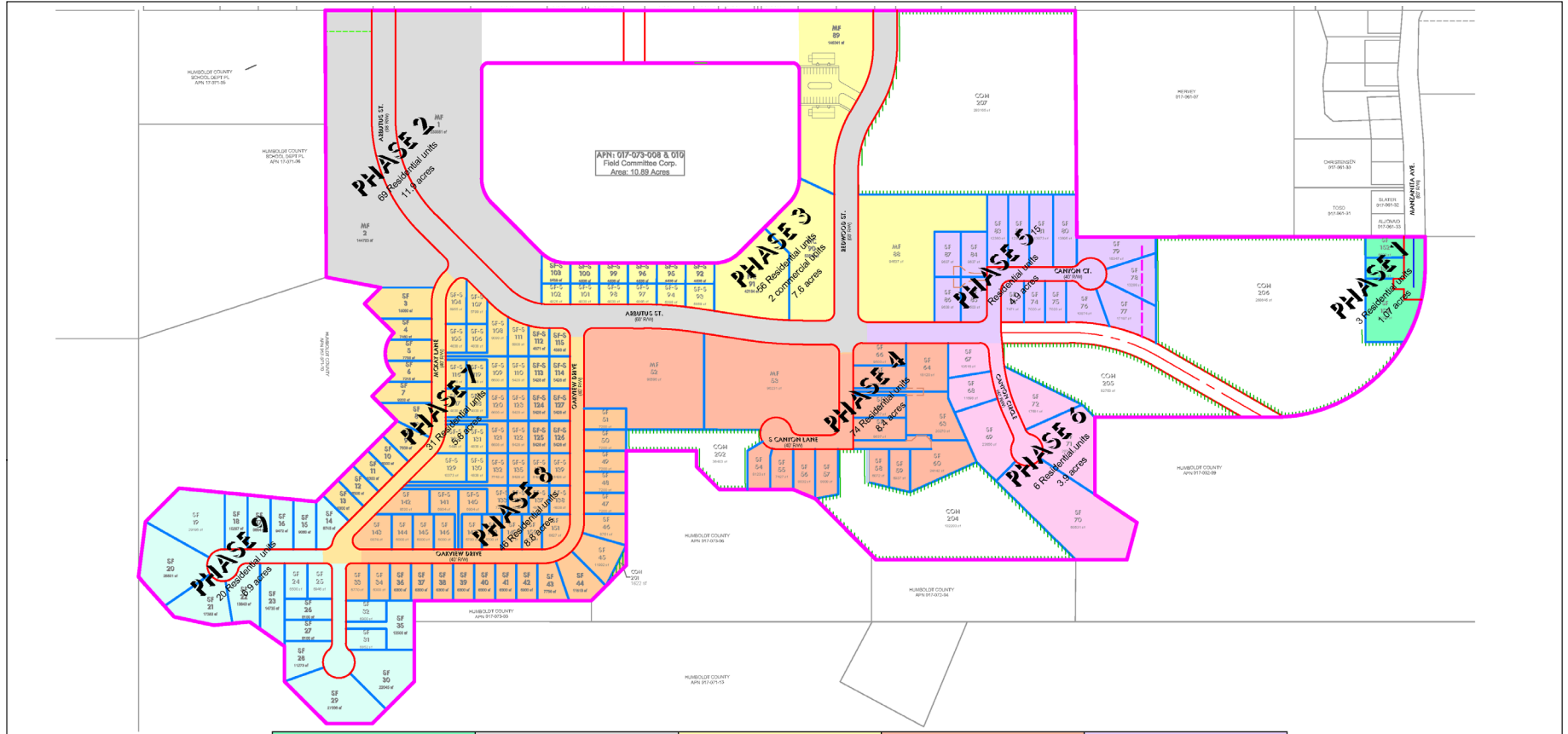
Figure No. 2-1
Title

Regional Location

Notes
 1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
 2. Background Imagery: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
 Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

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PHASE 1 3 Single-Family House Lots (SF) 3 TOTAL RESIDENTIAL UNITS	PHASE 2 69 Multi-Family (MF) 69 TOTAL RESIDENTIAL UNITS	PHASE 3 12 Small Lot Single-Family Houses (SF) 44 Multi-Family (MF) 56 TOTAL RESIDENTIAL UNITS 2 NEIGHBORHOOD COMMERCIAL UNIT	PHASE 4 13 Single-Family House Lots (SF) 61 Multi-Family (MFF) 74 TOTAL RESIDENTIAL UNITS	PHASE 5 15 Single-Family House Lots (SF) 15 TOTAL RESIDENTIAL UNITS
PHASE 6 6 Single-Family House Lots (SF) 6 TOTAL RESIDENTIAL UNITS	PHASE 7 11 Single-Family House Lots (SF) 20 Small Lot Single-Family Houses (SF) 31 TOTAL RESIDENTIAL UNITS	PHASE 8 28 Single-Family House Lots (SF) 18 Affordable Single-Family Houses (AH) 46 TOTAL RESIDENTIAL UNITS	PHASE 9 20 Single-Family House Lots (SF) 20 TOTAL RESIDENTIAL UNITS	PROJECT TOTAL 96 Single-Family House Lots (SF) 174 Multi-Family (MF) 50 Small Lot Single Family (SF) 320 TOTAL RESIDENTIAL UNITS 2 TOTAL COMMERCIAL UNITS

Source: Ontiveros & Associates, May 2019

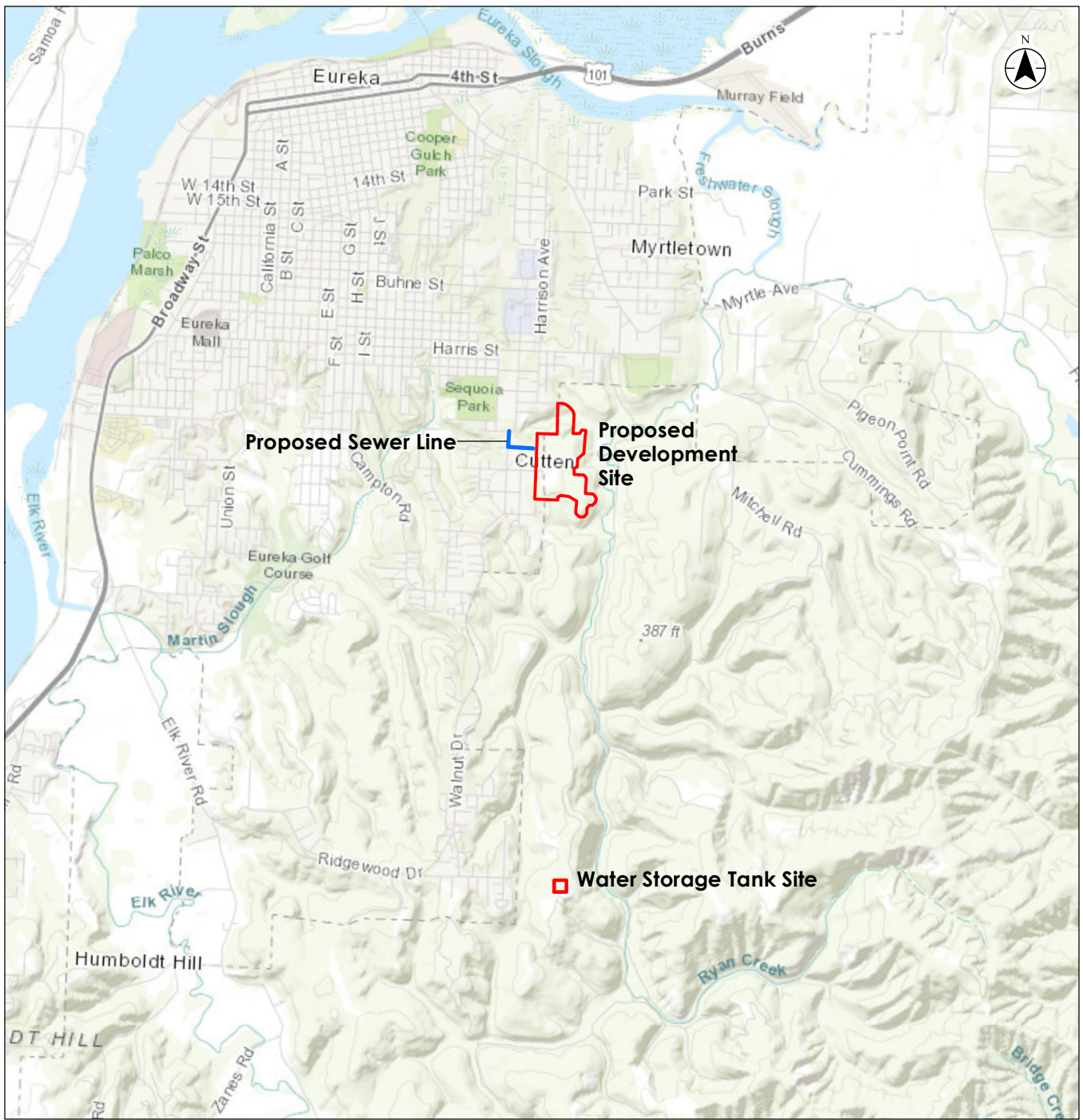


Project Location
 Humboldt County, CA Prepared by KJ on 2020-04-28
 IR by TG on 2020-04-28

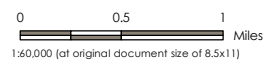
Client/Project
 North McKay Ranch Subdivision Project

Figure No.
2-5

Title
Proposed Phasing Plan



- Proposed Development Site
- Proposed Sewer Line
- Water Storage Tank Site



Project Location Humboldt County, California Prepared by PG on 2020-03-17 Technical Review by ZP on 2020-03-18

Client/Project North McKay Ranch Subdivision Project

Figure No. 2-2
Title

Local Project Location

Notes
 1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
 2. Background Imagery: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
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2.1.2 Project Site History

During the historical period, the primary forests of the Ryan Slough area were harvested by Ryan and Duff Company and then the McKay & Company, who owned this section after 1875. This creek valley was the main artery of the McKay & Company land holdings and facilitated an early logging railroad along the flat canyon bottom, which conveyed logs to the Occidental Mill near the bottom of Freshwater Channel. Several early Eureka City maps show a "trail" in the project vicinity, which was used by McKay & Company workers to reach the streetcar station near Sequoia Park (Rohde 2014). Through the 1900s, pieces of the McKay Tract property were sold to the Pacific Conservation Company. For 35 years, the Pacific Conservation Company allowed the forest to regrow in the area (Rohde 2014). In 1967, the Georgia Pacific Corporation acquired the property and built truck roads through the tract, in place of the old railroad grades.

Georgia Pacific resumed logging operations in the area at that time. The ownership then changed to Green Diamond Resource Company, which continues timber production in the project area. The proposed development is located on a portion of the McKay Tract timber property, and Kramer Properties, Inc. (Applicant) proposes a new subdivision referred to as the North McKay Ranch Subdivision. The proposed development would border the existing Redwood Fields Park, which is a cut-out within the western portion of the project site that is owned by the Field Committee Corporation. Between 1998 and 2007, multiple applications were submitted to develop the project site that did not meet the General Plan requirement for housing units. The Applicant's most recent application proposed 320 units in four phases of 80 units each. The Applicant has since revised the project to what is analyzed in this EIR.

2.1.3 Existing Conditions

The project site is situated between an approximately 150- to 200-foot elevation above mean sea level (amsl). The upper portion of the project site is generally flat on the westerly side, with a gentle grade that increasingly slopes to the east, and eventually falls off with steep grades into the various natural gulches surrounding the property. Currently, no drainage infrastructure exists on the site. Stormwater runoff sheet flows across the project site in an easterly direction, gathering in the various channels on the easterly side, then eventually flowing onto the neighboring parcels currently owned by the County and known as the McKay Community Forest.

The site has been used for commercial timber harvest and has remained undeveloped. The entire site has been harvested at least two times, beginning with the old-growth forest, and more recently, the second-growth forest. The last timber harvest appears to have occurred approximately 30 years ago, according to historical aerial photography (Google Earth), and the uniform size and age of trees across the site. Currently, the entire site is dominated by dense third-growth redwood and mixed conifer forest, with drainages occasionally dominated by red alder. Most of the project area is located atop a marine terrace with steep slopes down to Ryan Slough. Several logging roads traverse through the project site. High voltage power lines cross the site along Redwood Street in the east-west direction. The project area contains seasonal drainages, and first order streams originate within the flat elevated portions of the terrace and have eroded steep drainages into the terrace.



There is one residence within the project area, located at the end of Manzanita Avenue. Two more residences that would be constructed as part of Phase 1. Manzanita Avenue was extended previously and a “will serve” letter was received on November 5, 2018 from HCSD, which provides water and sewer service to this residence.

The proposed water storage tank location currently consists of an open area with surrounding dense vegetation. There is an existing HCSD water storage tank on the site, and one access road to and from this location that can be accessed via Briarwood Circle.

2.1.4 Surrounding Land Uses

The project site is surrounded by the following land uses:

- North: Timber forests, gulch occupied by Ryan Creek, and residential development at the end of Manzanita Avenue
- East: Ryan Slough, Pacific Gas and Electric Company (PG&E) powerline, the McKay Community Forest (owned by the County), and Green Diamond Industrial Timberland
- South: Timber forests and Glen Paul School
- West: Redwood Fields Park and residential development farther west

The proposed water storage tank location is surrounded on all sides by dense vegetation and undeveloped areas.

2.1.5 Land Use Designations

- **Existing Humboldt County General Plan Designation:** The proposed development parcels are designated Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017a). The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017a). The project site also lies within the Eureka Community Plan Planning Area Boundary. The water storage tank location is designated as Timberland (T).
- **Existing Zoning:** The proposed development parcels are zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water storage tank location is zoned as a Timberland Production Zone (TPZ).

2.2 PROPOSED PROJECT OBJECTIVES

The County has established the following objectives for the proposed project for the purposes of the CEQA:

- Comply with the Humboldt County Local Agency Formation Commission (LAFCo) policy to create a more logical service boundary and provide more effective delivery of municipal services by annexing all existing unincorporated islands zoned for development in the HCSD.
- Ensure new residents receive the same level of service as current residents.



- Ensure existing service levels to current County residents are not reduced in order to provide services to the HCSD service area.
- Promote economic vitality by maintaining and expanding small businesses and local services for residents.
- Assist County in meeting housing needs to accommodate forecasted population growth.
- Incorporate parks and open space, including trails, into the project design in a manner that would provide community connectivity and is aesthetically pleasing.
- Promote economic growth through new capital investment for an expanded population and increased tax base.
- Provide a diversity of housing choices in one development that would cater to various segments of the community, including low-cost, single-family homes.

2.3 PROPOSED PROJECT CHARACTERISTICS

The proposed project would require the approval of land use and zoning designation changes in order to allow the development of the proposed residences and commercial lots. This section will discuss the land use designation changes, followed by the proposed development characteristics.

2.3.1 Proposed Land Use Designation Changes

The proposed project would require the following land use designation changes (Figure 2-3):

- **Humboldt County General Plan:** A General Plan Amendment is proposed to change the land use designation from RL 1-7 units/acre to RL 1-7 units/acre, Residential Medium Density (RM) 7-30 units/acre, and Commercial General (CG). The water storage tank location would maintain the land use designation of T.
- **Zoning:** The project site would require rezoning from Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) to R-1, R, GO, Apartment Professional (R-4), and Neighborhood Commercial (C-1) with a P overlay. The water storage tank location would remain zoned as TPZ.



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2.3.2 Population Increase

Based on the U.S. Census Bureau’s (USCB) average household size for Humboldt County of 2.43 persons per household, the proposed project’s 320 units would result in an increase in population in the County of approximately 778 people (USCB 2018). This increase conservatively assumes that the new housing units associated with the proposed project would be 100 percent occupied; this conservative population assumption is carried throughout the analyses included this Draft EIR.

2.3.3 Annexation

The proposed project would require annexation into HCSD for the provision of utilities. The Applicant would initiate annexation by petition with the Humboldt County LAFCo, the responsible agency that would be required to approve the annexation. It is anticipated that the Humboldt County LAFCo would use this EIR in considering the annexation application. LAFCo’s policies and procedures are discussed in Section 3.11, Land Use and Planning. The project site would be annexed all at once, except for the parcel for the water storage tank site as it is already owned by HCSD.

2.3.4 Development Agreements

The County and the Applicant intend on entering into one or more development agreements to implement the proposed project. Development agreements allow developers to complete long-term development projects as approved, regardless of intervening changes in local regulations. The development agreement(s) would include commitments to project entitlements and development standards consistent with a Development Plan to be submitted by the Applicant, as well as other administrative and/or financial aspects of building out the proposed project. An initial draft development agreement would be negotiated prior to project approval and presented to the County for its approval, along with all other entitlements.

2.3.5 Proposed Development and Land Use Activities

The proposed project would develop a variety of residential uses at different densities. Table 2.2-1 summarizes the residential and commercial uses and densities. As shown in Table 2.2-1, 146 single-family residences, 174 multi-family residences, and 22,000 square feet of commercial development on two lots would be built. The preliminary site plan is shown on Figure 2-4. Project components are further described in detail below.

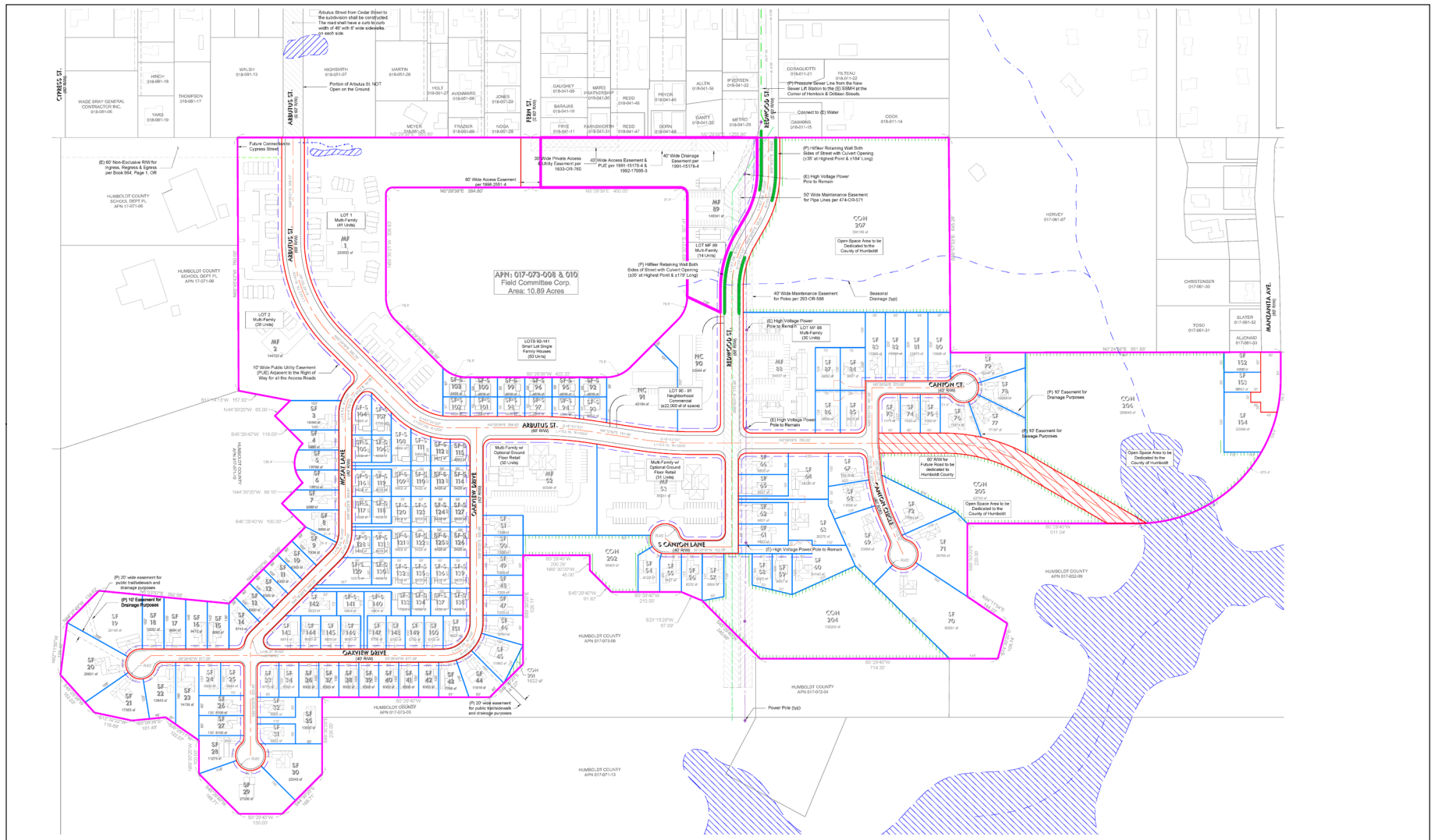
Table 2.2-1: Proposed Project Development Summary

Development Type	Count	Characteristics
Single-family lots	96	6,600 square-foot to 39,670 square-foot lots
Small-lot, single-family (includes 18 affordable housing units)	50	4,758 square-foot lots (minimum)
Multi-family	174	Average of 9 dwelling units per acre
Commercial	2	22,000 square feet total



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Source: Ontiveros & Associates, May 2019



Project Location
Humboldt County, CA Prepared by KJ on 2020-04-28
IR by TG on 2020-04-28

Client/Project
North McKay Ranch Subdivision Project

Figure No.
2-4
Title
Preliminary Site Plan

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Proposed Land Uses

Residential

Up to 320 residential units would be constructed on 81 acres, including approximately 174 multi-family units on 19 acres, 50 small-lot single-family units (includes 18 affordable single-family units) on approximately 6 acres, and 96 single-family lots on approximately 32 acres. The multi-family buildings are anticipated to be two stories and no more than three stories in height. The single-family homes would not exceed 35 feet in height. As shown in Figure 2-4, the multi-family units would be located on the western portion of the project site, closer to Redwood Fields Park. The large-lot, single-family homes would be located farther away to the east bordering the timber forest and at least 300 feet away from Ryan Creek Slough. All development is proposed to occur on the flat upper terrace portion of the property.

Commercial

The proposed neighborhood commercial land uses could include professional and business offices and other neighborhood-serving retail, such as bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry services, drug stores, restaurants and licensed premises appurtenant thereto, automobile service stations, and other uses as principally permitted under the C-1 zoning designation. The commercial buildings would be up to 45 feet in height. The commercial uses would be located at the intersection of proposed new internal roadways, Redwood Street and Arbutus Street, and centrally accessible from other proposed land uses and existing land uses to the west.

Open Space and Recreational Amenities

The proposed project would include the designation of approximately 21.73 acres as permanent open space (areas of steep slopes and drainages) to be preserved through a permanent easement and would be dedicated to the County or conveyed in fee to the County. This would include the northern portion of the project site south of Phase 9. The proposed project would provide 20-foot-wide trail easements and construct trail connections to the future public trails accessing the McKay Community Forest.

These easements and trail connections would be developed in phases. For the purposes of this EIR, tentative locations are identified; final trail alignments would be subject to the approval of the Public Works Director. A temporary trail would be provided from Fern Street, Arbutus Street, or Redwood Street to the McKay Community Forest as part of the project's first phase and would be abandoned as each subsequent phase and accompanying trails are developed. Phase 3 would include two trail connections. One would provide access from Arbutus Street/Oakview Drive and could be from Lot 52 proposed for multi-family development. A second trail connection and parking lot would be provided between lots 57 and 58, to connect Canyon Lane to the McKay Community Forest. Phase 8 or 9 would include a trail connection to the adjacent McKay Community Forest from Oakview Drive on the southern portion of the project site. The development of future trails outside the project site are not part of the proposed project and are not evaluated in this EIR. Redwood Fields Park would remain in place and would be accessible to the residents of the new subdivision. Landscaping for the proposed project would include a mix of trees, shrubbery, and grass for the residential units and commercial spaces.

Approximately 0.338 acres (14,723 square feet) of wetlands exist within the project area. An estimated 0.168 acres (7,318 square feet) of the wetlands (50 percent) will be temporarily (0.017 acres) and



permanently (0.151 acres) impacted by the extension of Redwood Street and Arbutus Street in Phase 2. The two ephemeral (headwater) streams that cross the proposed Redwood Street extension would be culverted during roadway construction.

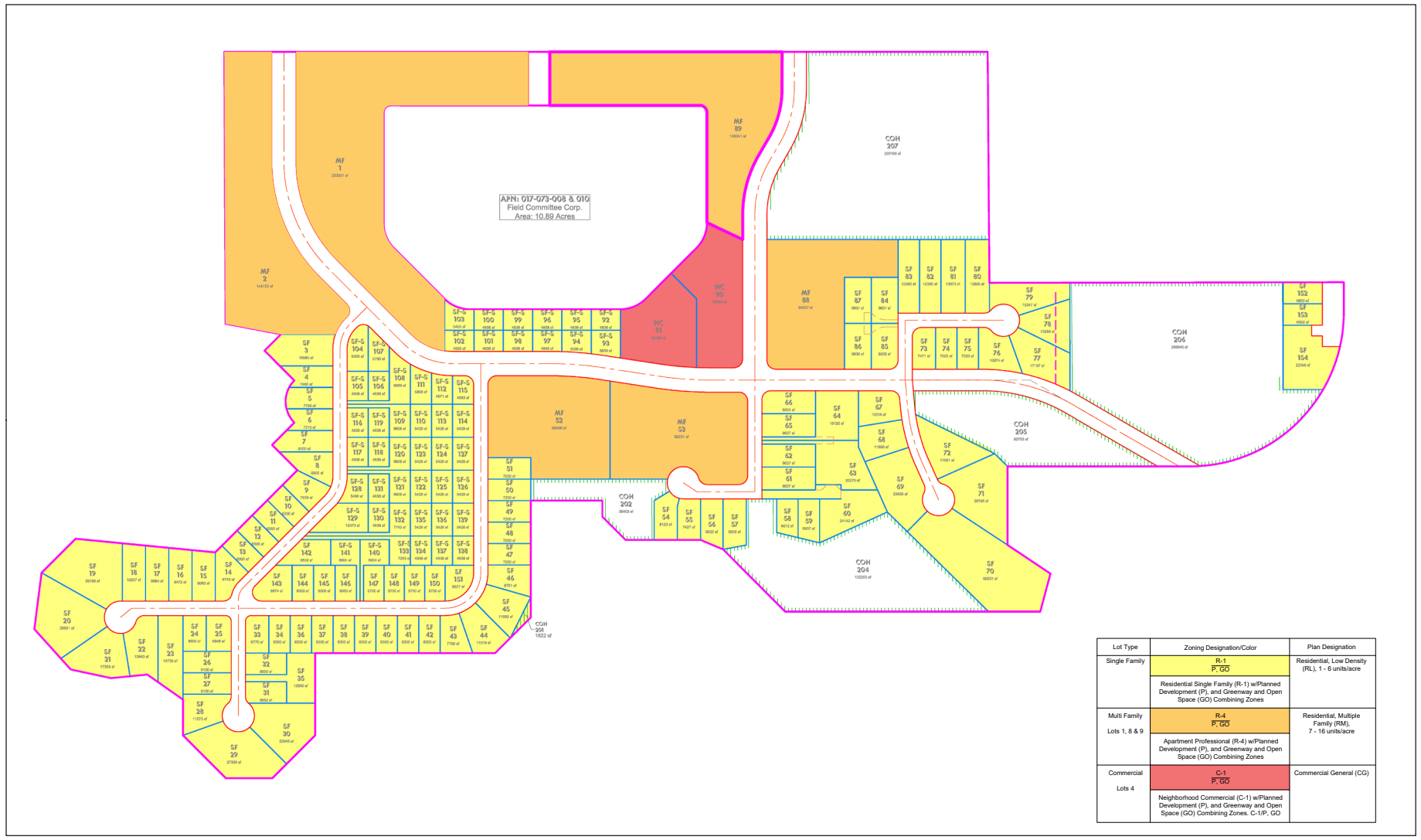
Phasing Plan

The proposed project would provide a comprehensively planned infrastructure system with coordinated phasing and construction of facilities. The different phases of the proposed project may not be developed in the exact sequence, as permitted by the County. However, in general, the phasing/development sequencing plan would provide backbone infrastructure improvements in each phase that would support associated development in compliance with County policies and standards.

The proposed project is anticipated to be developed over a 15- to 20-year period based on market conditions. To assess project impacts, however, a conservative 10-year construction schedule is assumed. There are nine phases designated as Phase 1 through Phase 9 (Figure 2-5). Table 2.2-2 shows the anticipated phases with the associated activities, estimated impact areas, and durations of each phase. As shown in Table 2.2-2, preceding the logical development of infrastructure, the phases with greater ground disturbance are anticipated to be built prior to other phases.

The first area to be developed would be Phase 1, due to its proximity to existing infrastructure and access from adjacent roadway network. Phase 2 would be developed next, followed by Phase 3, which would include construction of Arbutus Street and Redwood Street. Development occurring in Phases 4 through 8 could occur in any order after the completion of Phases 1 through 3, provided the parcels met the public services requirements, the sequencing policies within the proposed project, and the requirements of the County. Since the actual construction schedule is dependent on market conditions, for purposes of this analysis, it is assumed that Phases 1 and 2 would be developed within the first 18 months. Phases 3 and 4 would be developed in the next 36 months, followed by phases 5 and 6 to be developed in the next 24 months. Phases 7 through 9 would be developed in the next 42 months.





Lot Type	Zoning Designation/Color	Plan Designation
Single Family	R-1 P, GO	Residential, Low Density (RL), 1 - 6 units/acre
	Residential Single Family (R-1) w/Planned Development (P), and Greenway and Open Space (GO) Combining Zones	
Multi Family Lots 1, 8 & 9	R-4 P, GO	Residential, Multiple Family (RM), 7 - 16 units/acre
	Apartment Professional (R-4) w/Planned Development (P), and Greenway and Open Space (GO) Combining Zones	
Commercial Lots 4	C-1 P, GO	Commercial General (CG)
	Neighborhood Commercial (C-1) w/Planned Development (P), and Greenway and Open Space (GO) Combining Zones, C-1/P, GO	

Source: Ontiveros & Associates, May 2019



Project Location
Humboldt County, CA Prepared by KJ on 2020-04-28
TR by TG on 2020-04-28

Client/Project
North McKay Ranch Subdivision Project

Figure No.
2-3
Title
Proposed Land Use Designations

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Table 2.2-2: Proposed Tentative Project Phasing Overview

Phase	Activity	Area of Disturbance	Construction Schedule ¹
1	<ul style="list-style-type: none"> Extension of Manzanita Avenue with extension of utilities Construction of three single-family residences 	1.07 acres	January 2021 - June 2022 (18 months)
2	<ul style="list-style-type: none"> Construction of Redwood Street and Arbutus Street extensions from Cedar Street, and the loop road connecting Arbutus Street with Redwood Street Clear-cutting occurring adjacent to and within the loop road described above and selective cutting for the remainder of the proposed project on top of the bench Utilities constructed concurrently for this portion Construction of 69 multi-family units Construction of the water storage tank 	12.2 acres	
3	<ul style="list-style-type: none"> Construction of 12 small-lot, single-family units Construction of 44 multi-family units Construction of 22,000 square feet commercial 	7.6 acres	July 2022 - June 2025 (36 months)
4	<ul style="list-style-type: none"> Construction of South Canyon Lane with extension of utilities Construction of 13 single-family residences Construction of 61 small-lot, single-family residences 	8.4 acres	
5	<ul style="list-style-type: none"> Construction of Canyon Court with extension of utilities Construction of 15 single-family residences 	4.9 acres	July 2025 - June 2027 (24 months)
6	<ul style="list-style-type: none"> Construction of Canyon Circle with extension of utilities Construction of six single-family residences 	3.9 acres	
7	<ul style="list-style-type: none"> Construction of McKay Lane with extension of utilities Construction of 11 single-family residences Construction of 20 small-lot, single-family residences 	5.8 acres	July 2027 - December 2030 (42 months)
8	<ul style="list-style-type: none"> Construction of Oakview Drive with extension of utilities Construction of 28 single-family lots Construction of 18 affordable single-family residences 	8.8 acres	
9	<ul style="list-style-type: none"> Extension of McKay Lane and Oakview Drive with extension of utilities Construction of 20 single-family residences 	6.9 acres	
N/A	<ul style="list-style-type: none"> Land to be left as undisturbed open space 	21.73 acres	N/A
Total		81 acres	10 years

1. This was the schedule at the time the Draft EIR circulated, however, given the changed regulatory conditions, a Partial Recirculated Draft EIR was needed to update the project's environmental analysis. The construction schedule will be delayed to later years, however the previously completed analysis, particularly with respect to air quality and greenhouse gases remains valid. The construction schedule utilized in the analysis represents a "worst-case" analysis scenario, since emission factors for construction equipment decrease as the analysis year increases, due to improvements in technology and more stringent regulatory requirements. Construction emissions would decrease as the construction schedule moves to later years. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as require per CEQA guidelines.



Roadways and Vehicular Access

On-site Roadways

The proposed project would have two access points from Redwood Street and Arbutus Street. Redwood and Arbutus Streets would extend east into the project site, with Arbutus Street curving north and eventually intersecting with Redwood Street and continuing farther north to meet the proposed internal access road, Canyon Circle. Additional internal access roads would branch off Redwood Street and Arbutus Street to serve the other portions of the proposed project located farther east and north. Fern Street would not extend into the proposed project but would provide secondary access to Lots 1 and 89.

The Redwood Street extension would result in culverting two drainage channels. A retaining wall up to 35 feet deep and 174 feet to 184 feet long would be built at each crossing.

Off-site Improvements

Off-site roadway improvements include proposed construction of infill sidewalks along the south side of Arbutus Street between Walnut Street and Cedar Street, and on the north side of Redwood Street between Walnut Street and the project site.

Emergency Vehicle Access

Emergency access to and from the project site would occur through Redwood Street, Fern Street, and Arbutus Street. All the access roads to serve the project area would consist of two-lane roadways.

Parking

The proposed single-family units would have a minimum of two on-site parking spaces. In addition, on-street parking would be provided. Surface parking for the multi-family units and commercial uses would be provided in accordance with the County Code requirements.

Utilities

Consistent with County Code Section 314-31.1.6.5.4, all utilities associated with the proposed project would be placed underground (Humboldt County 2017b). Lots are to be served by community water, wastewater, and street lighting services, which would be extended from HCSD. The HCSD prepared a Municipal Services Review (MSR) for expansion of its SOI that includes the project site.

Storm Drainage

Development of the proposed project would create additional impervious surfaces and result in an increase in stormwater runoff. A portion of the site is within the County's Municipal Separate Storm Sewer System (MS4) permit jurisdiction, and each individual parcel within the development would be required to comply with the MS4 permit requirements. The proposed project would incorporate a combination of LID features, including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. All proposed roadways would have a depressed parkway adjacent to the road surface that would function as a bioswale for roadway drainage. Storm drain inlets would be located within the bioswales to convey drainage to the storm drain system for flows exceeding the 85th percentile storm. Storm drainage would then be conveyed to the drainage area outlet. Each drainage management area within the MS4 permit



area would require additional stormwater detention. The current site plan identifies potential detention basin locations. However, as the proposed project would be developed in phases, detention basins would be further refined for each phase.

Water

Underground potable water pipelines would be extended to the project site, and potable water supplies would be supplied by HCSD. Additionally, HCSD has determined that a new water storage tank would be required to serve the proposed project. The proposed water storage tank would be located approximately 2.5 miles south of the proposed project, near Ridgewood, California, in proximity to HCSD's existing water storage tank. A water supply study is underway that would identify the exact size and location of the water storage tank. For the purposes of this EIR, and as a worst-case scenario, approximately 0.3 acre would be considered impacted. The proposed water storage tank would be built prior to Phase 1, although the applicant may have an analysis run based on phasing to determine whether the tank can be installed in a later phase, and this will be recommended as a condition of approval.

HCSD has also determined that the main on Walnut Street between Holly Avenue and Cypress will need to be upsized to 12-inches, however the time of construction of this upsizing has not been determined. HCSD anticipates that the upsizing of the line would be beneficial for future planned growth and the provision of its services; therefore, HCSD would likely perform the associated work with the developer with an agreed upon cost-sharing agreement; HCSD would participate financially in a portion of the costs of construction. Given that replacement of the line would be less than 1000 feet and would be a replacement of an existing facility. Out of an abundance of caution, impacts associated with temporary service interruptions, noise, air quality and dust emissions from construction activities were overestimated to account for this line replacement. As such, the previously circulated EIR sections accounted for a range of construction-based impacts including such utility replacements. Furthermore, there is no specific design detail on the specific timing or replacement of the previously mentioned waterline and HCSD may construct this improvement as part of a larger project at which time subsequent environmental will be required.

Wastewater

Underground wastewater pipelines would be extended to the project site, and wastewater collection and treatment would be provided by HCSD. A new sewer lift station would be added to the northeastern portion of the project site that is planned to remain as open space. All sewage within the subdivision would gravity flow to the low point at the north end of the subdivision to the new sewage lift station. The sewage would then be pumped to the existing sanitary sewer manhole located on Hemlock Street and Dolbeer Street via a new sewer line to be installed between the project site and the intersection of Walnut Drive and Hemlock Street. The new sewer line would extend west onto Redwood Street, turning north onto Walnut Drive, and then connecting to the existing sewer system manhole located on Hemlock Street and Dolbeer Street. All utility work would occur in the existing right-of-way.

Lighting

The project site currently contains existing outdoor lighting around Redwood Fields Park and its associated parking areas. The new roadways and commercial buildings would have street lighting installed for security purposes. All new outdoor lighting would be the minimum lumens required for security purposes, directed downward, and shielded to prevent light spillover onto adjacent properties.



Electricity and Natural Gas

Underground electricity and natural gas lines would be extended to the project site from existing facilities within the Fern Street right-of-way. Service would be provided by PG&E. A 40- to 50-foot-wide easement would be provided along the existing high voltage power line that would remain in place.

The proposed project would include energy conservation features, including homes that are energy efficient with a goal to exceed the state's current Title 24 requirements, and by meeting current Tier 2 Energy Efficiency standards. The proposed residences would have roof top solar. Electrical Vehicle charging will be required at the commercial and multi-family units. To the extent feasible, the proposed project would incorporate sustainable materials such as low- or zero-volatile organic compound paint and carpets.

Construction Activities

The anticipated phasing for the proposed project is likely to take 20 or more years to complete, over nine phases. The construction Stormwater Pollution Prevention Plan (SWPPP) would include year-round sediment and erosion control measures, which would be implemented during each phase.

Tree Removal

Development of the proposed project would require removal of approximately 59.27 acres of timber forests. The removal of trees would occur prior to development of each phase. All trees would be cut into logs on the project site and transported on trucks.

Grading

The project site would be graded in accordance with the phasing plan. The earthwork would include site clearing, grading, utility trenching, and construction of roadways followed by building construction. Subject to market conditions and finalization of construction plans, construction activities would occur over an approximately 10- to 20-year period in nine phases. Construction of the backbone infrastructure would occur first during each phase, which would provide local access to each of the phase locations. All grading or earthwork activities associated with the proposed project would comply with the County Code, Section 331-14, Grading, Excavation, and Sediment Control.

2.4 INTENDED USES OF THIS DRAFT EIR

This Draft EIR is being prepared by the County to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed project. Pursuant to CEQA Guidelines Section 15367, the County is the lead agency for the proposed project and has discretionary authority over the proposed project and project approvals. The Draft EIR is intended to address all development that is within the parameters of the proposed project.



2.4.1 Discretionary and Ministerial Actions

The project application would require the following discretionary approvals and actions, including but not limited to:

- General Plan Amendment, Major Subdivision, Planned Unit Development Permit, and Zoning Ordinance Amendment – Humboldt County
- Development Agreement – Humboldt County
- Special Permit for vegetation removal and work within a Streamside Management and Wetland Area – Humboldt County

Certain ministerial actions would be required for the implementation of the proposed project, including, but not limited to, issuance of encroachment, grading, and building permits.

2.4.2 Responsible and Trustee Agencies

In addition to Humboldt County, several other agencies will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- HCSD Annexation – Humboldt County LAFCo
- Lake and Streambed Alteration Agreement (SAA) – CDFW
- Compliance with the California Endangered Species Act (CESA) for potential take of state listed species (if needed) – CDFW
- Section 404 Permit – USACE
- Compliance with the federal ESA for potential take of listed species (if needed) – U.S. Fish and Wildlife Service (USFWS)
- 401 Water Quality Certification – North Coast RWQCB
- North Coast Unified Air Quality Management District

Actions that would be necessary to implement the proposed project that must be taken by other agencies are as follows:

- Obtain coverage under General Construction Stormwater Permit – State Water Resources Control Board (SWRCB)/North Coast RWQCB; a SWPPP must be submitted in order to obtain such coverage
- Issuance of Encroachment Permits for roadway improvements within facilities under the jurisdiction of the County of Humboldt or the City of Eureka



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3.11 LAND USE AND PLANNING

This section describes the environmental and regulatory setting for land use and planning. It also describes existing conditions and potential impacts related to land use and planning that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

3.11.1 Environmental Setting

Project Site

The proposed project would include the subdivision of a parcel, consisting of seven Assessor Parcel Numbers (APNs), for a total of approximately 81 acres, into mixed-use lots to develop up to 320 residential units, approximately 22,000 square feet of commercial uses, and an off-site water storage tank on approximately 0.3 acre located 2.5 miles to the south. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. Approximately 21.73 acres would be left as undeveloped open space that would be dedicated to the County for future trail management. An off-site water storage tank would be owned and managed by Humboldt Community Services District (HCSD) and would support the proposed development.

The proposed development site is largely occupied by young redwood forest of mostly second and third growth trees. An overhead powerline corridor passes through the middle of the project area, just north of the existing Redwood Fields Park. The proposed water storage tank site is covered with grass and a nearby existing water tank owned by HCSD.

Surrounding Land Uses

The 81-acre development site is surrounded by the following land uses:

- North: Timber forests, gulch occupied by Ryan Creek, and residential development at the end of Manzanita Avenue
- East: Ryan Slough, PG&E powerline, the McKay Community Forest (owned by the County), and Green Diamond Industrial Timberland
- South: Timber forests and Glen Paul School
- West: Redwood Fields Park and residential development farther west
- The proposed water storage tank location is surrounded by dense vegetation and undeveloped areas.

Humboldt County General Plan Land Use Designation

The project site is designated as Residential Low Density (RL) 1-7 units/acre in the County General Plan. The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017c). The water storage tank location is designated as Timberland (T). This designation is utilized to classify land that is primarily suitable for the growing, harvesting, and production of timber (Humboldt County 2017c).



Humboldt County Zoning

County Zoning Regulations for areas outside the coastal zone can be found in Title III, Chapter 4. The project site is out of the coastal zone and is currently zoned as Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water storage tank parcel is zoned as a TPZ. The County Code includes the following requirements for these zoning designations:

- **Residential One-Family (R-1):** The Residential One-Family, or Residential Single-Family zone is intended to be applied to the County in which topography, access, utilities, and public services make the area suitable and desirable for low density residential development.
- **Planned Unit Development (P):** The purpose of the Planned Unit Development zone is to encourage planned unit developments and to allow flexibility to cope with difficulties due to topography and other natural or manmade features. Additionally, the Planned Unit Development zone allows for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services.
- **Recreation (R):** The Recreation zone is intended to be combined with any principal zone in which the addition of recreational uses is desirable and will not be detrimental to the uses of the principal zone or of adjacent zones.
- **Greenway and Open Space (GO):** The Greenway and Open Space Combining zone is intended to be applied within the urban limits of the Eureka Community Planning Area in sensitive habitat areas historically known as gulches.
- **Timberland Production Zone (TPZ):** The TPZ is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber

Eureka Community Plan Area

The 2017 County General Plan has identified and mapped 18 inland Community Plan Areas (CPA). Some of these CPAs have an adopted Community Plan and others do not. The purpose of a Community Plan is to develop an internally consistent General Plan, allow for expanded public participation in the planning process, and meet the needs of individual communities (Humboldt County 2017c).

The Eureka CPA, which has an adopted Community Plan as of 1995, encompasses 11,000 acres and includes the developed area around Eureka, outside the coastal zone, including Cutten, Ridgewood, Pine Hills, Humboldt Hill, and portions of Myrtle town (Humboldt County 2017c, 1995). Although the SOI for the Eureka CPA does not include the entire proposed project area, the North McKay development is specifically discussed and has relevant policies in the Community Plan and is therefore relevant to this section.



3.11.2 Regulatory Setting

State

Cortese-Knox-Hertzberg Local Government Reorganization Act

The Cortese-Knox-Hertzberg Local Government Reorganization Act (Act) of 2000 establishes procedures for establishing, updating, or amending an SOI. The Act's purpose (Section 56301) is discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation of local agencies based upon local conditions and circumstances. Section 56425 of the Act grants a LAFCo the authority to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the County and its communities.

General Plans

The land use planning and zoning authority of local jurisdictions in California is set forth in the state's planning laws. California Government Code Section 65300, et seq. obliges cities and counties to adopt and implement general plans. A general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a city or county and of any land outside its boundaries that, in the city's or county's judgment, bears relation to its planning. A general plan addresses a broad range of topics including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's or county's vision for the area. A general plan is a long-range document that typically addresses the physical character of an area over a 20-year period. Although a general plan serves as a blueprint for future development and identifies the overall vision for the planning area, it remains general enough to allow flexibility in the approach taken to achieve the plan's goals.

State Zoning Law

The State Zoning Law (California Government Code Section 65800, et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific district, are required to be consistent with a general plan and any applicable specific plans. When amendments to a general plan are made, corresponding changes in the zoning ordinance may be required within a reasonable time to ensure the land uses designated in that general plan would also be allowable by the zoning ordinance (California Government Code Section 65860, sub.[c]).

Local

Humboldt County General Plan

The County General Plan, adopted October 23, 2017, provides a blueprint for growth within the County. The General Plan contains 12 topical elements: Land Use, Community Infrastructure and Services, Telecommunications, Circulation, Economic Development, Housing, Conservation and Open Space, Water Resources, Energy, Noise, Safety, and Air Quality. Each element establishes goals and policies to guide future land use activities and development within the County General Plan boundaries. The



applicable goals and policies are discussed later in this section, in Table 3.11-1, General Plan Policy Consistency Analysis.

The project Applicant is proposing to re-designate the proposed development site from RL 1-7 units/acre to Residential Medium Density (RM) 7-30 units/acre, and CG. No land use designation change is required for the water storage tank site. The General Plan describes the purpose and intent of these land use designation as follows:

Residential Low Density

The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units.

Residential Medium Density

The RM designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character.

Commercial General

The CG designation is intended to classify lands that, because of their location, access, and availability of services, are suitable for commercial development. This includes retail trade services that are easily accessible, compatible, and geared for local neighborhood or regional needs.

Humboldt County Code

The County Code provides regulation of land and structures to promote health, safety, and welfare of the public, and to ensure the orderly development of the County. Title III Land Use and Development, Chapter 4, describes where specific allowed uses, such as residential development, may be located. To establish consistency with the General Plan, rezoning of parcels from R-1, with combining zones indicating P, R, and GO to R-1, R, GO, Apartment Professional (R-4), and C-1 with a Planned Unit Development overlay. The water storage tank location would remain zoned as TPZ. The primary purpose of the Planned Unit Development (P) overlay district is to encourage and facilitate the creative and innovative use of land that may otherwise be limited or prohibited by the standard provisions of this title. The P combining district is designed to allow diversity in the relationship between buildings and open spaces to create interesting physical environments and to maximize the development potential of underutilized or problematic land areas.

Eureka Community Plan

The Eureka Community Plan adopted April 25, 1995 and amended on October 23, 2017, acts as a blueprint, guiding development throughout the Eureka Planning Area over the next 20 years. While the County General Plan covers countywide issues, the Eureka Community Plan specifically deals with land use within the Eureka Planning Area. The County General Plan and the Eureka Community Plan together comprise the County General Plan within the project area. The applicable goals and policies are discussed later in this section, in Table 3.11-2, Eureka Community Plan Policy Consistency Analysis.



Humboldt County LAFCo

The state has charged the LAFCo with carrying out changes in governmental organization to promote specified legislative policies now codified in the Act. LAFCo has both the local and countywide perspective necessary to implement the policies of the Act. Decisions relating to the most efficient form of local government and the preservation of open space and agricultural land inherently involve the balancing of potentially competing interests of jurisdictions, because applications subject to LAFCo proceedings may involve the interests of the County, a city, and one or more special districts. Humboldt County LAFCo has developed standards and guidelines in its Boundary Change Policies and Procedures that aid in the implementation of the Act and are provided later in this section, in Table 3.11-3, LAFCo Consistency Analysis (Government Code Section 56668). LAFCo may make exceptions to these general and specific standards if it determines that such exceptions: (1) are necessary due to unique circumstances; (2) are required to resolve conflicts between general and specific standards; (3) would result in improved quality or lower cost of services available; or (4) if there exists no feasible or logical alternative.

3.11.3 Methodology for Analysis

The analysis of potential land use impacts considers the project's consistency with adopted plans and policies that regulate land use on the project site, and the project's compatibility with surrounding land uses. The determination of consistency with applicable land use policies and ordinances is based upon a review of the previously identified planning documents that regulate land use or guide land use decisions pertaining to the project site. CEQA Guidelines section 15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision-makers should address. Evaluations are made to determine whether a project is consistent with such plans. Projects are considered consistent with regulatory plans if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. The intent of the consistency evaluation is to determine if noncompliance with regulatory plans would result in a significant impact.

The impact analysis was based on review of the County General Plan and Eureka Community Plan to identify planned land uses and policies applicable to the proposed project. Additionally, applicable LAFCo policies and procedures were reviewed to determine if the proposed project would result in urban sprawl. Existing land uses were determined from site reconnaissance and General Plan designations. The County's zoning regulations were also reviewed to determine the proposed project's consistency with existing zoning.

3.11.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may:

- Physically divide an established community
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect



3.11.5 Project Impact Analysis and Mitigation Measures

This section analyzes the proposed project's potential to result in significant impacts to land use and planning. When a potential impact was determined to be potentially significant, feasible mitigation measures were identified to reduce or avoid that impact.

Established Communities

Impact LU-1: The proposed project would not physically divide an established community.

Impact Analysis

The proposed project does not include any improvements or components that would physically divide any existing and established communities in the Cutten area. The proposed project would provide a new mixed-use development in the eastern portion of Cutten on a previously undeveloped area. The proposed project would provide additional commercial and residential space for future use and would expand upon an already established neighboring community. Existing roads would be extended east into undeveloped site to serve the proposed residential and commercial development and would not create new roads that would divide existing neighborhoods. The proposed water storage tank would be located adjacent to an existing HCSO tank and, as such, would not divide any existing community. Therefore, the proposed project would have no potential to physically divide the established community in the area, and there would be no impact.

Level of Significance Before Mitigation

No Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

No Impact.

Land Use Plans, Policies, or Regulations

Impact LU-2: The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Impact Analysis

The following analysis considers the proposed project's potential to conflict with applicable land use plans and policies and regulatory compatibility.

Land Use and Zoning Consistency

The current land use designation for the project site is Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017a) and the project parcels are currently zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), and Timberland (T).



The proposed project would require the approval of land use and zoning designation changes to allow the development of the proposed residences and commercial lots. The proposed project would require the following land use and zoning designation changes (See Figure 2-4):

- **County General Plan:** A General Plan Amendment would change the land use designation of a portion of the parcel from RL 1-7 units/acre to Residential Medium Density (RM) 7-30 units/acre, and CG.
- **County Zoning:** The project site would require rezoning of a portion of the parcel from R-1, P, R, and GO to Apartment Professional (R-4), and C-1 with a P overlay.

The General Plan Amendment for the proposed project would allow for the development of commercial uses as well as include a higher density of development in the area. The proposed General Plan Amendment would be consistent with widely accepted planning principles of facilitating logical and orderly growth, ensuring compatibility with surrounding uses, and ensuring consistency with the goals and policies of the General Plan. Each of these planning principles is evaluated below:

- **Logical and orderly growth:** The project site is within the Eureka CPA and is anticipated to be developed in the future. The proposed General Plan amendment implements the Humboldt County General Plan. The proposed project identifies goals, principles, mandatory requirements, and design standards and guidelines. While the proposed project requires utility extensions, including sanitary sewer and a new, off-site water storage tank, these extensions would allow development adjacent to previously developed land, including community ballfields, a school, and residences. As such, the proposed project would facilitate logical and orderly growth.
- **Compatibility with surrounding land uses:** The project site is surrounded by timberland resources on the north, east, and south, and existing residential and recreational uses directly to the west. The proposed mixed-use development on 81 acres is east of existing residential and recreational land uses and would connect to these existing uses through roads and trails. The proposed 59 multi-family residential units would be located nearest existing single-family residential, school, and park uses; the commercial and small lot single-family residential development would be adjacent to the existing ballfields at Redwood Fields Park. The mixed-use nature of the proposed project means a variety of uses and densities would be present within a defined area.
- **Consistency with goals and policies of the General Plan:** The proposed project would be consistent with applicable goals and policies of the General Plan. Table 3.11-1 provides a consistency determination.

The rezoning would allow for commercial uses located adjacent to residential land uses. In addition, a Planned Unit Development overlay would encourage creative and innovative use of land to allow for diversity of uses and maximize the development potential the project site. The proposed project would also incorporate trail connections. Approximately 21.73 acres of the project site would be dedicated to the County as open space or conveyed in fee.

The General Plan establishes a density of 1 to 7 dwelling units per acre for RL-1-7, a density of 7 to 30 dwelling units per acre for RM land use, and a maximum floor area ratio of 3 for neighborhood commercial and use. The proposed project contemplates development of 146 single-family dwelling units



on approximately 37.57 acres, thus establishing a density of 3.8 dwelling units per acre. Up to 174 multi-family dwelling units are proposed on 19.45 acres, resulting in a density of 8.9 dwelling units per acre. The 22,000 square feet commercial uses would be built on 2.1 acres and resulting in floor area ratio of 0.25:1. Therefore, the proposed project conforms to the General Plan densities. In summary, the proposed project is consistent with the proposed land use designations. Impacts would be less than significant.

Humboldt County General Plan Consistency

The proposed project must be consistent with the County's General Plan. The OPR states that, "an action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment." (OPR 2005) As shown in Table 3.11-1, the proposed project would be consistent with most of the applicable goals and policies of the General Plan with mitigation incorporated.



Table 3.11-1: General Plan Policy Consistency Analysis

Goal/Policy	Project Consistency
Land Use	
<p>Goal GP-G2. Community Planning Areas. Sufficient development emphasis and public investment in Urban Development Areas to create expanding commerce and housing opportunities, economically viable urban services and conservation of open space and resource lands.</p>	<p>Consistent. The proposed project consists of housing and commercial development, trail connections, and open space preservation.</p>
<p>Goal FR-G4: Incompatible and Conflicting Uses. Timberlands protected from the encroachment of incompatible uses and managed for the inclusion of compatible uses.</p>	<p>Consistent. Although the proposed project area currently consists of a timberland area that was previously used for timber harvesting and is within a THP area, the area has been identified in planning documents and through zoning and general plan land use designations as an area for future development.</p>
Community Infrastructure	
<p>Policy IS-P3: Requirements for Discretionary Development. The adequacy of public infrastructure and services for discretionary development greater than a single-family residence and/or second unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. Such discretionary development may be approved if it can be found that: Existing services are adequate; or Adequacy will be attained concurrent with project implementation through project conditions; or Adequacy will be obtained over a finite time period through the implementation of a defined capital improvement or service development plan; or Evidence in the record supports a finding that approval will not adversely impact health, welfare, and safety or plans to provide infrastructure or services to the community.</p>	<p>Consistent. As discussed in Section 3.18, Utilities and Service Systems, the proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A new off-site water tank would be constructed as part of the proposed project, expanding HCSD’s service capacities. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.</p>
<p>Policy IS-P4: Fiscal Impact Assessment. The fiscal impacts of discretionary development (i.e. projects that require the preparation of an Environmental Impact Report that may have significant impacts on existing and planned public infrastructure and services) shall be considered during the project review process. Significant adverse effects shall be mitigated to the extent feasible.</p>	<p>Consistent. As discussed in Section 3.18, Utilities and Service Systems, the proposed project includes annexing to HCSD, and extending and installing necessary infrastructure to serve the project. A new off-site water tank would be constructed as part of the proposed project, expanding HCSD’s service capacities. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.</p>
<p>IS-P9. District Boundaries, Spheres of Influence, and Community Plans. District boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services.</p>	<p>Consistent. As discussed in Section 3.18, Utilities and Service Systems, the proposed project includes annexing to HCSD, and extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project. The proposed project represents orderly and compatible development as discussed in Table 3.11-3.</p>



Goal/Policy	Project Consistency
<p>Policy IS-P25: Fire Service Impacts from New Development. During review of discretionary permits within fire related district boundaries or identified response areas, utilize recommendations from the appropriate local fire chief as feasible mitigation measures to reduce impacts to emergency response and fire suppression services from new development.</p>	<p>Consistent. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.14, Public Services, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM PS-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations.</p>
<p>Telecommunications</p>	
<p>Goal T-G3: New Construction. Broadband service capability integrated into new buildings and developments.</p>	<p>Consistent. Broadband service capability would be included in the new development as a condition of approval.</p>
<p>Policy T-P13: Subdivision Improvement Requirements. New residential and commercial development projects shall include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment and flexible telephone conduit to allow for easy retrofit for high-speed data systems.</p>	<p>Consistent. The proposed project would include adequate telecommunications and broadband service capability as a condition of approval.</p>
<p>Circulation</p>	
<p>Policy C-P4: Mitigation Measures. Development with potentially significant circulation impacts as determined by CEQA review shall be conditioned to proportionally mitigate such impacts through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications.</p>	<p>Consistent. SB 743 requires that traffic analyses under CEQA now utilize a Vehicle Miles Travelled (VMT) approach to identifying significant impacts. Pursuant to Section 15064.3 of the CEQA Guidelines, this project's effect on automobile delay shall not constitute a significant environmental impact that would require mitigation pursuant to this General Plan policy. As discussed in Section 3.16, Transportation, the proposed project would result in a less than significant impact to VMT. .</p>



Goal/Policy	Project Consistency
<p>Policy C-P5: Level of Service Criteria. The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.</p>	<p>Consistent. Pursuant to Section 15064.3, this project's effect on automobile delay shall not constitute a significant environmental impact. Coordination between the Humboldt County Department of Public Works and the City of Eureka determined that 12 intersections had the potential to be impacted and needed to be analyzed for level of service conditions to determine consistency with the Humboldt County General Plan. The Focused Traffic Study for the McKay Ranch Subdivision prepared in May 2018 by TJKM found that 9 of these intersections would be functioning below LOS C under both Future (2040) with no project and Future (2040) plus Project conditions. The traffic study identifies improvements to all intersections operating at LOS D or worse in the future condition with Project, with the exception of the Harris and Harrison intersection where a traffic signal is already in place. The study also calculates the project's contribution to LOS delay at these intersections as a percentage of the Future plus Project conditions. The project is not anywhere close to 100% responsible for the LOS delay at any of the intersections individually and the county may only require development conditions which are proportional to the project's impacts (<i>Dolan v. City of Tigard</i>, 512 U.S. 374). The project's cumulative fair share is 197%, which is roughly two intersections. County Public Works has identified two intersections that are priority needs for signalization based on circulation patterns, and which may serve an equivalent share of the total of improvement costs for intersections that fall below LOS C. Signalization of these intersections can be made a condition of approval of the subdivision map thus ensuring consistency with Policy C-P5.</p>
<p>Policy C-P11: Transportation Demand Management Programs. Require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs.</p>	<p>Consistent. The proposed project would result in more than 15 dwelling units and a discretionary permit is required. As discussed previously, the project would be conditioned to signalize two priority intersections identified by the County Public Works that will facilitate implementation of the County's transportation demand management program. Additionally, the project would implement mitigation measure TRANS-1 to address potential transportation conflicts during construction of the project.</p>
<p>Policy C-P31: Removal of Obstacles in Pathways. Where feasible and consistent with the County-Wide Transportation Plan, new pathways and sidewalks shall be free of obstacles such as utility poles and mailboxes. Where obstacles are unavoidable on existing sidewalks or pathways, pedestrian facilities shall be widened or otherwise designed to provide the least amount of obstruction to users.</p>	<p>Consistent. The proposed project would include the dedication of easements and public rights-of-way for pedestrian pathways and roads that would include sidewalks. Conditions of approval would require pathways and pedestrian ways to be clear of obstacles. The VMT analysis determined the project would not block, remove, or create barriers for transit utilization.</p>



Goal/Policy	Project Consistency
<p>Policy C-P34: Traffic Calming. Use traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles.</p>	<p>Consistent. As discussed in Section 3.16, Transportation, the proposed project has been designed to incorporate intersection improvements. These intersection improvements would help minimize traffic congestion in the vicinity of the proposed project.</p>
<p>Policy C-P38: Develop a Regional Trails System. Support efforts to establish and connect regional trails, particularly in the greater Humboldt Bay and lower Mad River areas, the Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible.</p>	<p>Consistent. The proposed project would include 20-foot-wide trail easements and would construct trail connection to the future public trails to access the McKay Community Forest, consistent with efforts to establish a regional trail system.</p>
<p>Policy C-P39: Encourage Bicycle and Pedestrian-Friendly Development: Incentives should be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods.</p>	<p>Consistent. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary.</p>
<p>Housing Element¹</p>	
<p>Goal H-G2: Housing Diversity. An adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.</p>	<p>Consistent. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>
<p>Goal H-G3: Workforce Housing. An adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.</p>	<p>Consistent. The proposed project consists of a mixed-use development that would place residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.</p>
<p>Policy H-P13: Support Innovative Construction and Design Methods. The County shall support the use of innovative construction and design methods and building materials that make more efficient use of land and materials, including water conserving waste disposal systems, energy systems, dwelling designs, and uses of recycled materials for building. The County shall also encourage and support sweat-equity and collaborative construction methods.</p>	<p>Consistent. As discussed in Section 2.0, Project Description, the proposed project would include energy conservation features that would meet or exceed the state's current Title 24 requirements. Additionally, rooftop solar would be provided on single-family homes and electrical vehicle charging would be provided in commercial uses and multi-family homes.</p>



Goal/Policy	Project Consistency
<p>Policy H-P21: Siting of Multifamily Housing Developments. The County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.</p>	<p>Consistent. The proposed project includes a mixed-use development located approximately 0.3 mile from the neighborhood commercial area at Maple Avenue and Fern Avenue, and adjacent to existing recreational opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.</p>
<p>Policy H-P22: Allowances for a Mixture of Housing Sizes and Types. The County shall allow a variety of housing types and sizes in all residential areas served by public sewer to encourage a mix of housing opportunities for all income categories.</p>	<p>Consistent. The proposed project includes a variety of housing types, including 96 larger single-family lots (6,600 square feet or greater), 50 smaller single-family lots (less than 5,000 square feet), and 174 multi-family units; 18 housing units would be affordable. The residences would be served by public sewer through HCSD.</p>
<p>Economic Development Element</p>	
<p>Goal ED-G6: Competitive Quality of Life. Maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.</p>	<p>Consistent. The proposed project includes trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.</p>
<p>Conservation and Open Space</p>	
<p>Goal CO-G4: Parks and Recreation. Well maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system that meets future recreational and non-motorized transportation demands.</p>	<p>Consistent. The proposed project includes designating and preserving 21.73 acres of permanent open space through a permanent easement dedicated to the County. In addition, 20-foot wide trail easements and trail connections would be provided on-site to connect to the future public trails to the McKay Community Forest.</p>
<p>Goal CO-G5: Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.</p>	<p>Consistent. The project site is currently zoned to allow 320 residential dwelling units. The project location is adjacent to developed lands, including community playfields at Redwood Fields Park, and would be provided with public water and sewer from HCSD, as outlined in the approved MSR. The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 APNs as available for residential development in the Residential Land Inventory. As noted earlier, 21.73 acres of permanent open space would be preserved and dedicated to the County through an easement or conveyed in fee. Additionally, 20-foot wide trail easements and constructed trail connections would connect the future public trails to the McKay Community Forest.</p>



Goal/Policy	Project Consistency
<p>Policy BR-P1: Compatible Land Uses. Area containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.</p>	<p>Consistent. As discussed in Section 3.4, Biological Resources, this EIR requires that mitigation for impacts to special-status species and jurisdictional features are implemented to reduce impacts on sensitive habitats.</p>
<p>Water Resources</p>	
<p>Policy WR-P6: Subdivision Water Supply. Any subdivision of land shall be conditioned to require evidence of sufficient water supply during normal and drought conditions to meet the projected demand associated with the proposed subdivision. Sufficient water supply shall include the requirements of the proposed subdivision and existing and planned future uses. Written service letters from a public water system written in conformance with this policy is sufficient evidence. Subdivisions to be served through on-site water supplies or private water systems must provide evidence of sufficient water supply to the County Department of Environmental Health.</p>	<p>Consistent. As discussed in Section 3.10, Hydrology and Water Quality, the proposed project would have less than significant impacts related to water supply. Upon annexation, HCSD would supply water to the project, and a new off-site water storage tank would be constructed to support the new development.</p>
<p>Policy WR-P12: Project Design. Development should be designed to complement and not detract from the function of rivers, streams, ponds, wetlands, and their setback areas.</p>	<p>Consistent. The proposed project would include design features that would blend with the existing environment and would therefore be consistent with this policy.</p>
<p>Policy WR-P36: Natural Stormwater Drainage Courses. Natural drainage courses, including ephemeral streams, shall be retained and protected from development impacts which would alter the natural drainage courses, increase erosion or sedimentation, or have a significant adverse effect on flow rates or water quality. Natural vegetation within riparian and wetland protection zones shall be maintained to preserve natural drainage characteristics consistent with the Biological Resource policies. Stormwater discharges from outfalls, culverts, gutters, and other drainage control facilities that discharge into natural drainage courses shall be dissipated so that they make no significant contribution to additional erosion and, where feasible, are filtered and cleaned of pollutants.</p>	<p>Consistent. The proposed project would be required to comply with the County’s MS4 Permit requirements related to LID. LID design is intended to maintain a site’s pre-development runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site. Per the Humboldt Low Impact Development Stormwater Manual, the proposed project is considered a Hydromodification Project because the project would create more than 1 acre of impervious surface and create a net increase in impervious surface. As discussed in Section 3.10, Hydrology and Water Quality, post-project runoff would not exceed estimated pre-project flow rate for the 2-year, 24-hour storm, consistent with the LID Stormwater Manual.</p>



Goal/Policy	Project Consistency
<p>Policy WR-P37: Downstream Stormwater Peak Flows. Peak downstream stormwater discharge shall not exceed the capacity limits of off-site drainage systems or cause downstream erosion, flooding, habitat destruction, or impacts to wetlands and riparian areas. New development shall demonstrate that post development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water.</p>	<p>Consistent. The proposed project would be required to comply with the County’s MS4 Permit requirements. LID design is intended to maintain a site’s pre-development runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site. Per the Humboldt Low Impact Development Stormwater Manual, the proposed project is considered a Hydromodification Project because the project would create more than 1 acre of impervious surface and create a net increase in impervious surface. Conditions of approval would require post-project runoff to not exceed estimated pre-project flow rate for the 2-year, 24-hour storm, consistent with the LID Stormwater Manual.</p>
<p>Policy WR-P42: Erosion and Sediment Control Measures. Incorporate appropriate erosion and sediment control measures into development design and improvements.</p>	<p>Consistent. The proposed project would be required to comply with the County’s MS4 Permit requirements related to LID, including erosion and sediment control features.</p>
<p>Policy WR-P44: Storm Drainage Impact Reduction. Develop and require the use of Low Impact Development (LID) standards consistent with Regional Water Board requirements to reduce the quantity and increase the quality of stormwater runoff from new development and redevelopment projects in areas within the County’s MS4 boundary or as triggered under other Regional Water Board permits. For all other watersheds, develop storm drainage development guidelines with incentives to encourage LID standards to reduce the quantity and increase the quality of stormwater runoff from new developments.</p>	<p>Consistent. As discussed in Section 3.10, Hydrology and Water Quality, the proposed project aims to have stormwater quality protection measures such as bioswales, filter strips infiltration galleries, rain gardens, rain barrels, trees, or other accepted BMPs incorporated into the on-site drainage system to treat urban runoff.</p>
Energy	
<p>Goal E-G2: Increase Energy Efficiency and Conservation. Decrease energy consumption through increased energy conservation and efficiency in building, transportation, business, industry, government, water and waste management.</p>	<p>Consistent. The proposed project would include energy conservation features, including homes that are energy efficient with a goal to meet or exceed the state’s current Title 24 requirements, by meeting current Tier 2 Energy Efficiency standards. Additionally, electric vehicle charging stations would be installed for the commercial and multi-family portions of the proposed project, per County Building Code requirements.</p>
<p>Policy E-P12: Water Efficiency. Promote the efficient use of water in residences, businesses, industries, and agriculture.</p>	<p>Consistent. The proposed project would be designed to meet or exceed the state’s current Title 24 requirements by meeting Tier 2 Energy Efficiency standards. This includes features for efficient water use.</p>
<p>Policy E-P17: Residential Design. Proposed single-family residential structures should be designed to maximize solar access, energy conservation and passive solar energy generation. Solar access potential should be evaluated based on each climate zone within the County as established by the National Weather Forecast Center in Eureka.</p>	<p>Consistent. The proposed project would include rooftop solar on single-family homes and electrical vehicle charging stations in commercial and multi-family use. In addition, the proposed project would meet or exceed the state’s current Title 24 requirements by meeting current Tier 2 Energy Efficiency standards.</p>



Goal/Policy	Project Consistency
Safety	
<p>Policy S-G4: Fire Risk and Loss. Development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources.</p>	<p>Consistent. The proposed project would be located adjacent to existing wooded areas and constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. Therefore, the proposed project would be consistent with this policy with MM WF-1 incorporated.</p>
<p>Policy S-P11: Site Suitability. New development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.</p>	<p>Consistent. As discussed in Section 3.7, Geology and Soils, the proposed project would not substantially increase or contribute to site geologic instability or place structures within a geologic hazard area. The proposed project would be designed and built in conformance with all applicable federal, state, and local building code requirements related to site stability.</p>
<p>Policy S-P18: Subdivision Design in High and Very High Fire Hazard Zones. Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design, slope development constraints, fuel modification plans, and vegetation setbacks.</p>	<p>Inconsistent. The proposed project is located in an SRA with a high fire severity classification. As discussed in Section 3.19, Wildfires, MM WF-1 and MM WF-2 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. However, the proposed project does not provide a 100-foot defensible space along the perimeter of the subdivision and is not consistent with this policy.</p>
<p>Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations. Development shall conform to Humboldt County SRA Fire Safe Regulations.</p>	<p>Consistent. The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be implemented in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations.</p>
<p>Policy S-S9: SRA Fire Safe Regulations. Development within SRA shall conform to SRA Fire Safe Regulations (Humboldt County Code, Division 11 of Title III as amended).</p>	<p>Consistent. The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations.</p>



Goal/Policy	Project Consistency
<p>Policy S-S10: California Building Codes. New construction shall conform to the most recently adopted California building codes</p>	<p>Consistent. County Code requires new construction, including the proposed project, to be designed and constructed to meet the most recent California building code specifications.</p>
<p>Policy S-S11: California Fire Code. The California Fire Code shall be applied to all applicable development.</p>	<p>Consistent. County Code requires all development, including the proposed project, to be designed and constructed in compliance with the California Fire Code. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations. Therefore, the proposed project would be consistent with this policy with MM WF-1 incorporated.</p>
<p>Air Quality</p>	
<p>Policy AQ-P2: Reduce Localized Concentrated Air Pollution. Reduce or minimize the creation of "hot spots" or localized places of concentrated automobile emissions.</p>	<p>Consistent. As discussed in Section 3.3, Air Quality, the proposed project would not result in exceedances of NCUAQMD thresholds related to operational criteria air pollutants. Automobile emissions specifically would not exceed the NCUAQMD thresholds of 50 tons per year of any criteria air pollutant.</p>
<p>Policy AQ-P4: Construction and Grading Dust Control. Dust control practices on construction and grading sites shall achieve compliance with NCUAQMD fugitive dust emission standards.</p>	<p>Consistent. As discussed in Section 3.3, Air Quality, the proposed project would be required to comply with Rule 104 of the NCUAQMD related to limiting fugitive dust from construction activities. The proposed project would incorporate the requirements of this rule through MM AQ-1, which would ensure compliance with Rule 104 related to fugitive dust.</p>
<p>Policy AQ-P5: Air Quality Impacts from New Development. During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCUAQMD.</p>	<p>Consistent. As discussed in Section 3.3, Air Quality, the proposed project would be below all NCUAQMD thresholds for criteria air pollutants for both construction and operation of the proposed project. Therefore, no further mitigation measures would be required to achieve standards of the NCUAQMD.</p>
<p>Policy AQ-P6: Buffering Land Uses. During environmental review of discretionary commercial and industrial projects, consider the use of buffers between new sources of emissions and adjacent land uses to minimize exposure to air pollution.</p>	<p>Consistent. The project area is surrounded on the north, east, and south by forested land that would not produce air emissions. The existing community of Cutten and the Redwood Fields Park to the west of the project area would not produce substantial emissions that would be incompatible with the new development. Therefore, the proposed project would not require any buffers between new source emissions or adjacent land uses to minimize exposure to air pollution.</p>
<p>Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions. The County shall evaluate the greenhouse gas (GHG) emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.</p>	<p>Consistent. As discussed in Section 3.8, Greenhouse Gas Emissions and Climate Change, both the construction and operational GHG emissions resulting from implementation of the proposed project would be below the BAAQMD thresholds of significance. BAAQMD GHG thresholds were used to compare the proposed project GHG emissions because the NCUAQMD does not have specified GHG thresholds. Additionally, the proposed project would be consistent with the state's 2017 Scoping Plan related to GHG emissions.</p>



Goal/Policy	Project Consistency
<p>Policy AQ-P17: Preservation and Replacement of On-Site Trees. Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.</p>	<p>Consistent. Although the proposed project would require the removal of approximately 59.27 acres of the existing forest land in the area, the other 21.73 acres of forested land within the project would be preserved through a permanent open space easement or conveyed in fee with trails that would connect to the McKay Community Forest. In addition, as discussed in Section 3.8, Greenhouse Gas Emissions and Climate Change, the Applicant will purchase verified forest carbon offsets from the Arcata Community Forest (CAR 935 and 575), Climate Reserve Tonnes.</p>

Notes:

¹ The approved 2019 Housing Element goals and policies was used in this analysis.

Eureka Community Plan Consistency

The proposed project is located within the Eureka CPA, and the Eureka Community Plan was adopted on April 25, 1995, and has since been amended through October 23, 2017 (Humboldt County 1995). Because the proposed project is located within this CPA, it would be required to be consistent with the goals and policies of the Community Plan. The goals and policies within this Community Plan build on policies already contained in the Humboldt County General Plan, Zoning code, and Design Guidelines. As shown in Table 3.11-2, the proposed project would be consistent with all applicable goals and policies for the Eureka Community Plan.

Table 3.11-2: Eureka Community Plan Policy Consistency Analysis

Goal/Policy	Project Consistency
<p>Goal 2210.1. To ensure that adequate land is designated with appropriate densities to allow the Planning Area to absorb its share of anticipated Humboldt County population growth, while retaining as much as possible the current quality of life.</p>	<p>Consistent. The proposed project would establish a mixed-use residential and commercial development that would allow for 320 residential units. The project would include dedication of open space and dedication and construction of trails.</p>
<p>Goal 2310.1. To develop and maintain community and neighborhood commercial uses to support the expected increased residential growth.</p>	<p>Consistent. The proposed project would include residential and commercial units as well as open space. This would allow the County to maintain community and neighborhood commercial uses.</p>
<p>Goal 2310.2. To establish commercial areas close to neighborhoods to reduce traffic on our roads and conserve energy resources.</p>	<p>Consistent. The proposed project includes neighborhood commercial amenities within walking distance of residences. This is expected to reduce traffic, as the commercial uses would be within walking distance to residential uses.</p>
<p>Goal 2410.1. To provide adequate housing and a satisfactory living environment for all community residents.</p>	<p>Consistent. The proposed project would provide 320 new residential units, 22,000 square feet of commercial, trail connectivity, and open space within approximately one mile of employment, commercial, health and other services and opportunities. The project’s 22,000 square feet of commercial space would provide accessible amenities.</p>
<p>Goal 2410.3. To provide for affordable housing.</p>	<p>Consistent. The proposed project would create a range of housing types and sizes, including small lot single-family, multi-family, and 18 affordable units.</p>



Goal/Policy	Project Consistency
Policy 2420.2. To reduce conflict between two different land uses, approval of uses on the edges of a zoning district or general plan designation should include provisions for insuring compatibility such as landscaped buffer areas.	Consistent. The proposed project would require a General Plan Amendment and rezoning of the parcels. These land use changes are being analyzed in this Draft EIR for compatibility. All adjacent land uses would be compatible with the proposed development.
Goal 2510.1. To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.	Consistent. Although the proposed project consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.
Goal 2510.2. To assure rural residential development will occur in a manner consistent with rural fire safety standards.	Consistent. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations. Therefore, the proposed project would be consistent with this goal with MM WF-1 incorporated.
Policy 2520.1. Subdivisions. Subdivisions for residential purposes, including subdivisions developed in phases, shall not be approved unless the roads planned to serve such subdivision or individual phases are acceptable to Public Works for development at planned densities and for use by emergency vehicles. Costs of bringing new on-site roads up to standards shall be borne by the subdivider.	Consistent. The proposed project would require that the roads included in the development be constructed early in the process for each phase of development to provide adequate access for construction personnel and equipment. Conditions of approval would require Public Works review and approval for each phase through the Final Map and improvement plans processes.
Goal 2531.2. To protect timberland in areas not proposed for residential expansion.	Consistent. The Eureka Community Plan designated the project site for development. The project would include dedication of open space to the County and would abut a regional park and trail system.
Goal 2610.1. To concentrate new development around existing public services and improvements.	Consistent. The proposed project includes and requires annexation into the HCSD for provision of utilities, which are currently exist on adjacent lands near the project site.
Goal 2610.2. To protect the area's numerous drainage gulches (greenway/open space areas) while providing for development along hillside terrain.	Consistent. The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages to be preserved through the establishment of permanent easements.
Goal 2610.3. To provide opportunities for public recreation.	Consistent. The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages, to be preserved through the establishment of permanent easements.
Goal 2610.4. To ensure that new development will be provided with adequate infrastructure and services.	Consistent. The proposed project would include extending water, wastewater, and telecommunications facilities consistent with applicable development requirements.



Goal/Policy	Project Consistency
<p>Policy 2620.1. Residential Density and Lot Sizes:</p> <ul style="list-style-type: none"> a. The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre. b. The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre. c. The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps. 	<p>Consistent. The proposed project would have an average density of 3.8 dwelling units per acre for the residential single-family designation (RL) with 96 larger (6,600-square-foot to 39,670-square-foot) lots and 50 smaller (4,758-square-foot) lots and 9 dwelling units per acre for the residential multiple family designation (RM) with 174 multi-family units. The smaller single-family residential lot sizes would be allowed through a Planned Unit Development.</p>
<p>Policy 2620.8. North McKay Tract. Development of this area shall include at least three access points onto Walnut Drive (the extension of Redwood, Fern and Arbutus Streets). Development of this area should also include a through road and its northerly extension to the intersection of Manzanita and Harrison Avenue. Development of the property should occur with an approved plan and rights-of-way for the through road. The timing for extension of each street shall be determined by Public Works.</p>	<p>Consistent. The project would have two primary access points, Redwood Street and Arbutus Street, which would be extended to access 320 units (all but three single-family residential lots), the commercial space, and the open space. Fern Street would provide secondary access to two lots because it currently terminates at the adjacent community ballfields at Redwood Fields Park and does not provide an opportunity for a connection. Manzanita Avenue would access three single-family residential lots. The project does not include a through-road and would not provide a future extension to the intersection of Manzanita and Harrison Avenues.</p> <p>The North McKay Tract was previously rezoned from TPZ to Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), which is consistent with this policy. The project proposes a total of 320 units with a range of lot sizes, trails, and permanent open space.</p> <p>The total Immediate Rezone area of the North McKay Tract is approximately 81 acres. The parcel has been given combining zones to facilitate development of a 10-acre minimum youth sports field facility with a surrounding low density residential community.</p> <p>The Planned Unit Development limits the number of dwelling units to 320. The Planned Unit Development should include a clustering of homesites with lot sizes ranging from 4,000 square feet (adjacent to the park) to 9,600 square feet (along the bluff), enabling a large portion of land to be preserved through a permanent easement as open space.</p>



Humboldt County Local Agency Formation Commission (LAFCO) Consistency

There are seven incorporated cities within the County. All cities but the City of Ferndale have SOIs beyond their city boundaries, ranging in size from 160 acres (City of Trinidad) to 8,200 acres (City of Eureka). The boundaries of a city’s SOI are subject to review and approval by the County LAFCo. The proposed project would require annexation into HCSD for provision of utilities, requiring approval from the County LAFCo.

California Government Code Section 56668 establishes factors LAFCos must use in reviewing annexation proposals to encourage well-planned, well-ordered, efficient urban development and discouraging urban sprawl. Table 3.11-3 provides a consistency analysis with California Government Code Section 56668. As shown in the table, the proposed annexation of the proposed project would be consistent with Section 56668. Impacts would be less than significant.

Table 3.11-3: LAFCo Consistency Analysis (Government Code Section 56668)

Section	Consistency Determination
<p>Section 56668(a): Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p>	<p>Consistent: The proposed project would be adjacent to the City of Eureka SOI and would be directly adjacent to the existing community of Cutten. The project site, while currently undeveloped, is zoned for future residential development, identified for development in the Eureka Community Plan, and addressed in the HCSD MSR for future growth and development.</p>
<p>Section 56668(b): The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</p> <p>“Services,” as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p>	<p>Consistent: The proposed project would include infrastructure improvements, such as water, wastewater, and waste collection, in order to properly serve the new development. As discussed in Section 3.14, Public Services, and Section 3.18, Utilities and Service Systems, the proposed project would be required to pay all necessary fees for utility service connections. A new off-site water tank and a sanitary sewer line extension would be constructed to support the new development and is thus being analyzed throughout this Draft EIR.</p>
<p>Section 56668(c): The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p>	<p>Consistent: The proposed project would function as an extension of the Cutten community to the east, would be annexed to HCSD, would include water and sanitary sewer connections, would add off-site sidewalks to provide pedestrian connectivity, and would include trails to provide access to open space areas. The area would remain an unincorporated area of the County, relying Humboldt Bay Fire Protection District (FPD) and CAL FIRE for fire protection services, the County for road maintenance, and Sheriff for police services. The development may increase the tax base for the area in the form of assessed values and property taxes. Sales tax and new employment generation from the 22,000 square feet of commercial development cannot be estimated at this time.</p>



Section		Consistency Determination
<p>Section 56668(d): The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377. (Section 56377 is reproduced below)</p>		<p>Consistent: As discussed in Section 3.2, Agricultural and Forestry resources, the proposed project area does not contain important farmlands or farmlands subject to Williamson Act contracts. The proposed project area currently contains a forested area that has been subject to timber harvesting activities within the last 30 years. The Eureka Community Plan identifies the parcels for development, and the parcels are currently zoned for residential development. The site is located within the HCSD SOI.</p>
<p>56377</p>	<p>In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:</p> <p>(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.</p> <p>(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.</p>	
<p>Section 56668(e): The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016. (Section 56016 is reproduced below.)</p>		<p>Consistent: Although the project site currently consists of a site that has historically been used for timber harvesting, it is not currently producing any commodities (i.e., agricultural commodities). The site is no longer zoned for timber harvesting and is planned for a mixed-use development. Therefore, the proposed project would be consistent with this section.</p>
<p>56016</p>	<p>“Agricultural lands” means land currently used for the purpose of producing an Agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.</p>	
<p>Section 56668(f): The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>		<p>Consistent: The project area would be located directly adjacent to the existing community of Cutten. The proposed project would connect this established community to the new residential, commercial, and recreational uses proposed. The project proposes dedicating open space to the County that would abut existing community fields and provide some buffer between a portion of the new development and the existing neighborhood to the west. The County owns the McKay Community Forest property to the east of the project site, which is planned for a future regional park and trails.</p>
<p>Section 56668(g): A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans. (Section</p>		<p>Consistent: As discussed in Section, 3.16, Transportation, and under the General Plan Consistency analysis above (Table 3.11-1), the</p>



Section	Consistency Determination
65080 is not reproduced below due to length; however, its information was used in this analysis and the link is provided in a footnote for further reference ¹)	proposed project would be consistent with all transportation policies that are relevant to the proposed project.
Section 56668(h): The sphere of influence of any local agency which may be applicable to the proposal being reviewed.	Consistent: The proposed project is within the HCSD SOI.
Section 56668(i): The comments of any affected local agency or other public agency.	Consistent: The Draft EIR and proposal will be circulated to local and affected agencies. Responses to comments will be provided in the Final EIR.
Section 56668(j): The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	Consistent: The proposed project would be served by municipal services provided by HCSD for water and wastewater, by the Humboldt Bay FPD and CAL FIRE for fire protection services, and the County Sherriff Office for police protection services. Sections 3.14, Public Services, and 3.18, Utilities and Service Systems, describe the service and infrastructure requirements necessary to ensure that adequate levels of service are provided. The proposed project Applicant would provide the full costs of all infrastructure necessary to serve the proposed project. The proposed project would pay its share of development impact fees.
Section 56668(k): Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Section 65352.5 is reproduced below.)	Consistent: As discussed in Section 3.18, Utilities and Service Systems, there are sufficient water supplies for retail water suppliers, HBMWD retail customers, industrial customers, and system losses during normal, single dry, and multiple dry years (HBMWD 2016). HCSD has a total of 5 million gallons per day (MGD) of storage capacity, has a peak daily water consumption of approximately 3.20 MGD, and an average daily water consumption of approximately 2.56 MGD (SHN Engineers & Geologists 2014). The need for a water tank to support the proposed development was identified by HCSD and, therefore, the construction and operation of this new water tank is being considered as part of this Draft EIR.
<p>65352.5</p> <p>(a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning occurs in order to accommodate projects that will result in increased demands on water supplies.</p> <p>(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p> <p>(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:</p> <p>(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.</p>	

¹ http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65080.&lawCode=GOV



Section	Consistency Determination
<p>(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.</p> <p>(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.</p> <p>(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.</p> <p>(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.</p> <p>(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.</p> <p>(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:</p> <p>(A) Agricultural users.</p> <p>(B) Commercial users.</p> <p>(C) Industrial users.</p> <p>(D) Residential users.</p> <p>(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.</p> <p>(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p>	



Section		Consistency Determination
<p>Section 56668(l): The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p>		<p>Consistent: The Eureka Community Plan calls for the site’s development, and the Housing Element identifies 5 of the 7 parcels as available for residential development in the Residential Land Inventory included the Housing Element. The development would provide for a range of income levels with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>
<p>65580</p>	<p>The Legislature finds and declares as follows:</p> <p>(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.</p> <p>(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.</p> <p>(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.</p> <p>(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.</p> <p>(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.</p>	
<p>Section 56668(m): Any information or comments from the landowner or owners, voters, or residents of the affected territory.</p>		<p>Consistent: The proposed project property is owned by the Applicant of the proposed project. Annexation to HCSD would be considered “uninhabited,” and the Owner/Applicant is in favor of the annexation. Neighboring property owners would be noticed about the availability of the CEQA documents and public meetings. These individuals will have the opportunity to submit comments to both the County and the County LAFCo.</p>



Section	Consistency Determination
<p>Section 56668(n): Any information relating to existing land use designations.</p>	<p>Consistent: The proposed project parcels are designated Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017c). The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017c). The project site also lies within the Eureka Community Plan Planning Area Boundary, but not within its SOI. The water tank location is designated as Timberland (T).</p> <p>The proposed project parcels are zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water tank location is zoning as a TPZ.</p>
<p>Section 56668(o): The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.</p>	<p>Consistent: According to the Governor’s OPR LAFCO MSR Guidelines, a LAFCO decision to approve an extension of a service area or a change in city boundaries could have a significant environmental justice impact especially if it results in the siting of a major industrial, residential, or public works project. Environmental justice can be broken down into two categories: procedural inequity and geographic inequity. In the case of land development projects, procedural inequity can include unfairly attaching mitigation measures to certain projects and not uniformly to all projects, as well as unfair meeting or noticing procedures. Geographic inequity can include concentrating undesirable land uses, such as denser development, in one area of a county while concentrating desirable uses, like parks, in other areas of the county.</p> <p>The proposed project is subject to the procedural requirements of state law and County Code, including but not limited to the analysis contained in this EIR, public hearings before the Planning Commission and Board of Supervisors, and approval from LAFCo for annexing to the HCSD.</p> <p>The proposed project includes 18 affordable housing units that would help address the County’s housing needs, and a combination of single-family and multi-family residential, together with commercial development, located adjacent to existing ballfields at Redwood Fields Park and, eventually, a regional park and regional trail system.</p>



Timber Harvest Plan Consistency

A Timber Harvest Plan (THP) was developed for the site in September 2017 and is valid through March 5, 2023. This THP serves as the functional equivalent of a CEQA EIR and required approval through CAL FIRE as the lead agency. The THP was developed for the proposed project to allow the timber currently located on the project site to be harvested and sold. The current THP contemplated residential development of the project site as an alternative to timber harvesting; however, the development alternative was rejected at the time because development did not address project objectives of the THP. The proposed project would be consistent with the THP, as development is permitted under the current zoning. Based on market conditions, the Applicant may harvest timber as per the approved THP or remove trees to accommodate the development of the project. This EIR analysis includes a conservative assumption of removal of approximately 59.27 acres of trees onsite, and impacts are discussed in Section 3.1, Aesthetics; Section 3.3 Air Quality; Section 3.4, Biological Resources; Section 3.8, Greenhouse Gas Emissions and Climate Change; and Section 3.10 Hydrology and Water Quality. Once the THP expires in 2023, the site would no longer be used for timber harvesting operations. Therefore, the impact related to consistency with the THP would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



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3.16 TRANSPORTATION

This section describes the environmental and regulatory setting for transportation. discusses potential impacts on transportation associated with the proposed project and provides mitigation measures where necessary. Descriptions and analysis in this section are based on information contained in the VMT Assessment of North McKay Ranch Subdivision Project prepared by Stantec Consulting Services in September 2021 provided as Appendix A to this Partial Recirculation Draft EIR and a Focused Traffic Study for the McKay Ranch Subdivision prepared by TJKM in May 2018, provided as Appendix H in the original Draft EIR.

3.16.1 Environmental Setting

Existing Roadway System

The project site is located at the terminus of Fern Street, east of the Redwood Fields Park. The following describes the local roadways that would serve the proposed project.

Arbutus Street is a two-lane local roadway with sidewalks and on-street parking and runs in an east-west direction. The speed limit is 25 miles per hour (mph). Arbutus Street would be extended east to serve the proposed project.

Fern Street is a two-lane local roadway with sidewalks and on-street parking and runs in an east-west direction. The speed limit is 25 mph. Fern Street currently provides access to Redwood Fields Park.

Redwood Street is a two-lane local roadway and runs in an east-west direction. The speed limit is 25 mph. Redwood Street would be extended east to serve the proposed project and connect to the extended Arbutus Street.

Manzanita Avenue is a two-lane local roadway with sidewalks and parking lanes on both sides and runs in an east-west direction. This road has been extended into a cul-de sac and would serve Phase 1 of the proposed project.

Walnut Drive is a minor arterial, providing north-south connectivity between the residential areas in the study area. Along much of its length in the study area, Walnut Drive provides both a travel lane and a bike lane in each direction, with a two-way left-turn lane in the center of the road. Bike lanes are discontinued north of Holly Street and reemerge on both sides of Walnut Drive, north of Fern Street.

Harris Street is a principal arterial designed to provide high overall travel speeds with minimum interference to through movements. Sections of this roadway are owned by both the City and the County; Harris Street is City-owned west of its intersection with Harrison Avenue, and is County-owned east of the intersection. Through the study area, Harris Street is a two-way street with one lane of traffic in each direction; a two-way left turn lane in the center is on the County-owned portion of the street. Along most sections of this road within the study area, on-street parking is allowed on both sides within City limits, and sharrows (double chevron road markings indicating a shared bicycle/vehicle lane) are provided in lieu of bike lanes in the City-maintained section from Harrison to R Street. Sidewalks are also present.



Pedestrian Facilities and Safety

The neighborhood streets surrounding the project site generally have sidewalks provided on one or both sides, particularly along collector streets, including arterials, such as Walnut Drive, Harris Street, and S Street. The City of Eureka is actively improving pedestrian connectivity, having improved or constructed new sidewalks to fill in gaps, enhanced or adding new crosswalks, and improving curb ramps at corners and other pedestrian crossings. Redwood Street and Fern Street have continuous sidewalks on one side each, with some intermittent sections of sidewalks elsewhere; however, following continuous sidewalks on Fern Street requires crossing at Cedar Street. Arbutus Street and Cedar Street lack continuous sidewalks, with breaks of various sizes on both sides where sidewalks exist on each block.

Transit Facilities

Transit services within the project area consist of Eureka Transit System buses, operated by the Humboldt Transit Authority. On weekdays, the Red Route operates along W Street and Walnut Drive, and the Purple Route and Green Routes operate on Harris Street, providing connectivity throughout the City. Weekday buses operate in a loop with one-hour headways, 6:30 AM to 7:00 PM. On weekends, the Rainbow Route operates on W Street, Dolbeer Street, and Harris Street, and the Purple Route operates on Harris Street. Weekend buses operate with one-hour headways, 10:00 AM to 5:00 PM. The nearest Red and Rainbow Route bus stops are located within 0.5 mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1 to 1.2 miles from the project site.

Bicycle Facilities

Designated bicycle facilities in the project vicinity are limited, but the Humboldt Bay Area Bike Map (Humboldt County) identifies both existing facilities and streets that are suitable for families or bicyclists with a range of skill levels. Class II bike lanes are provided on disconnected sections of Walnut Drive and Harris Street. A portion of Harris Street is designated a Class III bike route with sharrow (double chevron road markings indicating a shared bicycle/vehicle lane) from R Street to Harrison. Elsewhere it has class II bike lanes, and there is a section of Class I multiuse trail through Sequoia Park. The Bike Map identifies "Intermediate" bike-friendly streets with moderate shoulder widths, traffic volumes, topography, and pavement conditions. Certain streets and intersections are also identified as requiring higher skill and caution, including S Street and Harrison Avenue north of Harris Street.

3.16.2 Regulatory Setting

State

Senate Bill 743

On September 27, 2013, SB 743 was signed into law. The legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce VMT and thereby contribute to the reduction of GHG emissions, as required by the California Global Warming Solutions Act of 2006 (AB 32). SB 743 started a process that will likely change transportation impact analysis as part of CEQA compliance. Changes include the elimination of auto delay, LOS, and similar measures of vehicular capacity or traffic congestion as the basis for determining significant



impacts in many parts of California (if not statewide). The new criteria, “shall promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses” (PRC Section 21099[b][1]). On January 20, 2016, the Governor’s OPR released revisions to its proposed Draft CEQA guidelines for the implementation of SB 743. In December 2018, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including the Guidelines section implementing SB 743 (Section 15064.3). OPR developed a Technical Advisory on Evaluating Transportation Impacts in CEQA, which contains OPR’s technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. The provisions of CEQA Guidelines Section 15064.3 shall apply prospectively as described in Section 15007. A lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. As of this time, the County of Humboldt has not adopted thresholds of significance related to VMT. However, County General Plan Policy C-P5 requires that LOS be reviewed for projects.

Local

Humboldt County General Plan

The Humboldt County General Plan, adopted October 23, 2017 contains several policies that directly pertain to utilities and service systems, including the following:

Goal C-G1. Circulation System Safety and Functionality. A safe, efficient, accessible and convenient circulation system in and between cities, communities, neighborhoods, hamlets, and adjoining regions taking into consideration the context-specific needs of all users, consistent with urban, suburban, rural or remote community character.

- **Policy C-P1. Circulation System.** Encourage development of a circulation system that supports:
 - A. Access to higher density residential areas, local commercial facilities, neighborhood parks and schools, while maintaining maximum bicycle and pedestrian connectivity.
 - B. Designing access to residential areas to minimize disruptions to the flow of traffic while providing for user safety and connectivity on arterial or collector roads.
 - C. Improving connectivity between interrelated areas such as neighborhoods and common destinations.
 - D. Planning retail, service and industrial facilities, community centers, major recreational facilities, employment centers, and other intensive land uses that consider the location of collectors or arterial roads consistent with the Land Use Element.
- **Policy C-P3. Consideration of Transportation Impacts in Land Use Decision Making.** Decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences.
- **Policy C-P4. Mitigation Measures.** Development with potentially significant circulation impacts as determined by CEQA review shall be conditioned to proportionally mitigate such impacts



through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications.

- **Policy C-P5. Level of Service Criteria.** The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.
- **Policy C-P6. Jurisdictional Coordination and Integration.** Use HCAOG, formal Memorandums of Understanding, and informal project level cooperation to integrate county-wide transportation planning and implementation efforts.
- **Policy C-P7. Joint Use of Traffic Models.** The County-Wide Transportation Plan (CWTP) and projects with potentially significant transportation impacts should integrate transportation planning through joint use of area-wide traffic models, including but not limited to the Greater Eureka Area Travel Model (GEATM) or the Humboldt County Traffic Demand Model (HCTDM). Develop travel demand models with methods and inputs that incorporate walking, biking and transit. Support coordination with agencies to maintain the accuracy and utility of such models.
- **Policy C-P9. Circulation Planning for Bicycles, Pedestrians and Transit.** Circulation planning and project review shall include an assessment for bicycle, pedestrian and public transit access.
- **Policy C-P11. Transportation Demand Management Programs.** Require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs.
- **Policy C-P12. Countywide Traffic Impact Fee Program.** In coordination with the cities within the County, shall develop and implement a countywide traffic impact fee program that addresses impacts on major roads resulting from development in cities and unincorporated areas. Adopt this fee within one year of the adoption of the General Plan Update. A traffic impact fee is currently being evaluated for the Greater Eureka Area, encompassing the Eureka urbanized area.
- **Policy C-P28. Bicycles and Pedestrian Facilities in New Subdivisions.** Bicycle and pedestrian facilities should be encouraged to connect neighborhoods. Standards for urban, suburban, rural and remote contexts shall be developed.
- **Policy C-P39. Encourage Bicycle and Pedestrian-Friendly Development:** Incentives should be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods.

3.16.3 Project Travel Characteristics

Project Summary

The proposed project would consist of 320 residential units and 20,000 square feet of commercial space. The traffic study was based on General Office Building land use. A commercial use under the County's C-1 zoning designation allows for a variety of uses including but not limited to professional and business offices and retail. The proposed project would be built based on market conditions. Therefore, any future use would be limited by the number of trips evaluated in the traffic study. Any change in land use that would result in more trips than those evaluated in this EIR would require a separate CEQA review. Although the project would be constructed over a total of nine phases, the project trip generation and



impact analysis are based on the full buildout of all phases, thereby also providing a conservative evaluation of potential project-related traffic impacts. Access to the project site would be provided by extending Redwood Street and Arbutus Street to the east.

Trip Generation

Trip generation for the proposed project was developed using rates from the Institute of Transportation Engineers publication Trip Generation, 10th Edition (2017). A conservative trip reduction of 3 percent was applied to account for trips between the residential and non-residential uses. Table 3.16-1 displays the project’s expected daily trip generation. As shown in the table, the full project buildout would generate a total of 2,879 daily trips. Trip generation from the water storage tank would be limited to occasional maintenance and are not significant enough to be accounted for in the trip generation.

Table 3.16-1: Project Trip Generation

Land Use (ITE Code)	Size	Daily	
		Rate	Trips
Single Family Detached Housing (210)	146 d.u.	9.44	1,378
Multifamily Housing (Low-Rise) (220)	174 d.u.	7.32	1,274
General Office Building (710)	24.0 ksf	9.74	234
3 Percent Internal Capture Discount: Office			-7
Total Trips			2,879

Notes: d.u. = dwelling unit, ksf = thousand square feet, Source: TJKM 2018

3.16.4 Methodology for Analysis

SB 743 required the Governor’s Office of Planning and Research (OPR) to establish recommendations for identifying and mitigating transportation impacts within CEQA. In response, OPR prepared a document referred to in this memorandum as OPR’s Technical Advisory². OPR’s Technical Advisory recommends methodologies for quantifying VMT, significance thresholds for identifying a transportation impact, and screening criteria to quickly identify if a Project can be presumed to have a less than significant impact. Lead agencies are to adopt local guidelines appropriate for their jurisdiction. Currently, the County of Humboldt is yet to adopt VMT guidelines. Therefore, this VMT analysis has been prepared in accordance with OPR’s Technical Advisory guidance.

² Technical Advisory on Evaluating Transportation Impacts in CEQA, Governor’s Office of Planning and Research, State of California, December 2018.



3.16.5 Thresholds of Significance

According to the CEQA Guidelines' Appendix G Environmental Checklist, the following questions were analyzed and evaluated to determine whether transportation impacts are significant. Would the proposed project:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- Result in inadequate emergency access?

3.16.6 Project Impact Analysis and Mitigation Measures

Consistency with Circulation System Program, Plan, Ordinance, or Policy

Impact TRANS-1: The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Impact Analysis

Construction

The proposed project would be completed in phases over a period of 10 to 20 years and would result in construction traffic on the nearby roadway network, including the extension of proposed sewer line in Redwood Street and Walnut Drive. The proposed project would also require the hauling of soil off-site and import of project materials. The highest levels of construction traffic would occur during grading, when soil would be exported off-site. Construction traffic would be temporary and is expected to be substantially less than operational trips. Additionally, construction activities are temporary, and these trips would cease once the proposed project is completed. The extension of sewer line in Redwood Street and Walnut Drive would occur in public right-of-way. As such, it follows that construction traffic would not represent a significant impact to intersection, roadway segment, or queuing impacts on local roadways.

Proposed project construction activities may not result in full lane closures but may temporarily impact easy access to Redwood Fields Park. Accordingly, MM TRANS-1 is proposed, requiring the project Applicant to implement a Traffic Management Plan during construction activities to minimize impacts on surrounding roadways, residences, and nearby parking areas. The implementation of this MM would reduce potential impacts to a level of less than significant.

Operation

As discussed in Section 3.11 Land Use and Planning, the County has several policies related to transportation. Table 3.16-2 provides an evaluation of the project's consistency with applicable County



General Plan polices related to the circulation system; as shown, the project is consistent with applicable policies.

Table 3.16-2: Consistency with General Plan Circulation Policies

Policy	Project Consistency
<p>Policy C-P4: Mitigation Measures. Development with potentially significant circulation impacts as determined by CEQA review shall be conditioned to proportionally mitigate such impacts through payment of impact fees, construction of on- and off-site improvements and dedication of rights-of-way or a combination of impact fees, improvements and dedications.</p>	<p>Consistent. SB 743 requires that traffic analyses under CEQA now utilize a Vehicle Miles Travelled (VMT) approach to identifying significant impacts. Pursuant to Section 15064.3 of the CEQA Guidelines, a project's effect on automobile delay shall not constitute a significant environmental impact that would require mitigation pursuant to this General Plan policy. As discussed in Section 3.16, Transportation, the proposed project would result in a less than significant impact to VMT. Accordingly, no mitigation is required and the project is consistent with this policy.</p>
<p>Policy C-P5: Level of Service Criteria. The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.</p>	<p>Consistent. Coordination between the Humboldt County Department of Public Works and the City of Eureka determined that 12 intersections had the potential to be impacted and needed to be analyzed for level of service conditions to determine consistency with the Humboldt County General Plan. The Focused Traffic Study for the McKay Ranch Subdivision prepared in May 2018 by TJKM found that 9 of these intersections would be functioning below LOS C under both Future (2040) with no project and Future (2040) plus Project conditions. The traffic study identified improvements to all intersections operating at LOS D or worse in the future condition with Project, with the exception of the Harris and Harrison intersection where a traffic signal is already in place. The study also calculated the project's contribution to LOS delay at these intersections as a percentage of the Future plus Project conditions. The project is not 100% responsible for the LOS delay at any of the intersections individually and the county may only require development conditions which are proportional to the project's impacts (<i>Dolan v. City of Tigard</i>, 512 U.S. 374). The project's cumulative fair share is 197%, which is roughly two intersections. County Public Works has identified two intersections that are priority needs for signalization based on circulation patterns, and which may serve an equivalent share of the total of improvement costs for intersections that fall below LOS C. Signalization of these intersections will be made a condition of approval of the subdivision map thus ensuring consistency with Policy C-P5.</p>
<p>Policy C-P11: Transportation Demand Management Programs. Require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs.</p>	<p>Consistent. The proposed project would result in more than 15 dwelling units and a discretionary permit is required. As discussed previously, the project would be conditioned to signalize two priority intersections identified by the County Public Works that will facilitate implementation of the County's transportation demand management program. Additionally, the project would implement mitigation measure TRANS-1 to address potential transportation conflicts during construction of the project.</p>



<p>Policy C-P31: Removal of Obstacles in Pathways. Where feasible and consistent with the County-Wide Transportation Plan, new pathways and sidewalks shall be free of obstacles such as utility poles and mailboxes. Where obstacles are unavoidable on existing sidewalks or pathways, pedestrian facilities shall be widened or otherwise designed to provide the least amount of obstruction to users.</p>	<p>Consistent. The proposed project would include the dedication of easements and public rights-of-way for pedestrian pathways and roads that would include sidewalks. Conditions of approval would require pathways and pedestrian ways to be clear of obstacles. Further, as discussed in the VMT analysis provided as Appendix A to this Partial Recirculation Draft EIR, the project would not block, remove, or create barriers for transit utilization.</p>
<p>Policy C-P34: Traffic Calming. Use traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles.</p>	<p>Consistent. As discussed in Section 3.16, Transportation, the proposed project has been designed to incorporate intersection improvements. These intersection improvements would help minimize traffic congestion in the vicinity of the proposed project.</p>
<p>Policy C-P38: Develop a Regional Trails System. Support efforts to establish and connect regional trails, particularly in the greater Humboldt Bay and lower Mad River areas, the Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible.</p>	<p>Consistent. The proposed project would include 20-foot-wide trail easements and would construct trail connection to the future public trails to access the McKay Community Forest, consistent with efforts to establish a regional trail system.</p>
<p>Policy C-P39: Encourage Bicycle and Pedestrian-Friendly Development: Incentives should be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods.</p>	<p>Consistent. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary.</p>

Alternative Transportation Impacts

As noted in the traffic study, pedestrian access and safety within the vicinity of the project is generally adequate. TRANS-2 would be implemented to address pedestrian safety. The nearest Red and Rainbow Route bus stops are located within 0.5 mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1 to 1.2 miles from the project site. A review of the Humboldt Regional Bicycle Plan Update 2012 prepared by the HCAOG (HCAOG 2012) lists the following proposed bicycle routes in the project area: (1) a proposed north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on “W” Street, Hemlock Street, and Walnut Drive. The proposed project would not conflict with or prevent implementation of the Humboldt Regional Bicycle Plan Update 2012, which did not propose any bicycle facilities within the immediate project area. Therefore, the impact would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM TRANS-1: Traffic Management Plan. Prior to the commencement of construction activities for each phase, the project Applicant shall prepare and submit a Construction Traffic Control Plan for review and approval by the Director of Public Works. The Traffic Management Plan shall identify routing for all delivery and haul trucks and, if necessary, limit deliveries to non-peak times. The Traffic



Management Plan shall also identify suitable locations for construction worker parking and identify a safe access route to Redwood Fields Park and adjacent schools. The Traffic Management Plan shall ensure that access to adjacent land uses on Redwood Street and Walnut Drive is provided at all times. The Traffic Management Plan shall be maintained and updated for all phases of construction.

MM TRANS-2: Accessibility. All newly constructed streets shall provide adequate sidewalks and Americans with Disabilities Act-compliant curb ramps, with marked crosswalks as needed.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.

Vehicle Miles Traveled

Impact TRANS-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).

Impact Analysis

The Project consists of residential and neighborhood serving commercial retail. Each Project component is evaluated individually as recommended in OPR’s Technical Advisory. Also, per the recommendations in OPR’s Technical Advisory, the Project is first evaluated using a screening criterion. If a component of the Project meets one of the specified screening criteria, that component of the Project can be presumed to have a less than significant impact. If a Project component does not meet a screening criterion, that component of the Project is then evaluated based on the applicable VMT threshold of significance. The screening criteria and VMT thresholds of significance used in this analysis are discussed below.

Project Screening

Prior to undertaking a detailed VMT analysis, the Technical Advisory advises that lead agencies conduct a screening process “to quickly identify when a Project should be expected to cause a less-than-significant impact without conducting a detailed study.” The Technical Advisory suggests that lead agencies may screen out VMT impacts using Project size, maps depicting areas of low VMT, transit availability and provision of affordable housing. In addition, local-serving retail development can also be presumed to have a less than significant impact on VMT. For this analysis the Project has been evaluated using the screening criteria summarized in Table 3.16-3.

Table 3.16-3: Project Screening Criteria and Threshold

Category	Criteria/Screening	Threshold	Screened Out (Yes/No)
Trip generation screening	Small Projects can be screened out from completing a full VMT analysis.	If the Project generates less than 110 trips per day, the Project is assumed to have a less than significant impact.	No
Map-based screening	Projects that are located in areas with low VMT can be screened out from completing a full VMT analysis.	If the Project is in a low VMT area, the Project is assumed to have a less than significant impact.	No



Category	Criteria/Screening	Threshold	Screened Out (Yes/No)
Proximity to transit	Projects within ½ mile of a major transit stop or a stop located along a high-quality transit corridor reduce VMT and therefore can be screened out from completing a full VMT analysis.	If the Project is within ½ mile of a major or high-quality transit stop/corridor, the Project is assumed to have a less than significant impact.	No
Affordable Residential development	Affordable housing in infill locations can be screened out from completing a full VMT analysis.	If the Project is comprised 100% of affordable units and is located in an infill location, then the Project is assumed to have a less than significant impact.	No
Locally serving retail	Retail Projects that are locally serving can be screened out from completing a full VMT analysis.	If the retail component of the Project consists of individual retail components that are less than 50,000 square feet, then the retail portion of the Project is assumed to have a less than significant impact.	Yes
Source: OPR, 2018.			

Trip Generation Screening – A focused traffic study for the Project was prepared by TJKM in May 2018³. The traffic study determined that the Project would generate 2,879 net daily trips. Since the Project is estimated to generate more than 110 daily trips, the small Project screening criteria does not apply.

Map-Based Screening – OPR’s Technical Advisory recommends that residential and office Projects that are located in areas with low VMT per capita, and that incorporate similar features to the existing development in those areas, will exhibit similarly low VMT per capita and therefore will have less than significant impacts to VMT. At this time, Humboldt County has not developed a map-based resource or database for identifying areas in the County with low VMT per capita. Therefore, this screening criteria cannot be applied to the Project.

Proximity to High-Quality Transit – OPR’s Technical Advisory indicates that a Project can be screened out as having a less than significant impact on VMT if the Project is within a half-mile of an “existing major transit stop or an existing stop along a high-quality transit corridor”. A major transit stop is defined as the intersection of two or more major bus routes with a frequency service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor is defined as an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Based on the definition described above, the Project would not be eligible to be screened out under this threshold since current bus headways within 1/2 mile of the Project site are greater than 15 minutes. Therefore, the Project does not meet the criteria for a transit priority area screening.

Affordable Housing – OPR’s Technical Advisory indicates that 100 percent affordable housing projects located in infill locations can be assumed to have a less than significant impact on VMT. The Project is not comprised 100 percent of affordable housing in an infill area, so this screening threshold does not apply.

³ Focused Traffic Study for McKay Ranch Subdivision Technical Memorandum, TKJM, May 2018



Locally-Serving Retail – OPR’s Technical Advisory indicates that if a Project proposes locally-serving retail uses that are 50,000 square feet or less is eligible to be screened out. The Project proposes to include a total retail of 22,000 SF within the mixed-use retail/residential zone to support the Project residents and local community.

Since the commercial component of the Project would consist of locally serving retail comprised of less than 50,000 square feet, the commercial component of the Project can be presumed to have a less than significant impact.

VMT Analysis Performance Criteria

The Technical Advisory recommends significance thresholds that may constitute a significant transportation impact. The recommended significance thresholds are summarized in **Table 2**. If a significant impact is identified utilizing the significance thresholds, mitigation to reduce VMT would be necessary.

Under OPR’s recommendations, lead agencies have the discretion to set or apply their own thresholds of significance or rely on thresholds recommended by other agencies. Since the Project is located within Humboldt County, significance thresholds set by the County would be appropriate for the Project. However, at this time the County is yet to adopt any policies or directives regarding VMT analysis. Therefore, due to the absence of County criteria, this analysis utilizes the recommended criteria from the Technical Advisory as shown in Table 3.16-4.

Table 3.16-4: OPR Recommended VMT Significance Thresholds

Land Use Type	Metric	Threshold of Significance
Residential development	Household VMT per capita	15% less than existing household VMT per capita
Office development	VMT per employee	15% less than existing VMT per employee
Retail development	Total VMT	If Project causes a net increase in total VMT, Retail greater than 50,000 square feet may be considered regionally serving. If retail is locally serving, it may be less than significant.
Other Project types	To be determined by lead agency through consideration of the purposes of the legislation (i.e., reductions to GHG, VMT per capita, and automobile trip generation)	

Source: OPR, 2018.

For residential uses, the Project’s home-based (HB) VMT per capita is to be compared against an appropriate baseline, which is typically defined as either the city average or the regional average plus a 15 percent reduction. For this analysis, the regional/Humboldt County threshold was used since the Project is located in the unincorporated community in the Humboldt County. As discussed above, the retail portion of the Project meets the screening criteria for locally serving retail. Therefore, no additional analysis is required for the Project’s commercial component.

VMT Analysis

A lead agency may elect to use a traffic model to estimate a Project’s VMT. The California State Transportation Demand Model (CSTDm) is one such model that can be used to assess VMT resulting



from residential and office land use Projects, as well as to set thresholds of significance⁴. The CSTDM is maintained by Caltrans and VMT statistics have been prepared by Caltrans for use in SB 743 VMT impact assessments⁵. Since the County is yet to adopt a specific methodology or traffic model for VMT analysis, VMT statistics from CSTDM are utilized for this study. The CSTDM Traffic Analysis Zones (TAZ) boundaries and corresponding VMT statistics were reviewed for compatibility with the local area.

The Project is located in CSTDM TAZ 106. **Figure 2** provides an illustration of the CSTDM TAZ and the Project area. The HB VMT per capita rate for TAZ 106 is derived by the model based on trip generation and trip length estimates that primarily reflect standard residential development. For this analysis, as mentioned above, the HB VMT per capita for TAZ 106 is compared against the regional average HB VMT per capita and a threshold of significance that is 15 percent lower than the average. The model data and comparison of the Project to the regional average is summarized in Table 3.16-5.

Table 3.16-5: VMT Analysis Summary

Description	Residential HB VMT per Capita
Project	
CSTDM TAZ 106	5.3
Regional Threshold	
CSTDM Humboldt County Existing Average	10.8
CSTDM Humboldt County Existing Average with 15% reduction	9.2
Difference (Project minus Regional Threshold)	
	-3.9
Is Project above or below Regional Threshold with 15% reduction?	Below
Significant Transportation Impact	No

As shown in Table 3.16-5, for the Project’s residential component, the HB VMT per capita is 5.3. For this analysis the regional area is defined as the entirety of Humboldt County. The average regional HB VMT per capita for Humboldt County is 10.8 VMT per capita based on the CSTDM data. Consistent with the Technical Advisory, a 15 percent reduction is applied to existing conditions, resulting in a regional threshold of 9.2 VMT per employee. Since the Project’s HB VMT per capita of 5.3 is less than the regional area threshold of 9.2 HB VMT per capita, the Project’s residential component would have a less than significant impact on VMT.

Cumulative Impact Analysis

According to OPR’s Technical Advisory⁶, if a Project is found to have a less than significant impact at the Project level, it implies that the Project would have a less than significant cumulative impact. Since the

⁴ Case Study from Revised Proposal on Updates to CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Governor’s Office of Planning and Research, January 20,2016.

⁵ SB 743 VMT Impact Assessment, <https://dot.ca.gov/programs/transportation-planning/multi-modal-system-planning/statewide-modeling/sb-743-vmt-impact-assessment>, last accessed September 3, 2021.

⁶ Page 6 from Technical Advisory on Evaluating Transportation Impacts in CEQA, Governor’s Office of Planning and Research, State of California, December 2018.



Project was found to have a less than significant impact, the Project would have a less than significant cumulative impact.

Active Transportation

To facilitate pedestrian movement throughout the Project site, the Project would create a pedestrian-friendly neighborhood with landscaping and buffered sidewalks. Sidewalks would be constructed ranging from 5 to 6 feet wide. The neighborhood streets surrounding the Project site generally have sidewalks provided on one or both sides, particularly along Walnut Drive and Harris Street.

There are limited designated bicycle facilities in the Project vicinity. Humboldt Bay Area Bike Map identifies existing facilities and streets that are suitable for families and for bicyclists with a range of skill levels. Walnut Drive and Harris Street are designated as a Class II bike lanes. A portion of Harris Street is designated a Class III bike route, and there is a bike compatible trail through Sequoia Park.

The Project would not block, remove, or create barriers for walking and biking, but rather it would provide facilities to encourage non-motorized mode of transportation throughout the Project site, which would reduce local vehicle trips.

Transit

Transit service in Humboldt County is administered through joint authority between Humboldt County and the cities of Arcata, Eureka, Fortuna, Rio Dell and Trinidad. Transit services within the Project area consist of Eureka Transit Service buses, operated by the Humboldt Transit Authority (HTA). HTA provides riders with affordable fixed route and dial-a-ride transportation options that allows access throughout the Humboldt County.

On weekdays, the Eureka Transit Service buses operate in a loop with one-hour headways from 7:00 am to 6:00 pm. The Red Route operates along W Street and Walnut Drive, and the Purple and Green Routes operate on Harris Street, providing connectivity throughout the city. The Rainbow Route operates on weekends with one-hour headways, from 9:00 am to 5:00 pm on Harris Street. The nearest Red and Rainbow Route bus stops are located within one half-mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1.25 miles from the Project site. The Project would not block, remove, or create barriers for transit utilization.

Conclusion

The VMT impact analysis prepared in accordance with the guidance outlined in the OPR Technical Advisory and data from the CSTDM found the following:

- The commercial retail portion of the Project would consist of less than 50,000 square feet of locally serving retail uses. Therefore, the commercial retail portion of the Project is screened out from completing a full VMT analysis and is assumed to have a less than significant impact on VMT.
- The residential component would have a HB VMT per capita that is less than the designated regional area threshold of significance and, therefore, would have a less than significant impact on VMT.



Transportation

- Since the Project was found to have a less than significant impact, the Project would also have a less than significant impact in the cumulative setting according to guidance from OPR.
- The Project will not block, remove, or create barriers for walking and biking, but rather provide facilities to encourage non-motorized mode of transportation around the Project site.
- The Project would not block, remove, or create barriers for transit utilization.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Geometric Design Features or Incompatible Uses

Impact TRANS-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

Ingress/egress to and from the proposed mixed-use residential/commercial subdivision will be by eastward extensions of Arbutus and Redwood Streets from Cedar Street. A street network will be constructed to serve the subdivision. No dangerous conditions have been identified. No incompatible uses such as farm equipment are proposed by the project. All proposed transportation improvements to accommodate the project will be reviewed by and constructed to the standards of the Public Works Department to ensure that no hazardous design features will be developed as part of the project. Impacts would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.

Emergency Access

Impact TRANS-4: The proposed project would not result in inadequate emergency access.

Impact Analysis

Construction and operation of the proposed project may affect streets in the project area, including installation of sewer line in Redwood Street and Walnut Drive. However, no full street closures are anticipated. The proposed roads and improvements would be constructed to meet County standards and



as noted in MM TRANS-1, Traffic Management Plan, emergency access would be allowed at all times along the area roadways impacted by the project. Additionally, the proposed project would not affect any existing County emergency access routes. The proposed project would be designed to incorporate all required Humboldt Bay FPD standards to ensure that the project would not result in hazardous design features or inadequate emergency access. Therefore, impacts would be less than significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM TRANS-1 would be required.

Level of Significance After Mitigation

Less Than Significant Impact with Mitigation Incorporated.



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APPENDIX J

Water Supply Analysis



Reference: 014141.021

October 2, 2020

Terrence Williams
General Manager
Humboldt Community Services District
5055 Walnut Drive
Eureka, CA 95534

Subject: North McKay Subdivision Water Supply Assessment

Dear TK:

This letter contains the water supply assessment for the proposed North McKay subdivision. The proposed subdivision is located in the Cutten area of Humboldt Community Services District's (HCSD) sphere of influence and is expected to consist of approximately 320 residential units and 2 commercial lots at full build-out. Included in this letter are demand estimates and the recommendations for infrastructure improvements needed to adequately serve the development.

Proposed Development Description

The proposed subdivision will be accessed by an extension of Redwood Street approximately forming a loop around the Redwood Fields recreation area. The loop will have several cul-de-sacs and a secondary looped road. The development is proposed to commence in phases, with the initial phases centered in the project footprint, and the branched cul-de-sacs progressing afterward. The first phase also includes three units at the end of Manzanita Avenue. See Appendix 1 for the proposed subdivision map. The development consists of a mix of small lot single-family, single-family, multi-family, and commercial units. Additionally, full-sized single-family residential lots are expected to be allowed to develop accessory dwelling units. For the purposes of this assessment, 35% of the full-sized single-family lots were estimated to develop additional future units.

In total, 50 small lot single-family units, 96 single-family units, 174 multi-family units, and 2 commercial lots are proposed to be constructed. An additional 34 accessory dwelling units are estimated to be developed at full build out.

Water Demand Estimates

Domestic Water Usage

Domestic water use estimates were obtained from HCSD's meter data for single-family and multi-family residence units. The meter data was compared against HCSD's usage goal of 113 gallons per capita per day with an estimated 3 persons per equivalent dwelling unit (EDU) or 339 gallons per day per EDU (gpd/EDU). This data was also compared with meter data from a single-family development in Eureka and a previous water supply assessment in HCSD's sphere of influence, both of which used approximately the same consumption basis per EDU. For this study, small lot single-family homes and accessory dwelling units were considered to have the same estimated water usage as a typical single-family unit. For the purpose of modeling demand, a typical single-family residence is estimated to use 339 gpd on an average day. In total, 180 EDUs are associated with the single-family units (50 small lot single-family units, 96 single-family units, and 34 accessory dwelling units).

Multi-family residence buildings may be metered separately for each unit. Given that meter data from HCSD does not reflect the number of units per account and the design of the multi-family development has



not begun, we assume 2.5 persons per multi-family unit for an average demand of 283 gpd/unit. Therefore, a multi-family unit is estimated to be 83.5% of the demand of a residential EDU. The multi-family count for the development is 145 EDUs (174 multi-family dwelling units x 83.5%).

Commercial Water Usage

The size and type of commercial development has not been determined; therefore, typical commercial usage data from HCSD are utilized. The two proposed commercial lot sizes are approximately 42,000 and 53,000 square feet. An estimate of the maximum size of each of the building footprints, accounting for setbacks and parking, is approximately 8,000 square feet. For this study, we assume four units per commercial building.

According to a 2017 rate study, HCSD defines commercial accounts by wastewater strength. According to the study, light-, medium-, and high-strength connections have an average water usage of 615 gpd, 2,092 gpd, and 1,321 gpd, respectively. The proposed commercial development is assumed to be a mix of light and medium strength accounts and, for the purposes of modeling, we assume one medium-strength and three light-strength units per commercial lot. Thus, the total combined water usage per day is estimated at 7,874 gpd on average for a total of approximately 23 EDUs. Because the building design and occupancy have not yet been completed, the water usage is a rough estimate that is considered to be conservative, and should be revisited in the planning phase of the commercial units.

Water Loss Allowance

In addition to water consumption, an estimate of water loss in the distribution system is required. This loss allowance can be determined from methodology in the American Water Works Association's Manual 36 (M36). In the following equation, water loss is estimated as a function of the length of mains, length of laterals, number of connections, and average system pressure.

$$\text{Water Loss} \left(\frac{m^3}{\text{day}} \right) = 5(0.4704 * L_m + 0.0303 * N_c + 0.8 * L_c) \left(\frac{P}{49.26} \right)^{1.5}$$

Where:

- L_m total length of mains (kilometers [km])
- L_c total length of laterals (km)
- N_c number of connections
- P average system pressure (meters of water column)

To be conservative, the accessory dwelling units are presumed to be metered separately; therefore, there will be a total of 355 connections and approximately 7,700 feet of water mains when the new development is fully built-out. Assuming 20 feet per lateral and an average system pressure of 60 pounds per square inch (psi), after converting the values into the proper units, the total loss allowance for the development is estimated at 9.9 gallons per minute (gpm) or 14,300 gpd.

HCSD produces annual water loss audits. The audit from 2018 estimated apparent losses of 12.68 gpd/connection and real losses of 66.41 gpd/connection. These losses amount to between 4,000 gpd and 21,384 gpd for the development. The loss calculated with the AWWA M36 method is approximately the average of these values; therefore, it will be used for the estimated allowable loss.

Fire Flow Requirements

The Humboldt Bay Fire Marshall was consulted for fire flow requirements for the development; see Appendix 2 for correspondence. The commercial building design has not been completed and is not proposed for several phases; therefore, an assumption of 1,500 gpm for 2 hours is used. Once the commercial design is in progress, this assumption



will need to be re-evaluated. For one- and two-family residential development and townhouses, a needed fire flow of 500 gpm for 30 minutes is required if the buildings meet Section 903.3.1.3 of the California Fire Code or Section 313.3 of the California Residential Code and are under 3,600 square feet. If the residential development is not sprinklered and does not meet the aforementioned codes, the needed fire flow is 1,000 gpm for 1-hour.

Water Supply Requirements and Demand Summary

California Code of Regulations (CCR) Title 22 Section 64554 govern the requirements for existing capacity for a distribution system. The relevant sections are included below:

“Section 64554(a): At all times, a public water system’s water source(s) shall have the capacity to meet the system’s maximum day demand (MDD).

1. For systems with 1,000 or more service connections, the system shall be able to meet four hours of peak hourly demand (PHD) with source capacity, storage capacity, and/or emergency source connections.
2. Both the MDD and PHD requirements shall be met in the system as a whole and in each individual pressure zone.”

HCSD transfers water from the Humboldt Bay Municipal Water District at the Truesdale Pump Station to the Walnut Drive tanks. The Walnut Drive tanks have a capacity of approximately 1.5 million gallons (MG) and these tanks provide water to the 0.5 MG capacity Ridgewood tank, which is the source of water to the Cutten pressure zone where the proposed development is located. Title 22 states that 10 years of meter data should be used to calculate existing demands; however, upon discussion with HCSD, it was determined that data specific to the Walnut Drive tanks do not extend that far. Additionally, system pumping records that do extend 10 years cannot be reliably isolated to the supply tanks due to the potential for valve sequencing changes. Therefore, 5-years of demand data from the Walnut Tanks are used in this study to calibrate HCSD’s water model and assess existing conditions.

Over the 5-year period from 2014 to 2019, the maximum month demand supplied to the Walnut Drive tanks was 35.99 MG over a 32-day meter reading period in July of 2018. This computes to a maximum month average day demand of 1.12 million gallons per day (MGD). The maximum month average day to maximum day peaking factor is estimated to be 1.5. The maximum day to peak hour peaking factor is set at a minimum of 1.5 in accordance with Title 22 Section 64554 (b) guidance. The MDD and PHD used for this study are 1.69 MGD and 2.53 MGD, respectively.

Table 1 summarizes the estimated water demands for the proposed development at full build out. The demands include the average demand estimates and the system capacity requirements from CCR Title 22.



Table 1. Summary of Water Demands
North McKay Subdivision at Full Build-Out, Cutten, CA

Build Out Demand Totals				
Category (EDUs) ^a	Average Day (gpd) ^b	Maximum Day (gpd)	Peak Hour Demand (gpd)	Peak Hour 4-hour volume ^c (gallons)
Single-Family (180) ^{d,e}	61,020	91,530	137,295	22,883
Multi-Family (145) ^f	49,155	73,733	110,600	18,434
Commercial (23) ^g	7,797	11,696	17,544	2,954
Water Loss Allowance ^h	14,300	14,300	14,300	2,383
Totals	132,272	191,259	279,739	46,625
Fire Flow Requirements				
Category	Residual Pressure	Duration	Flow	
Single & Multi-Family	20 psi ⁱ	30 minutes	500 gpm ^{10j}	
Commercial		2 hours	1,500 gpm	
Minimum Fire Storage Volume for Maximum Category (gallons)			180,000	

- ^a EDU: equivalent dwelling unit
- ^b gpd: gallons per day
- ^c Peak hour demand is for a duration of 4 hours according to CCR Title 22.
- ^d includes small lot and accessory dwelling units
- ^e Single-family usage estimated at 339 gpd with peaking factors of 1.5 to estimate maximum day and peak hour demands.
- ^f Multi-family usage estimated at 83.5% of a single-family unit
- ^g Commercial usage estimated at approximately 3,898 gpd/lot with peaking factors of 1.5 to estimate maximum day and peak hour demands.
- ^h Water Loss is assumed to be constant
- ⁱ psi: pounds per square inch
- ^j gpm: gallons per minute

Model Parameters

Physical Layout

The proposed finish ground elevation varies through the development from a minimum of approximately 136 feet to a maximum of approximately 208 feet. See Appendix 4 for the proposed water distribution map and finish ground contours. The water supply is proposed to be connected to an 8-inch water line that terminates at the end of Redwood Street. Previous studies identified that a single connection to HCSD’s distribution system was insufficient to maintain minimum residual pressures at fire flows; therefore, modeling will include a tie-in to the 8-inch line at Arbutus Street. The ground elevations at the Redwood Street and Arbutus Street connections are approximately 193.1 feet and 208.0 feet, respectively.

Pipe diameters throughout the development have not yet been determined; therefore, for the modeling effort, the looped segments were initially set at 8-inches and the cul-de-sac dead-end runs were set at 6-inches in diameter.

Model Simulations

The purpose of the water supply assessment is to determine if the existing infrastructure is sufficient to meet the demands of the proposed development or if upgrades will be needed to meet the regulatory requirements. The simulation must consider the maximum day demands, as well as impacts from fire flows.



Potential upgrades include storage volumes, pumping capacities, and upsizing of distribution lines. In addition to evaluation of the existing infrastructure, the modeling report indicates the needed sizing of the distribution pipelines within the development and determines minimum pressures at the highest point in the development during fire flow conditions. Table 2, below, includes the criteria for evaluating the hydraulic simulations.

To evaluate the proposed development in accordance with the guidelines in Table 2, the following simulations will be performed:

1. Steady State: existing system MDD
2. Steady State: combine existing system MDD and proposed development MDD
3. Steady State: combined MDD with Fire Flow (FF) of 1,500 gpm
4. Extended Period with Pumping: combined MDD with 2-hour FF of 1,500 gpm

PHD will not have a simulation run because the maximum day demand plus fire flow is a greater stress on the system and will indicate worst case conditions.

**Table 2. Water Supply and Distribution System Requirements
 North McKay Subdivision, Cutten, CA**

System Parameter	Evaluation Criterion	Value	Design Standard/Guideline
Water Supply	Firm Pumping Capacity Firm Pumping Capacity + Storage Firm Pumping Capacity + Storage	MDD ^a PHD ^b MDD + FF ^c	CCR ^d Title 22 Section 64554 and Industry Standards
System Pressure	Minimum, during PHD or MDD + FF	20 psi ^e	CCR Title 22 Section 64602 and HCSD Design Standards
Pipe Hydraulics	Maximum Velocity during MDD Maximum Velocity during MDD + FF	5 ft/sec ^f 10 ft/sec	AWWA ^g M22

^a MDD: maximum day demand
^b PHD: peak hour demand
^c FF: fire flow
^d CCR: California Code of Regulations
^e psi: pounds per square inch
^f ft/sec: feet per second
^g AWWA: American Water Works Association

Model Results & Recommendations

HCSD’s WaterCAD model was evaluated for each of the simulations by McKay-Sposito of Federal Way, Washington. The model was first adjusted to reflect maximum system demands and calibrated to field tests for pressure and flow. Next, the proposed development’s piping network and demands were added. Steady-state simulations were performed for the existing conditions and with the addition of the development’s maximum day demand and fire flow events. Extended period simulation was also performed to assess long-term performance with tank levels. Model setup, calibration, and simulation results are detailed in the modeling report (see Appendix 4).



Results

Existing System Results

According to the modeling report, in the existing system simulation, fire flow and minimum pressure requirements are able to be met; however, the Walnut Drive booster pumps override time-of-day pumping restrictions for the majority of the fire demand.

Pipeline velocities do not exceed the standard of 10 feet per second for fire flow conditions with the exception of an 8-inch main along Walnut Drive between the HCSD yard and Pleasant Avenue.

Development Results

With the addition of the proposed development's demands, static pressures decrease in the Cutten area by approximately 1.5 psi and range from approximately 57 psi to 64 psi. This indicates that under maximum day demands, the proposed development does not significantly impact the existing distribution system. The model indicates a pressure on the order of 50 psi is present at the development's tie-in points with HCSD's existing distribution system. The tie-in points are the highest in elevation in the development; therefore, the remainder of the development is expected to have water main pressure in excess of this value.

Under a commercial fire scenario, the simulation indicates multiple locations throughout both Cutten and the proposed development where residual pressures drop below 20 psi. To address inadequate pressures, a combination of additional storage and pipeline upsizing is needed.

Recommendations

Based on the model simulation results, system upgrades are recommended to address pressure and storage deficiencies resulting from the development's increased demands. These infrastructure upgrades are as follows:

1. Provide an additional 250,000 gallons of storage volume at the Ridgewood tank site. The height of a new water storage tank will need to provide a water surface elevation that matches the water surface elevation of the existing Ridgewood tank in order to ensure that it provides adequate pressure to the distribution system.
2. Upsize the main on Walnut Street between Holly Street and Cypress Avenue to 12-inches.

These upgrades are necessary to provide the proposed subdivision with adequate system pressure and flow during commercial fire scenarios; however, as previously noted, the commercial units have yet to be designed. Therefore, these recommendations will need to be reevaluated once the commercial phase is under development. Additionally, given that the proposed subdivision is still in the planning phases, any increase in units or usage types may require reevaluation.

The developer and HCSD will have to coordinate to determine the appropriate cost share for the necessary improvements to the water distribution system to support the proposed development.



Terrence Williams
North McKay Subdivision Water Supply Assessment
October 2, 2020
Page 7

Please call me at (707) 441-8855 if you have any questions.

Sincerely,

SHN



Jared O'Barr
Civil Engineering Principal

JXO/PEG:lam

- Appendices:
1. Proposed Subdivision Map
 2. Fire Flow Requirement Letter
 3. Proposed Water Distribution Layout
 4. Water Modeling Analysis, North McKay Subdivision



**Proposed Subdivision
Map**

1

MCKAY RANCH SUBDIVISION TENTATIVE MAP FOR A PLANNED DEVELOPMENT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,
TOWNSHIP 5 NORTH, RANGE 1 WEST, H.M.,
IN THE UNINCORPORATED AREA OF
HUMBOLDT COUNTY, CALIFORNIA
(APN's 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009)

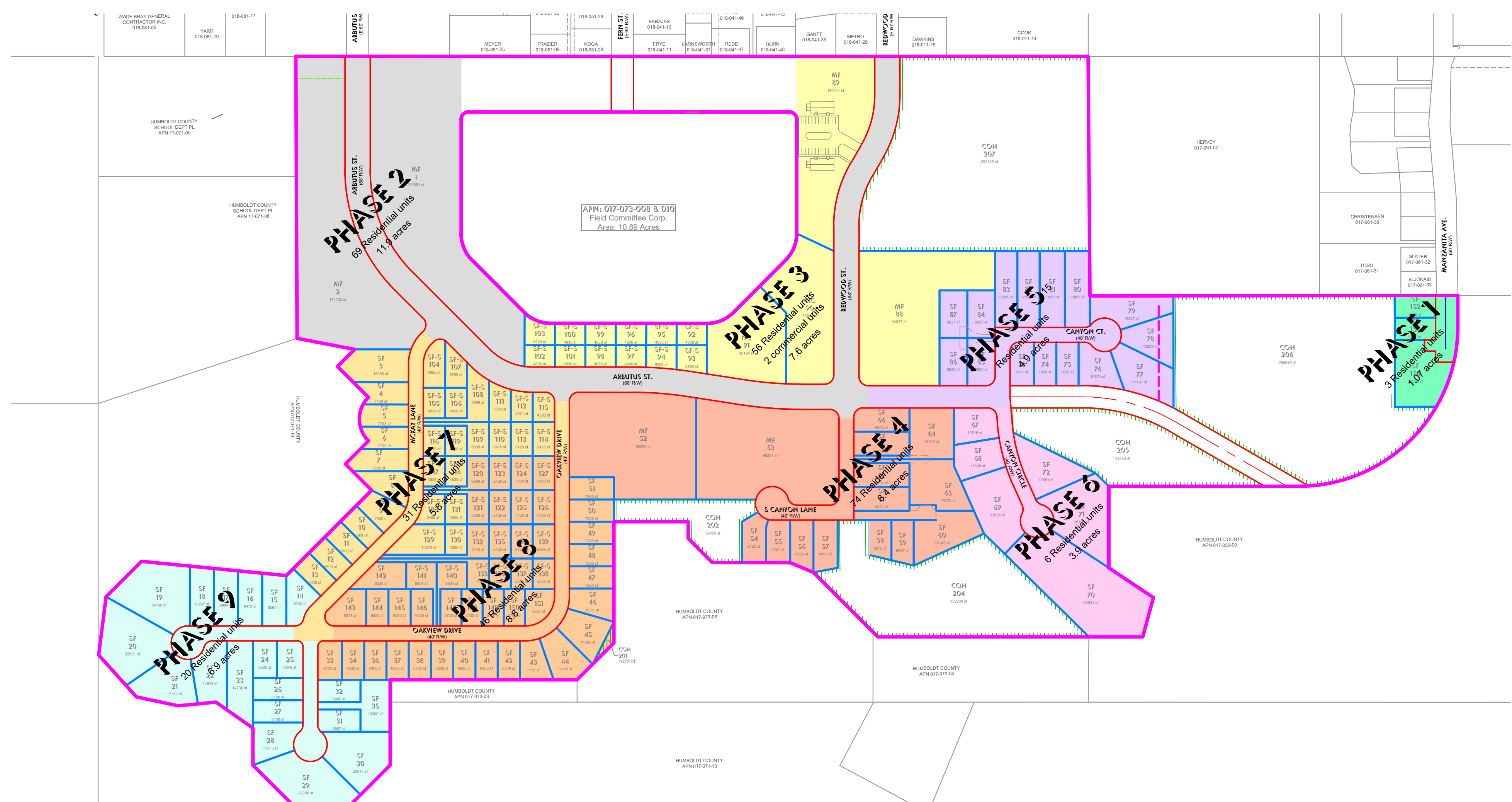


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Chris Mikkelsen

PROJECT NAME
**MCKAY RANCH SUBDIVISION
TENTATIVE MAP FOR A
PLANNED DEVELOPMENT**
HUMBOLDT COUNTY
APN's 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009

PROJECT DESCRIPTION

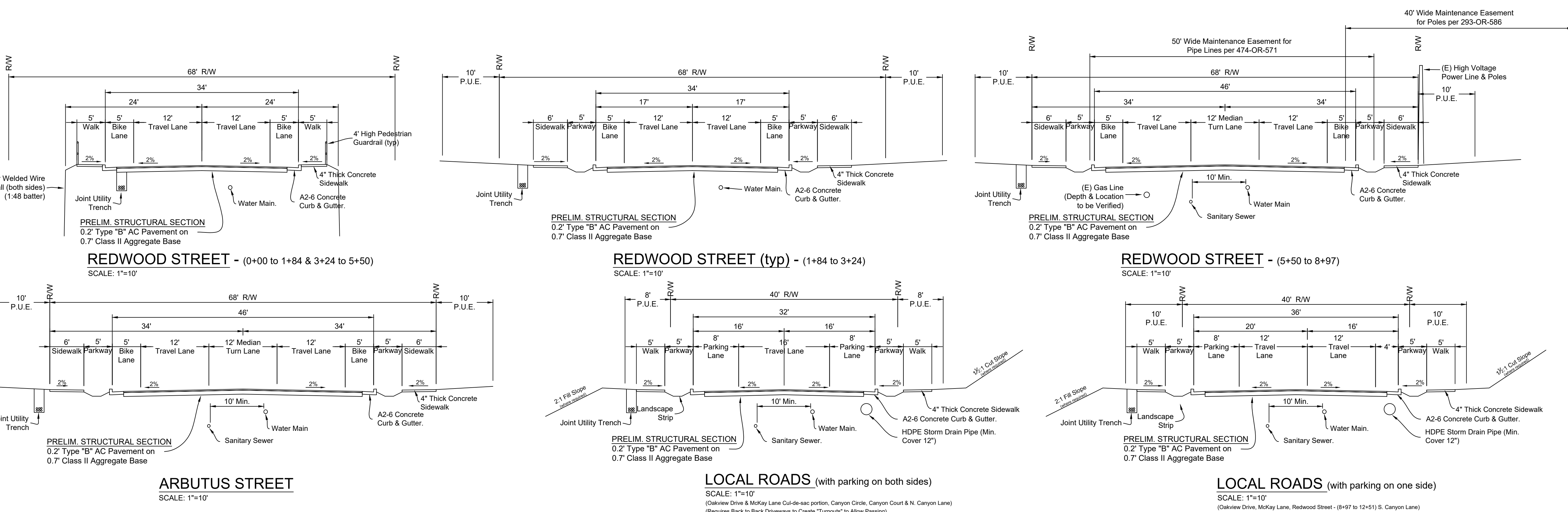
- This subdivision application proposes a subdivision of the legal parcels known as APN's 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009. The combined ±81.1 acre site is proposed to be subdivided into varying single-family and multi-family lots as well as a neighborhood commercial lot.
- Proposed are: 96 Single Family lots (lots 3-50, 53-87 & 142-154) ranging in size from 6,600sf to 39,670sf.
50 Small Lot Single Family (lots 92-141) with a minimum size of 4,758sf.
174 Multi-Family (lots 1-2, 51-52 & 88-89)
- 2 Neighborhood Commercial Lot (lot 90 & 91)
- The adjacent properties to the West are primarily single family residences. The adjacent properties to the North, South & East are primarily undeveloped timberland.
- There are currently no structures on the property and the parcels have historically been used as timber land.
- Water service will be supplied by the Humboldt Community Services District (HCSD).
- Sewer service will be provided by the HCSD. It is proposed to gravity flow the sewer within the subdivision to the low point at the North end of the subdivision to a sewage lift station where the sewer is then proposed to be pumped to the existing gravity lines at Hemlock & Dolbeer Streets.
- PG&E supplies electricity and gas. AT&T provides telephone services, and Suddenlink provides cable television services.
- The property is not shown on official maps to be subject to flooding (FIRM Community Panel No. 060060 0775 C). No hazardous areas, historic buildings, or archaeological sites are known to exist on or adjacent to the property.
- Topography is shown at 5 foot contour intervals based on vertical datum NAVD88 from LIDAR data obtained by Humboldt County.
- The property naturally drains to the North, East & South in several natural ravines down to Ryan Creek. It is proposed to collect storm water from the roadways into bioswales located adjacent to the roadways. Overflow from the bioswales will be collected in drainage infrastructure located throughout the site. It is proposed to discharge this overflow storm water into the naturally occurring drainage courses within and along the boundaries of the property.
- It is proposed to cut most roadways within 5' of the existing surface. Roadway elevations and proposed cuts are shown along the roadway centerlines on the grading plan. Cuts are shown in parenthesis. The two large ravines at the west end of Redwood Street are proposed to be crossed with the use of Hilliker Retaining Walls to limit the impact of fill material in the ravine. The preliminary estimated balanced cut and fill for the project is approximately 100,000cy.
- SHN has prepared Preliminary General Criteria for grading activities for the proposed project in the form of a letter dated December 11, 2007 and is incorporated by reference. In general the recommendations are to adhere to building setbacks from the 25% break-in-slope and to limit cut and fill depths.
- Adjacent APN information is from the Humboldt County Assessor's Office.
- All easements of record are shown or referenced on the Tentative Map and will appear on the recorded subdivision map.



EASEMENTS & ENCUMBRANCES (AS NOTED IN SCHEDULE B OF THE TITLE REPORT)

TITLE REPORT REF.	DEED REFERENCE	DESCRIPTION
3	BOOK 229 OF DEEDS, PAGE 240	Rights in Conjunction with the right to the free use of water from a spring.
4	BOOK 6 OF MAPS, PAGE 34, HCR	Private easements for ingress and egress.
5	BOOK 293 O.R., PAGE 586	PG&E ingress, egress and public utilities.
6	BOOK 174 O.R., PAGE 571	50' wide ingress, egress and public utilities.
7	BOOK 1818 O.R., PAGE 1105	Agreement relating to a 30' wide access strip.
8	BOOK 1833 O.R., PAGE 760	30' private RW for access.
9	O.R. 191-15178-4, HCR	40' wide ingress, egress and public utilities & drainage.
10	O.R. 191-17963-3, HCR	40' wide ingress, egress and public utilities.
11	O.R. 192-17995-3, HCR	PG&E & Pacific Bell - Ingress, egress and public utilities.
12	O.R. 192-28273-6, HCR	Notice of Lot Line Adjustment & Certificate of Subdivision Compliance.
13	O.R. 192-31440-4, HCR	20' wide storm drainage easement.
14	O.R. 198-2651-4, HCR	60' wide ingress egress and public utilities.
15	O.R. 198-10479-4, HCR	40' wide water line easement
16	O.R. 198-8385-1, HCR	40' wide ingress, egress, public & private utilities
17	O.R. 209-22610-2, HCR	40' wide ingress, egress, public & private utilities

PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5
3 Single-Family House Lots (SF)	69 Multi-Family (MF)	12 Small Lot Single-Family Houses (SF)	13 Single-Family House Lots (SF)	15 Single-Family House Lots (SF)
3 TOTAL RESIDENTIAL UNITS	69 TOTAL RESIDENTIAL UNITS	44 Multi-Family (MF)	61 Multi-Family (MF)	15 TOTAL RESIDENTIAL UNITS
		56 TOTAL RESIDENTIAL UNITS	74 TOTAL RESIDENTIAL UNITS	
		2 NEIGHBORHOOD COMMERCIAL UNIT		
PHASE 6	PHASE 7	PHASE 8	PHASE 9	PROJECT TOTAL
6 Single-Family House Lots (SF)	11 Single-Family House Lots (SF)	28 Single-Family House Lots (SF)	20 Single-Family House Lots (SF)	96 Single-Family House Lots (SF)
6 TOTAL RESIDENTIAL UNITS	20 Small Lot Single-Family Houses (SF)	18 Affordable Single-Family Houses (AH)	20 TOTAL RESIDENTIAL UNITS	174 Multi-Family (MF)
	31 TOTAL RESIDENTIAL UNITS	46 TOTAL RESIDENTIAL UNITS		50 Small Lot Single Family (SL)
				320 TOTAL RESIDENTIAL UNITS
				2 TOTAL COMMERCIAL UNITS



SHEET LIST

C1.0	TITLE SHEET WITH PHASING PLAN AND ROAD SECTIONS
C1.1	PROPOSED LAND USE DESIGNATIONS
C2.0	TENTATIVE MAP SITE PLAN
C3.0	PRELIMINARY GRADING AND DRAINAGE PLAN
C4.0	PRELIMINARY UTILITY PLAN

PHASING PLAN and ROAD SECTIONS

PLOT INFORMATION
CAD DWG FILE: P114-102_KRAMER-MCKAY TRACT TENTATIVE MAP
MAP NUMBER: MCKAY RANCH TENTATIVE MAP
PLOT DATE: 05/23/19
SAVE DATE: 3/4/20 4:48 PM

REVISIONS
3/4/20 Phase Changes

MARK	DATE	DESCRIPTION

PROJECT NO: 14-102
DATE: 05/23/19
DRAWN BY: BKO/BAO
CHKD BY: BKO

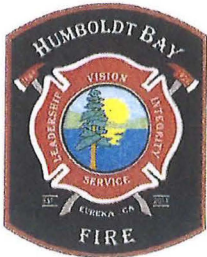
SUBMITTAL STATUS
PLANNING NOP REVIEW

C1.0

SHEET 1 OF 5

**Fire Flow Requirement
Letter**

2



HUMBOLDT BAY FIRE

Joint Powers Authority

533 C Street • Eureka, California 95501-0340 • (707) 441-4000
Fax (707) 441-4133 • www.hbfire.org • email: info@hbfire.org

November 14, 2017

To: Humboldt Community Services District

From: Ed Laidlaw Battalion Chief/Fire Marshal

RE: McKay Ranch Subdivision-File #APN 017-0320003, Fire Flow Requirements

California Fire Code requires that a minimum fire flow to all hydrants be:

1. *Residential*-1,000 Gallons Per Minute (GPM) for 1 hour for One and Two family Dwellings, Group R-3 and R-4 Buildings and Townhouses between 0-3,600 square feet, no automatic sprinkler system. 500 GPM for 30 minutes, for the same building type as listed above, if buildings meet requirements in California Fire Code section 903.3.1.3 and California Residential Code 313.3. (Refer to California Fire Code Appendix B for additional requirements related to square foot increases)
2. *Commercial*-1,500 GPM minimum for 2 hours with 20 psi residual pressure. (Refer to California Fire Code Appendix B for additional requirements related to square foot increases and fire sprinkler requirements)
3. Or as required by California Fire Code Appendix B, whichever is greatest

Hydrants

Residential:

1. Residential area-space fire hydrants every 500', or as approved by the Fire Department
2. Evenly distribute hydrants throughout the project
3. No property may be more than 250' from the nearest hydrant or as approved by the Fire Department
4. Approximately one fire hydrant is needed for every two acres in a residential development

Commercial/Industrial Areas:

1. General spacing shall be every 300' or as approved by the Fire Department
2. Evenly distribute hydrants throughout the project
3. No property may be more than 150' from nearest hydrant
4. Or as required by California Fire Code Appendix C, whichever is greatest

Ed Laidlaw Battalion-Chief/Fire Marshal

Proposed Water Distribution Layout

3



DEVELOPER
kramer investment corp.
1589 myrtle avenue suite b
eureka, ca 95501
(707)444-2919 office
(707)444-2396 fax
Contacts: Kurt Kramer
Chris Mikkelsen

PROJECT NAME

**MCKAY RANCH SUBDIVISION
TENTATIVE MAP FOR a
PLANNED DEVELOPMENT**
HUMBOLDT COUNTY

APNs 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009

SHEET TITLE

PRELIMINARY UTILITY PLAN

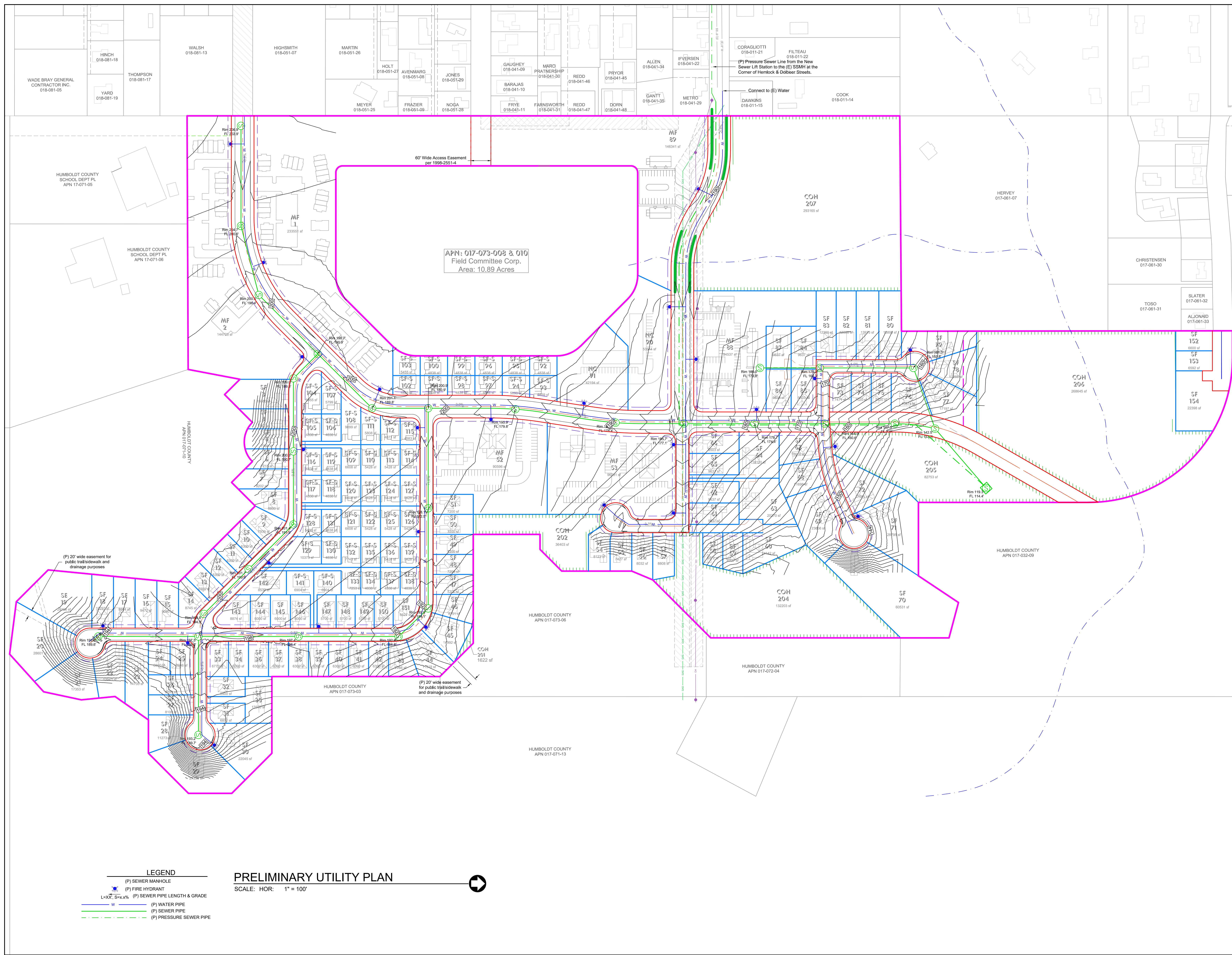
PLAT INFORMATION
CAD DWG FILE: P154-102 - KRAMER - MCKAY TRACT TENTATIVE
MCKAY RANCH TENTATIVE MAP
PLOT DATE: 03/20/2019 PM
SAVE DATE: 03/20/2019 PM

REVISIONS

MARK DATE DESCRIPTION

PROJECT NO: 14-102
DATE: 04/17/19
DRAWN BY: BKO/BAO
CHKD BY: BKO

SUBMITTAL STATUS
PLANNING NOP REVIEW



PRELIMINARY UTILITY PLAN

SCALE: HOR: 1" = 100'



LEGEND

- (P) SEWER MANHOLE
- (P) FIRE HYDRANT
- L=XXX, S=XXX% (P) SEWER PIPE LENGTH & GRADE
- W (P) WATER PIPE
- S (P) SEWER PIPE
- P (P) PRESSURE SEWER PIPE

WADE BRAY GENERAL CONTRACTOR INC. 018-081-05

HINCH 018-081-18

THOMPSON 018-081-17

YARD 018-081-19

WALSH 018-081-13

HIGHSMITH 018-051-07

MARTIN 018-051-28

HOLT 018-051-27

AVENMARG 018-051-48

JONES 018-051-29

GAUGHEY 018-041-39

MARO PRATERSHIP 018-041-50

REDD 018-041-46

ALLEN 018-041-34

IFVERSEN 018-041-22

CORAGLIOTTI 018-011-21

FILTEAU 018-011-22

(P) Pressure Sewer Line from the New Sewer Lift Station to the (E) SSMH at the Corner of Hemlock & Dolbeer Streets.

Connect to (E) Water

DAWKINS 018-011-15

COOK 018-011-14

HUMBOLDT COUNTY SCHOOL DEPT PL APN 17-071-05

HUMBOLDT COUNTY SCHOOL DEPT PL APN 17-071-06

APN: 017-073-008 & 010
Field Committee Corp.
Area: 10.89 Acres

MF 59
146341 sf

COH 207
293165 sf

HERVEY 017-051-07

CHRISTENSEN 017-061-30

TOSO 017-061-31

SLATER 017-061-32

ALJONAID 017-061-33

SF 152
6600 sf

SF 153
6692 sf

SF 154
22398 sf

COH 206
269445 sf

COH 205
82753 sf

COH 202
36403 sf

COH 204
132203 sf

SF 70
60531 sf

HUMBOLDT COUNTY APN 017-032-008

HUMBOLDT COUNTY APN 017-073-06

HUMBOLDT COUNTY APN 017-072-04

HUMBOLDT COUNTY APN 017-071-13

HUMBOLDT COUNTY APN 017-073-03

COH 201
16222 sf

SF 20
17353 sf

SF 21
11273 sf

(P) 20' wide easement for public trail/sidewalk and drainage purposes

(P) 20' wide easement for public trail/sidewalk and drainage purposes

(P) 20' wide easement for public trail/sidewalk and drainage purposes

(P) 20' wide easement for public trail/sidewalk and drainage purposes

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(P) 20' wide easement for public trail/sidewalk and drainage purposes

(P) 20' wide easement for public trail/sidewalk and drainage purposes

**Water Modeling
Analysis, North McKay
Subdivision**

4

MEMORANDUM

TO: Jared O'Barr, SHN Engineers & Geologists

FROM: Eric Pilcher, MacKay Sposito

RE: Water Modeling Analysis, North McKay Subdivision

DATE: September 24, 2020

The design assumptions and demand rates for the McKay Ranch Subdivision have been added into the Humboldt Community Services District's (the District) WaterCAD model and simulations have been performed. Based on the simulation results, it appears that some system upgrades will be necessary to ensure that minimum pressure standards are upheld during fire suppression within the new subdivision. Please note the following model information, system assumptions, and results.

WaterCAD Model

The WaterCAD model was initially obtained from the District in September of 2018. Since that time, periodic updates and adjustments have been made by MacKay Sposito, as directed by the District. The current version has been updated for use with WaterCAD CONNECT Edition Update 3 by Bentley Systems, dated March 6, 2020.

Project Datum, Horizontal

The existing WaterCAD model is not data referenced to a known coordinate system, nor is it entirely drawn to scale. Rather, local horizontal coordinates within the model generally range from 1,700 to 49,800 feet along the x-axis, and -18,700 to 19,600 feet along the y-axis. To match the horizontal coordinates within the model, the line work within the Ontiveros & Associates (O&A) AutoCAD file was relocated South 70 degrees, 00 minutes, 32.09 seconds West, a distance of 6,325,840.25 feet. The new pipe runs have been added to scale.

Project Datum, Vertical

The elevations of previously modeled elements along the Cedar Street right-of-way were compared to the existing surface data provided within the O&A AutoCAD file. It was noted that existing junctions at Redwood & Cedar and Arbutus & Cedar were roughly 10.5 feet lower within the model than existing

surface takeoffs from the provided digital terrain model.¹ Therefore, to match the local vertical datum used within the model, new pipe junction elevations have been set 10.5 feet lower than design surface elevations.

Model Simplification

Consistent with other neighborhoods within the WaterCAD model, not every hydrant location is modeled. Junction locations (nodes) have been simplified to reflect actual junctions of water mains, water main terminuses, and high and low points along water main runs. Directional changes are reflected as bends within pipes. Laterals are not modeled.

Demand loading is generally assigned to each node based on the land uses immediately downstream or adjacent to it. Fire flow simulations are performed at nearby nodes rather than actual hydrant locations.

Initial Sizing

Consistent with the Basis of Modeling, initial pipe segments for the proposed development are set to 8-inch diameter for looped segments, and 6-inch diameter for dead-end segments.

Initial Model Calibration

The new subdivision will predominantly be served from the Ridgewood tank, which has 0.5-million-gallon capacity. The Ridgewood tank is filled via pumping from the Walnut Drive tanks, which have a combined capacity of 1.5-million-gallons. Per recent correspondence with the District, average summer system demand loss from the Walnut Dr. tanks is approximately 650 to 675 gallons per minute (gpm).²

With Myrtle town isolation valves closed and no system demand multiplier, the existing modeled tank outflow from Walnut Dr. is 256 gpm. Following iterations, a system-wide demand multiplier of 1.72 is applied yielding a calibrated tank outflow of 675 gpm.

It is noted that during the calibration simulation the model does not yield adequate pressures upstream of the Canyon Drive pressure reducing valve (PRV). Field measurements indicate 140 psi retained at the Canyon Dr. PRV with 52 psi on the downstream side. However, the model will only retain approximately 120.5 psi upstream of the PRV, with downstream pressure set at 50.8 psi³. For this reason, pressure results at nodes upstream of the PRV have not been reviewed as part of this study.

Other calibration checks include:

- Modeled pressure drop from 65.1 to 41.4 psi at the Holly/Walnut pressure sustaining valve (PSV) vs. field measurements of 64 and 40 psi, respectively.³
- Modeled pressure drop from 64.8 to 41.9 psi at the Redwood PSV vs. field measurement of 64 and 41 psi, respectively.³

¹ The elevations at Redwood & Cedar and Arbutus & Cedar are given as 191 and 208 feet, respectively within the Basis of Modeling, but measured at 193.1 and 208.0, respectively within the O&A AutoCAD file. The elevations are modeled at 182.6 and 197.2 feet, respectively within the existing WaterCAD model.

² Data trend based on 12:00 to 18:00, Monday thru Friday, July thru September 2019; no pumping.

- Modeled static and residual pressures of 60.7 and 37.5 psi at Fern & Cedar during a 920 gpm flow test vs. field measurements of 60 and 36 psi, respectively.³

Baseline Adjustment

Following calibration checks, the system demand multiplier is adjusted consistent with requirements of Title 22. During the last 5 years, the highest monthly system demand occurred in July 2018, during which 35,985,000 gallons were pumped to the Walnut Drive and Ridgewood tanks over a 32-day period⁴. This reflects an average flow rate of roughly 781 gpm, to which a multiplier of 1.5 is applied, for a new theoretical baseline of 1172 gpm.

Following iterations, the system-wide demand multiplier is increased to 2.14, yielding a baseline combined tank outflow of 1175 gpm. While actual demand will vary based on time of day, no further adjustments for peak demand have been made, given that the minimum 1.5 multiplier required by Title 22 is adequately conservative.

Existing System Performance

Performance of the existing District system has been evaluated prior to adding the proposed North McKay subdivision. A theoretical commercial fire, requiring 1500 gpm at 20 psi for two hours has been applied to the intersection of Walnut St and Fern St (i.e., J-16). Under steady state conditions 1,673 gpm is available at this location with a residual pressure of 22.1 psi.

While fire flow analysis is not technically available on extended period scenarios (EPS), fire demand may be incorporated into a simulation. This is done by placing an adjusted fire flow demand at a specific node, but with a specified hydraulic pattern to control when the fire suppression need will occur within the EPS timeframe. The established protocol for EPS runs in the District's model is to set a two-hour fire suppression need, beginning at 4:00 pm, when the system is under the most strain due to daytime pumping restrictions.

The EPS results indicate that the system is capable of providing 1,524 gpm to J-16 through the duration of the two-hour event. Pressure at J-16 varies from 29.9 to 24.5 psi during fire suppression. The following system conditions are noted:

- The tank levels at Ridgewood are 39.4 and 27.1 ft at the start and end of the fire suppression event, respectively. These levels correspond to 79.6 and 53.4 percent full. Emergency 425 and 325 gpm booster pumps engage when the water level drops below 39.0 and 38.5 ft, and therefore run throughout most of the event.

³ As recorded by the District at 8:45 am on Tuesday, July 28, 2020.

⁴ Humboldt Community Services District, Water Flow Summary, 2009 to 2019.

- Pipe velocities in excess of 5 feet per second (fps) are observed in the Cutten Zone along the following pipe runs:
 - 6.75 fps in the 10-inch main on Walnut St between Holly St and Cypress Ave
 - 7.52 fps in the 6-inch main on Walnut St between Cypress Ave and Arbutus St
 - 6.16 fps in the 8-inch main on Cypress Ave between Walnut St and Cedar St
 - 11.14 fps in the 8-inch main on Walnut Dr between the District yard and Pleasant Ave

Increased System Demand

Per the Basis of Modeling, full build out of the North McKay subdivision will include up to 180 single-family residences, 174 multi-family residences, and 2 commercial lots, for a total 348 equivalent dwelling units. The resulting maximum daily demand is 133 gpm.⁵ Instead of assigning the 133 gpm demand to a single system node, demand has been spread across the new system infrastructure based on anticipated build out. Further, the demands are adjusted based on the system-wide multiplier determined from baseline adjustment, above.

Specific demands have been applied to the following system nodes:

System Node	Location	Max. Daily Demand (gpm)	Adjusted Demand (gpm)
J-341	Redwood St ⁶	2	0.93
J-30216	Canyon Ct, cul-de-sac	4	1.87
J-30218	Arbutus St & Canyon Cir	2	0.93
J-30219	Canyon Cir, cul-de-sac	2	0.93
J-30220	Arbutus St & Redwood St	13	6.07
J-30221	S Canyon Ln, cul-de-sac	13	6.07
J-30222	Arbutus St & Oakview Dr	14	6.54
J-30223	Arbutus St & McKay Ln	22	10.28
J-30224	McKay Ln & Oakview Dr	4	1.87
J-30225	McKay Ln, cul-de-sac	3	1.40
J-30226	Oakview Dr, cul-de-sac	3	1.40
J-30227	McKay Ln, mid-block	13	6.07
J-30229	Canyon Ct & Canyon Cir	4	1.87
J-30230	Redwood St & S Canyon Ln	13	6.07
J-30231	Oakview Dr, mid-block	21	9.81

⁵ Based on 191,259 gallons per day over a 24-hour time period.

⁶ It is noted that Phase 1 is not connected to the rest of the development, but will be accessed off of Manzanita Avenue. A water main along Manzanita is not presently within the WaterCAD model, and no modeling nodes are present between the intersection of Redwood St & Walnut Dr and Montgomery St & Prindan Ln. The nearest node to Manzanita is at the Montgomery St cul-de-sac, and connectivity between the two areas is uncertain. In order to adequately capture demand loading on the system for Phase 1, the load rate has been applied to node J-341, which is located mid-block on Redwood St between Walnut Dr and Cedar St.

FIRE FLOW ANALYSIS

Code Requirements

Pursuant to the California Fire Code, a minimum flow of 1,000 gallons per minute (GPM) for 1 hour with 20 psi residual pressure is required for un-sprinkled one- and two-family dwellings of less than 3,600 square feet. This value may be reduced to 500 GPM for 30 minutes if the dwellings contain automatic sprinkler systems in accordance with section 903.3.1.3 of the California Fire Code and section 313.3 of the California Residential Code.

For commercial properties, the standard is a minimum flow for 1,500 GPM for 2 hours with 20 psi residual pressure. These minimum required flow rates increase depending on square footage and construction type. As stated in the Basis of Modeling, an assumption of 1,500 GPM for 2 hours is used given that the commercial building design has not been completed and is not proposed for several phases (SHN 2020).

Steady State

WaterCAD's standard fire flow analysis is performed under steady state conditions. The following steady state scenarios are modeled:

1. Steady State, Existing Baseline – The Redwood & Cedar and Arbutus & Cedar nodes are evaluated under the present state of the WaterCAD model during Maximum Day Demand (MDD), prior to any additional pipes or water demands from the proposed subdivision.
2. Steady State, Proposed Development, Normal Conditions – The new subdivision is added to the model, and evaluated under MDD.
3. Steady State, Proposed Development, Fire Flow – The new subdivision is added to the model, and evaluated under MDD with a 2-hour fire flow of 1,500 gpm.

The model is analyzed at three different nodes during these scenarios. These are:

1. J-30209 at the existing eastern terminus of Redwood St
2. J-30210 at the existing eastern terminus of Arbutus St
3. J-30222 at the proposed intersection of Arbutus St & Oakview Dr

The hydraulic grade line in feet, supply in gpm, and pressure in psi have been reviewed at each of the three nodes during each of the scenarios.

Under steady state conditions 1,565 gpm is available at J-30222, with a residual pressure of 20.9 psi.

Extended Period Simulation

During the fire suppression event, the EPS attempts to provide the fully demanded flowrate at J-30222 (i.e., 1514 gpm), but allows pressure drops within the system. The following conditions and warnings are noted:

- The tank levels at Ridgewood are 37.5 and 24.0 ft at the start and end of the fire suppression event, respectively. These levels correspond to capacity being between 75.6 and 46.8 percent full. The booster pumps are engaged throughout the event.

Note that the starting tank elevation for fire suppression is 1.9 feet lower than under existing conditions. This is a direct result of the additional flow demand (i.e., 133 gpm) placed on the system by the new subdivision.

- Velocity greater than 5 feet per second (fps) along the following pipe runs:
 - 7.59 fps in the 10-inch main on Walnut St between Holly St and Cypress Ave
 - 8.10 fps in the 6-inch main on Walnut St between Cypress Ave and Arbutus St
 - 7.16 fps in the 8-inch main on Cypress Ave between Walnut St and Cedar St
 - 12.46 fps in the 8-inch main on Walnut Dr between the District yard and Pleasant Ave
 - 6.70 fps in the 8-inch main on Cedar St between private drive and Arbutus St
 - 6.14 fps in the 8-inch main on Arbutus St from Cedar St to the beginning of the subdivision
- There are pressure drops below 20 psi in 8 nodes within North McKay Ranch and 2 nodes within the existing Cutten zone. Residual pressure at the J-30222 study node is 11.2 psi.

The conclusion to be drawn from the EPS model is that there are infrastructure bottlenecks and insufficient water at the Ridgewood tank to provide fire protection without creating pressure losses.

J-30209: Redwood St.	Hydraulic Grade (ft)	Flow Supplied (gpm)	Pressure (psi)
Steady State 1	332.13	n/a	65.3
Steady State 2	328.84	42	63.9
Steady State 3	328.84	42 ⁸	63.9
EPS ⁷	232.21	693	22.1

J-30210: Arbutus St.	Hydraulic Grade (ft)	Flow Supplied (gpm)	Pressure (psi)
Steady State 1	332.26	n/a	58.9
Steady State 2	328.97	89	57.4
Steady State 3	328.97	89 ⁸	57.4
EPS ⁷	232.40	938	15.7

⁷ Values reflect the end of the 2-hour fire suppression event.

⁸ Does not include fire flow demand.

J-30222: Arbutus St & Oakview Dr	Hydraulic Grade (ft)	Flow Supplied (gpm)	Pressure (psi)
Steady State 1	n/a	n/a	n/a
Steady State 2	328.79	14	59.7
Steady State 3	328.79	1,514 ⁹	20.9 ¹⁰
EPS ⁷	216.62	1,514	11.2

Recommended Upgrades¹¹

The increased system demands from the North McKay Ranch subdivision can be partially offset by increasing the amount of available storage. Based on the existing tank configuration¹², an estimated 250,000 gallons would need to be added to ensure that pressure is sustained above 20 psi within the Ridgewood Zone. With the added storage, tank levels would fluctuate between 38.1 and 28.9 ft at the start and end of the fire suppression event. These levels correspond to 76.7 and 57.2 percent full, respectively.

Even with added tank capacity, residual pressure at the J-30222 study node would drop below 20 psi at the end of the of fire suppression event. To prevent this pressure drop, it is recommended that the main on Walnut St between Holly St and Cypress Avenue be upgraded to 12-inch DIP.

cc: Pieter Gustavson, SHN
T.K. Williams, HCSD
Tim Latham, HCSD
Mickey Hulstrom, HCSD
Bill Bitner, HCSD

⁹ 1,565 gpm total flow is available.

¹⁰ Calculate zone lower limit observed at J-30227 (mid-block of McKay Ln between Arbutus St & Oakview Dr).

¹¹ Recommendations are preliminary based on model analysis and should be confirmed by a professional engineer licensed within the state of California.

¹² A 50-foot tall cylindrical tower, having a base elevation of 469.3 feet.

APPENDIX K

VMT Assessment

To:	Trevor Estlow Humboldt County	From:	Daryl Zerfass and Sandhya Perumalla Stantec
File:	185704555	Date:	September 15, 2021

Reference: VMT Assessment of North McKay Ranch Subdivision Project located in Humboldt County, California

Stantec Consulting Services Inc. (Stantec) has prepared a vehicle miles traveled (VMT) assessment for the proposed North McKay Ranch Subdivision (Project) located in the unincorporated community of Cutten in Humboldt County, California. The purpose of this memo is to document the findings of this VMT assessment prepared in support of the Project's environmental documentation, and which complies with the updated California Environmental Quality Act (CEQA) guidelines that incorporate the requirements of Senate Bill 743 (SB 743).

Project Description

The Project includes development of approximately 320 residential units—146 single family houses, and 174 multi-family units, approximately 22,000 square feet of commercial development, and an offsite water storage tank on approximately 0.3 acre at a separate location 2.5 miles south of the Project. Additionally, an off-site sewer line would also be constructed. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee.

The Project site is located in Cutten, California, an unincorporated community within the County, towards the southeast boundary of the City of Eureka. See **Figure 1** for Project Location Map. The Project site is located approximately 2.5 miles south of Humboldt Bay, 2.5 miles southeast of downtown Eureka, 2.5 miles east of U.S. Highway 101, and less than 0.5 mile southeast of Sequoia Park.

Methodology

SB 743 required the Governor's Office of Planning and Research (OPR) to establish recommendations for identifying and mitigating transportation impacts within CEQA. In response, OPR prepared a document referred to in this memorandum as OPR's Technical Advisory¹. OPR's Technical Advisory recommends methodologies for quantifying VMT, significance thresholds for identifying a transportation impact, and screening criteria to quickly identify if a Project can be presumed to have a less than significant impact. Lead agencies are to adopt local guidelines appropriate for their jurisdiction. At this time, the County of Humboldt is yet to adopt VMT guidelines. Therefore, this VMT analysis has been prepared in accordance with OPR's Technical Advisory guidance.

As noted above, the Project consists of residential and neighborhood serving commercial retail. Each Project component is evaluated individually as recommended in OPR's Technical Advisory. Also, per the recommendations in OPR's Technical Advisory, the Project is first evaluated using a screening criteria. If a component of the Project meets one of the specified screening criteria, that component of the Project can be presumed to have a less than significant impact. If a Project component does not meet a screening criteria,

¹ Technical Advisory on Evaluating Transportation Impacts in CEQA, Governor's Office of Planning and Research, State of California, December 2018.

Reference: VMT Assessment of North McKay Ranch Subdivision Project located in Humboldt County, California

that component of the Project is then evaluated based on the applicable VMT threshold of significance. The screening criteria and VMT thresholds of significance used in this analysis are discussed below.

Project Screening

Prior to undertaking a detailed VMT analysis, the Technical Advisory advises that lead agencies conduct a screening process “to quickly identify when a Project should be expected to cause a less-than-significant impact without conducting a detailed study.” The Technical Advisory suggests that lead agencies may screen out VMT impacts using Project size, maps depicting areas of low VMT, transit availability and provision of affordable housing. In addition, local-serving retail development can also be presumed to have a less than significant impact on VMT. For this analysis the Project has been evaluated using the screening criteria summarized in **Table 1**.

Table 1 Project Screening Criteria and Threshold

Category	Criteria/Screening	Threshold	Screened Out (Yes/No)
Trip generation screening	Small Projects can be screened out from completing a full VMT analysis.	If the Project generates less than 110 trips per day, the Project is assumed to have a less than significant impact.	No
Map-based screening	Projects that are located in areas with low VMT can be screened out from completing a full VMT analysis.	If the Project is in a low VMT area, the Project is assumed to have a less than significant impact.	No
Proximity to transit	Projects within ½ mile of a major transit stop or a stop located along a high-quality transit corridor reduce VMT and therefore can be screened out from completing a full VMT analysis.	If the Project is within ½ mile of a major or high-quality transit stop/corridor, the Project is assumed to have a less than significant impact.	No
Affordable Residential development	Affordable housing in infill locations can be screened out from completing a full VMT analysis.	If the Project is comprised 100% of affordable units and is located in an infill location, then the Project is assumed to have a less than significant impact.	No
Locally serving retail	Retail Projects that are locally serving can be screened out from completing a full VMT analysis.	If the retail component of the Project consists of individual retail components that are less than 50,000 square feet, then the retail portion of the Project is assumed to have a less than significant impact.	Yes
Source: OPR, 2018.			

Trip Generation Screening – A focused traffic study for the Project was prepared by TJKM in May 2018². The traffic study determined that the Project would generate 2,879 net daily trips. Since the Project is estimated to generate more than 110 daily trips, the small Project screening criteria does not apply.

² Focused Traffic Study for McKay Ranch Subdivision Technical Memorandum, TKJM, May 2018

Reference: VMT Assessment of North McKay Ranch Subdivision Project located in Humboldt County, California

Map-Based Screening – OPR’s Technical Advisory recommends that residential and office Projects that are located in areas with low VMT per capita, and that incorporate similar features to the existing development in those areas, will exhibit similarly low VMT per capita and therefore will have less than significant impacts to VMT. At this time, Humboldt County has not developed a map-based resource or database for identifying areas in the County with low VMT per capita. Therefore, this screening criteria cannot be applied to the Project.

Proximity to High-Quality Transit – OPR’s Technical Advisory indicates that a Project can be screened out as having a less than significant impact on VMT if the Project is within a half-mile of an “existing major transit stop or an existing stop along a high-quality transit corridor”. A major transit stop is defined as the intersection of two or more major bus routes with a frequency service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor is defined as an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Based on the definition described above, the Project would not be eligible to be screened out under this threshold since current bus headways within ½ mile of the Project site are greater than 15 minutes. Therefore, the Project does not meet the criteria for a transit priority area screening.

Affordable Housing – OPR’s Technical Advisory indicates that 100% affordable housing projects located in infill locations can be assumed to have a less than significant impact on VMT. The Project is not comprised 100% of affordable housing in an infill area, so this screening threshold does not apply.

Locally-Serving Retail – OPR’s Technical Advisory indicates that if a Project proposes locally-serving retail uses that are 50,000 square feet or less is eligible to be screened out. The Project proposes to include a total retail of 22,000 SF within the mixed-use retail/residential zone to support the Project residents and local community.

Since the commercial component of the Project would consist of locally serving retail comprised of less than 50,000 square feet, the commercial component of the Project can be presumed to have a less than significant impact.

VMT Analysis Performance Criteria

The Technical Advisory recommends significance thresholds that may constitute a significant transportation impact. The recommended significance thresholds are summarized in **Table 2**. If a significant impact is identified utilizing the significance thresholds, mitigation to reduce VMT would be necessary.

Under OPR’s recommendations, lead agencies have the discretion to set or apply their own thresholds of significance or rely on thresholds recommended by other agencies. Since the Project is located within Humboldt County, significance thresholds set by the County would be appropriate for the Project. However, at this time the County is yet to adopt any policies or directives regarding VMT analysis. Therefore, due to the absence of County criteria, this analysis utilizes the recommended criteria from the Technical Advisory as shown in **Table 2**.

Reference: VMT Assessment of North McKay Ranch Subdivision Project located in Humboldt County, California

Table 2 OPR Recommended VMT Significance Thresholds

Land Use Type	Metric	Threshold of Significance
Residential development	Household VMT per capita	15% less than existing household VMT per capita
Office development	VMT per employee	15% less than existing VMT per employee
Retail development	Total VMT	If Project causes a net increase in total VMT, Retail greater than 50,000 square feet may be considered regionally serving. If retail is locally serving, it may be less than significant.
Other Project types	To be determined by lead agency through consideration of the purposes of the legislation (i.e., reductions to GHG, VMT per capita, and automobile trip generation)	

Source: OPR, 2018.

For residential uses, the Project's home-based (HB) VMT per capita is to be compared against an appropriate baseline, which is typically defined as either the city average or the regional average plus a 15% reduction. For this analysis, the regional/Humboldt County threshold was used since the Project is located in the unincorporated community in the Humboldt County. As discussed above, the retail portion of the Project meets the screening criteria for locally serving retail. Therefore, no additional analysis is required for the Project's commercial component.

VMT Analysis

A lead agency may elect to use a traffic model to estimate a Project's VMT. The California State Transportation Demand Model (CSTDm) is one such model that can be used to assess VMT resulting from residential and office land use Projects, as well as to set thresholds of significance³. The CSTDm is maintained by Caltrans and VMT statistics have been prepared by Caltrans for use in SB 743 VMT impact assessments⁴. Since the County is yet to adopt a specific methodology or traffic model for VMT analysis, VMT statistics from CSTDm are utilized for this study. The CSTDm Traffic Analysis Zones (TAZ) boundaries and corresponding VMT statistics were reviewed for compatibility with the local area.

The Project is located in CSTDm TAZ 106. **Figure 2** provides an illustration of the CSTDm TAZ and the Project area. The HB VMT per capita rate for TAZ 106 is derived by the model based on trip generation and trip length estimates that primarily reflect standard residential development. For this analysis, as mentioned above, the HB VMT per capita for TAZ 106 is compared against the regional average HB VMT per capita and a threshold of significance that is 15 percent lower than the average. The model data and comparison of the Project to the regional average is summarized in **Table 3**.

³ Case Study from Revised Proposal on Updates to CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Governor's Office of Planning and Research, January 20, 2016.

⁴ SB 743 VMT Impact Assessment, <https://dot.ca.gov/programs/transportation-planning/multi-modal-system-planning/statewide-modeling/sb-743-vmt-impact-assessment>, last accessed September 3, 2021.

Reference: VMT Assessment of North McKay Ranch Subdivision Project located in Humboldt County, California

Table 3 VMT Analysis Summary

Description	Residential HB VMT per Capita
Project	
CSTDM TAZ 106	5.3
Regional Threshold	
CSTDM Humboldt County Existing Average	10.8
CSTDM Humboldt County Existing Average with 15% reduction	9.2
Difference (Project minus Regional Threshold)	
	-3.9
Is Project above or below Regional Threshold with 15% reduction?	Below
Significant Transportation Impact	No

As shown in **Table 3**, for the Project's residential component, the HB VMT per capita is 5.3. For this analysis the regional area is defined as the entirety of Humboldt County. The average regional HB VMT per capita for Humboldt County is 10.8 VMT per capita based on the CSTDM data. Consistent with the Technical Advisory, a 15% reduction is applied to existing conditions, resulting in a regional threshold of 9.2 VMT per employee. Since the Project's HB VMT per capita of 5.3 is less than the regional area threshold of 9.2 HB VMT per capita, the Project's residential component would have a less than significant impact on VMT.

Cumulative Impact Analysis

According to OPR's Technical Advisory⁵, if a Project is found to have a less than significant impact at the Project level, it implies that the Project would have a less than significant cumulative impact. Since the Project was found to have a less than significant impact, the Project would have a less than significant cumulative impact.

Active Transportation

To facilitate pedestrian movement throughout the Project site, the Project would create a pedestrian-friendly neighborhood with landscaping and buffered sidewalks. Sidewalks would be constructed ranging from 5 to 6 feet wide. The neighborhood streets surrounding the Project site generally have sidewalks provided on one or both sides, particularly along Walnut Drive and Harris Street.

There are limited designated bicycle facilities in the Project vicinity. Humboldt Bay Area Bike Map identifies existing facilities and streets that are suitable for families and for bicyclists with a range of skill levels. Walnut Drive and Harris Street are designated as a Class II bike lanes. A portion of Harris Street is designated a Class III bike route, and there is a bike compatible trail through Sequoia Park.

The Project would not block, remove, or create barriers for walking and biking, but rather it would provide facilities to encourage non-motorized mode of transportation throughout the Project site, which would reduce local vehicle trips.

⁵ Page 6 from Technical Advisory on Evaluating Transportation Impacts in CEQA, Governor's Office of Planning and Research, State of California, December 2018.

September 15, 2021

Trevor Estlow

Page 6 of 6

Reference: VMT Assessment of North McKay Ranch Subdivision Project located in Humboldt County, California

Transit

Transit service in Humboldt County is administered through joint authority between Humboldt County and the cities of Arcata, Eureka, Fortuna, Rio Dell and Trinidad. Transit services within the Project area consist of Eureka Transit Service buses, operated by the Humboldt Transit Authority (HTA). HTA provides riders with affordable fixed route and dial-a-ride transportation options that allows access throughout the Humboldt County.

On weekdays, the Eureka Transit Service buses operate in a loop with one-hour headways from 7:00 am to 6:00 pm. The Red Route operates along W Street and Walnut Drive, and the Purple and Green Routes operate on Harris Street, providing connectivity throughout the city. The Rainbow Route operates on weekends with one-hour headways, from 9:00 am to 5:00 pm on Harris Street. The nearest Red and Rainbow Route bus stops are located within one half-mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1.25 miles from the Project site. The Project would not block, remove, or create barriers for transit utilization.

Conclusion

A VMT impact analysis was conducted for the proposed Project using guidance outlined in the Technical Advisory and data from the CSTDM.

The commercial retail portion of the Project would consist of less than 50,000 square feet of locally serving retail uses. Therefore, the commercial retail portion of the Project is screened out from completing a full VMT analysis and is assumed to have a less than significant impact on VMT.

VMT data was obtained from the CSTDM and used for analysis of the residential component of the Project. The residential component would have a HB VMT per capita that is less than the designated regional area threshold of significance and, therefore, would have a less than significant impact on VMT.

Since the Project was found to have a less than significant impact, the Project would also have a less than significant impact in the cumulative setting according to guidance from OPR. Regarding active transportation, the Project will not block, remove, or create barriers for walking and biking, but rather provide facilities to encourage non-motorized mode of transportation around the Project site. Lastly, the Project would not block, remove, or create barriers for transit utilization.

If you have any questions on the above material, please feel free to contact Daryl or Sandhya to discuss.

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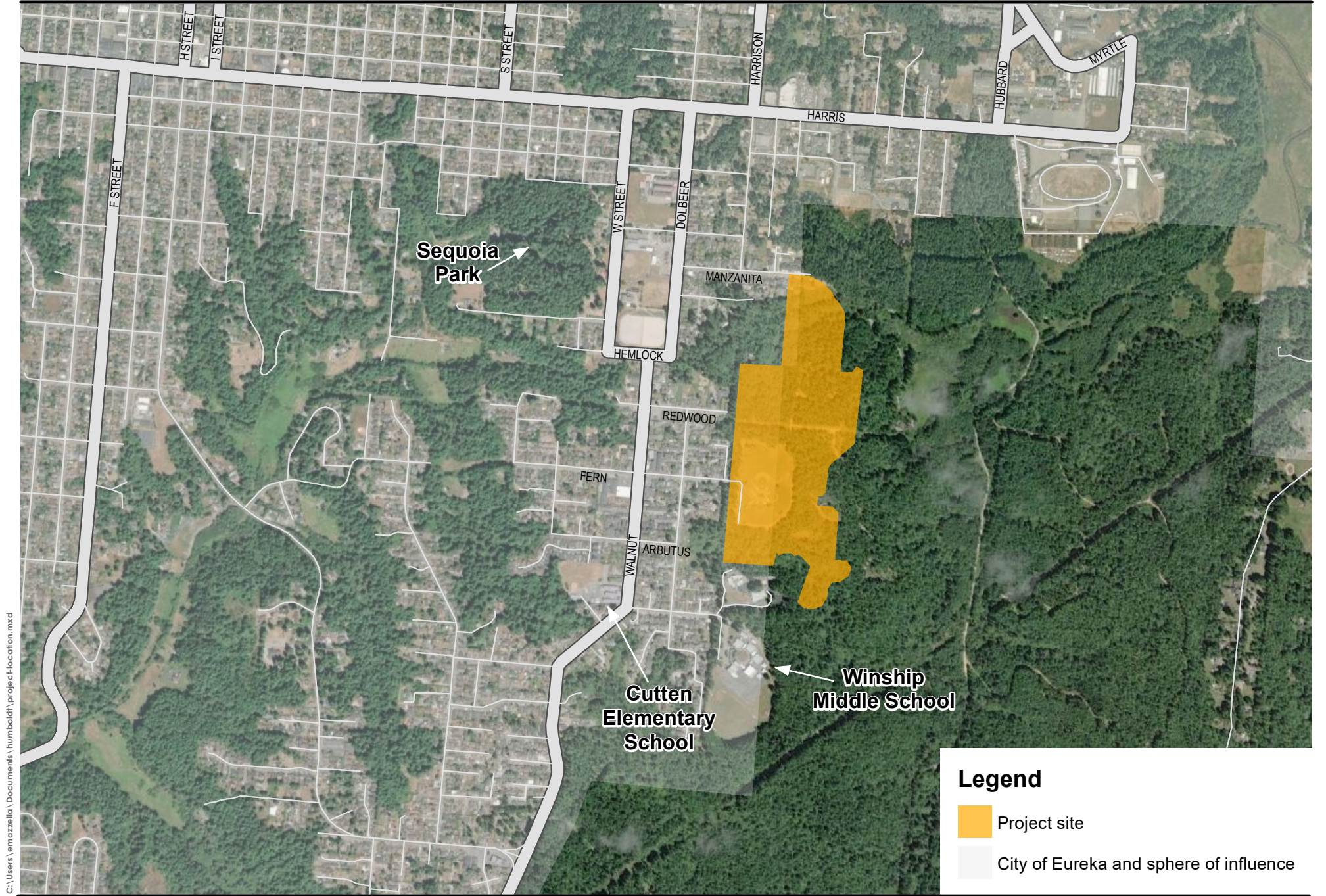
Phone: (949) 923-6074

Sandhya.Perumalla@stantec.com

Attachments: Figure 1 Project Location Map
Figure 2 CSTDM TAZ Map

Design with community in mind

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C:\Users\emazzella\Documents\humboldt\project-location.mxd

Legend

- Project site
- City of Eureka and sphere of influence



Figure 1
Project Location Map

C:\Users\emazzella\Documents\ArcGIS\Projects\Fig2_TAZ-map_DFF68176-D48E-4E5E-9BDE-4026CB23E084\1106\caltrans_cstdm_taz2.mxd

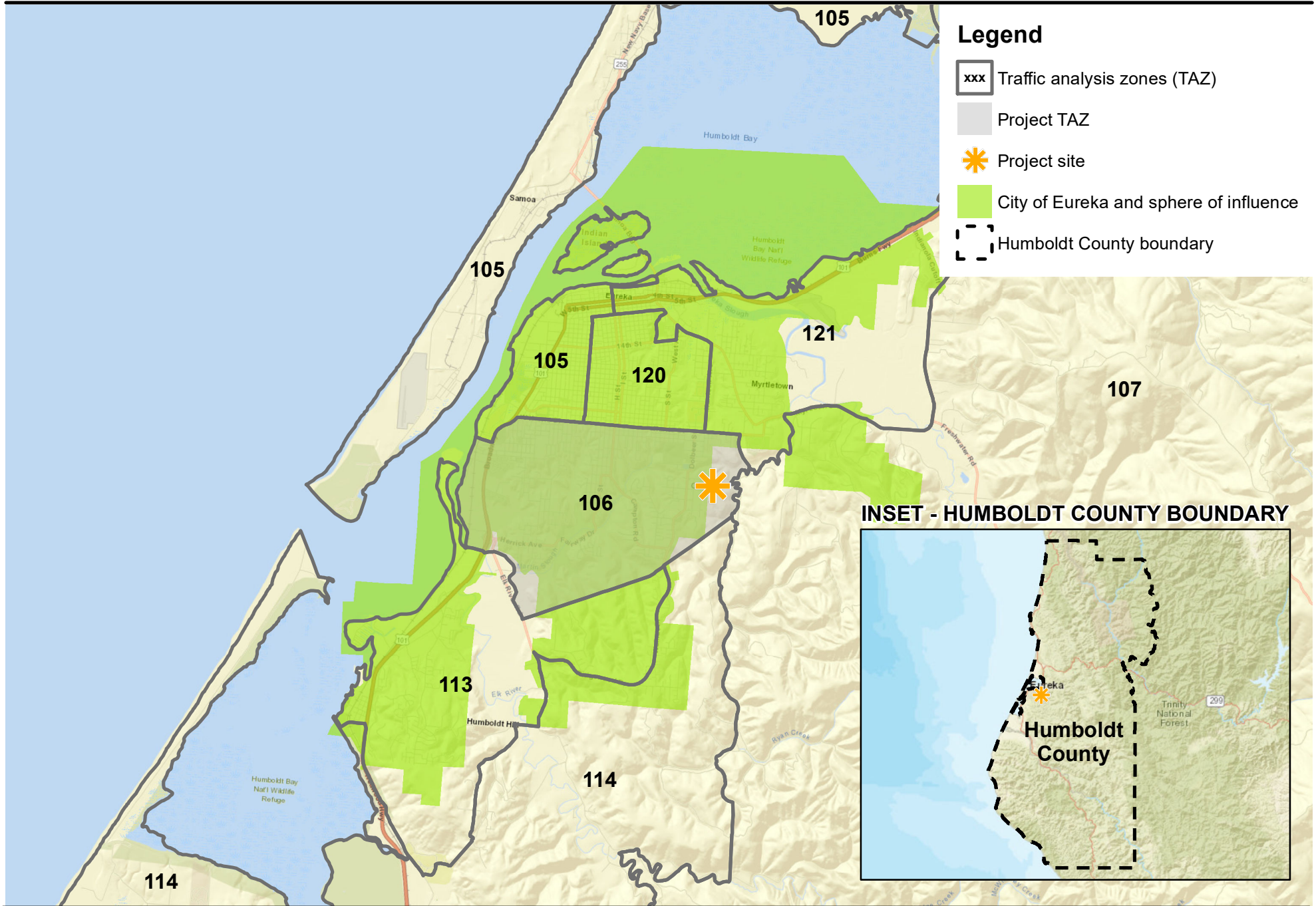


Figure 2
CSTDM TAZ Map

North McKay Ranch Subdivision Project
Final Environmental Impact Report
Humboldt County Record No. PLN-9902-GPA

SCH #: 2019049166

Prepared for:

County of Humboldt
Planning and Building Department
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December 2021



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Abbreviations

CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPE	Comprehensive Action Plan for Energy
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
COA	Conditions of Approval
County	Humboldt County
DDW	Domestic Drinking Water
Draft EIR	Draft Environmental Impact Report
EPIC	Environmental Protection Information Center
EV	Electric vehicle
Final EIR	Final Environmental Impact Report
GHG	Greenhouse gases
HB	Home-based
HCAOG	Humboldt County Association of Governments
HCSD	Humboldt Community Services District
LAFCo	Humboldt Local Agency Formation Commission
LOS	Level of Service
MGD	million gallons per day
MTCO _{2e}	Metric tons of CO ₂ equivalent
NOP	Notice of Preparation
OPR	Governor's Office of Planning and Research
PRC	Public Resources Code
PR Draft EIR	Partial Recirculation Draft Environmental Impact Report
proposed project	North McKay Ranch Subdivision Project



PV	photovoltaic
RCEA	Redwood Coast Energy Authority
RWQCB	Regional Water Quality Control Board
SAA	Lake and Streambed Alteration Agreement
SMAQMD	Sacramento Metro Air Quality Management District
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCP	Timber Land Conversion Permit
THP	Timber Harvest Plan
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VMT	Vehicle Miles Traveled



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1.0 INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, Humboldt County (County), as the lead agency, has evaluated the comments received on the North McKay Ranch Subdivision Project Draft Environmental Impact Report (Draft EIR) and the Partial Recirculation Draft EIR (PR Draft EIR) (State Clearinghouse No. 2019049166). The Draft EIR was circulated for a 45-day public review between May 15, 2020, and June 29, 2020. The PR Draft EIR was circulated for a 45-day public review between October 18, 2021 and December 1, 2021. The responses to the comments and other documents, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final Environmental Impact Report (Final EIR) for use by the Humboldt County Council.

1.1 BACKGROUND AND PURPOSE OF THE EIR

CEQA requires a Lead Agency that has prepared a Draft EIR and PR Draft EIR to provide a copy of the Draft EIR and PR Draft EIR to responsible and trustee agencies that have jurisdiction by law with respect to the proposed North McKay Ranch Subdivision Project (proposed project) and to provide the general public with an opportunity to comment on the Draft EIR and PR Draft EIR. The Final EIR is the mechanism for responding to these comments. This Final EIR has been prepared to respond to comments received on the Draft EIR and PR Draft EIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft EIR as a result of the County's ongoing planning efforts. The Draft EIR, PR Draft EIR, and Final EIR will be used to support the County's decision regarding whether to approve the proposed project.

This Final EIR can also be used by responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project. The following agencies may serve as responsible and trustee agencies:

- HCSD Annexation – Humboldt County LAFCo
- Lake and Streambed Alteration Agreement (SAA) – CDFW
- Compliance with the California Endangered Species Act (CESA) for potential take of state listed species (if needed) – CDFW
- Section 404 Permit – USACE
- Compliance with the federal ESA for potential take of listed species (if needed) – U.S. Fish and Wildlife Service (USFWS)
- 401 Water Quality Certification – North Coast RWQCB



- Amended Domestic Water Supply Permit - State Water Resources Control Board, Division of Drinking Water, Klamath District
- North Coast Unified Air Quality Management District

CEQA Public Review Process

The following provides a summary of the environmental review process to date for the proposed project that has resulted in the preparation of this Final EIR.

Notice of Preparation

The Notice of Preparation (NOP) for the Draft EIR was originally submitted for a 30-day public review period on April 19, 2019. However, a revised NOP was circulated on May 21, 2019 to include environmental issues determined to have a less than significant impact. The revised NOP was circulated between May 21, 2019 and June 20, 2019 for the statutory 30-day public review period. The County received oral comments at the scoping meeting and also received several written comment letters during the public comment period. These comments are summarized in Appendix A of the Draft EIR as well as Table 1-1 of the Draft EIR.

Draft EIR

The Draft EIR was released for public and agency review on May 15, 2020, with a 45-day review period ending on June 29, 2020. The Draft EIR contains a description of the proposed project, description of the environmental setting, identification of proposed project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of proposed project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review on the County's website.

Partial Recirculation Draft EIR

The PR Draft EIR was released for public and agency review on October 18, 2021, with a 45-day review period ending on December 1, 2021. Three chapters from the Draft EIR were recirculated; they included: Chapter 2, Project Description, Chapter 3.11 Land Use and Planning, and Chapter 3.16 Transportation Changes. Those chapters were revised to reflect updates to the project based on the water supply analysis completed post circulation of the Draft EIR, and changes to the regulatory environment that resulted in how the significance of transportation impacts are evaluated because of SB 743 and updates to the CEQA Guidelines Section 15064.3, which became effective July 1, 2020. In addition, two new appendices: Appendix J: Water Supply Analysis and Appendix K: VMT Analysis were provided.

Final EIR

The County received comment letters from the State Clearinghouse and the public regarding the Draft EIR and the PR Draft EIR. This document responds to the written comments received as required by CEQA. This document also contains minor edits to the Draft EIR and PR Draft EIR, which are included in Section 4, Minor Revisions to the Draft EIR. This document constitutes the Final EIR.



Certification of the Final EIR/Project Consideration

The County will review and consider the Final EIR. If the County finds that the Final EIR is “adequate and complete,” the County may certify the Final EIR. The rule of adequacy generally holds that the EIR can be certified if it does the following: (1) shows a good faith effort at full disclosure of environmental information; and (2) provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the County may act to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a mitigation monitoring and reporting program to describe measures that have been adopted or made a condition of the proposed project approval to mitigate or avoid significant impacts on the environment.

1.2 INTENDED USE OF THE EIR

The EIR is intended to evaluate the environmental impacts of the project to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all planning and permitting actions associated with the proposed project. Please refer to Section 2, Project Description, of the Draft EIR for a detailed discussion of the proposed project.

1.3 ORGANIZATION AND SCOPE OF THE EIR

This document is organized into the following sections:

- **Section 1 – Introduction**

Section 1 provides an overview of the EIR process to date and the requirements of the Final EIR.

- **Section 2 – Responses to Written Comments on the Draft EIR**

Section 2 provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all the letters received regarding the Draft EIR and responses thereto are included in this section.

- **Section 3 – Responses to Written Comments on the Partial Recirculation Draft EIR**

Section 3 provides a list of the agencies, organizations, and individuals that commented on the PR Draft EIR. Copies of all the letters received regarding the PR Draft EIR and responses thereto are included in this section.

- **Section 4 – Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR**

Section 4 includes an addendum listing refinements and clarifications on the Draft EIR and PR Draft EIR, which have been incorporated because of comments or staff-initiated changes.



- **Mitigation Monitoring Reporting Program**

Measures that have been adopted or made a condition of the project approval in order to mitigate or avoid significant impacts on the environment have been included in the Mitigation Monitoring Reporting Program, provided under separate cover.

Because of their length, the text of the Draft EIR and the PR Draft EIR are not included with these written responses; however, they are included by reference in this Final EIR. None of the revisions or clarifications to the Draft EIR or PR Draft EIR identified in this document constitute “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, recirculation of the Draft EIR or PR Draft EIR is not required.

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2.0 COMMENTS AND RESPONSES TO THE DRAFT EIR

2.1 LIST OF COMMENTERS

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so that comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 2-1 List of Commenters

Commenter(s)	Comment Date	Commenter Number
State Agencies		
Michael McNicholas, California Department of Forestry and Fire Protection (CAL Fire), Humboldt Del Norte Unit	June 2, 2020	Letter A1
Jesse Robertson, California Department of Transportation (CalTrans), District 1	June 29, 2020	Letter A2
Organizations		
Daniel Chandler, 350 Humboldt	June 28, 2020	Letter O1
Colin Fiske, Coalition for Responsible Transportation Priorities Tom Wheeler, Environmental Protection Information Center (EPIC)	June 22, 2020	Letter O2
Tom Wheeler, Environmental Protection Information Center (EPIC) Jennifer Kalt, Humboldt Baykeeper	June 29, 2020	Letter O3
Stephen Luther, Humboldt Trails Council	June 29, 2020	Letter O4
Individuals		
Patrick Carr	June 29, 2020	Letter I1
Lorraine Dillon	June 29, 2020	Letter I2
Ken Gregg	June 27, 2020	Letter I3
Brett Gronemeyer	June 29, 2020	Letter I4
David Holper	May 20, 2020	Letter I5
Jerry Martien	June 29, 2020	Letter I6
Pamela Maxfield	June 29, 2020	Letter I7
Linda Perata	June 29, 2020	Letter I8
Cynthia Shepard	June 22, 2020	Letter I9



Commenter(s)	Comment Date	Commenter Number
Alicia Sidebottom	June 24, 2020	Letter I10
Margaret Stofsky	June 27, 2020	Letter I11
Melinda Walsh	June 29, 2020	Letter I12
Ann White	June 29, 2020	Letter I13

2.2 COMMENTS AND RESPONSES

This chapter includes the written comments received during DEIR comment periods and the County responses to significant environmental information raised by those comments (CEQA Guidelines, 14 CCR § 15132). Written comments are organized and grouped by affiliation of the commenter: State, Regional, and Local Agencies and Tribes, Organizations, and Individuals. The written comments received were annotated in the margin according to the following organization and grouped with the corresponding response as follows:

- Agencies Comment Letters and Responses: A#-1, 2
- Organization’s Comment Letters and Responses: O#-1, 2, 3
- Individuals’ Comment Letters and Responses: I#-1, 2, 3

In addition, master responses to comments raised in multiple comment letters on the Draft EIR have been prepared to address comments related to general issues that are common throughout several comment letters. The intent of a master response is to provide a comprehensive response to an issue so that all aspects of the issue are addressed in a coordinated, organized manner in one location. This reduces repetition of responses.

Numerous comments covered similar issues, particularly with regards to greenhouse gases, and transportation. This document includes a “Master Responses to Comments” specifically focusing on the above noted concerns raised through the Draft EIR public review. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross reference to the appropriate master response. For example, if a comment identifies a question concerning greenhouse gas analysis (GHG), the response will include the statement, “refer to Master Response-1”, indicating the appropriate numbered response.

Requirements for Responding to Comments on a Draft EIR and Partial Recirculation Draft EIR

State CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and Partial Recirculation Draft and prepare a written response. The written response must address the significant environmental issues raised and must be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines Section 15204).



State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways that the significant effects of the project might be avoided or mitigated. State CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, those revisions be incorporated as a revision to the Draft EIR or as a separate section of the Final EIR.

Master Responses

Master Response 1 – Comments Not Requiring a CEQA Response

Per Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines, a lead agency is required to recirculate an Environmental Impact Report (EIR) when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified for public review. When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. When a lead agency elects to partially recirculate an EIR, it can result in the lead agency receiving more than one set of comments from reviewers. In this case, the lead agency need only respond to: (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Public notice and circulation of the PR Draft EIR is subject to the same notice and consultation requirements that applied to the original Draft EIR, per CEQA Guidelines Sections 15086 and 15087. The public review period for the PR Draft EIR allowed for public agencies, Tribal governments, and members of the public to submit comments on the revised environmental analyses specifically contained in the various sections of the PR Draft EIR. Furthermore, commenters can comment on the adequacy and accuracy of the environmental document as well as suggest revisions to the PR Draft EIR and provide additional mitigation measures based on factual arguments. By including the public review period in the EIR process, a lead agency can provide full disclosure of the environmental impacts of a project as well as incorporate public input into the project prior to final decision.

Similar to the response to comments for the Draft EIR, the County is required to evaluate and respond to comments on the environmental issues received from persons who reviewed the PR Draft EIR during the noticed comment period and prepare written responses to those comments in accordance with Section 15088 of the CEQA Guidelines. The written response is required to describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at



variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response.

The County, as lead agency, acknowledges and appreciates the time and thought that went into each comment letter submitted during the public review and comment period for the Draft EIR and PR Draft EIR. All the comment letters received for the proposed project have been incorporated into the public record for the proposed project and are included in this Final EIR, which will be considered when the County deliberates regarding whether to approve the proposed project or one of the alternatives. The County, as lead agency, will consider this Final EIR, including all comment letters and responses as well as any revisions to the EIR during the Board of Supervisors review and consideration of the proposed project, which will occur during public hearings. The Board of Supervisors will have the opportunity to review and consider each of the comment letters received during the public review period prior to making a final decision on the proposed project.

Section 15204(a) of the CEQA Guidelines state that in reviewing EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Furthermore, when responding to comments, lead agencies need only to respond to comments regarding significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure has been made in the EIR. The County, as lead agency, has provided individual written responses to the comment letters that pertain to specific environmental issues and/or mitigation measures presented within the Draft EIR and PR Draft EIR in Chapters 2 and 3 of this Final EIR. However, certain portions of individual letters do not comment on any of the environmental analyses presented in the PR Draft EIR nor do they pertain to the adequacy or accuracy of the environmental document overall. Such comments are on the project components themselves, express support or opposition to the project, or do not focus on the environmental analysis. Per Section 15204(a) of the CEQA Guidelines, the County is not required to respond to comments that do not pertain to the project's effects on the environment, or the environmental analyses and mitigation measures presented in the Draft EIR and PR Draft EIR. While individual responses to these comments have not been prepared, the County appreciates the public's input on the proposed project and will take these comments into consideration when deciding on any potential project changes or in the selection of an alternative for the proposed project.

Draft EIR Transportation and Land Use and Planning Impacts

On July 1, 2020, the provisions of the new CEQA Guidelines Section 15064.3 Determining the Significance of Transportation Impacts became effective. Before July 1, 2020, traffic congestion levels (known as level of service, or LOS) were the main measurement to determine the negative environmental impacts of development and transportation projects. Under SB 743, these effects are now measured according to the overall amount that people drive (known as vehicle-miles traveled, or VMT). Because of this shift in determining the significance of transportation impacts, Humboldt County decided to recirculate two environmental impact analysis sections that have been impacted by this shift from LOS to VMT: the Land Use and Planning section and the Transportation section of the Draft EIR were recirculated to the public for comment between October 18, 2021 and December 1, 2021 in the Partial Recirculation Draft EIR.



When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

In Section 1.3, Recirculation Process of the Partial Recirculation Draft EIR, the public was asked to limit their comments to the portions of the Draft EIR that were recirculated, which were Land Use and Planning and Transportation. As such, the County is not addressing previous comments related to transportation, including vehicle miles traveled (VMT), multimodal transportation, public transit, and level of service. New comments received during the PR Draft EIR are addressed in Section 3 of this Final EIR, Response to Comments.

In instances where the commenters have asserted, they wish to incorporate their previous transportation comments by reference, those will be addressed, however, those responses are addressed considering the new analysis circulated in the PR Draft EIR.

No Recirculation of Draft EIR Section 3.8 Greenhouse Gases and Climate Change

Section 3.8 Greenhouse Gas Emissions and Climate Change in the Draft EIR was not recirculated in the Partial Draft EIR Recirculation because no changes to the analysis occurred because of the new CEQA Guidelines checklist questions for Transportation focused on VMT versus congestion analysis/LOS.

VMT is not a new tool for assessing environmental impacts under CEQA. Prior to the CEQA Guidelines Section 15064.3 effective date, greenhouse gas, air quality, and energy analysis all used a project's VMT to estimate emissions and a project's environmental impacts. Although, the VMT analysis in the Partial Recirculation Draft EIR is focused on the per capita number of car trips generated by a project while the VMT for air quality, greenhouse gases, and energy analyses is focused on total vehicle miles traveled. The air quality, greenhouse gas, and energy analyses use the project's total vehicle miles traveled, i.e. total trips generated by the development multiplied by the average distance of those trips for various trip reasons: for residential uses: Home to Work, Home to Shop, Home to Other; non-residential trip types are defined as commercial –customer (C-C), commercial-work (C-W), and commercial-nonwork (C-NW) such as delivery trips to determine total VMT. Those distances are provided in Appendix B Air Quality. The air quality model, CalEEMod has emission factors to estimate emissions from the vehicles traveling to and from the project site based on the total VMT.

Although, the previous greenhouse gas analysis relies on VMT to estimate emissions, it is focused on different aspects of VMT, accordingly the previous greenhouse gas analysis did not require any revisions, thus recirculation was not required.

Master Response 2 – GHG Emissions and Mitigation

Several comments were received regarding the GHG analysis, and the associated mitigation contained within the GHG analysis. Specifically, comments received on the GHG analysis and mitigation can be categorized into the following topics:



- Adequacy of GHG analysis and proposed mitigation
- Use of the SMAQMD significance threshold over net neutral threshold
- Loss of carbon sequestration due to removal of trees
- Discrepancy in mitigation measures listed in document

These topics are addressed in further detail below under each respective heading.

Adequacy of GHG Analysis and Proposed Mitigation

Several commenters questioned the adequacy of the GHG analysis and suggested that additional mitigation is required to reduce GHG impacts to a less than significant level.

Section 15064.4(b) of the CEQA Guidelines provides direction for lead agencies for assessing the significance of impacts of GHG emissions:

- The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; or
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

Section 15064.4(c) states that a lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

The 2018 CEQA Guidelines include the following discussion regarding thresholds of significance.

(d) Using environmental standards as thresholds of significance promotes consistency in significance determinations and integrates environmental review with other environmental program planning and regulation. Any public agency may adopt or use an environmental standard as a threshold of significance.



In adopting or using an environmental standard as a threshold of significance, a public agency shall explain how the particular requirements of that environmental standard reduce project impacts, including cumulative impacts, to a level that is less than significant, and why the environmental standard is relevant to the analysis of the project under consideration. For the purposes of this subdivision, an “environmental standard” is a rule of general application that is adopted by a public agency through a public review process and that is all of the following:

- (1) a quantitative, qualitative or performance requirement found in an ordinance, resolution, rule, regulation, order, plan or other environmental requirement;
- (2) adopted for the purpose of environmental protection;
- (3) addresses the environmental effect caused by the project; and,
- (4) applies to the project under review.

CEQA requires lead agencies to impose feasible mitigation measures as part of the approval of a “project” in order to substantially lessen or avoid the significant adverse effects of the project on the physical environment. When imposing mitigation, lead agencies must ensure there is a “nexus” and “rough proportionality” between the measure and the significant impacts of the project. (CEQA Guidelines Section 15126.4, subd.(a)(4)(A)–(B), citing *Nollan v. Ca. Coastal Commission* (1987) 483 U.S. 825, *Dolan v. City of Tigard* (1994) 512 U.S. 374.) All mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by lead agencies. (CEQA Guidelines, Section 15041.) But, if any suggested mitigation is found to be infeasible the lead agency must explain why and support that determination with substantial evidence, presented in their findings and a statement of overriding considerations. (CEQA Guidelines, Sections 15091 and 15093.)

The applicant and County explored transportation-related mitigation options; however, applying transportation-related mitigation only slightly reduced GHG emissions, approximately 3.8%, and would still result in a significant impact. In addition, any potential transportation related mitigation would occur within the City of Eureka and would be considered a discretionary action of the City of Eureka and thus outside the control of the County and therefore, determined to be infeasible.

GHG Thresholds

Several commenters questioned the use of the SMAQMD threshold of 1,100 MTCO_{2e} for GHG emissions rather than a net neutral threshold.

The use of the 1,100 SMAQMD threshold is a conservative threshold and does not change the adequacy of the analysis or the conclusion of significant and unavoidable related to GHG emissions in the Draft EIR, therefore no further response is necessary. In addition, the SMAQMD threshold was developed specifically for land development projects and accounts for the SB 32 2030 targets for GHG emissions.

GHG and VMT

Comments were raised regarding the proposed project’s location relative to nearby services such as jobs, shopping opportunities, schools, and other facilities, thus resulting in an increase in VMT and GHG emissions through more use of vehicle fuels.



The project is proposing commercial residential uses and is in walking and biking distance to major commercial and employment centers. As such, GHG emissions would be decreased due to the proximity of a mix of uses and local serving retail, although not to the same extent if the project were located in an urban area (CAPCOA 2010).

Some commenters requested additional mitigation be implemented to reduce GHG emissions from this increase in VMT and further requested careful consideration of the location of the proposed project.

Operational GHG emissions are discussed in Section 3.8, Greenhouse Gas Emissions and Climate Change, of the Draft EIR. Specifically, on pages 3.8-9 through 3.8-11, the results of the GHG emissions modeling are presented and mitigation measure MM GHG-2, Stoves and Woodburning Devices, is proposed to reduce impacts. In addition, the proposed project would include the provision of EV charging stations as project design feature in the commercial area of the project. Additionally, California's solar mandate, Assembly Bill 178 became effective on January 1, 2020, and requires the provision of new photovoltaic (PV) panels on all single-family residences and multi-family residences up to three stories high; this will further reduce the project's GHG emissions. However, ultimately, Section 3.8 determined operational emissions resulting from the proposed project would be a significant and unavoidable impact with mitigation.

The applicant and County explored transportation-related mitigation options; however, applying transportation-related mitigation only slightly reduced GHG emissions, approximately 3.8%, and would still result in a significant impact. In addition, any potential transportation related mitigation would occur within the City of Eureka and would be considered a discretionary action of the City of Eureka outside the control of the County making further mitigation infeasible.

Loss of Carbon Sequestration

Several comments questioned the use of carbon offsets, required through MM GHG-1 of the Draft EIR, to effectively reduce loss of carbon sequestration as a result of the tree removal onsite. Carbon offsets are instruments that can be bought, sold, and traded. Like a stock or equity that represents a unit of ownership in a company, a carbon offset represents a unit of GHG emissions reductions. Each offset is essentially a certification that a certain quantity of GHG emissions has been avoided, prevented, or sequestered. Examples of activities that generate offsets include reforestation to increase carbon sequestration. By implementing Mitigation Measure GHG-1, where the purchase of carbon offsets would be paid to the City of Arcata and would fund local conservation projects, revenue from the City of Arcata carbon offset program would help to fund local projects that sequester carbon. Therefore, the carbon sequestration potential lost from the removal of trees at the project site would be reestablished elsewhere on a local scale.

The appropriateness of using offsets as CEQA mitigation for GHG emissions is well established. Specifically, CEQA Guidelines Section 15126.4(c)(3) provides that "[o]ff-site measures, including offsets that are not otherwise required," can be used to mitigate a project's GHG emissions.

Discrepancy in GHG Mitigation

Several commenters noticed a discrepancy in the GHG mitigation, specifically related to electric vehicle (EV) charging stations. In Section 4.5.8 of the Draft EIR a "MM GHG-2" is stated and includes text stating



that a network of on-site EV charging stations would be required under this mitigation measure. Additionally, a MM GHG-3 is referenced in several places in the Draft EIR. Inclusion of EV charging stations for the commercial and multi-family units are included in Section 2.0 of the Project Description as a design feature of the proposed project, and do not require further mitigation for inclusion of these features. The following text revisions address the discrepancies in the mitigation. These text revisions are also included in Section 4.0 of this Final EIR.

In Section 4.5.8, page 4-8, the following has been revised:

“To reduce operational GHG emissions, the project would ~~include implement MM GHG-2, which will require a network of on-site EV charging stations for the commercial and multi-family units, as stated in Section 2.0, Project Description.~~ In addition, MM GHG-~~3~~2 would be implemented, which requires catalytic converters on all wood burning stoves.”

Row three of Table 3.8-6 of the Draft EIR includes the following revision:

“**Consistent.** As part of MM GHG-~~3~~2, the project would require catalytic converters for all woodburning heat sources.”

Draft Humboldt Regional Climate Action Plan 2021

Several commenters stated that the proposed project needed to achieve the greenhouse gas reductions identified in the Humboldt Climate Action Plan and demonstrate consistency with the plan to reduce greenhouse gas impacts. The Draft Climate Action Plan was discussed in Section 3.8 of the Draft EIR, however, since the Plan has not been officially adopted consistency with the Plan was not used to determine the project’s impact on greenhouse gases and greenhouse gas reduction plans. Since circulation of the Draft EIR, the Draft Climate Action Plan has been updated with the most recent draft issued in October 2021. Section 4.0 Minor Revisions to the Draft EIR and Partial Recirculation EIR includes updates to the greenhouse gas impact analysis to account for the latest draft update. As shown in the Section 4.0, although the per capita greenhouse gas emissions are intended to be applied on a regional level, the proposed project would achieve the required per capita greenhouse gas target and thus would presumably be consistent with the Regional Climate Action Plan target for 2030.

Master Response 3 – Wildfires and Safety

Overview of Issues Raised

Several comments expressed concerns about the risk of wildfire associated with implementation of the proposed project. These comments include concerns specifically related to lack of adequate evacuation routes surrounding the and within the project area as well as the adequacy of the 70-foot defensible space on the adjacent McKay Community Forest. Additional comments requested further mitigation through a fuels reduction program and long-term fire preparedness plan be included to reduce potential impacts related to wildfires in the area.

Wildfire Analysis in Draft EIR

The Draft EIR recognizes the wildfire threat due to climate change and other factors. These impacts are specifically addressed in Section 3.19, Wildfires, of the Draft EIR. To reduce the risk of wildfire, the Draft



EIR includes mitigation measures that would: 1) include preparation and implementation of a Fire Safety Management Plan, 2) require a site plan redesign or off-site mitigation, and 3) preparation of water supply and storage study to ensure adequate water supplies are available for fire suppression. Mitigation Measure WF-2 provides the applicant with some options for demonstrating compliance with the 100-foot defensible space requirement. The applicant may either revise their site plan prior to final tentative map submittal to demonstrate that a 100-foot buffer is provided on-site or can enter into a Memorandum of Agreement with the County for provision of 70 feet of defensible space offsite (or as determined by the County, but a minimum of 100-feet total) on the County-owned McKay Community Forest. The site redesign provides some flexibility to the Applicant to increase the density of the project in certain areas to provide for the required defensible space. The site redesign would be required to fall within the bookends of development evaluated by the Draft EIR, for example, maintaining or reducing total dwelling unit count and commercial square footage within the project footprint. MM WF-2 also provides the applicant with the ability to combine both options to secure additional defensible space off-site of less than 70 feet and additional on-site defensible space of greater than 30 feet; the performance criteria is that the total provided defensible space is a minimum of 100 feet.

The Draft EIR was written to indicate that there was uncertainty regarding the implementation of MM WF-2, however, that statement was not accurate. This will be revised in the errata section of this Final EIR to indicate that the mitigation measure will be implemented because it has been incorporated into the project. The performance criteria is clear on the 100 feet of defensible space, but the mechanism for providing that space is still being developed.

The impact analysis was not clear on why the wildfire risk was still identified as significant and unavoidable; this will be clarified in the errata section of this Final EIR.

Wildfire risks, were determined to remain significant and unavoidable because the project could exacerbate wildfire risks by locating housing within a wildfire risk area. Additional mitigation would not reduce the significant and unavoidable impact related to increased wildfire risk.

Title 14 of the CCR sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent damage to structures or people by reducing wildfire hazards. New development in the State Responsibility Areas (SRA), including the proposed project would be subject to Fire Safe regulations, and the appropriate clearance of vegetation around such development is inspected by CAL FIRE and potentially by Humboldt County with other improvements at the time of construction. The Applicant would be required to have certification that they comply with building, electrical, and fire codes, which would require installation of fire suppression systems, where appropriate within the new development.

Evacuation Routes

Several commenters questioned adequacy of evacuation from the proposed project in the event of a wildfire. Evacuation routes are discussed in Section 3.9, Hazards and Hazardous Materials, under Impact-5 of the Draft EIR. The proposed project includes two evacuation/access points that could be utilized in the event of a wildfire, which is consistent with CAL Fire and California Fire Code requirements.



Letter A1

From: McNicholas.Michael@CALFIRE
To: [CEQAResponses](#)
Subject: North McKay Ranch
Date: Tuesday, June 02, 2020 5:51:02 AM

Trevor Estlow,

A1-1 [The North McKay Ranch Subdivision Project involves “Timberlands” (CA PRC 4526), and the project specifies that trees to be removed. Such action is “Timber Operations” (CA PRC 4527(a)(2)) – conversion of timberlands to land uses other than growing timber. A CAL FIRE timber harvest document for conversion of timberlands prepared by a Registered Professional Forester will be required to complete this project per the California Forest Practice Rules and Public Resources Code. Please contact me with any questions.

Thank you.

Michael McNicholas
Forester I, Forest Practice Inspector
CAL FIRE
Humboldt Del Norte Unit
707-599-8442

Letter A1 Response

Michael McNicholas

California Department of Forestry and Fire Protection

Jun 2, 2020

A1-1

The comment regarding the need for a timber harvest document is acknowledged. The commenter is referred to Section 3.2, Agricultural and Forestry Resources of the Draft EIR which states that a Timber Land Conversion Permit (TCP) was approved for the proposed project site by CAL FIRE in August of 1995. Additionally, as discussed in Section 3.11, Land Use and Planning, of the Draft EIR, a Timber Harvest Plan (THP) was developed for the project site in September 2017 and is valid through March 5, 2023. Consistency with this THP is discussed and analyzed in Section 3.11 of the Partial Recirculation Draft EIR. If CAL FIRE needs an additional copy of the TCP or THP, the County will provide these documents upon request.



Letter A2

From: [Estlow, Trevor](#)
To: [CEQAResponses](#)
Subject: FW: Caltrans Comments for SCH# 2019049166, North McKay Ranch Subdivision DEIR
Date: Monday, June 29, 2020 5:01:54 PM

Please add this to the McKay DEIR comment folder.

Thanks.

-Trevor

From: ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>
Sent: Monday, June 29, 2020 4:57 PM
To: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Cc: state.clearinghouse@opr.ca.gov; Brian Gerving <berving@ci.eureka.ca.gov>; greg@hta.org; Marcella Clem <marcella.clem@hcaog.net>; rdumouchel@ci.eureka.ca.gov
Subject: Caltrans Comments for SCH# 2019049166, North McKay Ranch Subdivision DEIR

Dear Trevor Estlow:

A2-1 Thank you for giving Caltrans the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed North McKay Ranch Subdivision. The project proposes to subdivide and develop 81 acres straddling the border between the City of Eureka and the County of Humboldt approximately 2.5 miles east of US Route 101. The development proposal includes the construction of 320 residential units: 146 single-family residences and 174 multi-family residential units to be built in nine phases. Approximately 22,000 square feet of commercial development will be located on-site and 21.73 acres of open space would be dedicated to the County to remain in public use. We have the following comments:

A2-2 The TIS dated May 9, 2018 estimated the project would generate 2,879 trips per day at full build out in 2040. The DEIR states that any change in land use that would result in more trips than those evaluated in this EIR would require a separate CEQA review. This includes the commercial development which uses a daily trip generation of 234 vehicles based on the on ITE land use 710 (general office building).

A2-3 Table 3.16.1 and Table 3.16-4 of the DEIR identifies the intersection of Walnut and Fern Streets as an all-way stop controlled intersection (AWSC) under existing conditions. This intersection is signalized under existing conditions. Please revise.

A2-4 Section 4.5.16 of the DEIR states: "All the new development projects would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations, roadway operations, and freeway operations. All projects would be required to mitigate for their fair share of impacts." We note that the Traffic Study did not analyze impacts to freeway operations, despite a request from Caltrans to include the interchange at Herrick Avenue in the scope of the traffic analysis in our letter of response to the Notice of Preparation for the EIR. We suggest revising the above DEIR statements to be consistent with the contents of the traffic analysis and its recommendations.

A2-5

Neither the traffic study nor the DEIR identify the cumulative impacts to traffic as a result of other approved projects in the area. The County previously circulated a mitigated negative declaration for the Mid-McKay Tract subdivision which included a potential to develop 852 new residences, with options for increasing that number to more than a thousand new residential units. Please address cumulative traffic impacts for other known developments in the unincorporated Cutten area. The one percent growth rate that was assumed will need to be justified for background growth to include a development as large as the mid-McKay Tract Subdivision.

A2-6

The DEIR briefly discusses SB743 and VMT levels of significance but cites that the County of Humboldt has not adopted thresholds of significance related to VMT and the County General Plan Policy C-P5 requires that LOS be reviewed for projects.

A2-7

In the Executive Summary discussion on significant unavoidable impacts, the DEIR makes a reference to the Sacramento Metropolitan Air Quality Management District thresholds of significance: "Because the proposed project would result in operational emissions that would exceed the Sacramento Metropolitan Air Quality Management District thresholds of significance, impacts related to GHG would remain significant and unavoidable." We assume the use of SMAQMD thresholds of significance has been incorporated as a surrogate standard in the absence of any thresholds established by Humboldt County for Greenhouse Gas Emissions. Please confirm.

A2-8

Section 4.5.8 of the DEIR (page 374 of 448) states that the on-going effects of the project will exceed the number of metric tons of carbon emitted from mobile sources (transportation) based on thresholds of significance established by other jurisdictions (SMAQMD) and result in significant and unavoidable impacts to Greenhouse Gas Emissions and Climate Change. The ongoing operation of the proposed project is stated to comply with CalGreen Building Codes, which includes requirements to increase recycling, reduce waste, reduce water use, increase bicycle use, and other measures that would reduce GHG emissions. We were unable to find any measures in either the project proposal or the proposed mitigation measures to increase bicycle use. We offer the following bicycle mitigation measures and strategies for the reduction of Greenhouse Gas Emissions:

- We request that all new road improvements constructed for the project include low-stress bicycle facilities that provide links to transit stops, schools, and other major neighborhood destinations, such as grocery stores.
- We recommend that the County require a bicycle parking analysis at nearby schools, grocery stores, restaurants, and other major destinations to ensure that there is adequate bicycle parking capacity to accommodate an increased number of cyclists generated by the project (using the future 2040 condition).
- We recommend that the proposed project incorporate bicycles by design with a goal of tripling the number of bicycle trips that residents choose to make.
- We suggest that the project contribute a fair share towards the development of a City of Eureka or greater Eureka area community-wide bicycle plan, which makes bicycle travel throughout the community safe and convenient for all bicycle riders of all ability levels.
- We suggest that the applicant contribute to a fair share towards a city- or community-wide bike-share program, including unincorporated neighborhoods beyond city limits.
- We suggest that the project pay a fair share fee to transit improvements or to assess the feasibility of establishing a transit assessment district or special assessment to pay for new transit services.

Mitigation Measure GHG-2 requires a network of on-site EV charging stations. Caltrans supports measures and incentives that promote a cleaner fleet mix. Caltrans offers to participate in community or region-wide planning efforts to plan for electric, fuel-cell, or other alternative fuel vehicles.

A2-9

The DIR page 2-23 states “Electrical Vehicle charging will be required at the commercial and multi-family units.” Page 4-8 of the DEIR states “To reduce operational GHG emissions, the project would implement MM GHG-2, which will require a network of on-site EV charging stations. In addition, MM GHG-3 would be implemented, which requires catalytic converters on all wood burning stoves.” However, the list of GHG mitigation measures on pages ES-15 and 3.8-11 only includes a mitigation measure for catalytic converters on wood burning stoves (called MM GHG-2). The network of EV charging stations referenced elsewhere is omitted from the list GHG mitigation measures. Caltrans requests that these omissions be corrected by adding the stated requirement for EV charging stations at the commercial and multi-family units to the official list of mitigation measures. Please also consider adding EV charging infrastructure for the single-family homes which are each being provided with two parking spaces.

Senate Bill 743, approved in 2013 and incorporated into the State’s CEQA Guidelines in 2018, better aligned CEQA with the State’s climate goals. CEQA now considers overall automobile use as the primary transportation impact. The change in how CEQA considers transportation impacts aims to reduce automobile use while increasing use of more sustainable modes that are essential to supporting our growing population and economy while meeting climate goals. Because criteria for determining the significance of transportation impacts must promote “the development of multimodal transportation networks” pursuant to Public Resources Code section 21099, subdivision (b)(1), project impacts to transit systems and bicycle and pedestrian networks must be considered. To align with the new SB 743 requirements, the Caltrans Local Development-Intergovernmental Review (LD-IGR) program now focuses on on-site and off-site improvements to reduce single occupancy vehicle trips; reduce per capita VMT; reduce GHG emissions; increase accessibility to destinations via cycling, walking, carpooling, and transit; and provide a safe transportation system, including safer connections between new development and the existing community and reduced impacts to multimodal access or conflicts between modes.

A2-10

Due to the existing traffic congestion at intersections linking Cutten to destinations in the Eureka area and beyond, and the significant and unavoidable impacts to Greenhouse Gas Emissions, we request that the County work with the City of Eureka and the Humboldt Transit Authority (HTA) to improve transit service in the Cutten area. For expanded transit service to be effective, new development should consider adopting a transit-first approach for accommodating increased travel demand from new development.

A2-11

We request that the County assess the feasibility of establishing a transit assessment district as a mitigation measure for cumulative traffic impacts to provide a consistent funding source for new transit service. A neighborhood shuttle route or demand-responsive service could be established to reduce short driving trips and serve the multi-family housing units. A transit assessment district could also support regional efforts to establish mobility-on-demand services that could include just

A2-11
(Cont.) ↑ the project area to locations in Eureka. This neighborhood shuttle could also be incorporated into evacuation planning to reduce the number of vehicles exiting the area and reduce risk from wildfires. Caltrans can assist with transit planning efforts for the community and region, in partnership with HTA and the Humboldt County Association of Governments.

↑ We request that the project seek to further reduce Greenhouse Gas Emissions by assessing the accessibility of transit stops to and from the proposed project site. Deficiencies in bicycle and pedestrian facilities from the proposed project to existing transit service and other destinations may require additional mitigation to ensure safe and continuous travel. The nearest transit stop is on Walnut St approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately one mile to the north.

A2-12 ↑ The TIS states: "Eureka has historically experienced a high rate of pedestrian accidents, rating the third most dangerous incorporated California city of its size for pedestrians." The TIS notes "notable gaps in sidewalks on the side streets near the project." DEIS page 2-22 describes "Off-site roadway improvements include proposed construction of infill sidewalks along the south side of Arbutus Street between Walnut Street and Cedar Street, and on the north side of Redwood Street between Walnut Street and the project site." However, mitigation measure MM-TRANS-4 only requires sidewalks on newly constructed streets. Caltrans recommends off-site improvements to provide contiguous, ADA compliant, sidewalks and cross-walks connecting the project to nearby transit stops on Walnut St, grocery store, and the three schools in walking distance from the project. A Safe Routes to Schools analysis between the project and the three nearby local schools should also be conducted.

A2-13 ↑ The Class III bicycle facilities on Harris Street are expected to be negatively impacted by additional traffic from the project. The grade on Harris Street creates a significant differential in speed between vehicles and bicycles creating a higher level of bicycling stress that could result in potentially significant impacts to multimodal travel with project-generated increases in traffic. Higher traffic volumes effectively reduce connectivity for most cyclists when continuous Class II or Class IV bicycle facilities are not provided. There may be other locations which warrant more detailed assessment of impacts to bicyclists. We request that the County work with the City of Eureka to develop an area bicycle plan with a continuous bicycle network.

A2-14 ↑ We encourage the County to adopt thresholds of significance for both Vehicle Miles Traveled (VMT) and Greenhouse Gas Emissions. To avoid issues related to developing substantial evidence, the County may adopt the recommendations established by the Governor's Office of Planning and Research (see the Technical Advisory) and the California Air Resources Board (Scoping Plan-Identified VMT Reductions).

Please contact me with questions or for further assistance regarding the above comments.

Sincerely,

Jesse Robertson
Transportation Planning
Caltrans District 1

Letter A2 Response

Jesse Robertson

California Department of Transportation

June 29, 2020

A2-1	The introduction and background on the proposed project is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary.
A2-2	See Master Response 1
A2-3	See Master Response 1.
A2-4	See Master Response 1.
A2-5	<p>See Master Response 1.</p> <p>The following is for informational purposes only.</p> <p>The proposed Mid-McKay project is located at the Walnut Drive / Campton Road intersection. Campton Road provides a more direct route to the city center (County Courthouse). Trips from this project will most likely use this route for access to the city center. The ultimate project has not been approved. A Zone Reclassification and Minor Subdivision to create four large parcels is currently under review and has not been approved. Future division of these large parcels will require further review and approval from the County before they can be developed.</p> <p>According to the Humboldt County General Plan 2017, the current annual growth rate is about 0.6%. California Department of Finance projections indicate an anticipated average annual growth of 0.41 percent over the next 20 years which is lower than the 0.80 percent annual growth experienced in the past 30 years. The traffic study prepared by TJKM applied a one percent annual growth rate to 2018 traffic volumes to project future (year 2040) conditions. While this may growth rate may appear high, it results in a more conservative approach.</p>
A2-6	See Master Response 1.
A2-7	The commenter asserted that the Draft EIR referred to the Sacramento Metropolitan Air Quality Management District thresholds of significance in the absence of any thresholds established by the County for GHGs. This is correct, Section 3.8, Greenhouse Gas Emissions and Climate Change, of the Draft EIR discusses the use of the SMAQMD threshold due to the lack of a local threshold for GHG emissions.
A2-8	<p>The comment summarized the analysis in the Draft EIR related to the significant and unavoidable impacts to GHG emissions resulting from the proposed project and further asserted that the Draft EIR does not include mitigation for increases in bicycle use. Listed possible mitigation measures related to bicycle use are provided in the comment.</p> <p>From a broad geographic perspective, the project is an infill location located south of the city center. The project's location is consistent with VMT goals due to its proximity to a grocery store, veterinary clinic, gasoline station, gym, post office, restaurants, and other retail services as well as transit lines, and bicycle lane facilities. These destinations are located within a quarter mile of the project's boundary.</p> <p>In addition, the project is located about 3 miles from the City Center (County Courthouse), about a 15-minute bike ride or a 60-minute walk. The City of Eureka is the largest population center and offers the greatest variety of services. A project located within proximity to the City Center results in a lower VMT than projects located farther away as well as affording access to urban amenities such as sidewalks and bike lanes.</p> <p>For trips that may be longer, the project connects to transit stops on Walnut Drive; connects to the existing sidewalk network in Walnut Drive; and connects to an existing bike lane network in Walnut Drive. The surrounding bike routes are shown on the Humboldt County Association of Governments (HCAOG) bike map.</p> <p>The proposed project includes the construction of off-site improvements on Redwood Street and Arbutus Street to add infill sidewalks and to construct bike lanes that connect into the existing bike lane and existing sidewalk networks on Walnut Drive. Within the project boundary, the proposed project will be constructing sidewalks on all roads and bike lanes on Redwood Drive and Arbutus</p>



	<p>Street. Future improvements to the entire sidewalk and bike lane network are tied to the capital improvement plans for the City of Eureka and the County of Humboldt.</p> <p>There is no need to study off-street, off-site bike parking for the community as there is no authority to require a private property owner to upgrade their bike parking facilities; or even require a private landowner to allow the applicant to enter private property and construct bike parking facilities.</p>
A2-9	<p>The comment includes support for Mitigation Measure GHG-2, which requires a network of EV charging stations for the commercial and multi-family units. The commenter further states that the GHG mitigation measures on pages ES-15 and 3.8-11 of the Draft EIR only include mitigation for the catalytic converters and does not include the EV charging stations mitigation which is included on page 4-8 of the Draft EIR. This discrepancy has been corrected through a text revision. The commenter is referred to Master Response 2 GHG Emissions and Mitigation as well as Section 4.0 of this Final EIR which includes the full text revisions related to this discrepancy as well as a description as to why the EV electric charging stations are not included as mitigation.</p> <p>The commenter also requests that EV charging stations should be added to the single-family homes portion of the proposed project. This request is acknowledged and will be taken under consideration by the Planning Commission and Board of Supervisors. General Plan Policy E-P4 recognizes that the County will support the development and implementation of EV charging stations and other alternative fueling infrastructure.</p>
A2-10	<p>The comment provides background information on Senate Bill 743 and the change in the State's CEQA Guidelines to better align CEQA with the State's climate goals. The commenter further requests that the County work with the City of Eureka and the Humboldt Transit Authority to improve transit service in the Cutten area. The comment is acknowledged. The proposed project includes a commercial and residential uses in proximity to encourage walkability and reduce vehicle trips. Long term transit planning is out of the proposed project's scope. The County is working with the City of Eureka, and local stakeholders to identify priority projects.</p>
A2-11	<p>The comment requests that the County assess the feasibility of establishing a transit assessment district as a mitigation measure for cumulative traffic impacts and to provide for consistent funding for new transit service. The comment is acknowledged, however, the proposed project does not result in a cumulative transportation impact.</p>
A2-12	<p>See Master Response 1.</p>
A2-13	<p>The commenter requests that the County work with the City of Eureka to develop an area bicycle plan with a continuous bicycle network. The comment is acknowledged. Identification of a continuous bicycle network through regional planning efforts and future General Plan and Master Plan updates is not part of the proposed project. The comment does not require further analysis or revisions to the Draft EIR.</p>
A2-14	<p>See Master Response 1.</p>



Letter O1

June 28, 2020

Trevor Estlow
County of Humboldt Planning and Building Department
3015 H Street Eureka, CA 95501
via email: CEOAResponses@co.humboldt.ca.us, testlow@co.humboldt.ca.us

Dear Mr. Estlow,

350 Humboldt wishes to express its appreciation for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the North McKay Ranch Project suburb proposal.

O1-1

350 Humboldt is the local affiliate of the international climate change action group, 350.org. The overall mission of our organization is to work locally toward reducing the impacts of the climate crisis in order to maintain a livable climate on the Earth. Our comments will be focused on those aspects of the DEIR that report on GHG emissions and land use decisions potentially impacting climate change. This is the second of two comment letters by 350 Humboldt steering committee members.

The DEIR is in general comprehensive and painstaking. But if we are going to meet climate goals we are going to have to begin to step beyond older ways of assessing projects of this magnitude.

California climate goals

California climate goals

As described by the DEIR California has a number of goals regarding Green House Gas emissions:

O1-2

- “Under AB 32, the CARB was also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels set in 1990, which must be achieved by 2020. The 2020 GHG emissions limit is 431 million metric tons of carbon dioxide equivalent (MMTCO_{2e}), and California reached this goal in 2016.
- “On September 8, 2016, Senate Bill (SB) 32 was signed by California Governor Edmund Gerald Brown Jr.; this bill requires the state board to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030.
- “Goal AQ-G3: Greenhouse Gas Emissions. Successful mitigation of greenhouse gas emissions associated with this Plan to levels of non-significance as established by the

O1-2
(Cont.)

Global Warming Solutions Act and subsequent implementation of legislation and regulations.

- “Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions. The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.”
- The Association of Environmental Professionals goal of achieving “substantial progress along a post-2020 trajectory. “Given the recent legislative attention and case law regarding post-2020 goals and the scientific evidence that additional GHG reductions are needed through 2050 to stabilize CO2 concentrations, the Association of Environmental Professionals’ Climate Change Committee (2015) recommended in its Beyond 2020: The Challenges of Greenhouse Gas Reduction Planning by Local Governments in California (AEP 2015) white paper that CEQA analyses for most land use development projects can continue to rely on current thresholds for the immediate future, but that long-term projects should consider “post-2020 emissions consistent with ‘substantial progress’ along a post-2020 reduction trajectory toward meeting the 2050 target.” The Beyond 2020 white paper further recommends that the “significance determination... should be based on consistency with ‘substantial progress’ along a post-2020 trajectory.”

We take the position that under California’s climate goals, a project cannot be approved unless emissions are mitigated to “levels of non-significance.” As argued in an June 2019 comment to Michael Wheeler by Earthjustice, the greenhouse gas emissions in the project are far from non-significant: “While use of a statewide per capita metric to determine the significance of GHG impacts may be useful for a General Plan, which examines collective community emissions of existing and proposed new development, it is not appropriate for projects that only govern new development. Accordingly, the County should apply a net-zero emissions GHG threshold to ensure a legally defensible BIR. Because the Project will result in an increase in GHG emissions, the County should consider its GHG impacts significant.”

Miscalculation of carbon sequestration and carbon offsets

Other California policy specifically addresses preservation of large trees and mitigation of carbon sequestration that might be lost due to the project. The DEIR correctly points out the potential for sequestration loss:

O1-3

- “Policy AQ-P17: Preservation and Replacement of On-Site Trees. Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.
- “The Center for Urban Forest Research Carbon Calculator was used to estimate the amount of CO2 that would be released as a result of the tree removal. Approximately 59.27 acres of forest trees, of which approximately 95 percent are coast redwood with an average diameter at breast height (DBH) of 20 inches, would be permanently removed from the project site. Assuming that 100 percent of the carbon stored would be emitted as CO2, the Carbon Calculator estimated that removal of each tree would result in 1.48 tons of carbon emission. Additionally, the removal of trees would result in a loss of carbon

sequestration potential. The Carbon Calculator estimated that coast redwoods with an average DBH of 20 inches sequester 0.156 tons per tree per year of CO₂. Commercial projects typically have a lifespan of 30 years; therefore, the sequestration loss over the life of the project would be 4.68 tons of CO₂ per tree removed.”

Unfortunately, the DEIR makes the totally unsupportable assumption that the loss of sequestration only has to be counted over 30 years. Recent research shows that second growth redwood forests massively increase their sequestration of carbon for up to 1000 years, and that even at 100 years of age they are highly efficient carbon sinks. Recent research by Steve Sillett and colleagues of HSU (<https://www.sciencedirect.com/science/article/pii/S0378112718315160>), not taken account of in the DEIR, shows:

- *New allometric methods of measuring biomass and carbon sequestration in second growth redwood forests are now available. They show far more biomass and carbon sequestration than previously thought. Thus the estimates in the DEIR are very likely to be a large understatement both of the emissions to be caused by destroying the existing forest and of the sequestration of carbon accomplished by that forest.*
- *The sequestration of carbon accelerates with age of the forest, and a 150 year old second growth forest can sequester a very large amount of carbon; much higher than previous models suggest.*
- *Redwood increasingly predominates in second growth areas, adding to sequestration in ways the Carbon Calculator does not account for.*
- *Sillett states: "[S]ome redwood forests that were logged in the mid-1800s have already accumulated as much as 339 metric tons of carbon per acre—the equivalent of taking about 270 passenger vehicles off the road for one year. This level of carbon storage has profound implications when extended across 1.5 million acres of second-growth redwood forests. These results suggest that investments in actively restoring second-growth redwood forests will result in substantial carbon sequestration without having to wait several centuries for the benefits of old-growth forests.”*

Thus this part of the DEIR should be modified by:

- ***Using contemporary allometric measurement methods applied to this specific 59 acres.***
- ***Assigning a more realistic “project life” of at least 100 years. Looking around Humboldt, all the past “projects” (Trinidad, Scotia, McKinleyville) are all here and still emitting green house gases far after the expiration of 30 years. This was a rule of thumb appropriate to an era when we did not understand climate change and the crisis we face. Another way to put it, is that the financing for the project may end in 30 years but the loss of carbon sequestration will not.***
- ***Extending the carbon capture (sequestration) afforded by the forest farther into the future. (Sequestration is maximized at maximum growth, approximately 900 more years.) Whatever the project life (30 or 100 years), the mitigation payments for all sacrificed sequestration should be paid within that time. Since the sequestration time frame exceeds even seven generations, perhaps 200 or 300 years of loss of carbon sequestration should be assigned to the project. Although this sounds fanciful, it is what is required if we are to meet California’s emissions goals.***

Reconsideration of the No Project alternative

O1-4

In reading the No Project alternative section, it is clear that the DEIR *assumes* the project as it is or something close to it. A true No Project alternative would apply all of the land use principles we know that reduce greenhouse gas emission. So, a project that could be approved would be one that fills in spaces in areas already built and builds vertically, it would reduce rather than increase emissions from transportation (as detailed in the letter from Colin Fiske and Tom Wheeler), it would require electricity as the only energy source (addressed by the Earthjustice letter), it would be close to existing jobs and businesses, and it would not destroy carbon sinks. The fact that the developer did not present such a project does not mean that the DEIR should ignore it as an alternative. The current Alternative section essentially says, “Yes what the developer proposed is a given except for a little fiddling around the edges.” This section should break new ground and point the developer away from a 1960s car-based suburb toward development that achieves economic goals while furthering Humboldt County’s Climate Action Plan. If we take a step back we will recognize that this project should never have been conceived in this time, so that the No Project alternative is the only one feasible for the County and the planet.

Thank you for considering these points.

Daniel Chandler, Ph.D.
350 Humboldt, Steering Committee
436 Old Wagon Road,
Trinidad, CA 95570s

Letter O1 Response

Daniel Chandler

350 Humboldt

June 28, 2020

O1-1	The introduction and background of 350 Humboldt as well as the general comment on the Draft EIR is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR. See Master Response 1.
O1-2	The comment provided an overview of the state goals related to GHG emissions contained in the Draft EIR. The comment further asserts that the County should apply a net-zero emissions threshold and consider GHG impacts significant. The commenter is referred to Master Response 2, GHG Emissions and Mitigation, which discusses the use of the SMAQMD threshold. As discussed in Section 3.8 of the Draft EIR, operational GHG emissions resulting from the proposed project would exceed the SMAQMD thresholds of significance (and accordingly, a net zero threshold) and would result in a significant impact related to GHG emissions. No feasible mitigation was identified for GHG emissions, and therefore, a significant and unavoidable impact related to GHG emissions would occur. Applying a net-zero emissions GHG thresholds would not change the significant and unavoidable conclusion in the Draft EIR.
O1-3	<p>The comment provided an overview of California policies related to preservation of trees and carbon sequestration. The comment further asserted that the Draft EIR incorrectly assumes that the loss of sequestration has to be counted over 30 years, rather than 1,000 years.</p> <p>30-years is the typical lifespan of a development project, which is why it was used to calculate impacts for this analysis. According to the timber harvest plan, the site currently consists of a mosaic of second and third growth stands ranging in age from 0 to 90 years. The site has been harvested before and if not for the project would likely be harvested again. By implementing Mitigation Measure GHG-1, where the purchase of carbon offsets would be paid to the City of Arcata and would fund local conservation projects. Revenue from the City of Arcata carbon offset program help to fund local projects that sequester carbon. Therefore, the carbon sequestration potential lost from the removal of trees at the project site would be reestablished elsewhere on a local scale. Thus, the use of 30-years to calculate the loss of carbon sequestration is conservative.</p> <p>Furthermore, life cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for GHG emissions of their particular activity. The California Resources Agency, in adopting the CEQA Guidelines Amendments on GHG emissions found that lifecycle analysis was not warranted for project-specific CEQA analysis in most situations, for a variety of reasons, including lack of control over some sources, and the possibility of double-counting emissions (see Final Statement of Reasons for Regulatory Action, December 2009). Because the amount of materials consumed during the operation or construction of the Proposed Project is not known, the origin of the raw materials purchased is not known, and manufacturing information for those raw materials is also not known, calculation of life cycle emissions would be speculative. A life-cycle analysis is not warranted (OPR 2008).</p>
O1-4	The comment includes preference of the No Project alternative over the proposed project as currently proposed. The comment does not include any specifics regarding the adequacy of the analysis or environmental issues in the Draft EIR. See Master Response 1.





June 22, 2020

Trevor Estlow
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501

via email: CEQAResponses@co.humboldt.ca.us
testlow@co.humboldt.ca.us

RE: North McKay Ranch Subdivision Project Draft Environmental Impact Report

Mr. Estlow:

O2-1

The Coalition for Responsible Transportation Priorities (CRTP) and Environmental Protection Information Center (EPIC) have reviewed the North McKay Ranch Subdivision Project (“project”) Draft Environmental Impact Report (DEIR). Generally, we consider the project location to be less than ideal for housing development, as it is located at the suburban-wildland interface, distant from services and employment centers. This will result in a car-oriented neighborhood, generating significant unnecessary vehicle miles traveled (VMT) and little use of other modes of transportation. We submit the following specific comments.

Vehicular Traffic Analysis Inadequate

O2-2

The DEIR relies largely on an analysis of vehicular level of service (LOS). As the document itself notes, impacts to LOS and other measures of congestion will no longer be considered environmental impacts under CEQA as of July 1, 2020. Instead, transportation impacts will be measured in terms of vehicle miles traveled (VMT). The main reason use of LOS is being replaced by VMT under CEQA is because the use of LOS encourages over-building of vehicle-serving infrastructure which in turn induces more vehicular traffic. In contrast, use of vehicle miles traveled (VMT) allows mitigation measures which reduce VMT by shifting mode share. The Governor’s Office of Planning and Research has thoroughly documented the disadvantages of using LOS and the benefits of VMT.¹ Yet the DEIR persists in focusing almost all of its analysis on LOS. We urge the County to abandon use of LOS under CEQA once and for all, both in this DEIR and other future processes.

The DEIR also attempts a VMT analysis, but it lacks analytical rigor and fails to provide reasonable support for its conclusion. The DEIR identifies the state’s significance threshold of 15% lower VMT per capita than existing development, admits that the project “would like have an average VMT per capita greater than the City of Eureka average,” but then guesses that it

¹ Governor’s Office of Planning and Research. 2018. Key Resources on SB 743: Studies, Reports, Briefs and Tools. Available at <https://opr.ca.gov/ceqa/updates/sb-743/>.

would have a lower VMT per capita than the “regional average.” On the basis of that reasoning alone, the DEIR concludes that the project’s VMT impacts are less than significant.

O2-2
(Cont.)

The project clearly and unequivocally proposes a suburb of the City of Eureka. The appropriate population for VMT comparison is therefore the city and its immediately adjacent neighborhoods, not the largely rural surrounding region. Furthermore, the population of the region is not evenly distributed. A significant majority of the regional population actually lives in or around the relatively dense communities of McKinleyville, Arcata, Eureka and Fortuna. Thus, the fact that “the proposed project site is closer to the urbanized portion of the City of Eureka than most areas of the region”—the sole fact cited by the DEIR to justify the conclusion of less than significant VMT impacts—is irrelevant to any *per capita* regional comparison. Given the distribution of regional population, it is almost certain that the project’s residents will have equal or greater per capita VMT, and in any case not less than 15% less than average. Therefore, the project’s VMT impacts are clearly significant under the state’s standard.

Humboldt County’s 2017 Regional Transportation Plan also contains a specific objective to “Reduce motor vehicle miles traveled (VMT) and lower GHG emissions.” Thus, by failing to reduce VMT, the project also conflicts with this local plan, creating an additional significant impact.

O2-3

The significance of the VMT impacts requires the project to adopt feasible mitigation measures. One of the most effective VMT mitigations for a project in this location would be to provide for a dense mixture of local commercial and residential development, reducing the need for at least some of the trips for services and employment.² Unfortunately, the small area of commercially zoned property provided in the project is not sufficient for this purpose.

Other potential VMT mitigation measures are similarly weak or missing entirely. Provision of complete, connected bicycle and transit networks would be effective mitigation measures,³ but these are completely lacking. These issues are discussed in greater detail below.

The project also fails to include any other transportation demand management (TDM) measures, which would serve as VMT mitigation. Notably, General Plan Policy C-P11 requires residential subdivisions resulting in 15 or more dwelling units to comply with County TDM programs. Potential TDM measures the project could adopt include:

- Provision of free bus passes to residents
- Car-share and bike-share programs
- Reducing the number of parking spaces provided

² Frank, Lawrence D. and Gary Pivo. Impacts of mixed use and density on utilization of three modes of travel: single-occupant vehicle, transit, and walking. *Transportation Research Record* 1466: 44-52.

³ For biking: Schoner, Jessica E. and David M. Levinson. 2014. The missing link: Bicycle infrastructure networks and ridership in 74 US cities. *Transportation* 41(6): 1187-1204.

For transit: Idris, Ahmed Osman, Khandker M. Nurul Habib and Amer Shalaby. 2015. An investigation on the performances of mode shift models in transit ridership forecasting. *Transportation Research Part A: Policy and Practice* 78: 551-565.

Bicycle and Transit Impact Analysis Inadequate

O2-4

The project proposes no bicycle facilities whatsoever. The DEIR concludes on p.3.16-20 that the project would not “conflict with a program, plan, ordinance, or policy addressing” bicycle facilities on the basis of the fact that the 2012 Humboldt Regional Bicycle Plan does not propose any bicycle facilities in the immediate project area. This conclusion is erroneous in multiple respects:

O2-5

- The Humboldt Regional Bicycle Plan was updated in 2018. The 2018 Update is the relevant document, not the 2012 Update.

O2-6

- The project conflicts with the 2018 Update’s goals, including the following: “In all urbanized areas, bikeways shall be established in new construction and reconstruction projects unless bicyclists are prohibited by law from using the roadway or the cost of establishing bikeways would be excessively disproportionate to the need or probable use; or where sparse population or other factors evidence an absence of need of paved travelways.”

O2-7

- The project conflicts with the 2017 Regional Transportation Plan (VROOM) “Balanced Mode Share/Complete Streets” Objective, which is described as follows: “Maximize multi-modal access to the roadway system and eliminate barriers to non-motorized transportation. Expand and maintain a regional network of inter-connected pedestrian and bicycle facilities for active transportation. Support and implement projects and policies that increase biking and walking, especially for short trips, first/last mile transit trips, and school trips. Create safe and effective walking and bicycling facilities that create neighborhood connectivity and continuity.”

O2-8

- General Plan Policy C-P1 calls for the “development of a circulation system that supports...access to higher density residential areas, local commercial facilities, neighborhood parks and schools, while maintaining maximum bicycle and pedestrian connectivity.” General Plan Policy C-P28 calls for bicycle facilities in new subdivisions, including connecting new neighborhoods to existing neighborhoods. The project conflicts with both of these policies by failing to provide any bicycle connectivity.

Similarly, the project proposes no transit facilities or connectivity. The DEIR notes that the nearest bus stops to the project are 0.5 miles and 1-1.2 miles away, and apparently concludes that because the project is not on top of an existing or planned bus route, it does not “conflict with a program, plan, ordinance, or policy addressing” transit. In fact, by failing to provide any reasonable access to transit, the project conflicts with adopts plans and policies as follows:

O2-9

- The 2017 Regional Transportation Plan contains an objective to “Expand and improve local and interregional transit services to improve mobility for people in Humboldt County.” The project lacks any expansion or improvement of transit to serve future residents.
- The 2017 Regional Transportation Plan contains an objective to “Coordinate long-range transit planning with land use policy, environmental policy, and development projects to help achieve a balanced transportation system.” The project does not coordinate with local transit planning in any way.

- O2-9
(Cont.)
- General Plan Policy C-P24 states that “the County shall support HCAOG’s long term transit planning with the goal of increasing the percentage of public transit trips compared to automobile trips.” By conflicting with the above-referenced Regional Transportation Plan objectives (and their supporting policies), the project conflicts with this policy as well.
 - General Plan Policy C-P1 calls for the “development of a circulation system that supports...access to higher density residential areas, local commercial facilities, neighborhood parks and schools, while maintaining maximum bicycle and pedestrian connectivity.” The project does not provide such access for non-drivers.

Greenhouse Gas Mitigation Inadequate

O2-10

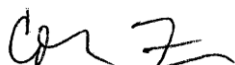
The DEIR notes that the largest source of project greenhouse gas (GHG) emissions is transportation. It further concludes that the project’s GHG emission impact is significant. Yet it proposes no transportation-related mitigation measures. As described above, provision of bicycle and transit facilities and connectivity, additional commercial uses, and TDM measures would all reduce VMT and thus GHG emissions. Some or all of these measures must be adopted as GHG mitigation measures.

O2-11

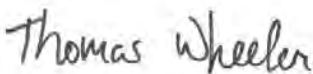
In conclusion, the DEIR’s analysis of vehicular, bicycle and transit impacts are all inadequate, along with its proposed GHG mitigation measures. The project’s VMT impacts, bicycle impacts, and transit impacts are all significant. The project must provide bicycle and transit facilities, connect with existing networks, and adopt other TDM measures as mitigation.

Thank you for your consideration of our comments.

Sincerely,



Colin Fiske
Executive Director
Coalition for Responsible Transportation Priorities
colin@transportationpriorities.org



Tom Wheeler
Executive Director and Staff Attorney
Environmental Protection Information Center (EPIC)
tom@wildcalifornia.org

Letter O2 Response

Colin Fiske

Coalition for Responsible Transportation Priorities

June 22, 2020

O2-1	The introductory text regarding the comment is acknowledged. Specific comments related to subsequent concerns are addressed below as necessary.
O2-2	See Master Response 1 and Master Response 4.
O2-3	See Master Response 1 and Master Response 4.
O2-4	See Master Response 1 and Master Response 4.
O2-5	The commenter asserted that the Humboldt Regional Bicycle Plan was updated in 2018 and the Draft EIR incorrectly references the 2012 Update. The comment is acknowledged. The 2018 Humboldt Regional Bicycle Plan includes the same proposed bicycle routes surrounding the proposed project area as well as overarching goals as the 2012 Humboldt Regional Bicycle Plan. The correction is noted in Section 4.0 Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR of this document.
O2-6	The commenter asserted that the proposed project conflicts with the 2018 Update's goals and gives a specific example of a goal to include bikeways in new construction and reconstruction unless bicyclists are prohibited by law from using the roadway or the cost of establishing bikeways would be excessively disproportionate to the need or probable use. The 2018 Bicycle Plan Update is a regional plan that lists priority infrastructure projects linking adjoining jurisdictions' bicycle routes and building a regional bicycle network. The Plan Update does not include any bikeways within the project site, nevertheless, the project will include roadway improvements in accordance with County standards that include bicycle lanes. The proposed project would not impede the implementation of the 2018 Update.
O2-7	The commenter asserted that the proposed project conflicts with the 2017 Regional Transportation Plan "Balances Mode Share/Complete Streets" objective. The interior roads within the subdivision are not currently proposed to have bike lanes. However, a connector trail running through the subdivision will connect the McKay Community Forest trail to Redwood Fields and/or Fern, Arbutus and Redwood Streets. The connector trail through the subdivision will provide a link to access the bike lane and/or bus route along Walnut Drive.
O2-8	The commenter asserted that conflicts with General Plan Policy C-P1. See Master Response 1 and Master Response 6.
O2-9	The commenter asserted that the proposed project does not include transit facilities or connectivity which further conflicts with the 2017 Regional Transportation Plan policies. This comment is superseded by the Partial Recirculation Draft EIR. See Master Responses 4 and Master Response 6.
O2-10	The commenter asserts that the mitigation measures listed in previous comments must be implemented to reduce GHG emission. CEQA requires lead agencies to impose feasible mitigation measures as part of the approval of a "project" in order to substantially lessen or avoid the significant adverse effects of the project on the physical environment. When imposing mitigation, lead agencies must ensure there is a "nexus" and "rough proportionality" between the measure and the significant impacts of the project. (CEQA Guidelines Section 15126.4, subd.(a)(4)(A)-(B), citing <i>Nollan v. Ca. Coastal Commission</i> (1987) 483 U.S. 825, <i>Dolan v. City of Tigard</i> (1994) 512 U.S. 374.) All mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by lead agencies. (CEQA Guidelines, Section 15041.) But, if any suggested mitigation is found to be infeasible the lead agency must explain why and support that determination with substantial evidence, presented in their findings and a statement of overriding considerations. (CEQA Guidelines, Sections 15091 and 15093.) The applicant and County explored transportation-related mitigation options; however, applying transportation-related mitigation only slightly reduced GHG emissions, approximately 3.8%, and would still result in a significant impact. In addition, any potential transportation related mitigation would occur within the City of Eureka and would be considered a discretionary action of the City and thus outside the control of the County and therefore, determined to be infeasible.



O2-11	The conclusory text summarizing the comment is acknowledged. See Master Response 1.
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Letter O3

From: [Estlow, Trevor](#)
To: [CEQAResponses](#)
Subject: FW: North McKay Ranch Subdivision DEIR comments
Date: Monday, June 29, 2020 1:45:55 PM
Attachments: [EPIC HBK CRTP McKay Ranch DEIR comments6-29-20.pdf](#)

Please add this to the McKay DEIR comment folder.

Thanks.

-Trevor

From: Jennifer Kalt <jkalt@humboldtbykeeper.org>
Sent: Monday, June 29, 2020 12:21 PM
To: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Cc: Tom Wheeler <tom@wildcalifornia.org>; Colin Fiske <colin@transportationpriorities.org>
Subject: North McKay Ranch Subdivision DEIR comments

Trevor,

On behalf of the Environmental Protection Information Center (EPIC), Humboldt Baykeeper, and the Coalition for Responsible Transportation Priorities (CRTP), please accept the attached comments on the proposed North McKay Ranch Development.

Jennifer Kalt, Director
Humboldt Baykeeper
Office: 415 I Street in Arcata
Mail: 600 F Street, Suite 3 #810, Arcata, CA 95521
(707) 499-3678
www.humboldtbykeeper.org



Sent Via Email on Date Shown Below

June 29, 2020

Trevor Estlow
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501

RE: North McKay Ranch Subdivision Project Draft Environmental Impact Report

Dear Mr. Estlow,

O3-1

On behalf of the Environmental Protection Information Center (EPIC), Humboldt Baykeeper, and the Coalition for Responsible Transportation Priorities (CRTP), please accept these comments on the proposed North McKay Ranch Development. We support the development of appropriately-sited and well-conceived housing that supports a diversity of housing needs, particularly low-income, affordable by design, and accessible housing. In this regard, we agree with the vision articulated for the project in the proposed project objectives. (DEIR at 2-8-2-9.) To fulfill this vision, however, this project needs work. If the County wishes to allow a new large greenfield development at this project site, additional project measures are necessary to reduce the impact of the housing on the adjacent community and on the natural environment. As outlined in the comments below, we do not believe that the project has fully complied with CEQA and more mitigation measures are required. Where possible, we have identified those things that are both necessary to comply with CEQA and would help fulfill the project objectives.

These comments reflect our good faith attempt to provide the developer and the County with our concerns and possible remedies to our concerns. We expect that these comments will be received in the same spirit. We would appreciate an opportunity to go over with the County and the developer in the near future.

Project Description

O3-2

As relayed by the DEIR, the project includes:

The proposed project would include the subdivision of a parcel, consisting of seven assessor parcel numbers (APN), for a total of approximately 81 acres, into

O3-2
(Cont.)

↑ mixed-use lots to develop up to 320 residential units, approximately 22,000 square feet of commercial development, an off-water storage tank on approximately 0.3 acre, located 2.5 miles to the south. In addition, an off-site sewer line would be constructed. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the HCSD and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. (DEIR at 2-1.)

Environmental Impacts and Mitigation Measures

The DEIR is incomplete as it relies upon unsupported, conclusory statements and fails to exhaust all feasible mitigation measures.

At its heart, the California Environmental Quality Act (CEQA) mandates that government decisionmakers understand the environmental ramifications of their decisions. CEQA serves “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* 47 Cal. 3d 376, 392 (1988). If CEQA is “scrupulously followed,” the public will know the basis for the agency’s action and “being duly informed, can respond accordingly to action with which it disagrees.” *Id.* Thus, CEQA “protects not only the environment but also informed self-government.” *Id.*

O3-3

Critical to this purpose is the reliability of information. CEQA demands that findings and other conclusions be supported by “substantial evidence in the record.” 14 CCR § 15064. Substantial evidence, in turn, “means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion.” 14 CCR § 15384(a). *Facts* always need to exist to underpin a fair argument, including qualitative analysis: “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” 14 CCR § 15384(b).

CEQA further strives to result in better environmental decisionmaking. Critical to that is a full understanding of the way that project impacts can be avoided, minimized, or mitigated, either through alternatives to the proposed action or project mitigation measures.

CEQA mandates that government agencies must deny approval of a project presenting significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. Pub. Resources Code 21002. Only when feasible mitigation

measures have been exhausted may an agency find that overriding considerations exist that outweigh the significant environmental effects. Pub. Resource Code 21081; *see also* CEQA Guidelines 15091(a). This mandate—to avoid, minimize and mitigate significant adverse effects where feasible—has been described as the “most important” provision of the law. *Sierra Club v. Gilroy City Council*, 222 Cal. App. 3d 30, 41, 271 Cal. Rptr. 393 (Ct. App. 1990).

To effectuate this “most important” provision, the government is tasked with investigating the potential adverse effects and all feasible alternatives and mitigation measures that decisionmakers may adopt. Pub. Resources Code 21100; CEQA Guidelines 15126. CEQA likewise requires alternatives and mitigation measures to be sufficiently detailed to “to foster informed decision-making and public participation.” *Save Round Valley Alliance v. County of Inyo*, 157 Cal.App.4th at pp. 1456, 1460 (2007).

Mitigation measures, in turn, include:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

CEQA Guidelines § 15370.

This list can also be read as a priority for decisionmakers, such that in considering mitigation, avoiding impacts is most preferred and compensating for impacts is least. *See* CEQA Guidelines § 15126.4. Upon inspection, the reasoning is obvious: avoidance produces certain results and does the least harm to the resources considered. By contrast, compensatory mitigation is less desirable because it allows for harm while providing only uncertain future benefits. For that and other reasons, compensatory mitigation is often required with a multiplier effect—that is, to use the example of the wetland, for every acre impacted, the compensatory mitigation might require the creation of five acres of wetland. In this same way, on-site mitigation is preferred over off-site mitigation. *See generally La Costa Beach Homeowners' Assn. v. California Coastal Com.*, 101 Cal. App. 4th 804 (2002) (evaluating the appropriateness of offsite mitigation under the California Coastal Act). Onsite mitigation is preferred as it compensates for the harm in the same general area where it is felt—providing a clear and constitutionally-mandated nexus. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); CEQA Guidelines § 15126.4(a)(4)(A). And the timing of mitigation matters, as mitigation *prior* to project impacts is preferred to after-the-fact mitigation. *See* CEQA Guidelines § 15126.4. Again, all of these points make intuitive

O3-3
(Cont.)

↑ sense—we want to mitigate harms before they occur and in the area that they occur, unless there is special reason to deviate.

O3-3
(Cont.)

Feasibility, as used by CEQA and the Guidelines, is where a mitigation measure is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” Public Resources Code 21061.1; CEQA Guidelines, § 15364. “In keeping with the statute and guidelines, an adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible. While the response need not be exhaustive, it should evince good faith and a reasoned analysis.” *Los Angeles Unified School District v. City of Los Angeles*, 58 Cal. App. 4th 1019, 1029 (1997) (internal citation omitted).

The ultimate determination of the sufficiency and feasibility of mitigation measures is the province of the action agency. These determinations must be supported by findings supported by substantial evidence. *See Federation of Hillside & Canyon Associations c. City of Los Angeles*, 83 Cal. App. 4th (2d Dist. 2000); *Concerned Citizens of South Los Angeles v. Los Angeles Unified School District*, 24 Cal. App. 4th 825 (2d Dist. 1994). Averments by project developers concerning the financial feasibility of mitigation are not dispositive of the question; rather, that is one piece of information that may be considered by the action agency.

The Project Fails to Adequately Consider VMT

In a separate comment letter dated June 22, 2020, the Coalition for Responsible Transportation Priorities (CRTP) and EPIC articulated that the transportation analysis fails to adequately consider vehicle miles travelled, particularly because the choice of “threshold” was flawed and because factual conclusions were unsupported by evidence. We write again to stress our concerns.

O3-4

As to the threshold, the project combines both residential and commercial elements. The analysis provided appears to only examine residential VMT. Looking at the residential analysis, we again stress that because this project would form as a de facto suburb of Eureka, the appropriate threshold is a comparison to city VMT. The project site is partly within the Eureka Community Plan Area and this area for potential residential development is explicitly addressed. DEIR at 3-13-1.

↓ The DEIR admits that the per capita VMT is likely higher than that of Eureka. We agree. This development is on the very edge of the developed metropolitan area. While we agree, we note that this statement in the DEIR is unsupported by evidence in the administrative record. The DEIR further argues that the per capita VMT is likely less than the per capita VMT in the “region.” There are two analytical issues with this argument. First, the “region” is not defined. Second, the analysis is not supported by evidence in the record. While it appears that the DEIR completed LOS analysis, found in appendix H of the DEIR, there is seemingly no actual VMT analysis. This type of qualitative analysis fails the substantial evidence test required by CEQA.

O3-4
(Cont.)

From the available information, particularly the DEIR's admission that the development would have a greater per capita VMT than the average per capita VMT for Eureka, the County should conclude that the development will have a significant impact. And if there is a significant impact, the County has to require mitigation to reduce that impact. Additional mitigation measures could include:

- Connection of the development to the planned Bay-to-Zoo trail through on-site and off-site pedestrian and bike infrastructure improvements. Improvements could include dedicated bike lanes on Fern St.
- Provision of free bus passes to residents.
- Car-share and bike-share programs.
- Reducing the number of parking spaces provided.
- Traffic calming measures to promote safe pedestrian usage.

The Project Fails to Exhaust Feasible Measures to Mitigate Greenhouse Gas Emissions

O3-5

The DEIR rightly concludes that this project will result in significant direct and cumulative greenhouse gas emissions. We agree. Because the project will result in significant impacts, the County has an obligation to mitigate the impacts below a place of significant or impose all feasible mitigation measures prior to issuing a finding of overriding considerations.

Unfortunately, the County jumped the gun, finding that it has exhausted all feasible mitigation measures.

Additional mitigation measures include but are not limited to:

- All electric development, replacing natural gas-based appliances and consumption.
- Reduction of emissions from transportation through reduced VMT, addressed above, and incorporation of EV charging infrastructure.
- Native planting to provide on-site sequestration of greenhouse gases.
- Removal of wood burning stoves from all residential development.

Densification and Mixed-Use Development

O3-6

We are encouraged that this development would provide low-income and multifamily development and would incorporate commercial space in the development. We further encourage densification of the project through incorporation of accessory dwelling units, a type of housing that is affordable by design. We further encourage greater commercial development and incorporation of commercial development in a manner than encourages walking/biking rather than driving.

Inadequate Mitigation Measures for Impacts to Wetlands

O3-7

We join the scoping comments submitted by the California Department of Fish and Wildlife that a 1:1 mitigation requirement for wetland impacts is insufficient as it fails to adequately mitigate

O3-7
(Cont.)

wetland loss. Compensatory mitigation at a 3:1 ratio is often required of projects because of the significant time lag for constructed wetland to provide compensatory wildlife value.

The DEIR states that there will be permanent impacts to 0.338 acre of wetlands but the NOP and Wetland report (Appendix C) both say that 0.84 acres of wetlands will be impacted. How has the Project been altered to reduce the wetland impacts by nearly 0.5 acre?

While we support MM BIO-6, which includes restoration of the remaining wetlands onsite through invasive species removal, native plant installation, removal of historic fill, and habitat connectivity using stormwater and wildlife crossing culverts, MM BIO-5 is inadequate due to the low mitigation ratio proposed. The 1:1 mitigation ratio for compensatory wetland is inadequate, given 1) the overall lack of successful wetland creation in upland areas and 2) the temporal loss of wetlands during the 5-10 years it will take to replace wetland function. A 1:1 mitigation ratio is only appropriate when mitigation is already complete and ecosystem function has been replaced before the Project-related damage is done. Furthermore, “compensatory mitigation projects seldom result in wetlands with optimal condition” (Ambrose et al. 2007).¹

Monitoring criteria for compensatory wetlands should include measures of ecosystem function rather than simply survival of planted individual trees, shrubs, and herbaceous plants. Measures such as percent cover of native vs. non-native plant species and hydrology are more accurate measures of success for compensatory wetland mitigation.

Inadequate Mitigation Measures for Impacts to Riparian Vegetation

Small headwater streams are important to amphibian populations, as well as providing vital ecosystem services to downstream watersheds, and Riparian habitats are of disproportionate importance for many bat species because they are insect-rich environments and provide roosting, foraging sites, and drinking water.[#]

We support MM BIO-7, which includes a 100-foot setback (where feasible) from the 30 percent break in slope designated as non-buildable to reduce erosion and removal of trees, and recontouring the deteriorating logging road within the northern portion of the proposed project.

O3-8

However, MM BIO-8 is not adequate to mitigate impacts to riparian vegetation. The proposed mitigation does not restore any riparian vegetation; rather, it proposes to restore forest understory vegetation on a former logging road. Again, the 1:1 mitigation ratio proposed is too low, and fails to mitigate by replacing ecosystem functions that will be permanently destroyed by the Project. We suggest a mitigation measure similar to MM BIO-6, restoration of the remaining riparian vegetation onsite through invasive species removal, native plant installation, and removal of historic fill where feasible.

If compensatory riparian vegetation is used as mitigation, it should be at a much higher ratio than 1:1, and monitoring criteria should again include measures of ecosystem function rather than simply survival of planted individual trees, shrubs, and herbaceous plants. Measures such as

O3-8
(Cont.) ↑ percent cover of native vs. non-native plant species and hydrology are more accurate measures of success for compensatory riparian vegetation mitigation.
In addition, clear span bridges are the least damaging practicable crossing alternative and should be used for stream crossings instead of the large half-round culverts proposed in MM BIO-7.

Night Light Pollution

O3-9 The DEIR appears to evaluate impacts of night light pollution only to humans, without consideration for wildlife as sensitive receptors. For example, the DEIR states that “The proposed water storage tank would be adjacent to an existing water tank that is surrounded by dense trees. As such, it would not create any significant new sources of light and glare and would result in a less than significant impact.”

Artificial light has the potential to introduce light pollution to adjacent wetland, marine, and riparian habitats. Adverse ecological effects of artificial night lighting on terrestrial, aquatic, and marine resources such as fish, birds, mammals, and plants are well documented (CDFW 2014).ⁱⁱⁱ

Household Trash Control and Wildlife Impacts

O3-10 In many rural areas where housing development encroaches on or abuts wildlife habitat like the McKay Community Forest, household trash control is important for preventing unnecessary conflicts that too often lead to death for bears and other scavengers considered to be a nuisance. Trash-related conflicts with wildlife should be prevented to avoid or minimize these impacts.

Hydrology and Water Quality

We are concerned about the impacts to water quality, wetlands, riparian and aquatic habitat in Ryan Creek and its tributaries. According to the California Department of Fish and Wildlife, the Coho Salmon in Ryan Creek are considered a key population to maintain or improve.ⁱⁱⁱ Any increases (whether temporary or permanent) in instream sediment or turbidity, stream channel aggradation, water temperature, loss of habitat structure or estuary habitat would likely contribute to the further decline of the Coho Salmon, as well as Steelhead and Coastal Cutthroat Trout.

O3-11 Increasing impervious surfaces in the Ryan Creek watershed will likely lead to increases in point source and non-point source pollution. Impervious surfaces should be minimized to the maximum extent feasible, and the best Low Impact Development (LID) methods should be used to prevent stormwater runoff from reaching Ryan Creek, its tributaries, wetlands and springs in the area. LID methods should also be incorporated to address some of the poor practices of past development if possible to mitigate unavoidable impacts of the proposed development.

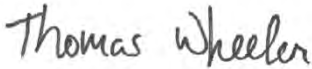
It is difficult to comment on the adequacy of proposed measures to mitigate impacts to hydrology and water quality, since they mainly consist of developing future plans and adhering to minimum permit requirements. Mitigation measures should go above and beyond the minimum requirements where impacts are considered substantial, and certainly adding many acres of impervious surface

O3-11 (Cont.) ↑ to the Ryan Creek watershed will cause substantial impacts to Coho salmon and other aquatic species. At a bare minimum, the Project must adhere to permit requirements at the time each phase is permitted, rather than at the time the EIR is certified.

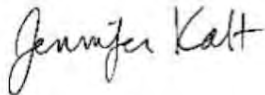
Conclusion

O3-12 We appreciate the opportunity to comment on the North McKay Ranch Subdivision DEIR. Please keep us informed at the earliest possible time to enable meaningful review and comment as the Project moves forward.

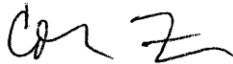
Sincerely,



Tom Wheeler
Executive Director and Staff Attorney Environmental Protection Information Center (EPIC)
tom@wildcalifornia.org



Jennifer Kalt, Director
Humboldt Baykeeper
jkalt@humboldtbykeeper.org



Colin Fiske
Executive Director
Coalition for Responsible Transportation Priorities (CRTP)
colin@transportationpriorities.org

ⁱ Ambrose, R. F. et al. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Report prepared for the California State Water Resources Control Board.
https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/mitigation_finalreport_execsum081307.pdf

ⁱⁱ California Department of Fish and Wildlife, 2014. Technical Memorandum: Development, Land Use, and Climate Change Impacts on Wetland and Riparian Habitats – A Summary of Scientifically Supported Conservation Strategies, Mitigation Measures, and Best Management Practices.

ⁱⁱⁱ California Department of Fish and Wildlife, 2004. Recovery Strategy for California Coho Salmon. Report to the California Fish and Game Commission, Sacramento, CA.

Letter O3 Response

Jennifer Kalt
Humboldt Bay Keeper
June 29, 2020

O3-1	The introduction of comments regarding the Draft EIR is acknowledged. The commenter does not provide any specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary. See Master Response 1
O3-2	The overview of the information provided in the Project Description of the Draft EIR is acknowledged. See Master Response 1.
O3-3	<p>The comment asserts that the Draft EIR is incomplete because it relied on unsupported, conclusory statements and fails to exhaust feasible mitigation measures. The comment further provided CEQA case law and an overview on CEQA requirements related to substantial evidence and mitigation measures. This comment is acknowledged; however, the comment does not specify how or where the Draft EIR fails to comply with CEQA requirements.</p> <p>The County has provided a good faith effort to analyze the environmental impacts of the proposed project using methodologies approved by the proposed project and with the assistance of experts in environmental analysis. The County has properly weighed comments from all sources and either made appropriate clarifications in the Final EIR or explained in good faith why it disagrees with the comment. Based on the Draft EIR's good-faith effort to disclose environmental impacts related to the proposed project, the County would then decide if the benefits of the proposed project outweigh its significant and unavoidable impacts in determining whether or not to adopt a Statement of Overriding Considerations, at their discretion. Additionally, Response O2-10, specifically addresses the request for multimodal transportation mitigation measures as not substantially lessening the impact of greenhouse gases and proposed improvements being outside the jurisdiction of the County.</p> <p>Subsequent assertions provided by the commenter are addressed in the remaining comments below.</p>
O3-4	See Master Response 1 and Master Response 4.
O3-5	The commenter asserted that the project fails to exhaust feasible measures to mitigate greenhouse gas emissions. The commenter is directed to Master Response 2.
O3-6	The commenter supports the low-income and multi-family portion of the project and further requested incorporation of accessory dwelling units into the proposed project. This comment is acknowledged and will be provided to the Planning Commission and Board of Supervisors for their consideration during review/consideration of the proposed project. See Master Response 1.
O3-7	<p>The comment asserts that the Draft EIR's use of the 1:1 ratio for wetland compensation is inadequate and should be 3:1 instead. The commenter also states permanent impacts to wetlands differ in the NOP and Appendix C. Additionally, the comment asserts that compensatory mitigation should include additional measures for success such as percent cover of native vs. non-native plant species and hydrology.</p> <p>The project design was further refined after the issuance of the NOP and wetlands were delineated to get a more accurate information on the acres of wetlands permanently impacted. The 1:1 mitigation is typical for on-site mitigation. The final determination of mitigation is left to the discretion of the lead agency. The U.S. Army Corps of Engineers provides some guidance for ratios for compensatory mitigation. The 1:1 ratio is consistent with wetlands that are not rare or unique and overall productivity and species diversity are relatively low. These wetlands may be impacted by man (or by fire or other natural events) and are not considered to be "pristine" examples and as a result, in some cases require less than 1:1</p> <p>As part of the permitting process, a mitigation and monitoring plan will be prepared that will provide detailed information, including proposed native plants, success criteria, annual monitoring and reporting per the jurisdictional agencies' recommendations.</p>
O3-8	The comment asserted that Mitigation Measure BIO-8 in the Draft EIR does not restore riparian vegetation and requests additional mitigation be added for restoration of riparian vegetation. The comment is acknowledged, and during the permitting process, mitigation requirements will be established by the appropriate permitting agencies regarding impacts to jurisdictional features.



	<p>Additionally, the commenter requested that clear span bridges be used for stream crossings instead of large half-round culverts which are proposed in Mitigation Measure BIO-7 in the Draft EIR. Stream crossing design will also be discussed with the permitting agencies to determine the most feasible approach to meet project goals while minimizing impacts to protected wildlife and their habitats.</p>
O3-9	<p>The comment asserted that night light pollution relative to wildlife was not discussed in the Draft EIR. Night work is not anticipated during construction to minimize impacts to nocturnal species. Because the surrounding area already consists of urban habitat, species within the area are already likely to be habituated to human presence and night light pollution; therefore, the new development is not anticipated to have any additional impacts on nocturnal species.</p>
O3-10	<p>The commenter requested that trash-related impacts from conflicts with wildlife be prevented or minimized. As discussed in Section 3.18, Utilities and Service Systems of the Draft EIR, solid waste would be collected by private waste haulers as contracted by the Applicant and permitted by the County. Use of specialized waste bins to prevent wildlife would be subject to the discretion of these private waste haulers and approved by the County. Further, MM UTIL-2 would be implemented and would include recycling bins for the multi-family portion of the proposed project. This would limit interaction with wildlife because these facilities would be enclosed.</p>
O3-11	<p>The comment asserted that the mitigation related to hydrology and water quality, specifically related to Ryan Creek, in the Draft EIR should go “above and beyond the minimum permit requirements”. Section 3.4, Biological Resources, of the Draft EIR includes mitigation requiring a 100-foot setback from Ryan Creek Tributaries as well as stream stabilization for stream crossings (Mitigation Measures BIO-7 and BIO-8, respectively on page 3.4-30 of the Draft EIR). As discussed under Impact BIO-4, these mitigation measures would effectively reduce potential impacts to Ryan’s Creek to a less than significant level. Further, Impact BIO-2 and Impact BIO-3 includes mitigation to reduce impacts to riparian areas and state and federal protected wetlands. Collectively, these mitigation measures are adequate to reduce potential impacts to Ryan’s Creek, and no additional mitigation was identified to reduce potential impacts. Mitigation measures are required to substantially lessen or avoid significant effects on the environment (CEQA Guidelines Section 15041(a)).</p>
O3-12	<p>The conclusory text summarizing the comment is acknowledged. The comment does not provide any further specific comments or concerns regarding the Draft EIR. See Master Response 1.</p>



Letter O4



Humboldt Trails Council
Post Office Box 7164
Eureka, CA 95502

June 29, 2020

Trevor Estlow, Senior Planner
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501

Via Email: CEQAResponses@co.humboldt.ca.us
 testlow@co.humboldt.ca.us

Dear Mr. Estlow,

O4-1

I am writing on behalf of the Board of Directors of the Humboldt Trails Council (HTC) to offer comments on the North McKay Ranch Draft Environmental Impact Report. The mission of the Humboldt Trails Council is to serve as a unified voice to support development and use of trails for recreation and transportation throughout Humboldt County. This project proposes to construct 320 residences in the unincorporated area of Cutten on the eastern edge of the City of Eureka, comprised of a mix of single-family homes, multi-family units and commercial space. HTC strongly supports the project goal of incorporating access to recreational trails. However, HTC finds the analysis of multi-modal transportation lacking with respect to creating a safe and efficient transportation system that includes bicycle and pedestrian facilities.

O4-2

Connection to McKay Community Forest

HTC is supportive of the proposed development incorporating 20-foot-wide trail easements to the McKay Tract, where the Volunteer Trail Stewards program will be assisting in trail work in partnership with the County. The McKay Community Forest Trail Plan identified the need for an encroachment into the subdivision (Map 4-10), which is supported by this project design. It is vital for people to have access to recreational opportunities, such as those provided by the network of multi-use, hiking, mountain biking, and equestrian trails. The project would be further strengthened by including amenities at the trail access points, such as interpretive signs, a restroom with drinking water, bicycle racks, and a tool station. In addition, the new residential streets should have signs and sharrows to allow safe bike routes to the trail access points.

O4-3

The use of the trail network for transportation should also be analyzed. The most likely path for a commuter seeking an off-street, separated bike path will be to take the multi-use trail through the McKay Community Forest and out to Harris Street. The intersection of Harris Street and Hubbard Lane is not included in the project analysis, but should be due to the possible impact of an increase in commuter and recreational bicycle use. The existing sidewalk on Harris Street, which sees high speeds and multiple turn directions, is not sufficient to safely cross onto the East-West Class II bike path. The McKay Community Forest Plan Section 3.1-2 noted that the County "may consider future crosswalk enhancements such as traffic signs, high visibility crosswalk markings, bulb-outs, and/or a new street lights." Due to the cumulative effects of residential development occurring around the McKay Community Forest, including the 66 unit Garden Apartments on Hubbard Lane, this is an appropriate plan to consider street safety improvements within the phased approach of the North McKay development.

O4-4

Connection to local and regional bicycle transportation plans

A pillar of HTC's advocacy work is to connect people and places through trails. There is a noticeable lack of analysis of the impacts the project will have on multi-modal transportation. The DEIR would benefit from an analysis of how bicycle and pedestrian facilities would safely connect with each other from the project area to places of interest in the greater area, including employment centers in Eureka. HTC is concerned that the project only appears to consider traffic from the perspective of automobiles, ignoring the fact that people get places by walking, biking and using other alternative forms of transportation as well. In a regional trail context, the residents of this development will want to have safe multi-modal connections to the Humboldt Bay Trail, the Eureka Waterfront Trail, and the Bay-to-Zoo Trail, not just the McKay Community Forest. HTC supports the comments made by the Coalition for Responsible Transportation Priorities (CRTP) in the need for better analysis of Vehicle Miles Travelled (VMT).

O4-5

The importance of safe bicycle path connections is supported by goals and policies in the Humboldt County 2017 General Plan, the City of Eureka General Plan 2040, and the Humboldt County Association of Government (HCAOG) Bicycle Master Plan 2018 Update.

- Humboldt County General Plan C-P1 calls for development that supports maintaining maximum bicycle and pedestrian connectivity, and provides for user safety and connectivity on arterial or collector roads.
- C-P27 expands the intent of LOS analysis to include Quality of Service (QOS) which is intended to use walkability and bikeability audits to plan for the multi-modal quality and capacity of County roads and intersections.
- C-P28 encourages new subdivisions to have bicycle and pedestrian facilities that connect neighborhoods.
- Regional Bicycle Plan Policy 4.3 states: "HCAOG shall use the Bicycle Level of Service and Quality of Service (BLOS/BQOS) and the Bicycle Compatibility Index or Bicycling Level of Traffic Stress as tools for assessing bicycle facility needs and prioritizing projects. (2-10)
- The use of bicycle level of stress metrics is consistent with the Eureka Bicycle and Pedestrian Plan that is under development, which will include a level of stress analysis of existing bikeways and level of stress targets for all bikeways.

O4-6 The DEIR identifies proposed bicycle facilities in the area are (1) a north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on "W" Street, Hemlock Street, and Walnut Drive. The DEIR concludes that because the development of these facilities will not be prevented by the project, that there is no significant impact. The report further concludes based on a Level of Service (LOS) analysis that there will be a significant impact on roadways. The mitigation for the increase in traffic is to provide traffic signals at the identified impacted intersections. A fair share contribution was determined for intersections of S Street and Hodgson Street and W Street/Chester and Hodgson Street consistent with Implementation Measure 5 of the City of Eureka General Plan 2040. However, that measure calls for the traffic impact fee to assess an equitable share of costs associated with cumulative traffic impacts on facilities for all modes of travel. Traffic lights are not an adequate mitigation without including plans for safely accommodating bicycle travel as well.

O4-7 Additional analysis should be based on the existing Levels of Traffic Stress (LTS) or Quality of Service (QOS) at the identified impacted intersections, and how the LTS would be impacted by the proposed project. Studies show that commuters tend to evaluate a route by its level of traffic stress.¹ The most stressful intersection defines a route. Given that the project will increase car traffic and create even busier intersections, the impact on level of perceived safety of the road may be a significant impact. HTC notes that Mitigation Measure Trans-1 calls for a Traffic Management Plan prior to commencement of project activities that would include identification of a safe access route to Redwood Fields Park and adjacent schools. This would seem to presuppose a significant impact that has not been adequately analyzed. Without a methodological analysis of LTS, the impact of the project with regard to creating safe routes to Zoe Barnum High School, Eureka High School, and Zane Middle School is not identified. The project could mitigate this impact by identifying intersection improvements and paying a fair share contribution specific to bicycle lanes and other traffic calming measures consistent with complete street goals. Routes with a Level of Traffic Stress rating of LTS2 should be identified to adequately mitigate this impact. HTC would like to see a map included in the FEIR that identifies these connections to all local and regional bike paths with relation to traffic safety for cyclists.

Thank you for your consideration of these comments.

Sincerely,



Stephen Luther
HTC Board Member

¹ Mekuria, Mazza, Peter Furth and Hilary Nixon. *Low Stress Bicycling and Network Connectivity*. Mineta Transportation Institute Report 11-19, May 2012. <<https://transweb.sjsu.edu/research/low-stress-bicycling-and-network-connectivity>>.

Letter O4 Response

Stephen Luther
Humboldt Trails Council
June 29, 2020

O4-1	See Master Response 4.
O4-2	The commenter provides general approval of the 20-foot-wide trail easement to the McKay Tract and requests additional amenities be added to the proposed project related to the trail. This comment is acknowledged and will be provided to the Planning Commission and Board of Supervisors for their consideration during review/consideration of the proposed project. The comment does not address environmental issues evaluated in the Draft EIR or address the adequacy of the analysis in the Draft EIR, therefore no further response is necessary.
O4-3	See Master Response 1 and Master Response 4.
O4-4	See Master Response 1 and Master Response 4.
O4-5	The commenter provides a list of goals and policies that support the importance of safe bicycle path connections. The comment is acknowledged. No further specific comments or concerns regarding the Draft EIR are provided in the comment, therefore, no further response is necessary.
O4-6	See Master Response 1 and Master Response 4.
O4-7	See Master Response 1 and Master Response 4.



Letter I1

June 29, 2020

Trevor Estlow
County of Humboldt
Planning and Building Department 3015 H Street
Eureka, CA 95501

via email: CEQAResponses@co.humboldt.ca.us testlow@co.humboldt.ca.us

RE: North McKay Ranch Project

I1-1 | Thanks for the opportunity to comment on the Draft Environmental Impact Report for the North McKay Ranch Project. My chief concerns in reviewing a project like this are its impacts on climate change, so my comments will chiefly be limited to the areas of Greenhouse Gas Emissions and land use changes that may impact climate change.

I am cognizant of the need for expanded housing opportunities in Humboldt County. I'm particularly supportive of increased housing availability for low and very low income residents, especially those who have faced or may face homelessness, and those on disability or Social Security, TANF, or similar programs.

I1-2 | In reviewing the DEIR, I found that an overarching concern for me regarding this project is its location. The placement of a moderately large mixed-use project such as North McKay Ranch — with its 778 new residents and 22,000 square feet of commercial space at full build-out — is an issue that ripples across many areas that impact climate change, as services need to be extended, residents have farther to travel to shop, work, and recreate than they would if living within established service limits, and existing land use is altered to emit, rather than sequester, significant amounts of CO2 and other Greenhouse Gases (GHG).

Specifically we question the DEIR's assertion that the project conforms to Humboldt County General Plan policies. Policy P-21 calls for prioritizing "development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services ... neighborhood commercial centers and work opportunities." Policy P-28 asserts that "bicycle and pedestrian facilities should be encouraged to connect neighborhoods." Also in doubt is the project's conformance with the Eureka Community Plan Goal 2610.1 "to concentrate new development around existing public services."

Contrasting with these policies is the DEIR's admission that the nearest Eureka Transit stops are between 0.5 and 1.2 miles from the project site (depending on specific transit route). While the DEIR deems this to be a "less than significant" distance, I would recommend that planners consider how a mobility impaired, disabled resident would see it. Walking 1.2 miles will take a bus rider nearly half the 2.5-mile distance between the project site and downtown Eureka, where bus riders often seek the above-mentioned "public services ... commercial centers and work opportunities." (The

distance from transit stops alone may limit the project's appeal for many residents seeking low-income housing.)

I1-2
(Cont.)

The DEIR documents the challenges that Harris and Harrison streets, major travel corridors from the project to central commercial areas, present to bicyclists. With high traffic volumes, narrow lanes, and inconsistent bike paths, bicycling from the project to Eureka schools, jobs, or stores is unlikely to be a safe, sustainable alternative to automobile use. But transportation mitigations described in the DEIR are essentially limited to additional stoplights and intersection improvements.

This leads to one of the major impacts the Humboldt County policies described above were intended to avoid. Vehicle Miles Traveled (VMT) of more than 11 million miles/year at full build-out makes transportation the largest single category of GHG emissions, making GHG emissions a "significant and unavoidable impact" without mitigation.

The DEIR proposes several mitigation measures to reduce GHG emissions. In chapter 3.8 "Greenhouse Gas Emissions," annual operation of the project is assessed as emitting 2,066 metric tons of CO₂e by 2030. (Additional amounts of CO₂e are assessed as being released directly through the logging of forests on the project property, and also through the permanent loss of carbon sequestration those trees would have provided, potentially in perpetuity, if left standing.)

To reduce the impacts of GHG emissions, two mitigation measures are enumerated and are described in some detail. Starting with the second of those, MM GHG-2 would be employed:

I1-3

"which requires catalytic converters on all woodburning stoves and the EPA-certified woodburning fireplaces and the prohibition of woodburning devices in the multifamily residential units" (presumably to boost efficiency of fuel burned and reduce black carbon emissions).

The DEIR asserts that 528 MTCO₂e would be reduced through this measure (which in a confusing editing error is named "MM GHG-3" both in Table 3.8-6 of the GHG Emissions chapter, as well as in "Chapter 4: Cumulative Effects" of the DEIR). The effectiveness of this mitigation is assessed using the CalEEMod software, which is described as being a widely used program for assessing GHG emissions for planning purposes in California.

Determining the effectiveness of mitigation to reduce a "significant and unavoidable impact" is a crucial question; indeed, it is nearly the crux of what planners rely on environmental analysis and review to do. I have no ability to evaluate the CalEEMod software, and I'm willing to assume it is capable of producing accurate results. But the use of such software can only be as accurate in modeling the real world as the assumptions that are fed into it. In this case, there is no information in the DEIR on what those assumptions are, and that is a crucial missing piece. In other words, how many woodstoves are assumed to actually be utilized by project residents? What forms the

basis for that assumption? (The point is that not everyone would opt to use a woodstove over using some other form of space heating, and the effectiveness of this mitigation hinges on some unknown number of residents adopting them for use.)

I1-3
(Cont.)

And if woodstoves are used to a significant degree, how will that impact the use of other space heating technologies and the GHG emissions that they otherwise cause? Does the DEIR posit that MM GHG-2 functions as a mitigation partly because the wood burned is assumed “carbon neutral”? This is not made clear.

Further, since catalytic converters on woodstoves can function properly for as few as two to six years (according to the EPA and woodstove manufacturers), and are expensive to replace, what assumptions were made regarding the question of how many of these stoves will be properly maintained and operated? Poorly operated woodstoves can cause serious indoor and outdoor health hazards, which are not addressed in the DEIR.

Beyond this poorly documented mitigation, the DEIR makes an effort in “Chapter 4: Cumulative Effects” at proposing incentives toward Electric Vehicle (EV) use in order to mitigate GHG impacts. On page 4-8 is the sentence:

I1-4

“To reduce operational GHG emissions, the project would implement MM GHG-2, which will require a network of on-site EV charging stations.”

Apparently named in error, *no other reference to this mitigation concept or analysis of its effectiveness could be found in the DEIR.* This error, and the lack of any following information about the proposed mitigation, suggests a carelessness in research, writing, and editing that provides little confidence in the findings of the finished product as a whole.

Beyond the woodstove plan, to bring operational GHG emissions to the annual 1,100 MTCO₂e amount that is deemed acceptable in the plan, the DEIR chiefly relies on paying annual carbon offset fees to the City of Arcata to support its Community Forest. This mitigation, MM GHG-1, is initially proposed in the DEIR to mitigate the permanent loss of carbon sequestration due to land use changes onsite: the logging of the young redwood forest that currently forms 95% of the vegetative cover. Later in the DEIR, MM GHG-1 is again called on to mitigate GHG impacts caused by transportation (the annual 11 million VMT at full build-out).

I1-5

This is a poor strategy for managing impacts. Such offsets do nothing to actually reduce the GHG emissions of a particular project. Instead of considering mitigation measures that might actually reduce GHG emissions, such as forgoing the extension of natural gas infrastructure to the project in favor of providing a community of all-electric homes and commercial buildings (as are now mandated in new construction in a number of California cities and counties), or analysing the potential mitigation effect of the EV charging network idea, or best yet, analysing the potential for meeting project goals through an infilling alternative that would keep development within existing service

I1-5
(Cont.) ↑ areas and better allow alternative transportation modes, the DEIR falls back on a measure that only relies on the willingness of the project developer to trim profits by paying annual offset fees.

I know from having attended workshops and being active in the Planning Division's Climate Action Plan process that staff involved in that effort are working hard at identifying feasible ways to reduce the county's current level of GHG emissions, and finding serious challenges in doing so.

I1-6 The North McKay Ranch project, as described in this DEIR, will only make managing climate change more difficult. Mitigations appear poorly thought out and limited in scope. Why does the plan determine that mitigating to a limit of 1,100 MTCO₂e is acceptable, when the State of California seeks carbon neutrality by the year 2045, just 25 years from now? The Sacramento Air Quality Board possesses no magic in resolving this global crisis. The project will set us back in the work toward carbon neutrality even in the limited confines of Humboldt County.

I1-7 I appreciate the opportunity to provide comments on this DEIR, and will be interested in continuing to follow any further consideration of the North McKay Ranch project.

Sincerely,

Patrick Carr
1704 Virginia Way
Arcata, CA 95521

Letter I1 Response

Patrick Carr

June 29, 2020

I1-1	The introduction and overview of concerns on the Draft EIR is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR. See Master Response 1. Specific concerns related to subsequent comments are addressed, as necessary in this comment below.
I1-2	The commenters expressed concern regarding the location of the project, specifically related to distance to services. The project is proposing commercial and residential uses that are located in walking and biking distance to major commercial and employment centers. The commenter is referred to Master Response 1 regarding VMT impacts Master Response 3 regarding General Plan Consistency.
I1-3	<p>The commenter provided an overview of the analysis and modeling results of the GHG analysis contained within the Draft EIR and requested that information regarding the assumptions used for the modeling be provided.</p> <p>Additionally, the commenter noted the discrepancy in the naming of the GHG mitigation. The commenter is referred to Master Response 2 in Section 2.0 as well as Section 4.0 of this Final EIR which includes the full text revisions related to this discrepancy.</p> <p>The assumptions used for modeling are included in the CalEEMod output files, Appendix B of the draft EIR (see page 72 of the PDF for the number of wood stoves, gas fireplaces, catalytic and noncatalytic woodstoves). Regarding MM-GHG-3, which includes the installation of EV charging stations. This mitigation measure was removed and was instead included as a design feature of the project, as described in the Project Description.</p> <p>The commenter stated that operational emissions were 2,066 MTCO_{2e} per year in 2030; this represents the unmitigated emissions. The mitigated emissions would be 1,538 MTCO_{2e} per year in 2030.</p>
I1-4	<p>The comment asserted that there is a discrepancy in the listed mitigation measures related to GHG emissions in the Draft EIR. The commenter is referred to Master Response 2 in Section 2.0 as well as Section 4.0 of this Final EIR which includes the full text revisions related to this discrepancy as well as a description as to why the EV electric charging stations are not included as mitigation.</p> <p>Although EV charging stations are not included as a mitigation measure, they are included in the project description as a design feature of the project.</p>
I1-5	<p>The commenter stated that MM GHG-1 for woodstoves is intended to reduce GHG emissions to below the 1,100 MTCO_{2e} per year and that the Draft EIR relies on paying annual carbon offset fees to the City of Arcata and that MM GHG-1 is intended to address the GHG impacts caused by transportation.</p> <p>The commenter misunderstands the analysis in Section 3.8 Greenhouse Gases. Most greenhouse gas emissions from the project comes from transportation like the overall greenhouse gas inventory for the County. The mitigation measures that were incorporated into the project have been determined to be feasible (see Master Response 2).</p>
I1-6	The comment regarding the use of the SMAQMD 1,100 MTCO _{2e} threshold in the GHG analysis rather than a net zero threshold is acknowledged. The commenter is referred to Master Response 2 in Section 2.0, which discusses the use of the SMAQMD threshold. As discussed in Master Response 2 of Section 2.0, the use of the 1,100 SMAQMD threshold is a conservative threshold and does not change the adequacy of the analysis or the conclusion of significant and unavoidable related to GHG emissions in the Draft EIR, therefore no further response is necessary. In addition, the SMAQMD threshold was developed specifically for land development projects and accounts for the SB 32 2030 targets for GHG emissions.
I1-7	The conclusory text is acknowledged. The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR. See Master Response 1.



Letter I2

2480 Redwood Street
Eureka, CA 95503
June 29, 2020

Trevor Enslow
TEstlow@co.humboldt.ca.us
Humboldt County Department of Planning and Building
3015 H Street
Eureka, CA 95503

Re: Draft Environmental Impact Report for the North McKay Tract General Plan Amendment, Zone Reclassification, Final Map Subdivision and Planned Development Permit

I2-1 | My husband and I have lived at 2480 Redwood Street for 24 years. I attended the scoping meeting in Cutten last year and submitted comments to Michael Wheeler by email, however my comments were not included in those that Michael Wheeler later sent me (at my request). Following are my concerns with the DEIR.

I2-2 | **Transportation.** When this property was originally rezoned for development, there was not adequate planning for traffic impacts. Over the years, several alternatives for new roads, which were less than ideal, have been eliminated. Two new road extensions are planned, but these feed all traffic onto Walnut Street, which provides the only route in or out of Cutten. Traffic on Walnut Street has increased dramatically over the years. I commuted from Redwood Street to Arcata for 23 years, and when local schools and Humboldt State University are in session, traffic is backed up for blocks. The light at Fern and Walnut has helped create some gaps in traffic, but nothing has decreased the volume of cars.

I2-2 | The DEIR suggests new traffic signals be added on Walnut at Cypress, Arbutus, Redwood and Hemlock. Along with the existing signal at Fern, that would create 5 traffic signals within a half mile. Again, this might create gaps in traffic and allow pedestrians to cross, but will do nothing to decrease the number of cars. I can imagine that most cars from the subdivision will head to Redwood Street to avoid the signals, and that traffic from further out in Cutten will cut over to Cedar Street to avoid the lights.

And the traffic problems do not end at Walnut Street. All those cars greatly impact the residential streets of Hodgson, Dolbeer, S, Bainbridge, Russell, Chester and Harrison as commuters zoom through to get to the hospitals, downtown, or Arcata.

I2-3 | **Public Transportation.** While a bus line runs along Walnut Street, this does not provide sufficient practical alternative transportation. I always had wanted to use public transportation to commute to Arcata, but it would have taken a transfer to a Humboldt Transit bus in downtown Eureka, making for a very long trip. Bus stops on Walnut are not .2 mile from the edge of the subdivision, making it a fairly long walk for much of the housing. While public transportation may be used by some residents, it would not significantly reduce the number of car trips.

I2-4 | **Parks and Recreation.** The DEIR states that “The proposed project would not necessitate the construction of new park or recreational facilities, or cause substantial physical deterioration of existing park and recreation facilities.” I disagree. The map of the subdivision shows dedicated “open space” on the property, and at least some of this is land that is geographically or environmentally unsuited for

building. Open forested land, with marshy areas and steep slopes, is also unsuitable for most people's recreation and would not satisfy the requirements of the Quimby Act.

The Redwood Fields, which is surrounded by this subdivision, is not open to the general public but is used by sports clubs and is closed when not in use.

The nearest offsite park is Sequoia Park, which would be a long walk for children or families. Sequoia Park and Sequoia Zoo are undergoing improvements that will likely increase the number of visitors. In non-Covid times, the picnic area and playground are heavily used. Families commonly stake out a picnic table soon after dawn to have a family picnic or party later in the day. Sequoia Park is not sufficient to provide recreational opportunities for the project's residents. There is a need within this subdivision for playgrounds and accessible open areas for families to recreate, especially to serve the large number of multi-family units.

The Humboldt Community Forest will provide recreation for those who can access trails. The DEIR mentions two possible access points to the future trails in the Humboldt Community Forest, however the maps do not show any accommodation for parking at those access points. Nor are there any bike or walking trails shown in the subdivision for travel within the subdivision or access to the Community Forest. The planned Bay to Zoo trail through Eureka will increase hiking and bike riding through town, and, especially for bike riders, many will want to extend a ride into the Community Forest. The bike and walking trails within the subdivision would also be an important way for residents to safely leave their cars, and perhaps some children will even walk to school.

Safety. At present, there are inadequate evacuation routes from Cutten. Should there be a wildfire, or a gas emergency caused by the large gas pipeline that runs down Redwood Street and along the power lines, there is little chance that the Cutten area could be evacuated today without gridlock on Walnut St. The added 300-500 cars would make evacuation an impossibility. Again, the traffic impacts of this subdivision have yet to be solved.

I am not in favor of reducing the edges of the McKay Community Forest by 70 feet to provide defensible space for this subdivision. The required 100 feet of defensible space should be included in a redesign of the site plan.

Thank you for accepting my comments.

Lorraine Dillon

12-4
(Cont.)

12-5

Letter I2 Response

Lorraine Dillon

June 29, 2020

I2-1	<p>The introductory text and background on comments is acknowledged. The County recognizes that the commenter attended the public comment meeting, as shown on the sign in sheet for the public scoping meeting included in Appendix A of the Draft EIR. Subsequent emailed comments provided by the commenter were received on June 20, 2020 and the general concerns within these comments were addressed in the Draft EIR. There is no record of emailed comments to Michael Wheeler.</p> <p>Specific comments related to subsequent concerns are addressed, as necessary in this comment below.</p>
I2-2	<p>See Master Response 1 and Master Response 4.</p>
I2-3	<p>See Master Response 1 and Master Response 4.</p>
I2-4	<p>The commenter asserts that the proposed project does not include adequate recreation areas. The commenter is referred to Section 3.14, Public Services, and Section 3.15, Recreation of the Draft EIR, which discusses the availability of recreational resources in the area, as well as the impacts related to recreation resulting from the proposed project. As discussed in these sections, the Quimby act requires three acres of park area per 1,000 persons, unless the amount of existing neighborhood and community park exceeds that limit. The proposed project would include 21.73 acres of forest lands to be preserved through the establishment of a permanent easement which would be dedicated to the County, thus satisfying Quimby Act requirements. Additionally, the proposed project would include 20-foot-wide trail easements that would connect to the surrounding McKay Community Forest. These recreational areas would more than satisfy the Quimby Act requirements of three acres of park lands per 1,000 residents. Further, the Redwood Fields Park is characterized as a “12-acre, non-profit operated park” in the Draft EIR and Sequoia Park Zoo is also described as 0.5-miles from the proposed project on page 3.15-1 and 3.14-3 of the Draft EIR. Redwood Fields is open to the public during daylight hours and contains a play structure, bocce ball court, basketball court and BBQ and picnic area.</p> <p>For general concerns related to bicycle facilities and connections, the commenter is referred to Master Response 4.</p>
I2-5	<p>The commenter asserts that there are currently inadequate evacuation routes from Cutten, and that the additional traffic added by the proposed project residents would make evacuation in the event of an emergency impossible in the area. Additionally, the commenter has concerns regarding the 70-foot defensible space rather than 100-foot defensible space. The commenter is referred to Master Response 3, for a discussion on the defensible space requirements and the analysis is contained within the Section 3.19, Wildfires, of the Draft EIR.</p>



Letter I3

6/27/20

Trevor Estlow, Sr.Planner

County of Humboldt Planning andBuilding Dept

Trevor

13-1 | I am writing to express my **STRONG** disapproval to the suitability of the proposed McKay Ranch subdivision, and I speak for many others in my Cutten neighborhood.

Simply put, it's the wrong size project, in the wrong neighborhood, and at the wrong time.

13-2 | The size of this development will lead to traffic demands on our local streets that they are not designed for, and the impact of another 2,000 to 3,000 vehicles on that street system, which the addition of 145+ houses, plus another 175 apartments will certainly add to our streets, and cannot be mitigated. At peak hours, it will severely affect access of many of our local streets, and roads.

That same traffic will seriously impact the availability of parking at our local markets, pharmacies, commercial services, as well as the hospital, and the many medical service complexes, and offices in our Cutten and N. Eureka neighborhoods.

Most of the current available major employment sources are found miles away, ensuring the adverse affects of this traffic burden especially at peak driving hours.

And while on the subject, just where **ARE** all these jobs going to materialize from ? Especially during a pandemic, which is showing no signs of going away any time soon.

13-3 | And who is going to be buying, and driving all these electric cars that are proposed ? You think lower income apartment dwellers are going to buying expensive all electric cars ? Give me a break !

13-4 | The residents of our neighborhoods who live close by this development will be living with continuous and prolonged construction zone and delays for extra traffic, home and apartment units under construction, and construction of the additional water and sewer infrastructure that this development will require.

13-5 | Both the types of houses and apartments proposed are unsuitable, and out of place in this location, unless we want Cutten and surrounding neighborhood to look like similar low quality subdivisions in Santa Rosa, and Redding, and all up and down the Central Valley as far as Bakersfield.

13-6 | Don't help turn part of the McKay forest into a neighborhood resembling the suburbs of Fresno or Merced, complete with little strip malls on the corners I ask you to vote to put a stop to this project.

Sincerely

Ken Gregg

Letter I3 Response

Ken Gregg

June 27, 2020

I3-1	The commenter's introduction and general opposition of the proposed project is acknowledged. The comment does not provide any specific comments or concerns regarding the Draft EIR. See Master Response 1. Specific comments related to subsequent concerns are addressed below as necessary.
I3-2	See Master Response 1 and Master Response 4.
I3-3	The commenter asserted that EV charging stations are unnecessary due to the low-income housing portion of the proposed project. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1.
I3-4	The commenter expressed concerns regarding the prolonged construction impacts that would occur in the are due to the proposed project. The commenter is referred to Section 2.0, Project Description of the Draft EIR, which discusses the phased development of the proposed project. This phased approach to construction of the proposed project would allow for periods of higher intensity construction activities with other periods involving little to no construction activities. Additionally, the construction activities would be spread out within the approximately 81-acre project site, which means that construction activities and associated impacts would also be spread out as the phased development occurs, thus not resulting in any one location being substantially affected by construction. Further, the commenter is referred to the various resource-specific sections in Chapter 3.0 of the Draft EIR, which adequately mitigated construction impacts to a less than significant level.
I3-5	The commenter asserted that the proposed project location is unsuitable and would lead to a low-quality subdivision feel within the Cutten area. The comment does not provide any specifics regarding how or why the location is unsuitable and does not address any environmental concerns contained in the Draft EIR. See Master Response 1. For general concerns related to the look and feel of the proposed project, the commenter is referred to Section 3.1, Aesthetics, of the Draft EIR which discusses the visual impacts of the proposed project, as well as associated mitigation measure MM AES-1 on page 3.1-5 of the Draft EIR to reduce potential impacts to a less than significant level.
I3-6	The commenter's general disapproval of the proposed project is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; see Master Response 1.



Letter I4

Brett Gronemeyer

Eureka, CA 95503

June 29, 2020

Trevor Estlow, Senior Planner

County of Humboldt

Planning and Building Department, Planning Division

3015 H Street

Eureka, CA 95501

Dear Mr. Estlow,

I4-1 | I am a resident of the City of Eureka who lives on a street often used by Cutten area residents to access Eureka and all points north. I knew my street was a busy when I purchased my home, but I have seen a significant increase due to changes in the traffic patterns over the years that do not appear to have been recognized in the preparation of this project's DEIR document

I4-2 | In Section 3.16.1 Environmental Setting, under the Existing Roadway System, it lists the local roadways serving the project. I find it odd that Harris Street is included, but not many of the streets connecting Walnut Drive to Harris Street. The missing streets are: Chester, Dolbeer, Harrison, Russell, and W. These streets should be included as streets that serve the proposed project as a significant portion of the Average Annual Daily Traffic (AADT) conveyed by these streets originates in the Cutten area.

I4-3 | Under Bicycle Facilities, it is portrayed that existing streets, with a few exceptions, are generally adequate for families and bicyclists of all skill levels. As a local bicyclist, I disagree as many of these streets are used as arterials by Cutten area traffic making it challenging for most adult bicyclists. For example, under pre-COVID-19 conditions, W Street often has vehicles parked on both sides of the street during daytime hours. Because of heavy pedestrian use of the sidewalks, this leaves bicyclists no choice but to ride in the lane. Due to high traffic volumes, it is often difficult for motorists to find sufficient gaps to safely overtake bicyclists, which creates stress for all parties. Similar conditions are present on the other area arterial type streets where Class II bikeways are not present.

It can be argued that the bicycle facilities within Sequoia Park, while they may offer recreational opportunities, are of limited use to commuter bicyclists due to geometrics, terrain, locked gates, and/or deferred maintenance. They should not be included as bicycle facilities in regards to transportation use in this DEIR.

14-4 In Table 3.16-1: Intersection Level of Service Summary - Existing Conditions, I noticed intersections that convey significant volumes of Cutten traffic were not included in the list. These intersections include: Dolbeer at Manzanita, Manzanita at Harrison, Harrison at Chester, and Harrison at Wilson. These 4 intersections should be included in the Study Area because since the mid-2000's a large portion of Cutten traffic has diverted from using W Street and Dolbeer Street north of Manzanita to using Harrison to access Harris Street, greater Eureka, and beyond. The intersection of Harrison and Manzanita should also be studied not only because of increased traffic, but because it is a conventional T-intersection with non-conventional right of way control. Operation of that intersection may deteriorate with the addition of traffic generated by the proposed development.

14-5 In Section 3.16.5, under Mitigation Measures - Alternative Transportation Impacts, It notes pedestrian access and safety within the vicinity is generally adequate, which is surprising based upon the missing sections of sidewalk mentioned in the description of existing conditions in a previous Section (3.16.1). Also, many of the two-way stop controlled intersections (TWSC) identified in the DEIR, and in my comments above, are difficult for pedestrians to cross the non-stop controlled street and could benefit from improvements to increase yielding by motorists.

14-6 In the same part of Section 3.16.5 (Mitigation Measures), I take exception to the part that essentially says because the Humboldt Regional Bicycle Plan does not propose any bicycle facilities within the immediate project area, the (project's) impact would be less than significant. The absence of proposed bicycle facilities in a bicycle plan is not evidence itself that a proposed development would not have significant impacts to the surrounding streets for bicyclists. In addition, Bicycle facilities were in fact proposed by the Bike Plan for Dolbeer and W Streets (as mentioned in the DEIR) which would be used by bicyclists for access between the development and greater Eureka.

14-7 To summarize, my 2 main concerns are: 1) The DEIR did not adequately identify, nor study, all the streets and major intersections that would link the proposed development to Eureka, and 2) The DEIR did not propose any mitigations to improve bicycle and pedestrian facilities to offset impacts caused by the increase in motor vehicle traffic calculated to be generated by the project.

Thank you for the opportunity to comment on this DEIR,

Brett Gronemeyer

Letter I4 Response

Brett Gronemeyer

June 29, 2020

I4-1	See Master Response 1 and Master Response 4.
I4-2	See Master Response 1 and Master Response 4.
I4-3	See Master Response 1 and Master Response 4.
I4-4	See Master Response 1 and Master Response 4.
I4-5	See Master Response 1 and Master Response 4.
I4-6	See Master Response 1 and Master Response 4.
I4-7	The conclusory text is acknowledged. The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR; see Master Response 1.



Letter I5

Estlow, Trevor

From: David Holper <5holpers@sbcglobal.net>
Sent: Wednesday, May 20, 2020 9:06 AM
To: CEQAResponses
Subject: Re: North McKay Ranch

To Humboldt County Planning Commission,

15-1 | In terms of the proposed North McKay Ranch, I attended a public meeting at Cutten School about this development. What struck me is that neither the County nor the Developer offered any solution to the traffic problems such a development would pose to Cutten. As anyone familiar with the neighborhood is aware of, there is already a traffic problem in both mornings and afternoons at the intersection of Walnut and Hemlock/Dolbeer. Adding hundreds of additional residents to this area without remedying this traffic problem will pose significant traffic problems to residents.

15-2 | In addition, in this era of global warming, fire preparedness is essential due to extended fire seasons and drying forests. I would have expected an extensive plan for how to deal with these issues, but again, there was nothing in the proposal to address these concerns.

15-3 | Given these two egregious oversights, I not in support of the plan until these two concerns are addressed.
At that same meeting, I asked the roughly 30 people in attendance to raise their hands if they were also opposed to this plan. Granted, such a straw poll is not indicative of the total population of the Cutten area; however, almost everyone in the room raised their hand to voice their objection to this proposal. I hope you will keep this public opposition forefront in your minds as you consider going forward with this proposal.

David Holper

Letter I5 Response

David Holper

May 20, 2020

15-1	See Master Response 1 and Master Response 4.
15-2	See Master Response 1 and Master Response 4.
15-3	The commenter's general disapproval of the proposed project is acknowledged. The comment does not provide any further specific comments or concerns regarding the Draft EIR; see Master Response 1.



Letter I6

6088 Elk River Road
Eureka, CA 95503
jerrymartien@gmail.com

29 June, 2020

Attn: Trevor Estlow
County of Humboldt Planning and Building Department
3015 "H" Street Eureka, CA 95501
Phone: (707) 445-7541
Email: CEQAResponses@co.humboldt.ca.us

Re: North McKay Subdivision Project

Dear Trevor Estlow and Planners,

I6-1 [The project should be recognized for its departure from the standard subdivision model. However, its specifics—or lack of specifics—tells me that many of the same old planning methods are at work here.

I6-2 [0.0 Process. Although I asked more than once to be notified of any change in status of this plan, I received no notice of last year's scoping session and only a few days ago learned that the plan was out for comment.
Last year's pre-approval and speedy annexation of an 11-acre portion of the project is typical of this practice: years of inaction followed by sudden changes and poorly noticed deadlines. The parcel was for the developer's daughter, I was told by your now retired planner.

I6-3 [3.2 Agriculture & Forest. The County has made a token show of concern about CO2 reduction—there's a committee!—but even that effort is not reflected here. The removal of 60 acres of trees will not be mitigated by the payment of \$82.24 per tree. Equivalent restock of forest should be required.

I6-4 [3.4 Biological Resources. Roads, crossings, and logging and development on steep slopes will add to the degradation of Ryan Creek. Assurances to the contrary are much like what we've heard in Elk River. Logging and construction on the same soils, same steep slopes, will produce similar results: silt and degradation of water quality and riparian species. The proposed mitigations are not adequate.

I6-5 [3.7 Geology. Again, we have some of the same soils in Elk River, get the same assurances. Weasel words like mitigation "where feasible" translate to silt and loss of habitat and water quality. Strike "where feasible" wherever it occurs.

I6-6 [3.12 Noise. The plan neglects the issue of noise coming *into* the project area. I'm not certain how clearly the Redwood Acres stock car races will be heard there, but when the wind is right I

I6-6 (Cont.) ↑ hear them several miles farther away. Won't noise and traffic conflicts lead to calls to restrict activities at this popular venue?

I6-7 3.16 Transportation. This has been a glaring deficiency of the project since it was first proposed. Cutten has been developed with little regard to transportation, and traffic and congestion have increased markedly since I lived there 50 years ago. I've complained to HCSD's directors about annexations and urban sprawl and the costs that are now being felt by rate payers, property owners, and anyone even thinking of driving through Cutten. Some of this additional traffic will spill over through Ridgewood and down to Elk River Road, which isn't even mentioned. Mostly I pity those poor souls at rush hour at the intersection of Dolbeer and Harris, waiting for an average of 821.7 seconds at rush hour. At least require better bicycle and pedestrian access and a bus stop nearer than half a mile.

I6-8 3.19 Wildfire. The shortcomings of the traffic plan will go from comic to tragic when the inevitable wildfire comes through the degraded forest left by Green Diamond. The fire plan's inadequacy—bigger numbers on the houses is my favorite—should be obvious to anyone who's recently watched California towns going up in flames. I find no assurance that "consultation" with Cal Fire will result in an adequate plan. They approved the THP's that have left the forest a tinder box just waiting for a spark—which PG&E's transmission lines, as we know, are able to provide. The project should not be approved without specific strategies, including a fuels reduction program and long-term fire readiness plan—In consultation with communities who are presently doing this work. As the plan admits, in its bureaucratic never-mind way: *The proposed project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.*

I6-9 It's strange that we are making a plan that carries significant risk of injury or death. Aren't such plans often called "premeditated"? Thank you for anything you can do to improve that outcome.

Sincerely,

Jerry Martien

Letter I6 Response

Jerry Martien

June 29, 2020

16-1	The comment noted the proposed project's departure from standard subdivision model, however, expresses concerns related to the lack of specifics in the Draft EIR. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1. Specific comments related to subsequent concerns are addressed, as necessary in this comment below.
16-2	The commenter asserted that they were not notified of the release of the Draft EIR. The Draft EIR was made available for public review starting on May 15, 2020 and June 29, 2020 and a NOC was filed with the OPR to begin the public review period in accordance with PRC Section 21161. The Draft EIR was distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as parties specifically requesting a copy of the Draft EIR in accordance with PRC 21092(b)(c). The commenter did not request a copy of the Draft EIR. He was referred to the website for electronic copies and told to contact staff with any questions. Consistent with noticing requirements, public notice was sent to all residents within 300 feet of the proposed project, as well as those requesting notification. In addition, a display ad was placed in the Times-Standard newspaper on Friday, May 15, 2020.
16-3	The commenter asserted that the removal of trees because of the proposed project would not be adequately mitigated with implementation of mitigation through payment of trees. By implementing Mitigation Measure GHG-1, where the purchase of carbon offsets would be paid to the City of Arcata and would fund local conservation projects. Revenue from the City of Arcata carbon offset program help to fund local projects that sequester carbon. Therefore, the carbon sequestration potential lost from the removal of trees at the project site would be reestablished elsewhere on a local scale.
16-4	The commenter asserted that the proposed mitigation for impacts to Ryan's creek are inadequate. The comment is acknowledged, however, does not provide specifics regarding the mitigation in the Draft EIR or how they are inadequate. The commenter is referred to Section 3.4, Biological Resources of the Draft EIR which discusses potential impacts to Ryan's Creek and mitigation, including setbacks and stream stabilization (i.e., Mitigation Measures BIO-7 and BIO-8, respectively), which reduce potential impacts related to Ryan's Creek to a less than significant level.
16-5	The commenter requested that "where feasible" be removed from the mitigation language. The comment is acknowledged. Mitigation measures GEO-1 on page 3.7-10, and HYD-1 on page 3.10-9 of the Draft EIR shall be implemented for the development of the proposed project and are feasible.
16-6	The commenter asserted that the issue of noise coming into the project area, specifically related to the Redwood Acres stock car races, is not discussed in the document. A significant outstanding issue under CEQA is whether the analysis of the impact of existing environmental conditions on a proposed project is required. Since the central purpose of CEQA is to analyze a project's adverse impact on the environment, this issue has been called "CEQA-In-Reverse". In <i>California Building Industry Association v. Bay Area Quality Management District</i> (2015) 62 Cal.4th 369, the California Supreme Court answered this question. The Court ruled that CEQA generally does not require the analysis and mitigation of the impact of existing environmental conditions on a project's future users or residents, except in limited circumstances, such as when a project may exacerbate the existing environmental conditions, such as contributing to air pollution or substantially increasing the ambient noise. The Draft EIR evaluated the proposed project's noise impacts in Section 3.12 Noise and concluded that the proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, accordingly, it would not exacerbate the existing ambient noise conditions. Therefore, the Draft EIR does not require a discussion of the impact of the stock car races on the project.
16-7	See Master Response 1 and Master Response 4.
16-8	The commenter asserted that the wildfire analysis and associated mitigation include a fuel reduction program and long-term fire readiness plan. The commenter is referred to Master Response 3, for a discussion related to the wildfire analysis and associated mitigation in the Draft EIR.



16-9	The conclusory text is acknowledged.
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Letter I7

From: [Estlow, Trevor](#)
To: [CEQAResponses](#)
Subject: FW: Opposition To McKay Tract Development
Date: Monday, June 29, 2020 4:26:12 PM

Please add this to the McKay DEIR comment folder.
Thanks.
-Trevor

From: Pamela Maxfield <humcotherapist@gmail.com>
Sent: Monday, June 29, 2020 4:16 PM
To: Bohn, Rex <RBohn@co.humboldt.ca.us>; Estlow, Trevor <TEstlow@co.humboldt.ca.us>; Wilson, Mike <Mike.Wilson@co.humboldt.ca.us>
Subject: Fwd: Opposition To McKay Tract Development

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

From: **Pamela Maxfield** <humcotherapist@gmail.com>
Date: Mon, Jun 29, 2020 at 4:07 PM
Subject: Opposition To McKay Tract Development
To: <rbohn@co.humboldt.ca.us>

To Rex Bohn:

- 17-1 | I am not feeling very articulate, so I am endorsing the letter below, written by Ken Greg. I feel very strongly about this.
- 17-2 | I am writing to express my STRONG disapproval to the suitability of the proposed McKay Ranch subdivision, and I speak for many others in my Cutten neighborhood. Simply put, it's the wrong size project, in the wrong neighborhood, and at the wrong time. The size of this development will lead to traffic demands on our local streets that they are not designed for, and the impact of another 2,000 to 3,000 vehicles on that street system cannot be mitigated. At peak hours, it will severely affect access to many of our local streets, and roads. That same traffic will seriously impact the availability of parking at our local markets, pharmacies, commercial services, as well as the hospital, and the many medical service complexes, and offices in our Cutten and N. Eureka neighborhoods. Most of the current, major employment sources are found miles away, ensuring the adverse affects of this traffic burden especially at peak driving hours. And while on the subject, just where ARE all these jobs going to materialize from for the people buying these houses and renting these apartments ? Especially during a pandemic, which is showing no signs of going away any time soon. And are all these apartment dwellers the ones that are going to be driving all these all electric cars ? The residents of our neighborhoods who live close by this development will be living with continuous and prolonged construction zone and delays for extra traffic, home and apartment units under construction, and construction of the additional water and sewer infrastructure that this development will require. Both the types of houses and apartments proposed are out of place in this location, unless we want
- 17-3 |
- 17-4 |
- 17-5 |

17-5

(Cont.)

↑ Cutten, and surrounding neighborhoods with this type of subdivision, to look like similar low quality subdivisions in Santa Rosa, and Redding, and all up and down the Central Valley as far as Bakersfield. And I haven't heard either you , or the developer, step up and offer any potential solutions to any of these problems.

Your plan will turn part of our home into the kind of ugliness that one sees established in the suburbs of Fresno or Merced, complete with ugly, little strip malls on the corners.

I am asking you to put a stop to this atrocity created by irresponsibility and greed.

Pamela Maxfield
(707) 443-4715

Letter I7 Response

Pamela Maxfield

June 29, 2020

17-1	The commenter's introduction and general opposition of the proposed project is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; see Master Response 1. Specific comments related to subsequent concerns are addressed, as necessary in this comment below.
17-2	See Master Response 1 and Master Response 4.
17-3	The commenter questioned whether the residents of the apartment are expected to use electric vehicles. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1.
17-4	The commenter expressed concerns regarding the prolonged construction impacts that would occur in the area due to the proposed project. The commenter is referred to Section 2.0, Project Description of the Draft EIR, which discusses the phased development of the proposed project. This phased approach to construction of the proposed project would allow for periods of higher intensity construction activities with other periods involving little to no construction activities. Additionally, the construction activities would be spread out within the approximately 81-acre project site, which means that construction activities and associated impacts would also be spread out as the phased development occurs, thus not resulting in any one location being substantially affected by construction. Further, the commenter is referred to the various resource-specific sections in Chapter 3.0 of the Draft EIR, which adequately mitigated construction impacts to a less than significant level.
17-5	<p>The commenter asserted that the proposed project location is unsuitable and would lead to a low-quality subdivision feel within the Cutten area. The comment does not provide any specifics regarding how or why the location is unsuitable and does not address any environmental concerns contained in the Draft EIR; see Master Response 1.</p> <p>For general concerns related to the look and feel of the proposed project, the commenter is referred to Section 3.1, Aesthetics, of the Draft EIR which discusses the visual impacts of the proposed project, as well as associated mitigation to reduce potential impacts to a less than significant level. The proposed project would incorporate applicable local design guidelines into the final development plan and development standards for each phase, thus ensuring an aesthetically compatible development that is consistent with surrounding areas.</p>



Letter I8

Linda Perata (Homeowner)
Dolbeer Street
Eureka, CA 95501

To: Trevor Estlow, Senior Planner
County of Humboldt Planning and Building Department, Planning Division
3015 H Street, Eureka, CA 95501
CEQAResponses@co.humboldt.ca.us

Cc: Rex Bohn, 1st District Supervisor

June 29, 2020

Dear Planning Commission:

I8-1 | I am writing to express some of my concerns regarding the North McKay Ranch Subdivision Project. I am a new resident to Eureka who recently purchased a home on Dolbeer between Russ and Wood Streets. Upon learning about the McKay Project recently and its sizeable scope, I knew that I wanted to voice my concerns with the other residents that are equally concerned with this project.

Some of my concerns in reviewing the DEIR are as follows:

I8-2 | 1) The negative and profound impact this project will have on the existing wetlands (a portion that will be filled), on its wildlife including special species of fish, nesting birds and other existing species. A major concern is that it is apparent disturbances to the ecosystem and displacement of wildlife is unavoidable by the McKay Project.

I8-3 | 2) The negative impact this project will have relating to the aesthetics and the viewshed in the area. One of the striking and unique features of Eureka is the surrounding natural beauty of the redwood forested areas and something that has personally attracted me to this area. It would be a shame to see 81 acres of these beautiful and majestic redwoods torn down and destroyed; ruining the beautiful viewshed and aesthetics of the area.

I8-4 | 3) The negative impact as it relates to increased traffic on the roads in the area that are already overtaxed. I am concerned about the unavoidable increase of air pollution with the addition of hundreds of vehicles on our roads and how this adversely affects traffic safety and negatively impacts walkability in the area.

18-5

4) The health risks of noise pollution and air quality during construction. I am concerned about how this will affect the health and wellbeing of nearby residents to this project who will be dealing with noise and dust during the next 20 years of construction.

18-6

5) The reduction of home values and property tax increases. How will this project affect property values and taxes? Will low income housing in this project lower existing property values? Will there be increased utility bills to support the infrastructure needed for this project?

18-7

I am not opposed to development that will meet the demands of housing needs, but I believe the McKay Project is not a fit for our unique area. Loss of valuable surrounding natural beauty, wildlife, and increased risks to the health and safety of its residents are too great a price to pay for such a project. I sincerely hope the Planning Commission would consider a better way, that could satisfy growing housing needs while serving what is best for all the community.

Thank you,

Linda Perata

Letter I8 Response

Linda Perata

June 29, 2020

18-1	The commenter provided general concerns regarding the proposed project but did not address any specific environmental concerns; see Master Response 1. Specific comments related to subsequent concerns are addressed, as necessary in this comment below.
18-2	The commenter stated that the proposed project would have impacts to the existing wetlands and displacement of wildlife. Section 3.4, Biological Resources of the Draft EIR discusses potential impacts and associated mitigation measures that would be implemented to reduce impacts to wetlands and wildlife.
18-3	The commenter expressed concerns related to the change in the viewshed of the area as a result of the proposed project. Section 3.1, Aesthetics of the Draft EIR analyzes the potential impacts related to changes in the viewshed as a result of the proposed project. Impacts related to changes in the viewshed were determined to be less than significant with mitigation incorporated. In addition, as noted on page 2-1 of the Draft EIR, approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee.
18-4	See Master Response 1 and Master Response 4.
18-5	The commenter expressed concerns related to noise pollution and air quality during construction. Section 3.3, Air Quality, and Section 3.12, Noise of the Draft EIR discuss construction related impact of air quality and noise, respectively. Mitigation measures are included in these sections to address air quality emissions (MM AIR-1), and noise (MM NOI-2 through NOI-4) from construction and were found to have a less than significant impact with inclusion of these mitigation measures.
18-6	<p>The commenter expressed concerns related to reduction of home values and increases in property taxes. Concerns related to property values are not within the scope of CEQA, as CEQA is related to environmental issues. Pursuant to the CEQA Guidelines, a discussion on property taxes is considered an economic and social impact, and under CEQA, the term 'environment' means the physical conditions that exist within the area which would be affected by a project (PRC Section 21060.5).</p> <p>CEQA Guidelines Section 15064(e) provides that economic and social changes (such as property value) resulting from a project shall not be treated as significant effects on the environment (see also CEQA Guidelines Sections 15358(b), 15064(e), and 15382). As a result, evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment do not provide substantial evidence of a significant impact that require analysis under CEQA.</p>
18-7	The conclusory text is acknowledged.



Letter I9

From: [Estlow, Trevor](#)
To: [CEQAResponses](#)
Subject: FW: McKay development
Date: Tuesday, June 23, 2020 9:34:20 AM

Please file this with the other comments.

Thanks.

-Trevor

From: Cindy Shepard <Cindy.Lu.Who@outlook.com>
Sent: Monday, June 22, 2020 5:43 PM
To: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Subject: McKay development

I9-1

I want to add my voice to those who are protesting this development.

We are in a stagnant economy locally and our population is very stable. We have empty buildings all over town. We do not need more housing (with the exception of low income housing).

What we DO need is our green belt areas. Growing up in Eureka, there were redwood trees all over. They are mostly gone now. We need to preserve our green areas for cleaner air, wildlife, and to help prevent the effects of global warming.

If we needed housing, if our economy was booming and our population growing, then this project might fulfill a need. But under our current socio-economic status, the only purpose this project serves is to put money in the hands of the developers.

Please respect our green belt areas and refuse this project.

Cynthia L. Shepard
Eureka, CA

she/her
preferred method of communication: email

Letter I9 Response

Cynthia Shepard

June 22, 2020

I9-1	The comment includes a general disapproval of the proposed project and requested that green belt areas be preserved; see Master Response 1. As noted on page 2-1 of the Draft EIR, approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. Section 3.1, Aesthetics, of the Draft EIR analyzes the potential impacts related to changes in the viewshed because of the proposed project. The commenter expresses opposition to the proposed project and urges the county to deny the proposed project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.
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Letter I10

Alicia Sidebottom

2222 Home drive
Eureka Ca 95503
707-444-2527
asidebottom1@gmail.com

June 24, 2020

County of Humboldt

Dear Planning Commisioners,

I10-1 | This letter is to express my household’s disagreement with the planned North McKay Ranch Subdivision . We have many objections based on science and economics that include environmental impacts to our area and the City of Eureka.

I10-2 | These objections are the increase in traffic without the infrastructure to handle the inflow,The increased taxes for property owners as well as decrease in value, Possibilities of Forest Fires,increase in destruction of our Natural resources (Specifically our forest and the creatures who live there),increase noise ,and increase of crime with the in flow of population. I also feel it will lead to forced incorporation into the city limits of Eureka to provide the infrastructure for the constituents. This is outlined in the EIR and other proven evidence. The impacts should be included in the outcome of the decision and the impact on the current residents should be considered before the want of a contractor.

I10-4 | There is housing available (varied price and vacancy) in the Cutten Ridgewood area and by building would cause excess of empty rentals and residents. There is no benefit to allowing the developer to move forward with the project besides personal economic gain, lacking benefits for the community at large.Excessive amounts of Retail space is available in and around Eureka that is not being utilized and is going to blight. It would be disastrous to build more space for nonexistent business. The effort should be directed towards the rebuilding of the community we already have .

I10-5 | As a home owner and long time resident of Cutten I am Strongly Opposed to the Development of the North McKay Ranch Subdivision.

I10-5
(Cont.)

↑ We bought our home here twenty-two years ago with the future of being residents in a small forested suburbs but this development is forcing us to live in a community where profits of an individual are considered before the benefit of the whole. Please Vote No to the Development of the North McKay Ranch Subdivision

Sincerely yours,

Alicia Sidebottom

Letter I10 Response

Alicia Sidebottom

June 24, 2020

I10-1	The commenter expressed general concerns regarding the proposed project. The comment does not provide any specific comments or concerns regarding the Draft EIR; see Master Response 1. Specific comments related to subsequent concerns are addressed below as necessary.
I10-2	The comment includes concerns related to traffic, property taxes, wildfires, natural resources, noise, and crime rates. Environmental concerns about traffic, noise, wildfires, natural resources, and noise are discussed in the applicable resource sections in Chapter 3.0 of the Draft EIR and Partial Recirculation Draft EIR. Where applicable, mitigation is required. Property taxes is not an environmental concern and is not covered under CEQA. CEQA Guidelines Section 15064(e) provides that economic and social changes (such as property value) resulting from a project shall not be treated as significant effects on the environment (see also CEQA Guidelines Sections 15358(b), 15064(e), and 15382). As a result, evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment do not provide substantial evidence of a significant impact that requires analysis under CEQA.
I10-3	The commenter asserted that the proposed project would lead to forced incorporation into the city limits of Eureka. The Draft EIR does not state that the project site would be annexed into the City of Eureka. In addition, the project site does not lie in the City of Eureka’s Sphere of Influence. As noted in the Draft EIR, page 2-1, the proposed project would require annexation into Humboldt Community Services District for the provision of utilities.
I10-4	The commenter raised concern regarding excessive housing and existing underutilized commercial spaces. As noted on page 3.13-9 of the Draft EIR, the proposed project would provide up to nine percent of the housing stock required under the County’s Regional Housing Need Allocation.
I10-5	The commenter provided conclusory text and general disapproval of the proposed project. See Master Response 1.



Letter I11

From: [Meg Stofsky](#)
To: [CEQAResponses](#)
Cc: [Wilson, Mike](#)
Subject: McKay Development
Date: Saturday, June 27, 2020 2:28:07 PM

To: Trevor Estlow, Senior Planner
County of Humboldt
Planning and Building Department, Planning Division

From: Margaret (Meg) Stofsky

Home owner at 2534 Manzanita Ave.

Eureka, CA 95503

Dear Planning Commission:

I11-1 I am writing to you as one of many homeowners that will be negatively affected by the proposed McKay Forest development project. My biggest concern echoes the concerns of CAL Fire about the significant risk of fire posed by the project. This fact could make it hard or impossible to get fire insurance for our house and property, with sits next to the McKay forest. The proposal and current topographic environment at the Manzanita cul-de-sac make it a virtual tinderbox, without adequate infrastructure to prevent total loss to the already existing homes (more than 30). This level of risk is totally unacceptable to impose on those of us who live here now!

I11-2 In addition, the McKay Community Forest will be reduced to 21 acres, a ridiculously small amount for what is billed as a community asset!

I11-3 I also have concerns for road safety, which has already been negatively affected at the intersection of Manzanita and Harrison, which we have previously brought to the attention of Supervisor Mike Wilson. When I am driving home, I frequently have cars almost rear-end my car when I have to come to a stop at the top of Harrison in order to safely make a left onto Manzanita to get to my house. There is no stop sign and I cannot see cars coming from the right, down Manzanita until I get into the middle of the where the two streets intersect. Most people driving up Harrison are going to turn right at the top where it sharply curves right and intersects with Manzanita, so they don't even slow down. Moreover, from the opposite side of where Manzanita (off Dolbeer) intersects with Harrison, there is no stop sign to slow cars down, the majority of which make a left onto Harrison. It just dangerous and there are no provisions in the current plan to mitigate any of these issues.

I11-4 Finally, I have concerns about the fact that the housing market and general economic slowdown due largely but not entirely to COVID-19 make this a very risky plan for this time and place. The single family homes that have recently been built on the Manzanita cul-de-sac were going for more than \$400,000. Eureka certainly needs affordable housing but the median income of the population does not support the cost of a mortgage on \$400000 homes! There has been ample publicity, even before COVID-19, about the huge loss of small businesses in recent months and there is nothing in the projections for the economic outlook that suggests there will be jobs and businesses to support the people and families that supposedly will buy the proposed 300+ houses and multi-family dwellings. Nor are there any plans to get more

111-4 ↑ funds to the already badly underfunded and understaffed school district and social services
(Cont.) ↓ network for the influx of children and families that might result should this plan go through.

111-5 ↑ I ask that the Planning Commission reject this project as proposed, unless the developer
↓ radically reduces its scope and radically improves its negative impact.

Sincerely,

Margaret (Meg) Stofsky

Letter I11 Response

Margaret Stofsky

June 27, 2020

I11-1	The commenter expressed concerns related to wildfires. Refer to Master Response 3 in Section 2.0, for a discussion related to the wildfire analysis and associated mitigation in the Draft EIR.
I11-2	The commenter asserted that the McKay Community Forest will be reduced by 21 acres as a result of the proposed project. The proposed project area is currently zoned as Residential One-Family (R-1) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). Under the proposed project the site would be rezoned to R-1, R, GO, Apartment Professional, and Neighborhood Commercial (C-1) with a P overlay. Additionally, as discussed in Section 2.1.2 of the Draft EIR, the project site has historically been used for timber harvesting activities under the McKay Tract timber properties and has not been part of the McKay Community Forest. Further, as shown in the recent McKay Community Forest Property Acquisition, the project site is not currently included, nor is it planned for future inclusion, into the McKay Community Forest (Humboldt County 2020). However, as discussed in Section 2.0 of the Draft EIR, the project would include 21.73 acres of permanent open space as well as trail connections to the McKay Community Forest which would allow for recreational opportunities around and to the McKay Community Forest area.
I11-3	See Master Response 1 and Master Response 4.
I11-4	The commenter expressed concerns regarding the need for the project with the economic downturn in the area. As noted on page 3.13-9 of the Draft EIR, the proposed project would provide up to nine percent of the housing stock required under the County's Regional Housing Need Allocation. Additionally, the commenter is referred to Section 3.14, Public Services of the Draft EIR, which discusses payment of development fees for school facilities (i.e. Mitigation Measure PS-1 on page 3.14-12 of the Draft EIR).
I11-5	The commenter provided conclusory text and general disapproval of the proposed project. The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR, see Master Response 1.



Letter I12

From: melinda.walsh@att.net
To: [CEQAResponses](#)
Cc: testlow@co.humboldt.ca.us
Subject: North- McKay Ranch Subdivision COMMENTS ON DEIR
Date: Monday, June 29, 2020 4:18:52 PM

I12-1 | Hello, my name is Melinda Walsh, a property owner at the corner of Arbutus and Cedar St, Eureka CA, additionally a property owner on Excelsior Rd.

I12-2 | First the size of the DEIR is overwhelming and it is highly disappointing that no public meeting was held considering the magnitude of this project.

I12-3 | Second, due to the size of the project the County of Humboldt has not designated a sufficient volume of staff to assist the public with answering questions related to this DEIR.

Since there is no public meeting will you please confirm to me the receipt of my input?

1. Appendix H is deficient, there has been no study done that reflects the impact of this additional traffic to vehicles turning South out of the subdivision. In addition I do not believe that Exhibit H can be relied on to be accurate, as some of the dates of the timing plan appear to have occurred when Cutten school was in parent conference week.

On page 11 Appendix H the reports states 20 percent to/from traffic will flow south to southwest via Walnut.
20% of 2,879 is 576 trips.

I12-4 | The intersections that were studied highly focused on vehicles turning right out of the proposed subdivision toward the City of Eureka; however for vehicles turning left (south) there is no consideration and no intersections were studied as to where those 576 trips south would travel.

There must be a study done for the intersections of: Walnut/Holly, Holly and Excelsior, Excelsior and Fern, Walnut and Campton, and Campton by Grant School, as well as how traffic will be impacted at H and Harris Street, then of course the additional vehicles that will travel down "I" Street to downtown Eureka.

There is no way the intersections mentioned above will work with an additional 576 trips.

In addition I question the findings on page 11 of Appendix H related to the number of vehicles that will be turning north out of

the subdivision versus turning south, as all intersections north, will soon be far too congested.

I12-4
(Cont.)

The increased traffic must be further mitigated, and the best part of the traffic needs to be able to flow directly from the subdivision to Harris St.

This may mean that additional land may have to be acquired to accomplish the project, yet it could occur.

It is not good planning to rely on the existing roadways for this project, these existing roadways that will be impacted already include public schools (a total 5) and a public park. For the safety of pedestrians this additional proposed traffic is not acceptable.

I12-5

2.Alternatives, I believe the alternatives considered are deficient. No alternative has been mentioned for most of the traffic to flow from the subdivision to Harris St, this would relieve many concerns related to the current property owners in the "Cutten Area"

3. If the majority of the traffic cannot leave the subdivision than I would like to see an alternative, with few structures built to limit the impact of traffic and the negative impact this additional development will have on landowners in the Cutten Area.

In Summary:

I12-6

1. Appendix H is not reliable due to not enough intersections studied, and the data compilation seems to be flawed.
2. Not enough consideration has been given to the 5 schools, baseball fields, public park that generate pedestrian traffic as well as the current volume of traffic.
3. Streets will need to widened, additional stop signs, or traffic signals will be required, in addition to what is mentioned in the DEIR.
4. The subdivision needs to find a direct access to Harris Street directly from the subdivision.
5. For the most part, this subdivision will not provide "affordable" housing, the house costs will be too high for many of our community first time home buyer.
6. The project is too large for the existing roads, even with mitigation, an additional route out of the subdivision must be established.

Sincerely,

Melinda Walsh

Office Address: 614 Harris St Eureka CA 95503 Phone 707-443-9930

Letter I12 Response

Melinda Walsh

June 29, 2020

I12-1	<p>The commenter’s introduction is acknowledged. The comment does not provide any specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary. Specific comments related to subsequent concerns are addressed below as necessary.</p>
I12-2	<p>The commenter expressed concerns over the size of the Draft EIR and the lack of a public meeting. Although Section 15141 of the CEQA Guidelines (14 CCR Section 15141) states that the text of a draft EIR should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages, this must be weighed in conjunction with Section 15151 of the CEQA Guidelines (14 CCR Section 15151) which states that an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. Due to the ever-expanding regulatory context, CEQA case law, technical modeling complexity, and amount of information required to develop a sufficient degree of analysis for decision makers and the public to make informed decisions, draft EIR’s may exceed 150 pages or even 300 pages for complex projects. The Draft EIR for the proposed project was written in plain language and complies with the CEQA-prescribed level of technical detail (14 CCR Section 15147) while placing the bulk of the technical background information in the appendices of the document. This ensured a streamlined Draft EIR, with the appropriate evidence to support the conclusions and inform decision makers. Additionally, public hearings may be conducted, but are not required, as part of public review of a Draft EIR (14 CCR Section 15087(i)). The Draft EIR was released for public review and input pursuant to the CEQA Guidelines (14 CCR Section 15105) from May 15, 2020 through June 29, 2020. Additionally, a public scoping meeting was held on June 13, 2019 during the release of the NOP, pursuant to Section 15082(c)(1). Furthermore, due to changing regulatory requirements regarding the assessment of VMT impacts, a PR Draft EIR was circulated for public comment between October 18, 2021 and December 1, 2021.</p>
I12-3	<p>The commenter asserted that due to the size of the Draft EIR, additional County staff should be made available to answer questions. Additionally, the commenter requests confirmation of receipt of the comment. The commenter was provided confirmation of receipt of email on June 30, 2020 during a phone call to discuss the project. During this call, additional questions were answered. County staff is available via phone or email during normal business hours. Questions regarding the proposed project specifically can be directed to Desmond Johnston via the contact information contained within Section 1.3 of the Partial Recirculation Draft EIR.</p>
I12-4	<p>The comment asserted that Appendix H in the Draft EIR is deficient and needs to account for vehicles turning south out of the subdivision and questions the adequacy of the dates used Exhibit H of Appendix H. This comment is superseded by the Partial Recirculation Draft EIR. See Master Response 1 in Section 3.0.</p>
I12-5	<p>The commenter questioned the adequacy of the alternatives discussed and requested that an alternative with reduced units and an alternative with traffic flowing to Harris Street be discussed and analyzed in the Draft EIR. In accordance with CEQA Guidelines (Section 15126), the Draft EIR developed a reasonable range of alternatives which could attain most of the basic objectives of the Project, considered alternatives which could reduce or eliminate any significant environmental impacts, and evaluated the comparative merits of the alternatives. CEQA does not require an EIR to consider any particular number of alternatives, nor does it mandate certain types of alternatives. CEQA also, does not require that any particular alternative be analyzed, even if a specific, proposed alternative was submitted for agency consideration. “The range of alternatives required in an EIR is . . . to set forth only those alternatives necessary to permit a reasoned choice” regarding the proposed project. (CEQA Guidelines Section 15126.6(f)). This range is determined, in part, by the particular scope and purpose of the project under review.</p> <p>As discussed in Section 5.4, Alternatives Considered, in the Draft EIR, three alternatives were considered; the No Project alternative, the Site Plan Redesign Alternative, and the Reduce Density Alternative. Both the Site Plan Redesign Alternative and the Reduced Density Alternative include a reduced number of units analyzed. It was determined, based on this analysis, that the Reduced Density Alternative is the environmentally superior alternative, however final approval of the</p>



	<p>proposed project or any alternative would be subject to review and approval by the Planning Commission and Board of Supervisors during the certification hearing of the EIR.</p>
I12-6	<p>The conclusory text and summary of comments is acknowledged. This comment is superseded by the Partial Recirculation Draft EIR. See Master Response 1 in Section 3.0. Additionally, the commenter asserted that the proposed project will not provide affordable housing. A discussion on costs is an economic and social topic that is not considered as part of CEQA requirements as CEQA requires a discussion on environmental concerns (14 CCR Section 15132 and PRC Section 21060.5). Further, the CEQA Guidelines state that economic or social information may be included in an EIR in whatever form the agency desires; however, economic or social effects of a project shall not be treated as significant effects on the environment (14 CCR Section 15131(a)).</p> <p>The comment does not provide any further specific substantive comments or concerns regarding the Draft EIR; therefore, no further response is necessary. Concerns related to specific comments have been addressed in the previous comments within this letter, accordingly.</p>
Letter I13	
I13-1	<p>The commenter provided general concerns related to impacts to wildlife as a result of the proposed project. Refer to Section 3.4, Biological Resources, of the Draft EIR which discussed potential impacts to species including plants, wildlife, and associated habitats, as well as mitigation that would reduce potential impacts to biological resources to a less than significant level. Further, any additional mitigation or protection for species or habitat may be required during the regulatory permitting process, which would be subject to review and determination by the applicable agencies.</p>



Letter I13

From: [Estlow, Trevor](#)
To: [CEQAResponses](#)
Subject: FW: McKay Ranch
Date: Monday, June 29, 2020 8:15:00 AM

Please add this to the McKay DEIR comment folder.

Thanks.

-Trevor

From: ann White <steppy999@gmail.com>
Sent: Monday, June 29, 2020 12:58 AM
To: Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Subject: McKay Ranch

I13-1

I object to the McKay Ranch project. This project is harmful to wildlife. The McKay Ranch property is important to the Spotted Owl and Coho salmon as well as many other species of wildlife. Native Bees, Butterflies and insects. The McKay Ranch is a protective buffer zone for the adjoining forests. The project will not only displace native plants and animals it will ruin the very reason that we all live here. Our forests and open spaces are what set us apart from all the overcrowded cities in California. I object to the McKay Ranch development. ANN WHITE

Letter I13 Response

Ann White

June 29, 2020

I13-1	The commenter provides general concerns related to impacts to wildlife as a result of the proposed project. Refer to Section 3.4, Biological Resources, of the Draft EIR which discusses potential impacts to species including plants, wildlife, and associated habitats, as well as mitigation that would reduce potential impacts to biological resources to a less than significant level. Further, any additional mitigation or protection for species or habitat may be required during the regulatory permitting process, which would be subject to review and determination by the applicable agencies.
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3.0 COMMENTS AND RESPONSES TO THE PARTIAL RECIRCULATION DRAFT EIR

3.1 LIST OF COMMENTERS

A list of public agencies, organizations, and individuals that provided comments on the Partial Recirculation Draft EIR (PR Draft EIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so that comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 3-1 List of Commenters

Commenter(s)	Comment Date	Commenter Number
State Agencies		
Jesse Robertson, California Department of Transportation (CalTrans), District 1	December 1, 2021	Letter A1
Lori Schmitz, California Water Quality Control Board	October 25, 2021	Letter A2
Matthew Marshall, Redwood Coast Energy Authority	December 1, 2021	Letter A3
Beth Burks, Humboldt County Association of Governments	December 1, 2021	Letter A4
Colette Santsche, Humboldt Local Agency Formation Commission	December 1, 2021	Letter A5
Organizations		
Colin Fiske, Coalition for Responsible Transportation Priorities Tom Wheeler, Environmental Protection Information Center (EPIC) Jennifer Kalt, Humboldt Baykeeper	November 11, 2020 ¹	Letter O1
Individuals		
Claire Brown	November 15, 2021	Letter I1
Daniel Chandler	November 15, 2021	Letter I2
David Holper	October 15, 2021	Letter I3
Elyse Kelly	October 18, 2021	Letter I4
Emily Morris	November 18, 2021	Letter I5
Jerry Martien	December 1, 2021	Letter I6
Nancy Ihara	November 15, 2021	Letter I7

¹ Date on letter is November 11, 2020, but it was received in 2021 for the Partial Recirculation Draft EIR.



Commenter(s)	Comment Date	Commenter Number
Patrick Carr	December 1, 2021	Letter I8

3.2 COMMENTS AND RESPONSES

This chapter includes the written comments received during DEIR comment periods and the County responses to significant environmental information raised by those comments (CEQA Guidelines, 14 CCR § 15132). Written comments are organized and grouped by affiliation of the commenter: State, Regional, and Local Agencies and Tribes, Organizations, and Individuals. The written comments received were annotated in the margin according to the following organization and grouped with the corresponding response as follows:

- Agencies Comment Letters and Responses: A#-1, 2, 3, 4, 5
- Organization’s Comment Letters and Responses: O#-1
- Individuals’ Comment Letters and Responses: I#-1, 2, 3, 4, 5, 6, 7, 8

In addition, master responses to comments raised in multiple comment letters on the PR Draft EIR have been prepared to address comments related to general issues that are common throughout several comment letters. The intent of a master response is to provide a comprehensive response to an issue so that all aspects of the issue are addressed in a coordinated, organized manner in one location. This reduces repetition of responses. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross reference to the appropriate master response. For example, if a comment identifies a question concerning vehicle miles traveled (VMT), the response will include the statement, “refer to Master Response-1.”

Numerous comments covered similar issues, particularly with regards to VMT, and multimodal transportation improvements. To reduce repetitive responses, this document includes a “Master Responses to Comments” specifically focusing on the above noted concerns raised through the PR Draft EIR public review.

Master Responses

Master Response 4 – Transportation – Level of Service, Vehicle Miles Traveled Methodology, Multimodal Transportation, Bicycle Lanes, Transit, Transportation Demand Management

Level of Service

Several commenters questioned the discussion of Level of Service (LOS) in the Partial Recirculation Draft EIR and stated that LOS is not an environmental impact.

LOS was not evaluated as an environmental impact under CEQA, the LOS discussion in Section 3.11, Land Use and Planning was an evaluation of General Plan consistency with adopted County General Plan policies. Similarly, in Section 3.16, Transportation, LOS is discussed in terms of General Plan consistency.



The Partial Recirculation Draft EIR specifically notes that LOS is no longer an environmental impact under CEQA in Section 1, Introduction. There are no mitigation measures being implemented under CEQA that address LOS. Proposed circulation improvements are being implemented as conditions of approval for General Plan consistency. This is like other conditions of approval that may be implemented outside of CEQA to ensure consistency with County goals and policies.

Vehicle Miles Traveled (VMT) Methodology

Numerous comments were received during the public review period of the Partial Recirculation Draft EIR regarding the VMT methodology and the use of County-wide averages for determining VMT impacts.

As discussed in Section 3.16, Transportation of the Partial Recirculation Draft EIR and Appendix K VMT Assessment, the evaluation followed the guidance provided by the Governor's Office of Planning and Research (OPR) in its Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018). OPR's Technical Advisory recommends methodologies for quantifying VMT, significance thresholds for identifying a transportation impact, and screening criteria to quickly identify if a Project can be presumed to have a less than significant impact. Lead agencies are to adopt local guidelines appropriate for their jurisdiction. Although the County released proposed VMT Screening Criteria and Thresholds of Significance in August 2020, those thresholds have yet to be finalized. As such, the VMT analysis for project was prepared in accordance with OPR's Technical Advisory guidance.

Under OPR's recommendations, lead agencies have the discretion to set or apply their own thresholds of significance or rely on thresholds recommended by other agencies.

Each land use type within the project was evaluated under OPR's guidance. According to OPR's Guidance, local-serving retail of less than 50,000 square feet can be presumed to have a less than significant impact; the project would develop 22,000 square feet of commercial uses.

The VMT threshold for residential uses was determined in accordance with OPR's Guidance. For residential uses, the project's home-based (HB) VMT per capita is to be compared against an appropriate baseline, which for this analysis, the regional/Humboldt County VMT plus a 15% reduction was used as the threshold as used since the project is located in the unincorporated community in the Humboldt County. For the Project's residential component, the HB VMT per capita is 5.3. For this project's analysis, the regional area is defined as the entirety of Humboldt County. The average regional HB VMT per capita for Humboldt County is 10.8 VMT per capita based on the CSTDM data. Consistent with the Technical Advisory, a 15% reduction is applied to existing conditions, resulting in a regional threshold of 9.2 VMT per employee. Since the Project's HB VMT per capita of 5.3 is less than the regional area threshold of 9.2 HB VMT per capita, the Project's residential component would have a less than significant impact on VMT.

In summary, in the absence of a formally adopted VMT threshold for the County, the County relied on OPR as an expert agency to screen and evaluate the project in accordance with OPR's Technical Advisory.

Based on the analysis in Section 3.16 in the PR Draft EIR, the proposed project was found to result in a less than significant impact on VMT.



Multimodal Transportation

There were many comments regarding the project's impact on bicycle and pedestrian facilities. The Regional Bicycle Plan does not propose any bicycle infrastructure within the project site but includes proposed improvements in the vicinity of the project site. The proposed project would not impede the development of bicycle lanes within the vicinity of the project site. Those bicycle lanes would be developed by the applicable jurisdictions in coordination with HCAG and other cooperating agencies.

Addition of Bicycle Lanes

At the time that the County proposed adding Class II bike lanes to Harris Street, the County contacted the City of Eureka to coordinate an effort with the City to extend the bike lanes west of Harrison Avenue. The City was able to install class II bike lanes on Harris Street from S Street to I Street due to the width of the road. However, the stretch of Harris Street from S Street to Harrison Avenue has a narrower road that would necessitate removing parking from one side of the road in order to accommodate Class II bike lanes. Based upon opposition from the community, the City Council opted to establish a Class III bike route with sharrows painted on the roadway. At such time as the City chooses to eliminate parking from one side of the road, Class II bike lanes can be installed.

This stretch of road also contains a significant dip which requires significant exertion for bikes to climb. Many bikes use Hodgson Street and Chester Street to bypass this dip.

The City and County currently have a good working relationship for coordinating projects and the County intends to continue supporting this effort as it creates better projects and saves the taxpayers money.

As funding becomes available, the County works towards implementing bike lanes. The County prefers to time the installation of bike lanes when roads are resurfaced or slurry sealed as it reduces installation costs of not needing to grind off any existing striping in order to install the bike lanes.

The project's conditions of approval (COA) include the construction of offsite improvements to Arbutus Street and Redwood Streets to add infill sidewalks and bicycle lanes. Additionally, an in-lieu traffic signal at Walnut/Arbutus is a COA that will connect V Street through to Arbutus Street. This will then connect Arbutus Street west of Walnut Drive to the existing traffic signal at Walnut and Fern.

The project will also be conditioned to include bicycle racks at the multi-family housing development that do not have garages.

Transit

Transit will be provided by other agencies. As growth occurs, the transit agency determines where new stops should be added. Requiring transit stops ahead of growth may not be supported by the transit providers. Discussions with the transit providers about where future stops may be needed is planned. This would potentially allow for those stops to be reserved/improved in as part of the project in anticipation of future use.



Transportation Demand Management

The County has not adopted an official transportation demand management program. However, the proposed project does implement measures that reduce solo-occupant vehicular trips. These measures include, but are not limited to, the following: construction of off-site sidewalks to provide non-vehicular connectivity to the existing sidewalks on Walnut Avenue; construction of off-site bicycle lanes to provide non-vehicular connectivity to the existing bike lanes in Walnut Avenue; construction of on-site trail connections to the McKay Community Forest which will provide non-vehicular connectivity to existing Harris Street bike lanes and sidewalks once constructed. Within the project boundary, the proposed project will be constructing sidewalks on all roads and bike lanes on Redwood Drive and Arbutus Street.

In addition, the project's location is consistent with VMT goals due to its proximity to a grocery store, veterinary clinic, gasoline station, gym, post office, restaurants, elementary school, middle school, and other retail services as well as transit lines, and bicycle lane facilities. These destinations are located within a quarter mile of the project's boundary.

The project also proposes approximately 22,000 square feet of commercial space, which will further help to reduce VMT.

Master Response 5 – Greenhouse Gases

Several commenters raised the issue of greenhouse gases in their comments on the Partial Recirculation Draft EIR.

When an EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised Draft EIR or by an attachment to the revised Draft EIR.

Section 1.1, Background, in the Partial Recirculation Draft EIR, specifically discussed the portions of the Draft EIR that were being recirculated; those sections were Section 3.11, Land Use, and Section 3.16 Transportation. Section 1.3, Recirculation Draft EIR Process of the Partial Recirculation Draft EIR specifically requested commenters limit their comments to the revised sections of the Draft EIR.

Accordingly, pursuant to Section 15088.5(f)(2), Humboldt County will only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated (See Section 2, Response to Comments on Draft EIR), and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated (see Section 3, Response to Comments on Partial Recirculation Draft EIR).



Master Response 6 – Consistency with the General Plan

Several commenters stated that they found the project to be inconsistent with the General Policies for transportation, traffic calming, and bicycle and pedestrian friendly development. Ultimately, the determination of consistency with County General Plan goals and policies remains with the County. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, although the County believes that, in this instance, the proposed project is compatible with the General Plan policies for transportation and multimodal transportation, a general plan consists of a wide range of competing interests—such as the provision of services and housing—and a project need not satisfy each and every policy. “[I]t is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement.” (*Sequoia Hills Homeowners Association v. County of Oakland* (1993) 23 Cal.App.4th 704, 719.) Finally, inconsistency with general plan or community plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact.



Letter A1

California Department of Transportation

DISTRICT 1
P.O. BOX 3700 | EUREKA, CA 95502-3700
(707) 445-6600 | FAX (707) 441-6314 TTY 711
www.dot.ca.gov



December 1, 2021

1-HUM-101-74.7/79.4
North McKay Ranch
SCH# 2019049166

Mr. Desmond Johnston, Senior Planner
Planning & Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Dear Mr. Johnston:

A1-1 Thank you for giving us the opportunity to comment on the Recirculated portions of the Draft Environmental Impact Report (RDEIR) for the proposed North McKay Ranch Major Subdivision, General Plan Amendment, and Zoning Ordinance Amendment. The proposed development consists of 320 residential units and two commercial units on seven (7) parcels, consisting of 81 acres. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management. The project is located in Humboldt County within the unincorporated community of Cutten. We have the following comments:

A1-2 **Vehicle Miles Traveled**
We agree that due to the proximity of the project site in the Cutten area to job centers in Eureka, the Vehicle Miles Traveled (VMT) per resident is less than 15% below the regional average VMT and expected to have a less than significant impact on VMT reduction goals.

A1-3 Caltrans has a responsibility to help California achieve a carbon-neutral future by the year 2045. The Caltrans Strategic Plan for 2020-2024 calls for Caltrans to enhance and connect the multimodal transportation network and to lead Climate Action. By the time the proposed subdivision is projected to be fully built, the State expects to be less than five years from reaching carbon neutrality. In anticipation of a future with lower carbon emissions and lower energy consumption, we offer the following considerations for incorporating more sustainable transportation measures and/or lower carbon standards into the design of the proposed subdivision.

A1-4 **Land Use**

A1-4
continued

With respect to the proposed land use designation changes, we do not believe that the requested changes are adequate enough to influence the travel behavior of subdivision residents. The effects of individual land use factors on transportation tend to be cumulative. Areas that contain a combination of land use density, mix, connectivity, and walkability tend to have significantly lower overall per capita vehicle ownership and use, and higher use of alternative modes than average. The design of the proposed subdivision does not capitalize on its proximity to jobs and services by promoting travel modes that will help the State to achieve the current climate goals.

A1-5

The subdivision will develop 59 acres with 320 dwelling units, resulting in a density of 5.4 dwelling units per acre. These numbers reflect single-family detached housing on both large and small lots as well as multifamily residential. While the numbers vary slightly according to source, low density residential uses range from 1 to 7 units per acre. Medium density residential uses range from 8 to 25 dwelling units per acre. To make transit a meaningful mode of transportation for subdivision residents, we recommend increasing the minimum average density for the subdivision to between 8 and 12 dwelling units per acre.

We encourage the County to allow mixed use (combined residential and commercial-use) buildings on the lots zoned for commercial use.

Because it is difficult to adapt a subdivision to meet climate action goals once it has been built, the County should evaluate where the existing County General Plan, zoning ordinances, and other planning codes can be adapted to incorporate the Climate Action Plan or other climate-oriented laws.

A1-6

On Site Roadways

The description of Arbutus and Redwood street extensions do not clearly state how the 68-foot cross-section will be delineated or utilized. Adequate right of way would appear to support two twelve-foot travel lanes, two five-foot bike lanes, two eight-foot parallel parking "lanes," two six-foot sidewalks, and two two-and-one-half-foot landscape strips. If trade-offs are needed to compromise on the design of the facility, we recommend that the extensions of Arbutus and Redwood prioritize the continuity of bike lanes over on-street parking and any turn lanes. Both sides of the street should have sidewalks present to ensure a continuous path of travel for pedestrians.

We encourage the development of alleys in compact, walkable residential districts, but with a narrower paved or graveled width (usually 10 to 12 feet) and an easement for utilities (usually 20 feet overall). In a residential grid, alleys should connect across blocks to make garbage pickup easier. In commercial areas, most communities that

have alleys require them to be at least 24 feet wide to allow dumpster access and deliveries.

The use of cul-de-sacs, such as Canyon Court and South Canyon Lane, reduces the connectivity of streets and creates more out of direction travel for bicyclists and pedestrians, resulting in a bias toward vehicular travel and impediments to bicycle and pedestrian travel.

A1-6
continued

Where not impeded by terrain, cul-de-sacs located at the periphery of the subdivision should allow for future connections to adjacent properties in order to maintain the continuity and connectivity of the road network for the proposed subdivision. We support the proposed future extension of Arbutus Street.

We support the proposal to include trails that will connect subdivision residents to pedestrian corridors that provide access to markets, jobs, and other services.

Some research indicates that people walk more and drive less in areas with traditional pedestrian-oriented commercial districts where building entrances connect directly to the sidewalk than in areas with automobile-oriented commercial strips where buildings are set back and separated from the street and sidewalk by parking lots. We encourage the County to require build-to-property-line standards for commercial and mixed-use buildings, rather than adhering to setback requirements that discourage pedestrian activity.

Parking

Abundant, free parking encourages driving and helps create dispersed, automobile-dependent land use patterns. Parking Management can help shift automobile travel to alternative modes, and improves access by creating more clustered, multi-modal land use patterns. Parking Management strategies can significantly help to reduce traffic congestion, road and parking facility costs, vehicle emissions, and urban sprawl, and can increase the diversity of transportation modes.

A1-7

Due to the low residential densities proposed, we encourage the County to limit the use of on-street parking and to prioritize the utilization of public rights of way for multiple modes of transportation, not parking.

Parking Management may be appropriate where:

- Smart Growth and Transit Oriented Development are desired.
- Higher density development is desired.
- Traffic congestion or vehicle emissions are significant problems.
- Excessive pavement is undesirable.

As the number of parking spaces per employee in a commercial center declines, use of alternative modes tends to increase. We recommend shared parking for commercial businesses and public and community facilities. We encourage the County to develop parking standards and guidance for parking management plans to limit the potential for over-supply.

A1-7
continued The multi-family lots appear to offer two, or nearly two, parking spaces per dwelling unit, which results in large, unsecured, off-street parking areas. Ironically, these parking areas require landscaping (for more than five spaces) in an area just cleared of timber for the purpose of parking and is prioritized over the development of additional housing units.

Automobile travel tends to be sensitive to parking supply and price. By offering multi-family residents one free parking space per unit, additional parking can be provided for an additional fee or limited to available on-street parking.

A1-8 Thank you for your effort to incorporate the above comments. Feel free to contact me for further assistance with the above comments at (707) 684-6879 or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

Jesse G. Robertson

JESSE ROBERTSON
Transportation Planning
District 1 Caltrans

e-copy: State Clearinghouse
Greg Pratt, Humboldt Transit Authority

Letter A1 Response

Jesse Robertson

California Department of Transportation (Caltrans), District 1

December 1, 2021

A1-1	The commenter provided introductory greetings and stated that the agency had reviewed the Draft EIR and provided a summary of the project. See Master Response 1.
A1-2	The commenter stated that they agree that due to the proximity of the project site in the Cutten area to job centers in Eureka, VMT per resident is less than 15% below the regional average VMT and expected to have a less than significant impact. The comment is in line with the findings in the PR Draft EIR and no further response is required.
A1-3	The commenter provided information on Caltrans responsibility to help California achieve a carbon-neutral future by the year 2045, provided information on Caltrans Strategic Plan for 2020-2024 and noted that the State expects to be less than five years from reaching carbon neutrality when the project is fully built, as such they offered several suggestions in further comments. The comment is appreciated and noted for the record. No further response or change to the PR Draft EIR is necessary.
A1-4	The commenter stated that they do not believe the requested land use changes are adequate enough to influence the travel behavior of subdivision residents and noted that areas that contain a combination of land use density, mix, connectivity, and walkability tend to have significantly lower overall per capita vehicle ownership and use, and higher use of alternative modes than average. The General Plan Amendment for the proposed project would allow for the development of commercial uses as well as include a higher density of development in the area. The commenter does not raise a significant environmental concern and does not comment on the adequacy of the PR Draft EIR in the comment. No further response is required.
A1-5	The commenter provided recommendations for increasing the density of the subdivision to between 8 and 12 units per acre and encouraging residential and commercial uses on lots zoned for commercial use. Lastly, the commenter recommends the County evaluate where the existing General Plan, ordinances, and other planning codes can be adapted to incorporate Climate Action Plan or other climate-oriented laws. The commenter does not raise a significant environmental concern and does not comment on the adequacy of the PR Draft EIR in the comment. No further response is required.
A1-6	The commenter stated that the description of Arbutus and Redwood Street extensions do not clearly state how the 68-foot cross-section will be delineated or utilized and provided recommendations for prioritizing bike lanes over on-street parking and any turn lanes and that both sides of the street should have sidewalks present to ensure a continuous path of travel for pedestrians. The commenter provided additional recommendations for creating a walkable community. As discussed in Section 3.16, Transportation, the project would create a pedestrian-friendly neighborhood with landscaping and buffered sidewalks ranging from five to six feet wide. There are existing facilities and streets in the project vicinity for bicyclists with a range of skill levels. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary. The final design of Arbutus and Redwood Street extensions would be consistent with County Public Works standards. As discussed in Section 3.16, Transportation, all proposed transportation improvements to accommodate the project will be reviewed by and constructed to the standards of the Public Works Department to ensure that no hazardous design features will be developed as part of the project. The comment did not raise a specific environmental concern or address the adequacy of the PR Draft EIR; no further response is required.
A1-7	The commenter provided information on how abundant free parking encourages driving and helps create dispersed, automobile dependent land use patterns. The commenter offered recommendations for limiting parking and parking management strategies, particularly with respect to commercial uses and the multi-family uses.



	The comment did not raise a specific environmental concern or address the adequacy of the PR Draft EIR; furthermore, parking does not require an analysis under CEQA. The proposed project would be built in accordance with County standards for parking. No further response is required.
A1-8	The commenter provided closing remarks to end their comment letter. See Master Response 1.



Letter A2



October 25, 2021

Humboldt County
Attn: Desmond Johnston
3015 H Street,
Eureka, CA 95501



HUMBOLDT COUNTY (COUNTY), PARTIAL RECIRCULATION OF ENVIRONMENTAL IMPACT REPORT (EIR)] FOR THE NORTH MCKAY RANCH SUBDIVISION PROJECT (PROJECT); SCH #2019049166

Dear Mr. Desmond Johnston:

Thank you for the opportunity to review the Environmental Impact Report for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits administered under the Safe Drinking Water Act and will require a new or amended water supply permit for the above referenced Project. A project requires a permit if it includes water system consolidation or changes to a water supply source, storage, or treatment or a waiver or alternative from Waterworks Standards (California Code of Regulations title 22, chapter 16 et. seq).

The proposed Project includes constructing a residential and commercial mixed-use development, a sewer line, a water storage tank, and upgrading the water main on Walnut Street between Holly Avenue and Cypress. The Project will occur on 81-acres of land over 20 years.

A2-1

The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The 320 residential units may include a mix of 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee.

The proposed off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development. The Project would also require the new utility service area be annexed into the Humboldt County Services District.

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the County's recirculated draft EIR.

A2-2

- The construction of a new water distribution tank will require an amended domestic water supply permit from the State Water Board, DDW, Klamath District, (Title 22, Division 4, Chapter 16, Article 2, 64556 [a][1].) In addition, the regulations require the water system to submit plans and specifications to the District prior to its construction. The recirculated EIR included a water modeling analysis attached as Appendix J. The

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

A2-2
continued

study indicated an estimated 250,000-gallon tank would need to be added to ensure water pressure is sustained. Please add, under section 2.4.1 Discretionary and Ministerial Actions, that a drinking water supply permit amendment will be needed. Please also add, under 2.4.2 Responsible and Trustee Agencies, that the State Water Board, DDW is a responsible agency.

A2-3

Please note, the original draft EIR mentioned that "CDPH is responsible for regulating public drinking water systems, including enforcing Title 22 Standards, which also define secondary drinking waters standards, established primary for reasons of consumer acceptance (i.e., taste) rather than for addressing health issues," (PDF page 220). For future reference, the authority for regulating drinking water systems is now vested with the State Water Board, DDW.

Once the EIR is certified, please forward the following items in support of Humboldt Community Services District's permit application to the State Water Board, Klamath District Office:

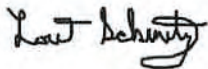
A2-4

- Copy of the original circulated EIR, draft and final recirculated EIR, Findings, Statement of Overriding Consideration (SOC), and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR, MMRP, Findings, and SOC;
- Copy of the stamped Notice of Determination filed at the Humboldt County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

A2-5

Please contact Scott Gilbreath of the Klamath District Office, at (530) 224-4876 or Scott.Gilbreath@waterboards.ca.gov if you have any questions regarding permitting requirements.

Sincerely,



Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Scott Gilbreath
Water Resources Control Engineer
Klamath District

Letter A2 Response

Lori Schmitz

California Water Quality Control Board

October 25, 2021

A2-1	The commenter provided introductory remarks and a summarized the project description. See Master Response 1.
A2-2	<p>The commenter noted the State Water Board, Division of Drinking Water (DDW) is a responsible agency under CEQA and noted several regulatory requirements the project will need to address. The commenter noted the new water distribution tank will require an amended domestic water supply permit from the State Water Board, DDW, Klamath District and requested that permit be noted under Section 2.4.1 Discretionary and Ministerial Actions. The commenter also requested that the State Water Board, DDW be listed as a responsible agency under Section 2.4.2 Responsible and Trustee Agencies.</p> <p>The comments do not raise any environmental concerns or question the adequacy of the EIR. The requested changes will be noted in Section 4.0 Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR of this Final EIR.</p>
A2-3	<p>The commenter noted that the original draft EIR mentioned that “CDPH is responsible for regulating public drinking water systems....”; for future reference the authority for regulating drinking water systems is now vested with the State Water Board, DDW.</p> <p>The comments do not raise any environmental concerns or question the adequacy of the EIR. The comment is noted for the record.</p>
A2-4	<p>The commenter requested that once the EIR is certified, that several documents be forwarded to the State Water Board, Klamath Office in support of Humboldt Community Services District's permit application.</p> <p>The comments do not raise any environmental concerns or question the adequacy of the EIR. The comment is noted for the record; the County will provide the requested documents in support of Humboldt Community Service District's permit application.</p>
A2-5	The commenter provided closing remarks to end the agency's comment letter. See Master Response 1.





REDWOOD COAST Energy Authority

Humboldt County • Arcata • Blue Lake • Eureka • Ferndale • Fortuna • Rio Dell • Trinidad • Humboldt Bay Municipal Water District

December 1, 2021

**BOARD OF
DIRECTORS**

Desmond Johnston, Senior Planner
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Sarah Schaefer
CITY OF ARCATA

Chris Curran
CITY OF BLUE LAKE

via email: CEQAResponses@co.humboldt.ca.us
djohnston@co.humboldt.ca.us

Scott Bauer
CITY OF EUREKA

RE: North McKay Ranch Subdivision Partially Revised Draft Environmental Impact Report

Stephen Avis
CITY OF FERNDALE

Mike Losey
CITY OF FORTUNA

Mr. Johnston,

Sheri Woo
HUMBOLDT BAY
MUNICIPAL WATER
DISTRICT

Redwood Coast Energy Authority, a joint powers agency, was formed in 2003 by the County of Humboldt and the cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad, and the Humboldt Bay Municipal Water District. Through its activities since formation, RCEA has established Humboldt County and its communities as leaders in reducing energy demand, increasing energy efficiency, and advancing the use of clean, efficient, and renewable local resources to increase regional self-reliance. RCEA's goals include: "To lead, coordinate and integrate regional efforts that advance secure, sustainable, clean and affordable energy resources, and to develop a long-term sustainable energy strategy and implementation plan."

Mike Wilson
COUNTY OF HUMBOLDT

Frank Wilson
CITY OF RIO DELL

Dave Grover
CITY OF TRINIDAD

RCEA thanks the County for the opportunity to comment on the Revised Draft Environmental Impact Report (DEIR) and provides these comments to state how the County can ensure consistency between the North McKay Ranch Subdivision project, the General Plan's Energy Element, and the RePower Humboldt Comprehensive Action Plan for Energy (CAPE) strategic plan.

The Humboldt County General Plan Energy Element designates RCEA as the lead on countywide strategic energy planning, policy making and implementation.

The Energy Element details RCEA's role as follows:

As the regional energy authority, the Board of Supervisors has designated RCEA to implement Energy Element strategies on a regional basis through a Comprehensive Action Plan for Energy. This action plan will be maintained by

A3-1

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www.RedwoodEnergy.org

A3-1
continued

the RCEA Board and periodically presented to the Humboldt County Board of Supervisors for review. The County will also implement Energy Element strategies through policies, implementation measures, and standards contained in this Plan. (12-3)

E-G1. Countywide Strategic Energy Planning. An effective energy strategy based on self-sufficiency, development of renewable energy resources and energy conservation that is actively implemented countywide through Climate Action Plans, General Plans and the Redwood Coast Energy Authority's Comprehensive Energy Action Plan. (12-3)

E-P5. Regional Energy Authority. Recognize the Redwood Coast Energy Authority (RCEA) as the regional energy authority, which will foster, coordinate, and facilitate countywide strategic energy planning, implementation and education through a Comprehensive Action Plan for Energy. (12-4)

E-IM2. Comprehensive Action Plan for Energy. Support efforts to implement the Redwood Coast Energy Authority (RCEA) Comprehensive Action Plan for Energy. (12-9)

RCEA's RePower Humboldt Comprehensive Action Plan for Energy (CAPE) strategic plan, updated in December 2019, includes strategies to be implemented between 2020 and 2030. These updated strategies were formed after conducting public meetings over a period of three months with over 200 residents participating and approximately 1,200 written comments received.

At its November 18, 2021, meeting, the Redwood Coast Energy Authority Board of Directors voted unanimously to approve and submit comments on the North McKay Ranch Subdivision Draft Environmental Impact Report pertaining to RePower Humboldt strategic plan goals listed below.

A3-2

1. Humboldt County General Plan Policy E-P5 recognizes RCEA's CAPE/RePower Humboldt plan as the governing document to "foster, coordinate, and facilitate countywide strategic energy planning, implementation and education." The DEIR therefore needs to assess the project's consistency with the RePower Humboldt plan.
2. The project is large and will be completed over the course of 20 years, so it will have a major impact on the region's ability to meet the RePower targets.
3. The project must show major net reductions in vehicle miles traveled (VMT) to be consistent with the RePower Humboldt target of a 25% reduction in countywide VMT by 2030, and a 65% reduction in greenhouse gas emissions from transportation by 2030.
 - a. Consistency with this target will require adoption of mitigation measures including completion of bicycle and pedestrian networks in the project area, transit improvements, and transportation demand management strategies.

A3-2
continued

4. The project must be consistent with the RePower Humboldt target of a 20% reduction in building greenhouse gas emissions by 2030, with a trajectory to achieve a 90% reduction by 2050.
 - a. Consistency with this target will require all-electric construction and a commitment to no natural gas hook-ups.
5. These targets align with the draft Regional Transportation Plan update and the draft Humboldt County Regional Climate Action Plan, both of which are currently under development.

Thank you for your consideration of these comments.

Sincerely,



Matthew Marshall
Executive Director, Redwood Coast Energy Authority

Letter A3 Response

Matthew Marshall

Redwood Coast Energy Authority

December 1, 2021

<p>A3-1</p>	<p>The commenter provided introductory remarks and provided a summary of the Redwood Coast Energy Authority's (RCEA) purpose and role. The commenter noted that the Humboldt County General Plan designates RCEA as the lead on countywide strategic energy planning, policy making, and implementation. The commenter noted that RCEA's RePower Humboldt Comprehensive Action Plan for Energy (CAPE) strategic plan was updated in December 2019 and includes strategies to be implemented between 2020 and 2030.</p> <p>The comment does not specifically reference the analysis in the PR Draft EIR or any specific CEQA issue. See Master Response 1.</p>
<p>A3-2</p>	<p>The commenter noted that the RCEA Board of Directors unanimously approved submitting comments on the North McKay Ranch Subdivision Project pertaining to the RCEA strategic plan goals at its November 18, 2021 meeting. The commenter noted Humboldt County General Plan Policy E-P5 recognizes RCEA's CAPE/RePower plan as the governing document to "foster, coordinate, and facilitate countywide strategic energy planning, implementation and education." and asserted that the DEIR needs to assess the project's consistency with the RePower Humboldt Plan. The Draft EIR and PR Draft EIR comprise a project-level EIR, the RePower Humboldt Plan is intended to be applied at a community-wide level with regional implementation goals and policies; therefore, the appropriate place to evaluate consistency with the RePower Plan is in a planning level document such as a General Plan Update.</p> <p>The commenter noted that the plan is large and will be completed over 20 years and will have a major impact on the region's ability to meet the RePower targets. The comment does not specifically reference the analysis in the PR Draft EIR or any specific CEQA issue; see Master Response 1.</p> <p>The commenter stated that project must show major reductions in VMT to be consistent with RePower Humboldt target of 25% reduction in countywide VMT by 2030, and a 65% reduction in greenhouse gas emissions by 2030 and suggested consistency with this target will require adoption of mitigation measures including completion of bicycle and pedestrian networks in the project area, transit improvements, and transportation demand management strategies.</p> <p>The RePower Plan targets are applicable on a countywide basis and do not represent a project-specific target. As discussed in Section 3.16, Transportation of the PR Draft EIR, the project achieves a greater than 15% below regional VMT to have a less than significant impact on transportation and no mitigation is required. Regarding greenhouse gas emissions, please refer to Master Response 1.</p> <p>The comment does not raise a significant environmental concern or address the adequacy of the EIR, see Master Response 1.</p>



Letter A4



HCAOG

*Regional Transportation
Planning Agency*

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Members:

*City of Arcata
City of Blue Lake
City of Eureka
City of Ferndale
City of Fortuna
City of Rio Dell
City of Trinidad
County of Humboldt*

December 1, 2021

Desmond Johnston, Senior Planner
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501
CEQAResponses@co.humboldt.ca.us

**Re: North McKay Ranch Subdivision Comment Letter on
Recirculated Draft EIR**

Dear Mr. Johnston,

The Humboldt County Association of Governments (HCAOG) is committed to assisting member jurisdictions in crafting new development proposals that will contribute to an efficient and sustainable regional transportation system. Our aim is to provide feedback on projects that have the potential to impact regional efforts to meet targets for greenhouse gas emission reductions, vehicle miles traveled (VMT), mode shift, and traffic safety.

HCAOG appreciates this opportunity to provide comments on the North McKay Ranch Subdivision Project, Partial Recirculation of the Draft Environmental Impact Report.

HCAOG is keenly aware of the housing needs of our region and supports well-planned housing developments. For the North McKay Ranch Project, HCAOG is particularly supportive of the mixed-used components of the project and the inclusion of 174 multi-family residential units and 18 affordable single-family units.

However, we have serious concerns about pedestrian safety, greenhouse gas emissions from transportation sources, the VMT methodology, and the lack of cohesive multimodal plans for the project. With additional analysis and mitigations, HCAOG believes the project can support our regional objectives, which include:

- Increase multi-modal mobility, and improve overall safety for motorists, bicyclists, pedestrians, and transit users.
- Coordinate transportation systems with land use for efficient, sustainable use of resources and minimize the consumption and use of finite resources such as fossil fuels.

A4-1

A4-2

Safety

General Plan policy C-P34: Traffic Calming is discussed in table 3.11-1. The policy reads:

Use traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles.

A4-3

The discussion of Policy C-P34 is limited to the project proposal incorporating intersection improvements that will help minimize traffic congestion in the vicinity of the proposed project. While this may be true, the aim of CP-34 is to increase safety for **all users** rather than minimize traffic congestion. Reducing congestion is not a proxy for increasing safety. In 2020, despite less cars on the road due to COVID-19, there was an 11% increase in speeding-related crashes.¹ HCAOG believes the consistency analysis should address safety for all users rather than traffic congestion to be responsive to the General Plan policy intent.

Level of Service (LOS)

HCAOG recommends removing the discussion of Policy C-P5: Level of Service Criteria, from Table 3.11-1. As noted in the table discussion “Pursuant to Section 15064.3, this project’s effect on automobile delay shall not constitute a significant environmental impact.” Office of Planning and Research guidance confirms that even if a general plan contains an LOS standard and a project is found to exceed that standard, that conflict should not be analyzed under CEQA.² HCAOG recommends removal of this discussion, as this policy is not for the purpose of avoiding or mitigating an environmental effect.

A4-4

Greenhouse gas emissions

While the greenhouse gas (GHG) section of the Draft EIR is not being recirculated, we take this opportunity to comment on GHG impacts because of the close relationship with vehicle miles traveled (VMT). The DEIR acknowledges the majority of the operational emissions are generated by mobile sources (i.e. vehicle travel resulting from the project). HCAOG strongly recommends mitigation measures be applied to the project to reduce the impact of vehicular emissions to a less than significant level. Measures should be identified and quantified in a project-specific Greenhouse Gas Emissions Reduction Plan.

A4-5

The greenhouse gas analysis relies on the threshold of significance set by Sacramento Metropolitan Air Quality Management District (SMAQMD). To apply this threshold in good faith, the plan should also adhere to SMAQMD’s recommended Best Management Practices (BMPs) which are required for projects in their air district to demonstrate consistency with the Climate Change Scoping Plan. The two standard BMPs are: 1) no natural gas and 2) make all EV Capable spaces EV Ready.³ The project document should expand on its statement that electric vehicle charging

¹ US Department of Transportation, National Highway Traffic Safety Administration, 2020 Fatality Data Show Increased Traffic Fatalities During Pandemic,” June 3, 2021 < <https://www.nhtsa.gov/press-releases/2020-fatality-data-show-increased-traffic-fatalities-during-pandemic> >

² <https://opr.ca.gov/ceqa/sb-743/faq.html#general-plans-with-los>

³ SMAQD Greenhouse Gas Thresholds for Sacramento County,

<https://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholds2020-03-04v2.pdf>

A4-5
continued | will be required at the commercial and multi-family units, and quantify greenhouse gas reductions from EV Ready electrical infrastructure.

VMT analysis

A4-6 | HCAOG recommends the VMT analysis consider only the greater eureka area in discerning the regional threshold of significance, rather than a county-wide comparison. General Plan Policy C-P7 states that “projects with potentially significant transportation impacts should integrate transportation planning through joint use of area-wide traffic models.” The analysis relies on the California Statewide Travel Demand Model which divides Humboldt County into 18 Traffic Analysis Zones (TAZs). The VMT analysis uses the average across the entire County as the baseline. This creates a situation where TAZ 106, where the project is located and which has a home-based VMT of 78,000, to be compared to TAZ 108, the Hydesville/Bridgeville area that has a home-based VMT of 190,767. Taking the average across the County does not provide a reasonable context for VMT given the project’s location on the outskirts of Eureka. Instead, the VMT analysis should use the greater eureka area (meaning those TAZs comprising and contiguous with the City of Eureka) as the baseline.

HCAOG strongly encourages the County to include mitigation measures shown to reduce VMT and the associated greenhouse gas emissions. To reduce single occupancy vehicle trips, infrastructure and incentives should encourage transportation by alternative modes. Quantifiable measures include trip reduction or incentive programs such as bus vouchers or electric bike promotion, improving transit service frequency, and enhancing road, bike and pedestrian networks. The County would also benefit by incorporating GHG reduction measures from its Draft Climate Action Plan. HCAOG’s Regional Transportation Plan (October 2021 draft) sets a target to reduce vehicle miles travelled per capita by at least 25% by 2030.

Multimodal planning

The project document would benefit from increased analysis of multimodal transportation options. A key consideration should be the barrier effect of increased vehicular traffic. The barrier effect refers to the incremental delay, discomfort, and risk that increased motor vehicle traffic speeds and volumes impose on pedestrians and bicyclists.⁴ In the Active Transportation discussion on page 3.16-13 it states that:

A4-7 | The Project would not block, remove, or create barriers for walking and biking, but rather it would provide facilities to encourage non-motorized mode of transportation throughout the Project site, which would reduce local vehicle trips.

Although not a physical barrier, increased vehicle trips may in fact create a barrier to others using the multimodal system in the vicinity. The full project buildout would generate a total of 2,879 daily trips, accounting for between eight and 40 percent of traffic growth beyond existing traffic volumes. Without additional analysis it is difficult to quantify the overall effects on active transportation. HCAOG strongly encourages the County to incorporate fair share contributions for infrastructure that will demonstrably make it easier, more comfortable and safer to be a pedestrian and bicyclist in areas impacted by project-generated traffic. At minimum, the project should not increase the level of stress for pedestrians and bicyclists in the surrounding area.

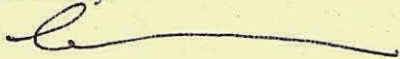
⁴ Todd Litman, *New Mobilities: Smart Planning for Emerging Transportation Technologies*. 2021.

A4-8

HCAOG encourages the County to analyze and mitigate for the impact of the project's vehicular traffic on the walkability and bikeability of the surrounding street network. Currently, the project document simply states that pedestrian access is "adequate" and that there is "good bike access" for the project. A key metric to gauge the functionality of an on-street bicycle network is the Level of Traffic Stress (LTS). This metric is a product of vehicular speed/volume and degree of separation between cars and bikes. Bicycle Level of Service and Quality of Service (BLOS/BQOS) are two additional metrics recommended in HCAOG's 2018 Regional Bicycle Plan.

Thank you for the opportunity to comment on this project.

Sincerely,



Beth Burks, AICP
Executive Director

Letter A4 Response

Beth Burks, AICP

Humboldt County Association of Governments

December 1, 2021

A4-1	<p>The commenter provided introductory remarks and a summary of Humboldt County Association of Government's (HCAG) aim to provide feedback on projects that have the potential to impact regional efforts to meet greenhouse gas emission reductions, VMT, mode shift, and traffic safety. The comment does not specifically reference the analysis in the PR Draft EIR or any specific CEQA issue. See Master Response 1.</p>
A4-2	<p>The commenter noted that HCAG is keenly aware of the housing needs of the region and supports well-planned housing developments and their support of the mixed-use components of the project and the 174 multi-family residential units with 18 affordable single-family units. The commenter included an overview of the commenter's concerns regarding transportation sources, VMT methodology, and the lack of cohesive multimodal plans for the project. Responses to specific concerns are addressed in A4-3 through A4-8.</p>
A4-3	<p>The commenter stated that the County's consistency determination for Policy C-P34 did not evaluate safety for all users but rather focused on traffic congestion. Ultimately, the determination of consistency with County General Plan goals and policies remains with the County. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. See Master Response 6.</p>
A4-4	<p>The commenter recommended removing the discussion of Policy C-P5 from Table 3.11 because automobile delay is no longer a significant environmental impact. The PR Draft EIR stated that the LOS was no longer being evaluated as an environmental impact, however, County Policy C-P5 was evaluated in Table 3.11 to determine the project's consistency with General Plan policies. See Master Response 6.</p>
A4-5	<p>The commenter provided comments on the greenhouse gas evaluation in the PR Draft EIR because of the close relationship with VMT, however, the greenhouse gas section was not recirculated. Please refer to Master Response 1.</p>
A4-6	<p>The commenter expressed concerns with the VMT analysis and the selection of traffic model and thresholds of significance. Refer to Master Response 4.</p>
A4-7	<p>The commenter provided recommendations for increasing the analysis of multimodal transportation options. CEQA provides the Lead Agency, in this case, the County the discretion to determine the level of analysis in a CEQA document. CEQA Guidelines Section 15151 Standards for Adequacy of an EIR, states, "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."</p> <p>Section 3.16, Transportation, noted that the Humboldt Regional Bicycle Plan Update 2018 prepared by the HCAOG (HCAOG 20128) lists various proposed bicycle routes in the project area: (1) a proposed north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on "W" Street, Hemlock Street, and Walnut Drive, but the regional plan did not propose any bicycle facilities within the immediate project area. As such, development of the plan would not impede the development of bicycle routes. The proposed project will be conditioned to provide its fair-share of roadway improvements, which will include bicycle and trail improvements.</p>
A4-8	<p>The commenter provided recommendations for the County to analyze and mitigate the impacts of a project's vehicular traffic on the walkability and bikeability of the surrounding street network. As noted in Response A4-7, the County has the discretion to determine the level of analysis in evaluating transportation impacts.</p> <p>The Humboldt Regional Bike Plan – Update 2018 is described as "foremost a regional plan intended primarily to facilitate projects and programs that will help build a bikeway system that makes</p>



	<p>bicycling throughout Humboldt County a safe, convenient, and practical means of transportation for all residents and visitors.” The Bike Plan is intended to be implemented at the regional level with individual projects contributing their fair-share for improvements in accordance with the local jurisdictions requirements. The Bicycle Level of Service and Quality of Service are metrics that would best addressed at the regional level.</p>
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Letter A5



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December 1, 2021

Desmond Johnston, Senior Planner
Humboldt County Department of Planning and Building
Planning Division
3015 H Street
Eureka CA 95501
ceqaresponses@co.humboldt.ca.us

RE: LAFCo Comments on Partial Recirculation of the Draft Environmental Impact Report for the North McKay Ranch Subdivision Project

A5-1

The North McKay Tract Subdivision proposal includes annexation into the Humboldt Community Services District (HCSD) for water and wastewater services and will be within Humboldt Bay Fire's (HBF) service boundary for fire protection services. Humboldt LAFCo will be processing the annexation application subsequent to County action and reviewing HCSD's ability to adequately serve the project. As such, Humboldt LAFCo serves as a responsible agency as defined by the California Environmental Quality Act (CEQA) and will rely on the environmental document prepared by the Humboldt County Planning and Building Department, as lead agency, to support its decision on the proposed annexation and service capabilities analysis.

A5-2

LAFCo staff has the following comments:

1. Humboldt LAFCo Consistency Analysis. The DEIR and Recirculation includes a summary of the required factors that are analyzed during annexation proceedings. The following comments are provided for Table 3.11-3:
 - a. Section 56668(f): This section is intended to discuss the proposed annexation boundary and how it relates to parcel lines and other agency boundaries. The current DEIR analysis does not address the proposed HCSD boundary or how it relates to the City of Eureka's boundary and SOI.
 - b. Section 56668(g): This section was combined with 56668(h) which has resulted in incorrect lettering for all subsequent sections discussed.
 - c. Document Section 56668(l): This section needs to be re-lettered to Section 56668(m). Additionally, the DEIR analysis does not directly address the County's RHNA numbers and how the proposed project helps in achieving those targets.
 - d. Document Section 56668(o): This section needs to be re-lettered to Section 56668(p). Additionally, the wording of the referenced section is incorrect. It is recommended that the language be updated to reflect the current CHK Act Guidelines.

A5-2
continued

- e. Section 56668(q): This section is missing from the DEIR analysis. This section states: "Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.
- f. These required factors will be further expanded upon during the HCSD annexation process conducted through Humboldt LAFCo.

A5-3

2. Utilities. The water demand analysis provided as Appendix J provides a clear and concise assessment of the water system upgrades needed to support the proposed project. While the DEIR states that the developer will enter into an agreement for cost sharing of infrastructure upgrades, it is recommended that funding mechanisms for long term maintenance, repair, and replacement be discussed as well.

A5-4

3. Conversion of Open Space. LAFCo seeks to protect open space and deter urban sprawl on the fringes of communities. The proposed project would permanently convert approximately 59 acres of existing timberland/open space lands to urban uses. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. This dedicated open space area abuts existing community fields and would provide some buffer between a portion of the new development and the existing neighborhood to the west. The County owns the McKay Community Forest property to the east of the project site, which is planned for a future regional park and trails.

As part of the annexation process, LAFCo will further evaluate the conversion of open space land to urban uses in accordance with Government Code Section 56377 and Humboldt LAFCo policies. LAFCo encourages the adoption and implementation of effective measures to mitigate the loss of open space lands, and to preserve adjoining lands to prevent their premature conversion to other uses.

Again, thank you for the opportunity to comment on this project. Please contact staff at (707) 445-7508 if you have questions regarding this letter.

Sincerely,

Colette Santsche

Colette Santsche, AICP
Humboldt LAFCo Executive Officer

Letter A5 Response

Colette Santsche

Humboldt Local Agency Formation Commission (LAFCo)

December 1, 2021

A5-1	<p>The commenter provided introductory remarks and summarized LAFCo's role as a responsible agency. See Master Response 1.</p>
A5-2	<p>The commenter provided a summary of required factors that are analyzed during annexation proceedings and provided several comments to Table 3.11-3 LAFCo Consistency Analysis.</p> <p>The commenter stated that Section 56668(f) did not discuss the proposed annexation boundary and how it relates to parcel lines and other agency boundaries. The discussion of boundaries was provided in Section 56668(a). Table 3.11-3 will be revised to provide the discussion in Section 56668(a).</p> <p>The commenter noted that Section 56668(g) was combined with 56668(h), which resulted in incorrect lettering for all subsequent sections discussed. This will be corrected in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The commenter noted that Section 56668(l) needs to be re-lettered to Section 56668(m) and that the DEIR needs to address RHNA numbers and how the proposed project helps in achieving those targets. The section will be renumbered in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR. RHNA numbers were discussed in Section 3.13, Population and Housing in the Draft EIR. The proposed project would provide up to nine percent of the housing stock required under RHNA.</p> <p>The commenter noted Section 56668(o) in Table 3.11-3 needs to be re-lettered to Section 56668(p). Additionally, the wording of the referenced section is incorrect. It is recommended that the language be updated to reflect the current Cortese-Hertzberg-Knox Act Guidelines. The section and text will be revised in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The commenter noted that Section 56668(q) was missing from Table 3.11-3. The section will be included in the revised Table 3.11-3 in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The above revisions do not represent inadequacies in the analysis or change the consistency findings. They are simply clarifications/insignificant modifications of the information presented.</p>
A5-3	<p>The commenter summarized the findings of the water demand analysis provided in Appendix J and recommended that the funding mechanisms for long-term maintenance, repair, and replacement of infrastructure be discussed.</p> <p>As discussed in Section 3.11, Land Use and Planning, the proposed project Applicant would provide the full costs of all infrastructure necessary to serve the proposed project. The proposed project would pay its share of development impact fees. Ongoing long-term maintenance would be addressed by HCSD through user fees.</p> <p>The commenter does not raise a significant environmental concern and does not comment on the adequacy of the PR Draft EIR in the comment; see Master Response 1.</p>
A5-4	<p>The commenter noted the conversion of 59 acres of existing timberland/open space to urban uses and the 21.73 acres that would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee and stated that as part of the annexation process LAFCo will further evaluate conversion of open space land to urban uses in accordance with Government Code Section 56377.</p> <p>The PR Draft EIR found that the project would be consistent with Humboldt County's policies for open space as such, no mitigation measures were required. The proposed project area currently contains a forested area that has been subject to timber harvesting activities within the last 30 years. The Eureka Community Plan identifies the parcels for development, and the parcels are currently zoned for residential development. The site is located within the HCSD SOI. The commenter does not raise a significant environmental concern and does not comment on the adequacy of the Draft EIR in the comment; see Master Response 1. LAFCo's discretion to further evaluate the conversion of open space is noted for the record.</p>



O1-2
continued

measures. The new document simply moves the analysis from the Transportation section, where it is no longer allowed, to the Land Use section, under the guise of consistency with the Humboldt County General Plan, and reclassifies the related infrastructure changes from “mitigation measures” to “conditions of approval” (see Tables 3.11-1 and 3.16-2). In our June 22, 2020 comments, we explained in detail why LOS analysis simply does not belong in CEQA documents any longer, and we refer you that explanation once again. We urge you to remove LOS analysis from the DEIR entirely.

The Project is Inconsistent with the Humboldt County General Plan

Tables 3.11-1 and 3.16-2 purport to assess the consistency of the project with various Humboldt County General Plan policies. These assessments as they pertain to transportation-related policies are completely inadequate. In particular:

- Policy C-P11 requires residential subdivisions to comply with County Transportation Demand Management (TDM) programs. The Recirculated DEIR’s assessment of consistency with this policy refers to signalized intersection improvements and plans to deal with traffic impacts from construction. Neither of these measures is in any way related to the definition of TDM. TDM consists of strategies specifically meant to reduce single-occupancy vehicle usage in order to maximize transportation efficiency.¹ The County’s TDM programs are largely adopted through the Regional Transportation Plan (RTP). For example, General Plan Policy C-P22 calls for the County to “support the implementation of guiding goals, policies and objectives of the Public Transit and Paratransit Service Element of the Regional Transportation Plan as amended.” Relevant 2017 RTP policies include:
 - Policy PT-1 calls for funding for increased transit trip frequency.
 - Policy PT-4 calls for “transit-friendly development.”
 - Policy PT-5 calls for enhancing pedestrian access to bus stops.
 - Policy PT-7 calls for developing local funding sources for transit system expansion, including developer impact fees.

O1-3

Yet the project is not transit-friendly, provides no enhanced pedestrian access to bus stops, and provides no funding for improving transit service for future residents. In fact, the project contains no TDM measures at all, and is therefore inconsistent with both Policy C-P11 and policies such as C-P1 and C-P24 which call for support for non-SOV modes.

- Policy C-P34 calls for the use of traffic calming measures wherever feasible and appropriate. The Recirculated DEIR’s assessment of consistency with this policy refers to intersection improvements to reduce traffic congestion. Such improvements have nothing to do with traffic calming, which is defined as strategies to reduce vehicular speed—the exact opposite of reducing congestion. In fact, the project contains no traffic

¹ Association for Commuter Transportation. Undated. What is TDM?
<https://www.actweb.org/i4a/pages/index.cfm?pageID=3473>

O1-3
continued

calming measures, despite such measures being clearly feasible and appropriate, and therefore runs afoul of Policy C-P34.

- Policy E-P5 recognizes the Redwood Coast Energy Authority (RCEA) and its Comprehensive Action Plan for Energy (CAPE) as the governing document for “countywide strategic energy planning, implementation and education.” The Recirculated DEIR does not mention this policy. However, the CAPE calls for a 25% reduction in countywide VMT by 2030 and a 65% reduction in greenhouse gas (GHG) emissions from transportation by 2030. The project includes no measures to reduce VMT nor to reduce GHG emissions from transportation and thus is clearly inconsistent with these targets without further mitigation.

O1-4

The Project Creates Obstacles to Active Transportation and Transit

The brief and unsupported bicycle and transit impact analysis (p.3.16-8) retains all of the fatal flaws noted in our letters dated June 22, 2020 and June 29, 2020. Furthermore, the newly stated conclusion that the project “would not block, remove, or create barriers for” walking, biking or transit is unsupported by any reasonable analysis or evidence. The Recirculated DEIR states that the project “would provide facilities to encourage non-motorized transportation” (p.3.16-13), but describes no such facilities aside from sidewalks provided to meet legal standards. Moreover, the document itself admits that the nearest transit stop (for a low-frequency bus route) is 0.5 miles from the project site; in fact, many of the project’s residences will be significantly further away than that. In contrast, 0.25 miles is generally considered the appropriate distance for generating substantial bus ridership, and increasing distance from stops results in dramatic declines in ridership and corresponding VMT impacts.² The Recirculated DEIR also admits that “there are limited bicycle facilities in the Project vicinity” (p.3.16-13), and the project does not include any bicycle or transit improvements. The project’s distance from services and employment centers and lack of meaningful access to active transportation and transit is itself an obstacle to using these modes of transportation, resulting in higher VMT.

O1-5

The Project’s VMT Analysis Remains Fatally Flawed

The Recirculated DEIR’s VMT analysis, while slightly more detailed than the previous version, retains its fatal flaw: the use of county-wide per capita average VMT as the basis for comparison, rather than Eureka-area per capita VMT (p.3.16-11). We reiterate our critique of this approach from our letter dated June 22, 2020, and repeat for emphasis: “The project clearly and unequivocally proposes a suburb of the City of Eureka. The appropriate population

² Tal, Gil, Susan Handy and Marlon G. Boarnet. 2013. Policy brief on the impacts of transit access (distance to transit) based on a review of the empirical literature. California Air Resources Board. https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Transit_Access_%28Distance_to_Transit%29_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf.

O1-5
continued

for VMT comparison is therefore the city and its immediately adjacent neighborhoods, not the largely rural surrounding region.” We also note with disappointment that the Recirculated DEIR omits the previous version’s admission that the project’s per capita VMT will likely be higher than that of Eureka, which we repeat is the relevant standard of comparison. We urge the County to adopt a reasonable policy formalizing such a standard of comparison for VMT analysis under SB 743 as soon as possible.

The Project’s GHG Impact Assessment is Flawed and Proposed Mitigation Inadequate

Although the DEIR’s Greenhouse Gas Emissions chapter is not being recirculated, the project’s GHG impact is tied inextricably to its transportation impacts, so we comment again on these impacts here:

O1-6

- The CAPE calls for a 20% reduction in GHG emissions from fossil fuel use in buildings by 2030, on track for a 90% reduction by 2050. The project intends to connect its residences with natural gas service, presumably for space heating, water heating, cooking, and other uses, which is inconsistent with the CAPE’s goal of reducing fossil fuel emissions from buildings. It is therefore also inconsistent with General Plan Policy E-P5.
- Implementation of MM GHG-2, removal of woodburning devices in multi-family residential (presumably for space heating), would result in an increase in projected GHG emissions from the Energy Consumption source category, given that the heat from woodburning devices must be offset by another source, presumably natural gas. Table 3.8-2 should reflect this increase.
- The DEIR is incorrect in concluding that the project has exhausted all feasible GHG mitigation measures. As noted in our letter dated June 29, 2020, additional feasible mitigation measures include all-electric development, native plant landscaping, removal of woodburning devices from all residential development, and actions to reduce VMT including construction of bike infrastructure, provision of free bus passes to residents, car-share and bike-share programs, traffic calming, and a reduction in the number of parking spaces provided.

O1-7

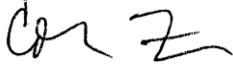
In conclusion, the Recirculated DEIR’s analysis of vehicular, active transportation and transit, and GHG impacts all continue to be inadequate. The project’s land use impacts, VMT impacts, active transportation impacts, transit impacts, and GHG impacts are all clearly significant. The project must adopt mitigation measures including new bicycle and transit facilities connecting with existing networks, traffic calming measures, TDM measures, all-electric construction, native landscaping, and removal of woodburning devices. Furthermore, to ensure compliance with the General Plan and the CAPE, the DEIR must demonstrate that these measures collectively achieve a reduction in annual VMT equal to 25% of new long-term annual operational VMT induced by the project, and a legislative-adjusted³ reduction in annual GHG

³After crediting for state legislative impacts from SB 32, RPS, Advanced Clean Cars, and Advanced Clean Trucks

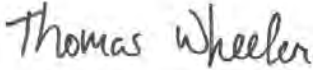
O1-7
continued | emissions equal to 65% of new annual operational GHG emissions resulting from new long-term
annual operational VMT induced by the project.

Thank you for your consideration of our comments.

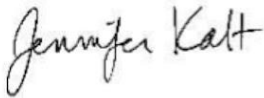
Sincerely,



Colin Fiske
Executive Director
Coalition for Responsible Transportation Priorities
145 G Street, Suite A
Arcata, CA 95521
colin@transportationpriorities.org



Tom Wheeler
Executive Director and Staff Attorney
Environmental Protection Information Center (EPIC)
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Jennifer Kalt, Director
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Letter 01 Response

Colin Fiske, Coalition for Responsible Transportation Priorities
Tom Wheeler, Environmental Protection Information Center (EPIC)
Jennifer Kalt, Humboldt Baykeeper
 November 11, 2020²

O1-1	<p>The commenters provided introductory statements and stated that the Recirculated EIR did not address their comments from their letters dated June 22, 2020 and June 29, 2020 therefore, they are incorporating the previous comments by reference. The commenters also expressed concern about sea level rise and the need to reduce greenhouse gas emissions to slow climate change impacts. The reference to the updated Bicycle Plan is noted and will be corrected in Section 4 Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR; notably there have been no changes to proposed bicycle routes within the project site or project vicinity; the information previously presented remains accurate.</p> <p>Comments on transportation are referred to Master Response 1. Comments on greenhouse gases are referred to Master Response 2.</p>
O1-2	<p>The commenters stated that LOS should not be retained under CEQA and questions the County's decision to evaluate LOS under the General Plan consistency. Refer to Master Response 4 and Master Response 6.</p>
O1-3	<p>The commenters asserted that the project is inconsistent with the Humboldt County General Plan and provided a list of policies they believe the project is specifically inconsistent with. Refer to Master Response 6. Regarding inconsistency with Policy E-P5, refer to Response A3-2.</p>
O1-4	<p>The commenters asserted that project would create obstacles to active transportation and transit and that the project's distance from services and employment centers and lack of meaningful access to active transportation and transit is itself an obstacle to using these modes of transportation.</p> <p>The CEQA Guidelines Appendix G Checklist asks if a project would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The PR Draft EIR acknowledges that the Regional Bicycle Plan does not include any bicycle routes within the project site and describes proposed routes in the vicinity of the project site. The proposed project would include the dedication of easements and public rights-of-way for pedestrian pathways and roads that would include sidewalks. Conditions of approval would require pathways and pedestrian ways to be clear of obstacles. The County Public Works Department would be responsible for ensuring proposed roadways are designed and constructed in accordance with local standards. The project represents higher density and mixed use development, notably, VMT for the project has been determined to be less than 15% of the regional VMT.</p>
O1-5	<p>The commenters stated that the VMT analysis remains fatally flawed because of the use of county-wide per capita average. Please refer to Master Response 1 and Master Response 4.</p>
O1-6	<p>The commenters provided comments on the greenhouse gas impact assessment and stated the proposed mitigation is inadequate. The greenhouse gas section was not recirculated as part of the PR Draft EIR, please refer to Master Response 5.</p>
O1-7	<p>The commenters reiterated their previous comments. Please refer to Master Response 1 and 4 and Response A3-2.</p>

² Date on letter is November 11, 2020; letter was received in November 2021 for the Partial Recirculation Draft EIR.



Letter I1

Claire Brown

From: Claire Brown <mycorrhizal@gmail.com>

Sent: Monday, November 15, 2021 6:08 PM

To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>

Subject: Comments on North McKay Ranch Partially Recirculated DEIR

Dear Planning Department,

I1-1 [This project will obviously result in significant increases in driving, and therefore has to include mitigations like new bicycle and transit facilities, traffic calming, and transportation demand management. In fact, to be consistent with the County's General Plan and the local RePower Humboldt plan, they have to show that the project will help reduce vehicle miles traveled (VMT) by 25% and reduce transportation-related greenhouse gas emissions by 65%.

Thanks,

Claire Brown, Eureka

Letter I1 Response

Claire Brown

November 15, 2021

I1-1	<p>The commenter stated that the project will result in a significant increase in driving, and therefore mitigation for new bicycle, transit facilities, traffic calming, and transportation demand management is required. The commenter also suggested that consistency with the RePower Humboldt Plan requires the project to show a reduction of 25% in VMT and 65% of greenhouse gas emissions.</p> <p>The Draft EIR found that transportation impacts were less than significant, thus no mitigation is required; please refer to Master Response 1. Refer to Master Response 2 for greenhouse gas emissions and Response A3-2 regarding consistency with Humboldt RePower Plan.</p>
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Letter I2

Daniel Chandler

From: Daniel Chandler <dwchandl@gmail.com>

Sent: Monday, November 15, 2021 1:37 PM

To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>

Subject: Comments on North McKay Ranch Partially Recirculated DEIR

Hello.

I2-1 I have a comment on the revised transportation plan that is incorporated into the DEIR. The DEIR says that the McKay Ranch subdivision will not have a significant impact on driving. To reach this startling conclusion a bit of methodological legerdemain is employed: VMT for the subdivision is compared to the average VMT in the county, including of course all the rural areas. In fact, the subdivision is an expansion of the City of Eureka, so the comparison should have assigned city miles driven to the subdivision — even that is an undercount because this subdivision is designed so poorly. It is really a 1950's era project. Because it *will* have a significant impact on VMT and on traffic, it needs to have much more significant mitigations built in. These could and should include new bicycle and transit facilities and traffic calming.

I2-2 The larger issue is that the subdivision, to be consistent with the Humboldt County General Plan and the RCEA RePower Humboldt plan should be held to a higher standard, namely that it will reduce VMT byh 25% at least and reduce transportation-related greenhouse gas emissions by 65%.

I2-3 If the transportation plan was done with the correct methodology and the proper standards applied, it would be seen to be totally inadequate.

I2-4 Please make the very extensive changes needed in order for this subdivision to actually comply with CEQA and our local climate plans.

Thank you for your consideration.

Dan Chandler

Daniel Chandler, Ph.D.
350 Humboldt Steering Committee
dwchandl@suddenlink.net
dwchandl@gmail.com
Phone: 707 677 3359
Mobile: 707 601 6127

Letter I2 Response

Daniel Chandler

November 15, 2021

I2-1	The commenter stated that the project will have a significant impact on VMT and traffic and needs to have more mitigation included. The commenter also took issue with the VMT methodology. Please refer to Master Response 1.
I2-2	The commenter stated that the project needed to show consistency with the General Plan and RCEA RePower Humboldt Plan by reducing VMT by 25% and greenhouse gas emissions by 65%. Please refer to Master Response 3 and Response A3-2.
I2-3	The commenter implied that that the transportation analysis applied the incorrect methodology and standards. Refer to Master Response 1.
I2-4	The commenter provided a general statement requesting extensive changes for the subdivision to comply with CEQA and local climate plans. The project has complied with the CEQA process. Refer to Master Response 2 for climate action plans. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.



Letter I3

From: [Dave Holper](#)
To: [Johnston, Desmond](#)
Subject: Re: North McKay Ranch Comment
Date: Friday, October 15, 2021 5:37:02 PM

Please pass this comment along to the Planning Department. The email they provided in their letter about this project did not work.

To County of Humboldt Planning Department,

On the surface, this project looks good, in terms of providing additional housing units in a city that seems to have limited options for growth.

However, my wife and I attended the last public session at Cutten School several years ago where the developer and a member of the county government failed to address the issues of the impacts that this development would have on several roads, including Cedar Street, Fern Street, Walnut Street, and Redwood Street. Given the size of the development and its lack of adequate street access, we both consider this project a problem that needs better solutions.

13-1

As anyone familiar with the neighborhood knows, the intersection of Walnut Street and Hemlock is impacted in the early morning and later afternoon due to the heavy traffic in and out of Cutten. If you were to add this development to the mix, the traffic impact would be significant, and that would lead to major problems going in or out of Cutten at these times. Given that the slopes on the other end of the property preclude such access, this presents what seems to be an insurmountable hurdle to the issues of access.

As it stands, we continue to oppose the project because of these problems.

David Holper

Letter I3 Response

David Holper

October 15, 2021

I3-1	<p>The commenter provided general concerns with traffic and access to the property. The commenter expresses opposition.</p> <p>Transportation impacts were addressed in Section 3.16 of the PR Draft EIR and found to be less than significant. No hazards were identified with project access. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>
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Letter I4

Elyse M. Kelly

From: Elyse <ekelly@tidepool.com>

Date: October 18, 2021 at 1:44:42 PM PDT

To: "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>

Cc: "Madrone, Steve" <smadrone@co.humboldt.ca.us>, "Bohn, Rex" <RBohn@co.humboldt.ca.us>, "Bushnell, Michelle" <mbushnell@co.humboldt.ca.us>, "Bass, Virginia" <VBass@co.humboldt.ca.us>, mmello@gpins.co

Subject: McKay Tract Subdivision

As a resident of West End Rd, Arcata, CA, I was unable to obtain California Homeowner's Insurance (Farm Policy) this year. I was offered CA FAIR Plan at a very high price. I researched the plan and heard of numerous people who were unable to conform to their rule that ALL trees had to be cut within 200' of their house. Not everyone owned 200' beyond their house and that didn't seem to matter. I was denied by over 6 companies, 3 of which I tried to obtain on my own. The local insurance company that I was using, tried very hard to find me a company to insure my property. I own 38 acres, 3 of which is my "yard" and most of the rest is rented to horse owners. Therefore, I was turned down by some insurance companies, because I didn't "farm". But, my hands are tied due to the number of acres.

I found a Eureka insurance company who did find an out of state insurance company who would provide fire insurance, but not for the contents. That's what I went with. I then got liability insurance elsewhere. I was turned down for "renter's insurance" for the contents of the house.

I4-1

So, when I read that the McKay Tract Subdivision won't conform to CalFire regulations of 100' of defensible-space buffer of trees, let alone the 200' that the CA FAIR Plan requires, I am baffled that the supervisors or Mr. Kramer would not address that requirement immediately.

Please do your own research and talk to insurance agents in the area, you will find that insurance companies were not renewing insurance for businesses in downtown Eureka, due to fire risk, and financial risk to the insuring company.

Our coastal area has never been within a fire weather hazard designation. That may come. I don't understand why the board and Mr. Kramer don't take wildfire safety seriously. We don't normally have the thunderstorms here on the coast that start wildfires, but certainly there have been numerous calls to fire departments to put out fires started by the homeless. And many of those calls are to Volunteer Fire Departments, which are chronically understaffed and underfinanced.

Please insist that Mr. Kramer address the defensible-space of his subdivision to not only CalFire standards, but the CA FAIR Plan Insurance rules.

Sincerely,

Elyse M Kelly

Letter I4 Response

Elyse M. Kelly

October 18, 2021

I4-1	<p>The commenter provided general information on fire insurance requirements they have encountered and asked that the County insist that the requirements for defensible space be addressed by the Applicant.</p> <p>The comment pertains to a section of the EIR that was not recirculated, as such, no further response is required. Wildfire was previously addressed in Section 3.19 of the Draft EIR.</p>
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Letter I5

Emily Morris

From: Morris Emily <anemolie@gmail.com>

Sent: Thursday, November 18, 2021 10:36 AM

To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>

Subject: North McKay Ranch

Dear Humboldt County planners-

I'm writing about the North McKay Ranch development, proposed to be built south of Eureka. Please **require more bicycle and transit use, and traffic calming measures in the project.**

I5-1

It is crucial that you require the project to manage its transportation demand. Humboldt County as a whole must be looking forward to its expanded role as a hub for offshore wind energy and the home of a polytechnic university. It must develop its resources wisely and value the extensive contributions and presence of native peoples.

Thanks for your time.

Emily Morris

Letter I5 Response

Emily Morris

November 18, 2021

I5-1	<p>The commenter provided general comments about requiring the project to require more bicycle, transit, and traffic calming measures to manage its transportation demand. The commenter also provided general comments about the County looking forward as a hub for offshore wind energy and a polytechnic university and suggested the County's resources need to be developed wisely to value the extensive contributions and presence of native people.</p> <p>Transportation impacts were addressed in Section 3.16 of the PR Draft EIR and found to be less than significant; thus, no mitigation is required. The remaining comments do not raise any specific environmental concern or address the adequacy of the EIR. The comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>
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Letter I6

Jerry Martien

-----Original Message-----

From: Jerry Martien <drloon4@gmail.com>

Sent: Wednesday, December 01, 2021 2:45 PM

To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>

Cc: Jennifer Kalt <jenkalt@gmail.com>; ja savage <jasavagehonest@gmail.com>; Ali O <rockygulch95524@gmail.com>

Subject: North McKay Ranch

6088 Elk River Road
Eureka CA 95503

1 December, 2021

Dear Planners and Planning Department:

My comment on the updated plan adds what I can to my comments of June, 2020. Like those earlier comments these are constrained by lack of clear direction and information, a reliable hallmark of your agency.

I was not able to find the new Land Use and Planning sections—or if they were the ones I read, I could not distinguish what has been changed and what has not. Likewise, I do not have a copy of the old Project Description to compare with your new one, so here again I'm only partly informed.

16-1 (Some agencies provide a document comparison, so the public can distinguish where changes have been made. It would add greatly to transparency and democratic process in this and other matters of planning. Just a suggestion.)

I do know from several HCSD meetings over the past year or so that there are issues of expense to the Services District that the developer has tried to put off to the District, so far without success. Having seen Mr Kramer in action, I don't doubt he will do the same with the County.

16-2 I also know that there are even longer-standing issues of annexation, sprawl, increased traffic throughout the District, and rising water and sewer rates—all of which were brought up in the last CSD election and will surface again when this project finally emerges into public view. But I have no idea how the new state planning regulations will affect these issues.

16-3 And I continue to object to the time release strategy of this project, where in effect you have begun it before this EIR has even seen the light of day. Drive to the end of Manzanita Street to see how it's progressing. Or wait for the traffic light the County has already provided in downtown Cutten, thank you. I find no assurance in the Plan that your department, your commissioners, or our supervisors will not allow the more profitable areas of the project to go forward—logging is always a good place to start, then the pricier units—while the actual mitigations are put off till market conditions improve.

I think it's an admirable idea to counteract sprawl with an effective transportation plan, but I don't see at this point how it goes beyond window dressing.

Thank you.

Jerry Martien

Letter I6 Response

Jerry Martien

November 18, 2021

<p>16-1</p>	<p>The commenter provided general comments on his inability to distinguish changes in the Land Use and Planning section from the previous version and similarly with the Project Description and suggested that document comparison be provided. The commenter also raised a non-CEQA issue of expenses to the Service District by the Applicant; see Master Response 1.</p> <p>As discussed in the PR Draft EIR, the recirculated sections of the EIR are intended to supersede previous versions of those sections. Commenters were requested to submit new comments only on those sections.</p>
<p>16-2</p>	<p>The commenter provided general comments on annexation, sprawl, and increased traffic within the HCSD along with rising sewer and water rates. The comments do not raise any specific CEQA environmental concern nor address the adequacy of the EIR analysis. The comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>
<p>16-3</p>	<p>The commenter provided comments that are unclear regarding timing of the project release, references to roadway improvements and a traffic light and suggested that mitigation will be put off until market conditions improve.</p> <p>The comments do not raise any specific CEQA environmental concern nor address the adequacy of the EIR analysis. Regarding the timing of mitigation measures, the Draft EIR delineates the timing of those measures. The comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.</p>



Letter I7

Nancy Ihara

From: Nancy Ihara <nancyihara@gmail.com>

Sent: Monday, November 15, 2021 2:54 PM

To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>

Subject: Comments on North McKay Ranch Partially Recirculated DEIR

17-1 [The North McKay Ranch project undoubtedly will result in significant increases in driving. As a consequence the project has to include mitigations like new bicycle and transit facilities, traffic calming, and transportation demand management. In fact, to be consistent with the County's General Plan and the local RePower Humboldt plan, they have to show that the project will help reduce vehicle miles traveled (VMT) by 25% and reduce transportation-related greenhouse gas emissions by 65%.

Nancy Ihara

Letter I7 Response

Nancy Ihara

November 15, 2021

17-1	<p>The commenter stated that the project will result in a significant increase in driving, and therefore mitigation for new bicycle, transit facilities, traffic calming, and transportation demand management is required. The commenter also suggested that consistency with the RePower Humboldt Plan requires the project to show a reduction of 25% in VMT and 65% of greenhouse gas emissions. The Draft EIR found that transportation impacts were less than significant, thus no mitigation is required; please refer to Master Response 4. Refer to Master Response 5 for greenhouse gas emissions and Response A3-2 regarding consistency with Humboldt RePower Plan.</p>
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Letter I8

Patrick Carr

From: Patrick Carr <nedlud432@gmail.com>
Sent: Wednesday, December 01, 2021 11:40 AM
To: Johnston, Desmond <djohnston@co.humboldt.ca.us>; CEQAResponses <CEQAResponses@co.humboldt.ca.us>
Subject: comments: North McKay recirculated DEIR

Desmond Johnston
Humboldt County Building and Planning Department
Re: North McKay Ranch Recirculated Draft Environmental Impact Report

18-1 | I appreciate the opportunity to comment on the Recirculated Draft Environmental Impact Report, focusing on transportation impacts, on the proposed North McKay proposed development.

18-2 | I remain very concerned that the revised review does not adequately address the impacts of increased vehicle usage that this development would cause. I see little in the way of analysis of the increase in driving resulting from placing a large subdivision several miles from significant jobs/shopping locations, without increasing transit access or improving opportunities for active transportation that would get people out of cars safely.

18-3 | There are a variety of instances in which the revised DEIR is inconsistent with the Humboldt County General Plan, which references the Regional Transportation Plan in supporting increased pedestrian access and transit improvements for future developments. Yet bus stops, providing low frequency bus service, are located a half-mile or more from the proposed future residences. This is not a realistic distance for people to be expected to walk to access a bus, and there should be an increased frequency of bus service to provide a reasonable alternative to people using single-occupant cars to get to work or shopping.

18-4 | There is no documentation of meaningful opportunities for biking/pedestrian use that the project would provide, and I know from personal experience as a longtime bicycle commuter that using Harris or Harrison avenues at even the current level of traffic use is very hazardous given limited bike lanes and high traffic volumes.

18-5 | The Vehicle Miles Traveled (VMT) analysis should be more fairly based on comparisons with the VMT for the Eureka area rather than the county as a whole. Comparing the VMT of people driving to and from a suburban-type development near Eureka's city limits with the VMT of drivers originating in Orick, Kneeland, or Blocksburg tilts the scale heavily toward viewing this project as having minimal impacts. Yet we know that transportation is the highest impact sector in local, state, and national Greenhouse Gas emissions. Transportation emissions are a significant area of impact of the North McKay project and the VMT analysis is an important measure in analysing this.

Thank you for considering my comments!

Patrick Carr
1704 Virginia Way
Arcata CA 95521

Letter I8 Response

Patrick Carr

December 1, 2021

18-1	The commenter provided introductory remarks to open the letter; see Master Response 1.
18-2	The commenter expressed concerns with the analysis of increased vehicle usage they believe the development would cause and questioned the location of the project in relation to increases in driving without increasing access to transit access or improving opportunities to active transportation. The commenter did not raise any specific concern with the analysis of transportation impacts in Section 3.16 of the PR Draft EIR. The commenter is directed to see Master Response #1 for responses addressing VMT and multimodal transportation.
18-3	The commenter asserted that there are a variety of instances where the revised Draft EIR is inconsistent with the Humboldt County General Plan, which references the Regional Transportation Plan. Refer to Master Response 6.
18-4	The commenter noted there is no documentation of bicycle/pedestrian use the project would provide and that current level of traffic use is hazardous given the limited bike lanes and traffic volumes. As discussed in Section 3.16, Transportation, the proposed project would include the dedication of easements and public rights-of-way for pedestrian pathways and roads that would include sidewalks. Conditions of approval would require pathways and pedestrian ways to be clear of obstacles. The VMT analysis determined the project would not block, remove, or create barriers for transit utilization.
18-5	The commenter stated the VMT analysis should compare VMT for the project to the Eureka area rather than the County as a whole. Refer to Master Response 4.



4.0 MINOR REVISIONS TO THE DRAFT EIR AND PARTIAL RECIRCULATION DRAFT EIR

4.1 INTRODUCTION

This section includes minor edits to the Draft EIR (Draft EIR) and Partial Recirculation Draft EIR (PR Draft EIR). These modifications resulted from minor clarifications and staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

4.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR AND PARTIAL RECIRCULATION DRAFT EIR

4.2.1 Draft EIR

2.4.1 Discretionary and Ministerial Actions

The project application would require the following discretionary approvals and actions, including but not limited to:

- General Plan Amendment, Major Subdivision, Planned Unit Development Permit, and Zoning Ordinance Amendment – Humboldt County
- Development Agreement – Humboldt County
- Special Permit for vegetation removal and work within a Streamside Management and Wetland Area – Humboldt County
- Drinking Water Supply Permit Amendment – State Water Resources Control Board, Division of Drinking Water

Certain ministerial actions would be required for the implementation of the proposed project, including, but not limited to, issuance of encroachment, grading, and building permits.

2.4.2 Responsible and Trustee Agencies

In addition to Humboldt County, several other agencies will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- HCSD Annexation – Humboldt County LAFCo



- Lake and Streambed Alteration Agreement (SAA) – CDFW
- Compliance with the California Endangered Species Act (CESA) for potential take of state listed species (if needed) – CDFW
- Section 404 Permit – USACE
- Compliance with the federal ESA for potential take of listed species (if needed) – U.S. Fish and Wildlife Service (USFWS)
- 401 Water Quality Certification – North Coast RWQCB
- North Coast Unified Air Quality Management District
- State Water Resources Control Board, Division of Drinking Water

Actions that would be necessary to implement the proposed project that must be taken by other agencies are as follows:

- Obtain coverage under General Construction Stormwater Permit – State Water Resources Control Board (SWRCB)/North Coast RWQCB; a SWPPP must be submitted in order to obtain such coverage
- Issuance of Encroachment Permits for roadway improvements within facilities under the jurisdiction of the County of Humboldt or the City of Eureka
- Drinking Water Supply Permit Amendment

Draft EIR Table 3.5-6

Row three of Table 3.8-6 of the Draft EIR includes the following revision:

“Consistent. As part of MM GHG-32, the project would require catalytic converters for all woodburning heat sources.”

Draft EIR Section 3.8 Greenhouse Gases

Conflict with an Applicable Plan, Policy, or Regulation

Impact GHG-2 The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact Analysis

The following analysis assesses the proposed project’s consistency with local and regional adopted plans to reduce GHG emissions. The Humboldt County General Plan commits to concrete actions to further reduce countywide GHG emissions. The County is currently participating in the preparation of a regional ~~preparing a~~ Climate Action Plan (CAP). Although not yet finalized, the County is suggesting GHG reduction targets of 40 percent below 1990 levels by 2030, ~~and 60 percent below 1990 levels by 2040.~~



The draft Climate Action Plan was released in October 2021 and provides the following emissions rates and per capita rates:

<u>1990 GHG Emissions Rate (MTCO₂e/Year)</u>	<u>1990 Per Capita Emissions Rate Countywide (MTCO₂e/Year Per Capita)</u>	<u>230 Target Emissions Level (MTCO₂e/Year)</u>	<u>2030 Target Emissions Reduction (MTCO₂e/Year)</u>	<u>2030 Per Capita Countywide Target (MTCO₂e/Year Per Capita)</u>
1,614,066	13.55	968,440	542,723	7.14

Based on the USCB's average housing size for the County of 2.43 persons per household, the County's population would increase by 778 people, assuming the project is fully occupied (USCB 2018). This would result in a per capita rate of 1.97 MTCO₂e/Year Per Capita in 2030 for the project, which would be less than Countywide Target.

Additionally, the state has developed the Climate Change Scoping Plan, which was updated in 2017, and outlines the strategy for achieving California's 2030 GHG target of 40 percent emissions reductions below 1990 levels. The following provides a project-specific consistency analysis with each of these local, regional, and statewide plans.

Draft EIR Section 4.5.8

In Section 4.5.8, page 4-8, the following has been revised:

"To reduce operational GHG emissions, the project would ~~include implement MM GHG 2, which will require a network of on-site EV charging stations for the commercial and multi-family units, as stated in Section 2.0, Project Description.~~ In addition, MM GHG-32 would be implemented, which requires catalytic converters on all wood burning stoves."

Draft EIR Section 4.5.16

In Section 4.5.16, page 4-11, second paragraph, the following has been revised:

"All the new development projects would generate new vehicle trips that may trigger or contribute to unacceptable intersection operations, ~~and~~ roadway operations, ~~and freeway operations.~~"

Draft EIR Section 3.19.5 Project Impact Analysis and Mitigation Measures

In Impact WF-1, the third paragraph on page 3.19-6, has been revised:

However, the current site plan does not provide a 100-foot defensible space as required by both CAL FIRE and the Humboldt Bay FPD. The CWPP also recommends managing fuels for at least 100 feet of defensible space (Humboldt County 2019) that would provide suppression personnel the option to deploy their resources to defend the homes. Since the current site plan does not provide the 100-foot defensible space, the Applicant and the County are considering a mutual agreement to allow for 70 feet of defensible space on the adjacent McKay Community Forest, with 30 feet of defensible space on the project site. Alternatively, the current site plan could be redesigned to provide the 100-foot defensible space on-site.



The site redesign provides some flexibility to the Applicant to increase the density of the project in certain areas to provide for the required defensible space. The site redesign would be required to fall within the bookends of development evaluated by the Draft EIR, for example, maintaining or reducing total dwelling unit count and commercial square footage within the project footprint. MM WF-2 also provides the applicant with the ability to combine both options to secure additional defensible space off-site of less than 70 feet and additional on-site defensible space of greater than 30 feet; the performance criteria is that the total provided defensible space is a minimum of 100 feet. ~~MM WF-2 would require that the Applicant either redesign the site plan as Option 1 or enter into a mutual agreement with the County as Option 2.~~ The proposed project would require the implementation of both MM WF-1 and MM WF-2.

Wildfire risks are determined to remain significant and unavoidable because despite the implementation of MM WF-1 and MM WF-2, the proposed project could exacerbate wildfire risks by locating housing within a wildfire risk area. Additional mitigation would not reduce the significant and unavoidable impact related to increased wildfire risk. ~~However, there is uncertainty regarding actual implementation of MM WF-2.~~ As such, impacts due to wildfire would remain significant and unavoidable even with mitigation.

4.2.2 Partial Recirculation Draft EIR

Partial Recirculation Draft EIR Section 3.16.6 Project Impact Analysis and Mitigation Measures

Alternative Transportation Impacts

As noted in the traffic study, pedestrian access and safety within the vicinity of the project is generally adequate. TRANS-2 would be implemented to address pedestrian safety. The nearest Red and Rainbow Route bus stops are located within 0.5 mile of the project site, and the nearest Green and Purple Route bus stops are located approximately 1 to 1.2 miles from the project site. A review of the Humboldt Regional Bicycle Plan Update 2012~~8~~ prepared by the HCAOG (HCAOG 2012~~8~~) lists the following proposed bicycle routes in the project area: (1) a proposed north/south bicycle Class II route along Dolbeer Street from Harris Avenue to Hemlock Street and farther south past the subdivision; and (2) a proposed north/south Class III route on “W” Street, Hemlock Street, and Walnut Drive. The proposed project would not conflict with or prevent implementation of the Humboldt Regional Bicycle Plan Update 2012~~8~~, which did not propose any bicycle facilities within the immediate project area. Therefore, the impact would be less than significant.

Table 3.11-1: LAFCo Consistency Analysis (Government Code Section 56668)

Section	Consistency Determination
<p>Section 56668(f): The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p>Consistent: The project area would be located directly adjacent to the existing community of Cutten. The proposed project would connect this established community to the new residential, commercial, and recreational uses proposed. The project proposes dedicating open space to the County that would abut existing community fields and provide some buffer between a portion of the new development and the</p>



Section	Consistency Determination
	<p>existing neighborhood to the west. The County owns the McKay Community Forest property to the east of the project site, which is planned for a future regional park and trails.</p> <p><u>The proposed project would be adjacent to the City of Eureka SOI and would be directly adjacent to the existing community of Cutten. The project site, while currently undeveloped, is zoned for future residential development, identified for development in the Eureka Community Plan, and addressed in the HCSD MSR for future growth and development.</u></p>
<p>Section 56668(g): A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans. (Section 65080 is not reproduced below due to length; however, its information was used in this analysis and the link is provided in a footnote for further reference³)</p>	<p>Consistent: As discussed in Section, 3.16, Transportation, and under the General Plan Consistency analysis above (Table 3.11-4), the proposed project would be consistent with all transportation policies that are relevant to the proposed project.</p>
<p>Section 56668(h): <u>(The proposal's consistency with city or county general and specific plans.</u></p>	<p>Consistent: <u>As discussed in Section 3.11, Land Use and Planning, Table 3.11, the proposed project would be consistent with General Plan Policies</u></p>
<p>Section 56668(hj): The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p>	<p>Consistent: The proposed project is within the HCSD SOI.</p>
<p>Section 56668(ij): The comments of any affected local agency or other public agency.</p>	<p>Consistent: The Draft EIR and proposal will be circulated to local and affected agencies. Responses to comments will be provided in the Final EIR.</p>
<p>Section 56668(jk): The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>	<p>Consistent: The proposed project would be served by municipal services provided by HCSD for water and wastewater, by the Humboldt Bay FPD and CAL FIRE for fire protection services, and the County Sherriff Office for police protection services. Sections 3.14, Public Services, and 3.18, Utilities and Service Systems, describe the service and infrastructure requirements necessary to ensure that adequate levels of service are provided. The proposed project Applicant would provide the full costs of all infrastructure necessary to serve the proposed project. The proposed project would pay its share of development impact fees.</p>
<p>Section 56668(kl): Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Section 65352.5 is reproduced below.)</p>	<p>Consistent: As discussed in Section 3.18, Utilities and Service Systems, there are sufficient water supplies for retail water suppliers, HBMWD retail customers, industrial customers, and system losses during normal, single dry, and multiple dry years (HBMWD 2016). HCSD has a total of 5 million gallons per day (MGD) of storage capacity, has a peak daily water consumption of approximately 3.20 MGD, and an average daily water consumption of approximately</p>
<p>65352.5 (a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning occurs in order to</p>	

³ http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65080.&lawCode=GOV



Section	Consistency Determination
<p>accommodate projects that will result in increased demands on water supplies.</p> <p>(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p> <p>(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:</p> <p>(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.</p> <p>(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.</p> <p>(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.</p> <p>(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.</p> <p>(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.</p> <p>(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.</p> <p>(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:</p> <p>(A) Agricultural users.</p> <p>(B) Commercial users.</p> <p>(C) Industrial users.</p> <p>(D) Residential users.</p> <p>(8) Quantification of the expected reduction in</p>	<p>2.56 MGD (SHN Engineers & Geologists 2014).</p> <p>The need for a water tank to support the proposed development was identified by HCSD and, therefore, the construction and operation of this new water tank is being considered as part of this Draft EIR.</p>



Section		Consistency Determination
	<p>total water demand, identified by each customer category set forth in paragraph (7), associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.</p> <p>(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.</p>	
<p>Section 56668(im): The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p>		<p>Consistent: The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 parcels as available for residential development in the Residential Land Inventory included the Housing Element. The development would provide for a range of income levels with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>
65580	<p>The Legislature finds and declares as follows:</p> <p>(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.</p> <p>(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.</p> <p>(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.</p> <p>(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.</p> <p>(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.</p>	
<p>Section 56668(mn): Any information or comments from the landowner or owners, voters, or residents of the affected territory.</p>		<p>Consistent: The proposed project property is owned by the Applicant of the proposed project. Annexation to HCSD would be considered "uninhabited," and the Owner/Applicant is in favor of the annexation.</p>



Section	Consistency Determination
	<p>Neighboring property owners would be noticed about the availability of the CEQA documents and public meetings. These individuals will have the opportunity to submit comments to both the County and the County LAFCo.</p>
<p>Section 56668(ag): Any information relating to existing land use designations.</p>	<p>Consistent: The proposed project parcels are designated Residential Low Density (RL) 1-7 units/acre (Humboldt County 2017c). The RL designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single-family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types, including townhouses and common-wall clustered units (Humboldt County 2017c). The project site also lies within the Eureka Community Plan Planning Area Boundary, but not within its SOI. The water tank location is designated as Timberland (T).</p> <p>The proposed project parcels are zoned Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO). The water tank location is zoning as a TPZ.</p>
<p>Section 56668(ep): The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.</p>	<p>Consistent: According to the Governor’s OPR LAFCO MSR Guidelines, a LAFCO decision to approve an extension of a service area or a change in city boundaries could have a significant environmental justice impact especially if it results in the siting of a major industrial, residential, or public works project. Environmental justice can be broken down into two categories: procedural inequity and geographic inequity. In the case of land development projects, procedural inequity can include unfairly attaching mitigation measures to certain projects and not uniformly to all projects, as well as unfair meeting or noticing procedures. Geographic inequity can include concentrating undesirable land uses, such as denser development, in one area of a county while concentrating desirable uses, like parks, in other areas of the county.</p> <p>The proposed project is subject to the procedural requirements of state law and County Code, including but not limited to the analysis contained in this EIR, public hearings before the Planning Commission and Board of Supervisors, and approval from LAFCo for annexing to the HCSD.</p> <p>The proposed project includes 18 affordable housing units that would help address the County’s housing needs, and a combination of single-family and multi-family residential, together with commercial development, located adjacent to existing ballfields at Redwood Fields Park and, eventually, a regional park and regional trail system.</p>
<p>Section 56668(q): Information contained in a local</p>	<p>Consistent: As discussed in Section 3.19, Wildfire, a</p>



Section	Consistency Determination
<p><u>hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.</u></p>	<p><u>portion of the project site immediately south of Redwood Fields Park is located in the Risk/Hazard Area. The project site is also within a community-identified proposed project indicated as the Wildfire Urban Interface fuel break area. Mitigation measures have been incorporated into the project to address potential impacts. However, because of the uncertainty in implementation of MM WF-2, the impacts to wildfire were determined to remain significant and unavoidable.</u></p>



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5.0 REFERENCES

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ERRATA

TO

North McKay Ranch Subdivision Project

Final Environmental Impact Report

Humboldt County Record No. PLN-9902-GPA

SCH #: 2019049166

Prepared for:

County of Humboldt
Planning and Building Department
3015 "H" Street
Eureka, CA 95501

Technical Assistance:

Stantec Consulting Services Inc.
376 Hartnell Ave, Suite B
Redding, CA 96002

December 2021



Letter A1 Response**Michael McNicholas**

California Department of Forestry and Fire Protection

Jun 2, 2020 **(Modified 1/6/2022)**

A1-1

The comment regarding the need for a timber harvest document is acknowledged. The commenter is referred to Section 3.2, Agricultural and Forestry Resources of the Draft EIR which states that a Timber Land Conversion Permit (TCP) was approved for the proposed project site by CAL FIRE in August of 1995. Additionally, as discussed in Section 3.11, Land Use and Planning, of the Draft EIR, a Timber Harvest Plan (THP) was developed for the project site in September 2017 and is valid through March 5, 2023. ~~Consistency with this THP is discussed and analyzed in Section 3.11 of the Partial Recirculation Draft EIR. If CAL FIRE needs an additional copy of the TCP or THP, the County will provide these documents upon request.~~ The existing THP specifically states that it is not for residential development. The existing THP will need to be modified or a new THP will need to be obtained from CallFire.

4.0 MINOR REVISIONS TO THE DRAFT EIR AND PARTIAL RECIRCULATION DRAFT EIR

The following language needs to be added to the FEIR in Section 4.0

Recirculated Draft EIR Section 3.11

In Section 4.5.8, page 3.11-27, the following has been revised:

Timber Harvest Plan Consistency

~~The proposed project requires both a Timber Conversion Permit and a Timber Harvest Plan (THP). A Timber Conversion Permit (TCP) was issued for the Property in 1995 associated with approval of the Eureka Community Plan which designated this property for Residential Development. The TCP is missing a map showing the area of conversion. A THP was issued in 1998 resulting in tree removal for what is now Redwood Fields, but that THP has now expired. A Timber Harvest Plan (THP) was developed for the site in September 2017 and is valid through March 5, 2023. This THP serves as the functional equivalent of a CEQA EIR and required approval through CAL FIRE as the lead agency. The This THP was not developed for the proposed project and specifically states it is not for residential purposes. In order to remove more trees from the site this THP will either need to be modified, or a new THP will need to be granted by Calfire. The project will be conditioned to require the appropriate permit be obtained from Calfire prior to any timber harvesting. to allow the timber currently located on the project site to be harvested and sold. The current THP contemplated residential development of the project site as an alternative to timber harvesting; however, the development alternative was rejected at the time because development did not address project objectives of the THP. The proposed project would be consistent with the THP, as development is permitted under the current zoning. Based on market conditions, the Applicant may harvest timber as per the approved THP or remove trees to accommodate the development of the project. This EIR analysis includes a conservative assumption of removal of approximately 59.27 acres of trees onsite, and impacts are discussed in Section 3.1, Aesthetics; Section 3.3 Air Quality; Section 3.4, Biological Resources; Section 3.8, Greenhouse Gas Emissions and Climate Change; and Section 3.10 Hydrology and Water Quality. Once the THP expires in 2023, the site would no longer be used for timber harvesting operations.~~ Therefore, the impact related to consistency with the THP would be less than significant.

Level of Significance Before Mitigation

Less Than Significant Impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

Less Than Significant Impact.



**North McKay Ranch Subdivision
Project**

Mitigation Monitoring and Reporting
Program

December 9, 2021

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Abbreviations

ADA	Americans with Disabilities Act
Applicant	Kramer Properties Inc.
BFM	Bonded Fiber Matric
BMP	Best Management Practice
CAL FIRE	California Department of Forestry and Fire Protection
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
County	Humboldt County
CRHR	California Register of Historical Resources
DPR	State Department of Parks and Recreation
EIR	Environmental Impact Report
FTA	Federal Transit Administration
FPD	Fire Protection District
FRI	Forest land-Residential Interface
HCSD	Humboldt Community Services District
LID	Low Impact Development
LOS	Level of Service
MLD	Most Likely Descendant
MOA	Memorandum of Agreement
MMRP	Mitigation, Monitoring, and Reporting Program
NAHC	Native American Heritage Commission
NALs	Numeric Action Levels
NWIC	Northwest Information Center
PRC	Public Resources Code
proposed project	North McKay Ranch Subdivision Project
RWQCB	Regional Water Quality Control Board
SAA	CDFW 1602 Lake and Streambed Alteration Agreement
SRA	State Responsibility Area
SVP	Society of Vertebrate Paleontology
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers

North McKay Ranch Subdivision Project

USEPA

U.S. Environmental Protection Agency

USFWS

U.S. Fish and Wildlife Service

WEAP

Worker Environment Awareness Program

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Procedures for Monitoring and Reporting
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1.0 PROCEDURES FOR MONITORING AND REPORTING

The purpose of the Mitigation, Monitoring, and Reporting Program (MMRP) is to provide Humboldt County (County) and Kramer Properties Inc. (the Applicant) with a comprehensive list of the mitigation measures identified in the Draft Environmental Impact Report (EIR) and the Partial Recirculation Draft EIR for the North McKay Ranch Subdivision Project (proposed project).

1.1 INTRODUCTION

The County is acting as the Lead Agency, as defined by the California Environmental Quality Act (CEQA). In accordance with Public Resources Code section 21081.6, a Lead Agency that approves or carries out a project with potentially significant environmental effects shall adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

The CEQA Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they consider any of the activities identified in the environmental document.

This MMRP is a working guide to facilitate both the implementation of the mitigation measures and the monitoring, compliance, and reporting activities by the County and any monitors it may designate. If the County Certifies the EIR for the proposed project, it will adopt the MMRP.

1.2 OVERVIEW OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The Applicant is responsible for implementing and completing all mitigation measures without prompting by the County. The County will be responsible for mitigation measure oversight and compliance documentation. Under the oversight of County staff, mitigation actions required prior to and during construction will be performed by the Applicant and/or the Applicants’ Consultants, the Construction Contractors, and/or County and/or Applicant staff.

Monitoring and reporting procedures will conform to the following steps prior to and during proposed project construction and operations:

Step 1 Action: This step will be executed by the County and may be designated by the County and/or Applicant Project Manager to a Consultant and/or Contractor. All actions taken as part of this MMRP will be documented monthly by the Applicants and reported quarterly to the County, as described in Steps 2 and 3 below. The designee responsible for implementation of mitigation measures will:

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- Review mitigation status reports and any other information generated during construction and submit them to the County for review and acceptance;
- Ensure that the mitigation measures in the MMRP are undertaken, either by the Applicant, Applicant's Contractors, or Applicant's Consultants; and
- Verify monthly that mitigation actions are properly undertaken.

Step 2 Monitoring: This step will be executed by the Monitor. The Monitor will be designated by the County and/or Applicant Project Manager and may be County and/or Applicant staff or a consultant to the County and/or the Applicants, at the County Planning Director's discretion. The Monitor will investigate noncompliance allegations and identify how County and/or Applicant Staff, or its designees should correct implementation of the measure. If a measure is under control of the Contractor, the Monitor will inform the Contractor of the Monitor's determination and request improved implementation.

The Monitor will have the following responsibilities:

- Be knowledgeable in the mitigation that is to be monitored; and
- Verify implementation of mitigation by:
 - Verifying in the field that required implementation has been properly executed during and after construction; and
 - Contacting the Project Manager and requesting that the situation be remedied if mitigation is not being implemented or executed properly.

Step 3 Reporting: This step will be executed by the Monitor. The Monitor will have the following responsibilities:

- Compile all mitigation status reports into a Report of Compliance. Recommendations may include updating the frequency of monitoring, changing the type of monitoring, and suggesting better ways to implement mitigation;
- Assist the County and/or Applicant Project Manager reviewing Contractor's implementation of mitigation requirements, detailing corrective action and time of completion to resolve any issues that are raised; and
- Provide all completed reports and statements to the County, and ensure they are on file and available at Applicant offices.

2.0 CEQA MITIGATION MEASURES

Table 2-1 below describes the mitigation measures included in the proposed project. For each mitigation measure the required action, responsible party, implementation timing, and reporting requirements are described.

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Table 2-1 Summary of the North McKay Ranch Subdivision Project Mitigation Measures

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
Section 3.1 Aesthetics				
<p>MM AES-1: Prepare and Submit Design Guidelines: Prior to filing a map for each phase, the Applicant shall submit the final development plan and development standards to the County for review and approval. The County shall review the final development plan and development standards to ensure that the Applicant has incorporated the design guidelines established in Section 314-31.1.6 of the Humboldt County Code for Planned Unit Developments. At a minimum, the final development plan and development standards shall consider the County's design guidelines related to the maintenance of the natural features of the site, circulation and parking considerations, architectural considerations, landscaping, placement of utilities, site access, and setbacks from adjacent land uses.</p>	The Applicant, P&B	P&B to check for conformance prior to issuance of building permit	Prior to map filing, the County will review the development plan submitted by the Applicant to ensure County design guidelines and development standards have been incorporated.	<ul style="list-style-type: none"> County design guidelines and development standards have been incorporated into the final development plans.
<p>MM AES-2: Submit Lighting Plan: Prior to filing a map for each phase, the Applicant shall prepare and submit an outdoor lighting plan (which includes a photometric analysis) to Humboldt County for review and approval that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors. The lighting map shall comply with the General Plan policies and shall include minimal levels of street; parking, building, site, and public area lighting to meet safety standards and provide direction; directional shielding for all exterior lighting; and automatic shutoff or motion sensors and/or additional standards as determined by the Director of Planning and Building.</p>	The Applicant, P&B	P&B to approve lighting plan prior to map approval. P&B to check for conformance prior to issuance of building permits	Prior to map filing, the County will review the lighting plan to ensure County lighting standards have been incorporated into the development plans.	<ul style="list-style-type: none"> Project lighting plan is compliant with County lighting standards.
Section 3.3 Air Quality				
<p>MM AIR-1: Off-Road Construction Equipment Emissions Minimization: The project shall demonstrate compliance with the following Construction Emissions Minimization Measures prior to issuance of building or grading permits:</p> <ol style="list-style-type: none"> All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: 	The Applicant and Contractor, P&B, PW	PW and P&B to include as a permit condition in any grading permit; preconstruction meetings;	Prior to construction, the Applicant or Contractor shall demonstrate the project's compliance with identified Construction Emissions	<ul style="list-style-type: none"> Construction equipment shall meet the CARB Tier 3 off-road emissions standards. All construction equipment include ARB Level 3 Verified

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Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>a. Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</p> <p>b. All off-road equipment shall have:</p> <p>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 3 off-road emission standards, and</p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.</p>			Minimization Measures.	<p>Diesel Emissions Control Strategy.</p> <ul style="list-style-type: none"> Construction emissions are minimized to meet CARB's standards.
Section 3.4 Biological Resources				
<p>MM BIO-1: Nesting Bird Surveys: In order to avoid Take of any nesting species, any clearing associated with the proposed project shall occur outside of the nesting period for migratory birds, typically from March 1 through August 15 (California Department of Fish and Wildlife [CDFW] Fish and Game Code 3503, 3503.5, and 3513, and Federal Migratory Bird Act 16 United States Code [U.S.C] 703 et seq.). If clearing is to occur within the nesting window of migratory birds, CDFW and the U.S. Fish and Wildlife Service (USFWS) shall be consulted to assess the potential for Take of active nests, or a focused nesting bird survey would need to take place immediately prior to and within the area of the proposed clearing. Pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. Focused survey for spotted owls within the nesting season shall be conducted prior to site clearing. If active nests are encountered, species specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.</p>	The Applicant, P&B, PW	PW and P&B to verify notes on grading plans prior to permit issuance. discuss at pre-construction meeting. Applicant to stake perimeters as necessary.	The survey(s) shall be conducted by a qualified biologist in consultation with USFWS and CDFW. Add as a construction note on grading plans	<ul style="list-style-type: none"> No disturbance of special status species or nesting birds covered by CDFW and USFWS. Species specific measures shall be implemented as required.
<p>MM BIO-2: Amphibian Surveys: Project activities in areas near riparian and seasonally wet areas that provide amphibian habitat shall occur from July 15 through October 31 to minimize potential impacts to northern red-legged frog and southern torrent salamander. Focused surveys for northern red-legged frog and southern torrent salamander shall be conducted during appropriate weather conditions. To mitigate potential impacts to these species, the proposed project shall remediate degraded</p>	The Applicant, P&B, PW	PW and P&B to verify notes on grading plans prior to permit issuance. Applicant to complete remediation prior to map filing.	The survey(s) shall be conducted by a qualified biologist. Add a note on grading plans	<ul style="list-style-type: none"> No disturbance of amphibian habitats. Remediation of degraded areas if required.

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<p>areas from past use of the proposed project area within slopes above Ryan Creek (where feasible), and within forested open space areas proposed within the proposed project area (where feasible).</p>				
<p>MM BIO-3: Permit Requirements: Prior to filing a map, the Applicant shall consult with the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (USACE) regarding requirements for state and federal permit applications, including a 1602 Lake and Streambed Alteration Agreement (SAA) from the CDFW, a 401 Water Quality Certification from the RWQCB and/or a 404 Nationwide Permit from the USACE. If any permits are required, the Applicant shall submit the permit application to the respective agency and shall abide by all permit conditions. For impacts to waters of the U.S. and/or waters of the State, a revegetation mitigation and monitoring plan shall also be prepared. It is anticipated that additional special-status species surveys and/or monitoring may also be implemented as part of some of these permit conditions.</p>	<p>The Applicant, P&B and PW</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance..discuss at pre construction meetings. Applicant to complete mitigation prior to map filing. P&B to verify revegetation mitigation is adequate prior to releasing applicant from the monitoring plan.</p>	<p>The Applicant shall obtain all required state and federal permits prior to filing a map to the County. The Applicant shall develop and implement a revegetation mitigation and monitoring plan for impacts to waters of the U.S. and waters of the State. Add measures, as necessary, to Development Plans. Add a note on grading plans</p>	<ul style="list-style-type: none"> • Requirements for state and federal permit applications are followed. • Additional special-status species surveys and monitoring are implemented if required.
<p>MM BIO-4: Riparian Replanting: Riparian vegetation shall be mitigated at a 1:1 impact ratio. Local native riparian vegetation would be replanted along non-impacted creek segments within the proposed project site.</p>	<p>The Applicant, P&B, PW</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance..discuss at pre construction meetings. Applicant to complete revegetation prior to map filing.. P&B to verify revegetation work is adequate..</p>	<p>Confirm applicant has included mitigation of riparian vegetation at a 1:1 impact ratio. Add a note on grading plans; identify impacted areas and mitigation areas on grading plans.</p>	<ul style="list-style-type: none"> • Impacted riparian vegetation are replaced at a 1:1 ratio and native riparian vegetation are replanted along creek segments.
<p>MM BIO-5: Wetland Creation: Wetland creation shall replace wetlands impacted by the proposed project at a 1:1 ratio with wetlands of equal or better quality. Wetlands shall be designed</p>	<p>The Applicant, P&B and PW</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance..discuss at</p>	<p>Confirm Applicant has included wetland creation at a 1:1 ratio to replace impacted</p>	<ul style="list-style-type: none"> • Impacted wetlands are replaced at a 1:1 ratio with wetlands of

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Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
to provide habitat within an urbanized setting. This shall include proper fencing, vegetation screening, and signage.		pre construction meetings. Applicant to complete revegetation prior to map filing.. P&B to verify revegetation work is adequate..	wetlands. Add a note on grading plans; identify impacted areas and mitigation areas on grading plans.	equal or better quality.
MM BIO-6: Wetland Enhancement: Existing wetlands currently have high levels of invasive species dominance, and in many places have historic fill placement. Part of the mitigation shall include restoration of the remaining wetlands onsite following installation of the Arbutus Street extension. This shall include invasive species removal, native plant installation, and where appropriate, removal of historic fill. In addition, existing wetlands shall be connected to the proposed mitigation wetlands for habitat connectivity. This shall include stormwater and wildlife crossing culverts in locations where the wetland would be crossed by the proposed Arbutus Street extension.	The Applicant, PW, P&B	PW and P&B to verify notes on grading plans prior to permit issuance..discuss at pre construction meetings. Applicant to complete restoration prior to map filing. P&B to verify restoration work is adequate...	Confirm wetland creation measures have been incorporated into project plans. Add as a construction note on grading plans; identify impacted areas and mitigation areas on grading plans.	<ul style="list-style-type: none"> Wetland enhancement and habitat connectivity measures have been conducted to existing and mitigated wetlands.
MM BIO-7: Ryan Creek Tributaries: The 100-foot setback (where feasible) from the 30 percent break in slope designated as non-buildable to reduce erosion and removal of trees thereby reducing impacts to Ryan Creek and associated wetlands. The Ryan Creek tributary crossing impacts shall be minimized by using large half-round culverts and mitigated by recontouring the deteriorating logging road within the northern portion of the proposed project.	The Applicant, P&B, PW	PW and P&B to verify notes on grading plans prior to permit issuance..discuss at pre construction meetings. applicant to stake setbacks prior to construction.	Confirm 100-foot setbacks and Ryan Creek impact minimization measures have been incorporated into project plans. Incorporate improvements on grading plans. Show setbacks on development plans and grading plans.	<ul style="list-style-type: none"> Impacts to Ryan Creek and associated wetlands have been minimized to the greatest extent possible.
MM BIO-8: Steam Stabilization: Two stream crossings are proposed as part of the proposed project. Crossings shall be designed to facilitate wildlife movement and shall be designed to minimize impacts to the streams. The crossings are anticipated to impact 68 linear feet of each stream, for a total of 136 linear feet of impacts. Crossings shall be mitigated by the recontouring and stabilization of a former logging road, which contains	The Applicant	PW to verify compliance on subdivision improvement plans prior to permit issuance. Applicant to	Confirm proposed stream crossings have been incorporated into site plans and mitigation such as recontouring and stabilization of	<ul style="list-style-type: none"> Impacts to streams are minimized and stream crossings adequately facilitate wildlife movement.

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<p>approximately 727 linear feet of highly eroded terrain. In addition, the former roadway shall be planted with native vegetation to facilitate habitat creation on the slope as mitigation for reduced wetland buffers along the Arbutus Street access.</p>		<p>complete prior to map filing.</p>	<p>road and native vegetation planting have been implemented. Incorporate improvements on grading plans.</p>	
<p>Section 3.5 Cultural Resources</p>				
<p>MM CUL-1: Cultural Materials Discovered During Construction: If any cultural resource (e.g., projectile points, flakes, bottles, or cans) is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a Secretary of the Interior qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) 523 series forms. All forms and associated reports will be submitted to the Northwest Information Center of the California Historical Resources Information System (NWIC) of the California Historical Resources Information System (CHRIS). The archaeologist shall determine whether the resource requires further study. If after the qualified archaeologist conducts appropriate analyses, the resource is determined to be eligible for listing on the California Register of Historical Resources (CRHR) and/or unique, the archaeologist shall develop a plan for the treatment of the resource. This shall contain appropriate mitigation measures, including avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in Public Resources Code (PRC) Section 21083.2.</p>	<p>The Applicant and Contractor, PW, P&B</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance..Discuss at preconstruction meeting.</p>	<p>If cultural resources are encountered during any project-related activity, the Applicant shall notify a qualified archaeologist to evaluate the resource and comply with the requirements of this mitigation measure and appropriate documentation provided to applicable agencies. Add note to grading plan and development plan.</p>	<ul style="list-style-type: none"> The recording, evaluation, and treatment of any discovered cultural resources is applied in accordance with this mitigation measure.
<p>MM CUL-2: Pre-Construction Worker Environmental Awareness Program (Cultural Resources): Prior to the start of construction, all field personnel shall receive a worker environmental awareness program (WEAP) on cultural resources. The training, which may be conducted with other environmental or safety trainings (i.e. see section 3.7, Geology), will provide a description of cultural resources that may be</p>	<p>The Applicant and Contractor, P&B, PW</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance... Discuss at pre-construction meeting,.</p>	<p>The training shall be conducted by a qualified Applicant representative and documented (by sign-in or other method) by the Applicant's contractor for the</p>	<ul style="list-style-type: none"> Construction personnel are trained in the key characteristics for identifying and avoiding impacts to cultural resources.

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<p>encountered during construction and outline the steps to follow in the event that a discovery is made.</p>			<p>dates the training occurred, and the staff trained. Add note to grading plan and development plan.</p>	
<p>MM CUL-3: Procedures for Human Burials Encountered During Construction: If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:</p> <p>There shall be no further excavation or disturbance of the area where the human remains were found or within 100 feet of the find until the Humboldt County Coroner is contacted. Duly authorized representatives of the Coroner shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found and an area within 100 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the MLD’s recommendations, the owner or the MLD may request mediation by NAHC.</p>	<p>The Applicant and Contractor, P&B, PW</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance..Discuss at pre-construction meeting.</p>	<p>If human remains are encountered (or are suspected) during any project-related activity, the Applicant shall comply with the requirements of the California Health and Safety Code as outlined in this mitigation measure. Add note to grading plan and development plan.</p>	<ul style="list-style-type: none"> • The recording, evaluation, and treatment of any discovered human remains is applied in accordance with this mitigation measure.

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Section 3.7 Geology and Soils				
<p>MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development. Prior to filing a map for each phase, the Applicant shall submit a design-level geotechnical study and building plans for each phase and the water tank location which would be prepared by a registered geologist or geotechnical engineer. The detailed, design-level geotechnical investigations shall include foundation design, criteria for placing proposed fills, as well as structures, deep foundation, subdrainage, and/ or retaining wall systems, setbacks for each lot, and specific engineering criteria for moderate to high slopes. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the most recent version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project. All on-site soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist. A design-level geotechnical study shall be prepared for the water storage tank site in coordination with Humboldt Community Services District (HCSD).</p>	<p>The Applicant, P&B, PW</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance., Discuss at pre-construction meeting.,.</p>	<p>Confirm a design-level geotechnical study, building plans, and water tank location has been prepared by a registered geologist or geotechnical engineer and has been submitted to the County prior to start of construction activities. Incorporate requirements into grading plans. Add notes to development plans regarding lot specific development requirements.</p>	<ul style="list-style-type: none"> • Recommendations from the design-level geotechnical studies has been incorporated into building plans and comply with requirements of the California Building Code. • On-site soil engineering activities are supervised by a licensed Geotechnical Engineer or Certified Engineering Geologist.
<p>MM GEO-2: Pre-Construction Worker Environmental Awareness Program (Paleontological Resources): Prior to start of any construction activity, the Applicant and the contractor shall prepare and implement a Worker Environmental Awareness Program (WEAP). The purpose of the WEAP is to educate personnel (i.e., construction workers) about the existing on-site and surrounding resources and the measures required to protect these resources as well as avoidance and potential hazards within these sites. The WEAP shall include materials and information on potentially sensitive cultural and paleontological resources resulting from construction within the project area and applicable precautions personnel should take to reduce potential impacts. The WEAP shall be subject to review by the County Planning and Building Department.</p>	<p>The Applicant and Contractor, PW, P&B</p>	<p>PW and P&B to verify notes on grading plans prior to permit issuance..discuss at pre-construction meeting</p>	<p>Confirm the Applicant and Contractor has prepared and implemented a WEAP and confirm the Applicant retained a qualified Geologist or Paleontologist to conduct the pre-construction paleontological resource and/or unique geologic feature portion of the construction worker awareness training. Add note to grading</p>	<ul style="list-style-type: none"> • Construction personnel are trained in the key characteristics for identifying and avoiding impacts to paleontological resources.

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<p>The WEAP presentation shall be given to all personnel who may harm sensitive environmental resources as identified within the WEAP mitigation measures (i.e., work in non-culturally cleared areas or equipment operators who may encounter sensitive species or resources). The WEAP presentation shall be given prior to the start of construction and as necessary throughout construction as new personnel arrive on-site. The Applicant and the contractor shall be responsible for ensuring all on-site personnel attend the WEAP presentation, receive a summary handout, and sign a training attendance acknowledgement form to indicate that the contents of the program are understood and to provide proof of attendance. Each participant of the WEAP presentation shall be responsible for maintaining their copy of the WEAP reference materials and making sure other on-site personnel are complying with the recommended precautions. The contractor shall keep the sign in sheet on site and submit copies of the WEAP sign-in sheet to the Applicant's Project Manager who shall distribute to the County.</p> <p>Paleontological resources include any remains, traces, or imprints of a plant or animal that has been preserved in the Earth's crust since some past geologic time and may include fossil materials such as bones, leaf impressions and other carbonized remains and shells of invertebrates such as snails and clams. For the paleontological materials portion of the WEAP, presentation of the following information and implementation steps shall be prepared, presented, and executed prior to and during construction to prevent exposure and raise awareness of potential impacts to unknown paleontological resources:</p> <p>The Applicant shall retain a qualified Geologist or Paleontologist to conduct the pre-construction paleontological resource and/or unique geologic feature portion of the construction worker awareness training; and</p>			<p>plan and development plan.</p>	

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Construction personnel shall be informed of the possibility of such resources within the project area and the protocol to be followed if a resource is encountered as detailed in MM GEO-3.				
<p>MM GEO-3: Proper Handling of the Unanticipated Discovery of Paleontological Resources or Unique Geologic Features: If paleontological resources (i.e., fossils) and/or unique geologic features are encountered during construction, compliance with federal and state regulations and guidelines regarding the treatment of such resources shall be required. If paleontological resource or unique geologic features are encountered during ground disturbing activities, work within 100 feet of the discovery shall be halted until the Applicant notifies a qualified geologist or Paleontologist to evaluate the significance of the find. If the find is determined to be significant and the landowner consents, the Applicant will determine the appropriate avoidance measures or other appropriate mitigation in consultation with a qualified archaeologist and landowner, such as site salvage. Significant paleontological resources recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified paleontologist according to current professional standards. The Society of Vertebrate Paleontology (SVP) provides guidelines on assessment and mitigation of adverse impacts to paleontological resources.</p>	The Applicant and Contractor, P&B, PW	PW and P&B to verify notes on grading plans prior to permit issuance..	If paleontological resources are encountered during any project- related activity, the Applicant shall notify a qualified geologist or paleontologist to evaluate the resource and comply with the requirements of this mitigation measure and appropriate documentation provided to applicable agencies. Add note to grading plan and development plan.	<ul style="list-style-type: none"> The recording, evaluation, and treatment of any discovered paleontological resources is applied in accordance with this mitigation measure.
Section 3.8 Greenhouse Gas Emissions and Climate Change				
<p>MM GHG-1: Carbon Offsets: The proposed project shall enter into a carbon offset agreement with the City of Arcata, which has a verified forest carbon offsets from the Arcata Community Forest (Climate Action Reserve 935 and 575), Climate Reserve Tonnes. Carbon offsets for this program are \$14/metric tonne (City of Arcata ND). The Applicant will receive proof of purchase prior to issuance of any building or grading permits for the proposed project.</p>	The Applicant, P&B, PW	PW and P&B to verify compliance prior to issuance of building or grading permit	Confirm Applicant has entered into agreement with City of Arcata and has received a proof of purchase. Add note to grading plan and development plan.	<ul style="list-style-type: none"> Impacts have been reduced due to compliance with carbon offset agreement.
<p>MM GHG-2: Stoves and Woodburning Devices: If wood burning heating is used for the residential development, the project shall install wood burning stoves with catalytic converters and/or EPA-certified woodburning fireplaces. Woodburning devices shall be prohibited in the multifamily residential.</p>	The Applicant, P&B	P&B to verify compliance prior to issuance of building permits.	Confirm wood burning heating installed for residential developments comply with this mitigation	<ul style="list-style-type: none"> Operation GHG emissions have been reduced with compliance with this mitigation measure.

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			measure. Add note to development plan.	
Section 3.10 Hydrology and Water Quality				
<p>MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP): Prior to the issuance of grading permits for each phase, the project Applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB) electronically and a copy to the County of Humboldt that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, monitoring, and maintenance; site restoration; contingency measures; responsible parties; and agency contacts. The SWPPP shall include but will not be limited to the following elements:</p> <ul style="list-style-type: none"> - Temporary erosion control measures shall be employed for disturbed areas. - Specific measures shall be identified to protect downstream drainage features during construction of the proposed project. - No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. - Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures. - Construction shall be staged in a manner that minimizes the amount of area disturbed at any one time. - Stockpiles and disturbed areas shall be managed by means of earth berms, diversion ditches, straw wattles, straw bales, silt fences, gravel filters, mulching, revegetation, and temporary covers as appropriate. - The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. 	The Applicant and Contractor, P&B, PW	PW and P&B to verify compliance prior to issuance of grading permit and throughout construction as needed; discuss at pre-construction meetings.	Confirm SWPPP has been prepared and submitted to the RWQCB and County of Humboldt. Confirm that the SWPPP is implemented throughout the construction phase. Add note to grading plan and development plan.	<ul style="list-style-type: none"> • Stormwater pollution from construction activities has been minimized with implementation of the SWPPP and identified BMPs.

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<ul style="list-style-type: none"> – BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. – In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. – During and after construction, reconstruction, and upgrading, there shall be no visible increase in turbidity in any drainage facility, construction/reconstruction site, or road surface, any of which drains directly to Class I, II, or III waters (standing water on the road that does not drain to Class I, II, or III waters is not applicable). – During construction, reconstruction, and upgrading, erosion control material of sufficient quantity shall be stockpiled on-site and used to prevent an increase in turbidity in any drainage facility, construction site, or road surface, any of which drains directly to Class I, II, or III waters. – Exposed slopes greater than 3:1 shall be stabilized with erosion control matting installed in accordance with the current California Stormwater Quality Association (CASQA) Best Management Practices Handbook. Erosion control matting shall consist of 100 percent biodegradable materials. In lieu of erosion control matting, hydraulic Bonded Fiber Matrix (BFM) consisting of wood mulch with tackifier shall be applied at a minimum rate of 3,500 pounds per acre. A sterile erosion control seed mix or suitable native seed mix shall be applied with the hydraulic BFM. – To monitor the effectiveness of wet-season erosion control measures, the project Applicant shall implement 				

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<p>a stormwater discharge sampling program in accordance with the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (General Permit). The project Applicant shall comply with the Numeric Action Levels (NALs) for turbidity and pH specified in the General Permit and shall adjust BMPs as necessary to maintain compliance with turbidity and pH NALs. The results of laboratory sampling will be provided to the Humboldt County Planning & Building Department at the time the results are uploaded to the state Stormwater Multiple Application and Report Tracking System database.</p> <ul style="list-style-type: none"> - Should erosion and sedimentation devices fail, or should the NALs and/or pH NALs be exceeded, the County will have stop-work authority over project construction activities. The County will stop work on any portion of the project determined by the County to be the source of erosion or sedimentation. Work will be suspended until the erosion and sedimentation control measures can be fortified or reestablished, or until the County determines that site conditions (e.g., weather, soil moisture content) have improved. - The project Applicant shall inspect erosion and sedimentation control measures before any precipitation event (as defined by greater than 0.25 inch of rain forecasted for a 24-hour period) during the wet season, and shall report the inspection results to the County before conducting work during any precipitation event. Work shall be suspended if the County determines that erosion control measures are in disrepair, or would be ineffective in the prevention of erosion resulting from the forecasted precipitation event. At any time, work may be suspended at the discretion of the County if site conditions deteriorate to the point where erosion control measures would be ineffective. 				

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<p>MM HYD-2: Prepare a Stormwater Quality and Drainage Management Plan: Prior to the filing of the map for each phase, the project Applicant shall submit a stormwater quality control plan to the County of Humboldt for review and approval. The stormwater quality control plan shall include a detailed drainage plan and identify expected, site-specific pollutants and required measures to treat those pollutants before they reach the detention basins, storm drain systems, and ultimately Ryan Creek or other waterbodies. The approved measures shall be incorporated into the proposed project. The stormwater quality control plan shall also describe monitoring and performance measures and standards required in order to ensure water quality is adequately protected during operation of the project area. Examples of stormwater pollution prevention measures and practices to be incorporated into the stormwater quality control plan include but are not limited to:</p> <ul style="list-style-type: none"> - Strategically placed bioswales and landscaped areas that promote percolation of runoff - Pervious pavement - Roof drains that discharge to landscaped areas - Curb cuts in parking areas to allow runoff to enter landscaped areas - Rock-lined areas along landscaped areas in parking lots - Catch basins - Oil/water separators - Regular sweeping of parking areas and cleaning of storm drainage facilities - Readily posted information for maintenance personnel to implement or follow stormwater pollution prevention measures - Additionally, the facility shall be designed to evapotranspire, infiltrate, harvest/use, or bio-treat stormwater to meet at least one of the following hydraulic sizing design criteria: 	<p>The Applicant</p>	<p>PW and P&B to verify compliance prior to permit issuance and during construction.; discuss at pre-construction meeting</p>	<p>Confirm a Stormwater Quality and Management Plan has been submitted to the County for review and approval and has been incorporated into project plans. Add note to grading plan and development plan.</p>	<ul style="list-style-type: none"> • Potential water pollutants are minimized and water quality if protected during operation of the project.

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<ul style="list-style-type: none"> o <u>Volumetric Criteria:</u> <ul style="list-style-type: none"> • The maximized capture stormwater volume for the tributary area, on the basis of historical rainfall records, determined using the formula and volume capture coefficients in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (i.e., the 85th percentile 24-hour storm event runoff); or • The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology in Section 5 of the CASQA Stormwater Best Management Practices Handbook, New Development and Redevelopment (2003), using local rainfall data. o <u>Flow-based Criteria:</u> <ul style="list-style-type: none"> • The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or • The flow of runoff produced from a rain event equal to at least 2 times the 85th percentile hourly rainfall intensity as determined from local rainfall records. 				
<p>MM HYD-3: Prepare a Low Impact Development Plan: Prior to the filing of the map for each phase, the project Applicant shall submit a Low Impact Development (LID) Plan for each single-family lot, commercial lots, and multi-family lots as applicable for approval of the Humboldt County Public Works Director. The Plan shall be part of the Improvement Plans and include a combination of LID features including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. The plans may be modified based on the location, design, size and land use type; however, minimum requirements shall be adhered to as required by the Public Works Director.</p>	<p>The Applicant, P&B, PW</p>	<p>Applicant shall submit overall plan to PW prior to map filing. Applicant shall submit lot specific plans to P&B prior to issuance of a building permit. P&B to verify compliance prior to issuance of a building permit.</p>	<p>Add note and requirements of overall plan on the development plan.</p>	<ul style="list-style-type: none"> • Potential impacts are minimized with implementation of LID features.

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Section 3.12 Noise				
<p>MM NOI-1: Project Fixed-Source Noise: The noise from all mechanical equipment associated with the projects shall comply with the maximum noise limits listed in Standard N-S7 in the Humboldt County General Plan.</p>	<p>The Applicant and Contractor, P&B</p>	<p>P&B to verify that all proposed mechanical equipment is in compliance prior to issuance of a building permit</p>	<p>Add a note on the development plan. Verify equipment compliance prior to issuance of a building permit.</p>	<ul style="list-style-type: none"> • Compliance with construction noise limitations.
<p>MM NOI-2: Construction Traffic: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 12.1.3 "Mitigation of Construction Noise" in the Transit Noise and Vibration Impact Assessment document (FTA-VA-90-1003-06 May 2006). This document recommends re-routing truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available.</p>	<p>The Applicant and Contractor, P&B, PW</p>	<p>discuss at pre-construction meeting. PW and P&B to verify that all plans include a note prior to permit issuance.</p>	<p>The Applicant shall verify the FTA construction mitigation measures are implemented throughout construction activities. Add a note to the development plan.</p>	<ul style="list-style-type: none"> • Compliance with FTA construction mitigation measures.
<p>MM NOI-3: Construction Activity: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.1 "Construction Noise Assessment" in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018).</p> <p>Design Considerations and Project Layout:</p> <ul style="list-style-type: none"> – Construct noise barriers, such as temporary walls or piles of excavated material, between noisy activities and noise-sensitive receivers. – Re-route truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available. – Site equipment and construction materials on the construction lot as far away from noise-sensitive sites as possible. – Construct walled enclosures around especially noisy activities, or clusters of noisy equipment. For example, shields can be used around pavement breakers, loaded vinyl curtains can be draped under elevated structures. 	<p>The Applicant and Contractor, P&B, PW</p>	<p>discuss at preconstruction meetings. P&B and PW to verify that all plans are in compliance prior to permit issuance.</p>	<p>Verify that construction activities incorporate the measures listed under this mitigation and are in compliance with FTA construction mitigation measures relating to construction activity noise. Add a note to development plan</p>	<ul style="list-style-type: none"> • Noise throughout construction activities is minimized using methods described under this mitigation measures.

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<p>Sequence of Operations:</p> <ul style="list-style-type: none"> - Combine noisy operations to occur in the same time period. The total noise level produced will not be significantly greater than the level produced if the operations were performed separately. - Avoid nighttime activities. Sensitivity to noise increases during the nighttime hours in residential neighborhoods. <p>Alternative Construction Methods:</p> <ul style="list-style-type: none"> - Use specially quieted equipment, such as quieted and enclosed air compressors, mufflers, on all engines. <p>Construction Mitigation Noise Plan</p> <ul style="list-style-type: none"> - Describe and commit to a mitigation plan that will be developed later when the information is available to make final decisions (not often available during the project development phase) on all specific mitigation measures. This may be the case for large, complex projects. The objective of the plan shall be to minimize construction noise using all reasonable (e.g., cost vs. benefit) and feasible (e.g., possible to construct) means available. Components of a mitigation plan may include some or all of the following provisions, including equipment noise emission limits, lot-line construction noise limits, operational or equipment restrictions, and a public information and complaint response procedure, including a construction site notice that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the Site, and County telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and 				

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<p>displayed in a location that is readily visible to the public and approved by the County.</p> <ul style="list-style-type: none"> 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 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan. 				
<p>MM NOI-4: Construction Vibration: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.2, Construction Vibration Assessment, in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018) for Phase 1 and the Sewer Work Phase of the project only.</p> <p>Design Considerations and Project Layout</p> <ul style="list-style-type: none"> Route heavily loaded trucks away from residential streets. Select streets with the fewest homes if no alternatives are available. Operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible. <p><u>Sequence of Operations</u></p> <ul style="list-style-type: none"> Phase demolition, earth-moving, and ground-impacting operations so as not to occur in the same time period. Unlike noise, the total vibration level produced could be substantially less when each vibration source operates separately. Avoid nighttime activities. Sensitivity to vibration increases during the nighttime hours in residential neighborhoods. <p>Alternate Construction Methods</p> <ul style="list-style-type: none"> Avoid vibratory rollers and packers near sensitive areas. <p><u>Vibration Mitigation Plan</u></p>	<p>The Applicant, P&B, PW</p>	<p>discuss at preconstruction meetings. P&B and PW to verify that all plans are in compliance prior to permit issuance.</p>	<p>Verify that construction activities incorporate the measures listed under this mitigation and are in compliance with FTA construction mitigation measures relating to construction vibration. Add a note to development plan</p>	<ul style="list-style-type: none"> Vibration throughout construction activities is minimized using methods described under this mitigation measures.

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<ul style="list-style-type: none"> - Describe and commit to a mitigation plan that shall be developed and implemented during the engineering and construction phase when the information available during the project development phase will not be sufficient to define specific construction vibration mitigation measures. The objective of the plan shall be to minimize construction vibration damage using all reasonable and feasible means available. The plan shall include the following components: <ul style="list-style-type: none"> o A procedure for establishing threshold and limiting vibration values for potentially affected structures, based on an assessment of each structure's ability to withstand the loads and displacements due to construction vibrations. o A commitment to develop a vibration monitoring plan during the engineering phase and to implement a compliance monitoring program during construction. 				
Section 3.14 Public Services				
<p>MM PS-1: Development Impact Fee-Schools: Prior to issuance of building permits, the project Applicant shall provide the Eureka City Unified School District with all applicable school development fees in accordance with the latest adopted fee schedule. The Applicant shall submit a receipt to the County of Humboldt prior to issuance of building permits verifying that all fees have been paid.</p>	The Applicant, P&B	P&B to verify prior to issuance of building permits	Confirm the Applicant has paid all applicable school development fees and receipt has been submitted to the County for verification.	<ul style="list-style-type: none"> • Impacts to schools are minimized through payment of fees.
Section 3.15 Recreation				
<p>MM REC-1: Trail Map: Prior to approval of the improvement plans for each phase, the Applicant shall prepare a map showing the precise location and alignment of the trails on the project site and their connection points to the adjacent forest land. The map for each phase shall be submitted for review and approval by the County of Humboldt Public Works Director. These trails will be recorded in permanent open space easements or in a manner that no future development on the trails shall occur and trail connections shall be maintained for the life of the project.</p>	The Applicant, PW	PW to verify trails are incorporated into improvement plans. PW to verify that trail easements are dedicated on the final map	Confirm final map has been submitted to the County of Humboldt Public Works Director for review and approval.	<ul style="list-style-type: none"> • New trails are provided in a manner that no future development shall occur on it.

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Section 3.16 Transportation				
<p>MM TRANS-1: Traffic Management Plan: Prior to the commencement of construction activities for each phase, the project Applicant shall prepare and submit a Construction Traffic Control Plan for review and approval by the Director of Public Works. The Traffic Management Plan shall identify routing for all delivery and haul trucks and, if necessary, limit deliveries to non-peak times. The Traffic Management Plan shall also identify suitable locations for construction worker parking and identify a safe access route to Redwood Fields Park and adjacent schools. The Traffic Management Plan shall ensure that access to adjacent land uses on Redwood Street and Walnut Drive is provided at all times. The Traffic Management Plan shall be maintained and updated for all phases of construction.</p>	<p>The Applicant, PW</p>	<p>PW to approve the TMP prior to permit issuance. PW to review and approve updates as necessary.</p>	<p>Confirm that the Construction Traffic Control Plan has been submitted to the County Director of Public Works for review and approval and is implemented throughout the construction phase.</p>	<ul style="list-style-type: none"> • Traffic flow remains at acceptable levels during construction. • Emergency access is not restricted and remains reasonably possible at all times. • The project area remains in compliance with all applicable transportation goals, policies, and requirements.
<p>MM TRANS-2: Accessibility: All newly constructed streets shall provide adequate sidewalks and Americans with Disabilities Act (ADA)-compliant curb ramps, with marked crosswalks as needed.</p>	<p>The Applicant, PW</p>	<p>PW to verify pedestrian facilities shown on the improvement plans are in compliance with ADA</p>	<p>The County Public Works Department shall verify pedestrian facilities constructed streets meet ADA requirements.</p>	<ul style="list-style-type: none"> • Newly constructed streets are accessible to everyone including those who require ADA compliance.
Section 3.18 Utilities and Service Systems				
<p>MM UTIL-1: Water Supply Pressure and Storage Study: Prior to filing a map for the first phase of the subdivision, the Applicant shall prepare and submit an approved Water Supply, Pressure, and Storage Study to the Humboldt County Public Works to demonstrate that adequate water supplies are available for the proposed development including water for fire suppression. In addition, the study shall include information on adequate pressure flows to serve the project site including adequate firefighting flow.</p>	<p>The Applicant, PW, HCSD</p>	<p>PW to verify prior to approval of the subdivision improvement plans</p>	<p>The County Planning Department shall confirm the Applicant has prepared and submitted a Water Supply, Pressure, and Storage Study to the Humboldt County Public Works for review and approval.</p>	<ul style="list-style-type: none"> • Adequate water supply is available for the project.
<p>MM UTIL-2: Recycling Bins: Prior to issuance of final certificate of occupancy for each multi-family residential building and commercial development, the project Applicant shall install on-</p>	<p>The Applicant, P&B</p>	<p>Prior to issuance of final certificate of occupancy</p>	<p>The County shall confirm on-site recycling collection</p>	<ul style="list-style-type: none"> • On-site recycling collection facilities

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<p>site recycling collection facilities. Such facilities shall be provided in centralized locations within enclosed facilities. Signage shall clearly identify accepted materials, and recycling collection vessels (i.e., dumpsters, receptacles, bins, totes, etc.) shall be distinctly different in appearance from solid waste collection vessels.</p>			<p>facilities have been installed for each multi-family residential building and commercial development. Add note to development plan.</p>	<p>are provided for new developments.</p>
<p>Section 3.19 Wildfires</p>				
<p>MM WF-1: Prepare and Implement a Fire Safety Management Plan: Consistent with the Humboldt County General Plan Standard FR-S2, Forest land-Residential Interface (FRI) and pursuant to Section 4142 of the Public Resources Code (PRC), the Applicant shall consult with California Department of Forestry and Fire Protection (CAL FIRE) prior to permit approval for the proposed project. The Applicant shall prepare a Fire Safety Management Plan that is subject to review and approval by the Humboldt County Planning & Building Department in consultation with CAL FIRE and shall be implemented throughout the lifetime of project operations. The scope of the plan shall apply to all property, buildings, structures, operations, and facilities associated with the project. The plan shall include, but is not limited, to the following:</p> <ul style="list-style-type: none"> - Specific evacuation routes through the proposed project area and through the larger community; - Specifications for fire resistant building materials and fire-resistant plants that are strategically planted to resist the spread of fire around residences and other structures; - Installation of address numbers that are displayed in contrasting colors (4 inches minimum in size) and readable from the street or access road, pursuant to California Fire Code Section 505.1; - Any identified helicopter landing zones if feasible; and - Suitable areas for the installation and maintenance of wildland fire control features such as fire hydrants. If 	<p>The Applicant, P&B</p>	<p>P&B to verify prior to issuance of building permits and throughout operation phase</p>	<p>The County shall confirm a Fire Safety Management Plan has been prepared and submitted to the Humboldt County Planning and Building Department for review and approval. Add note to development plan.</p>	<ul style="list-style-type: none"> • Structures built within the SRA meet all code requirements and provide adequate fire safety measures.

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<p>streets end into a cul-de-sac, fire hydrants shall be installed at the beginning of the street.</p> <ul style="list-style-type: none"> - Clearly identifiable street names. - Homeowner awareness program as to importance of annual maintenance of defensible space fuel modification measures. <p>Preparation of the Fire Safety Management Plan will ensure that structures built within the State Responsibility Area (SRA) will meet code requirements and adequate fire safety measures and project features are incorporated into project design. The building permit required for the proposed project shall not be issued until CAL FIRE and Humboldt Bay Fire Department approve the Fire Safety Management Plan.</p>				
<p>MM WF-2: Wildfire 100-foot Defensible Space: Prior to filing a map, the Applicant shall do either of the following:</p> <ul style="list-style-type: none"> - Option 1- Revise the site plan prior to final tentative map submittal to demonstrate that a 100-foot buffer is provided on-site. The Applicant shall submit the revised site plan to the Humboldt Bay Fire Protection District (FPD) for approval and provide proof of approval to the County Planning Director. - Option 2 - The Applicant shall enter into a Memorandum of Agreement (MOA) with the County for provision of 70 feet of defensible space off-site (or as determined by the County but minimum of 100-foot total) on the County owned McKay Community Forest. The Applicant shall be subject to any entitlements or environmental review required for the off-site improvements prior to construction permit for the proposed project The MOA shall clearly identify roles and responsibilities regarding maintenance of the defensible space. 	<p>The Applicant, PW, Humboldt Bay FPD</p>	<p>P&B to verify prior to filing final map</p>	<p>The Applicant shall identify which Option from the mitigation measure was selected. If Option 1 was selected, confirm site plans have been revised to demonstrate a 100-foot buffer is provided on-site and revised site plan have been submitted to Humboldt Bay FPD for review and approval and proof of approval has been submitted to County Planning & Building Director.</p> <p>If Option 2 was selected, confirm the Applicant has entered into MOA with the</p>	<ul style="list-style-type: none"> • Adequate buffer for wildfires is provided and potential wildfire impacts are minimized.

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			County and completed requirements identified under Option 2 of this mitigation measure.	

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on March 22, 2022

Resolution No. 22-___ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS FOR APPROVING A TENTATIVE SUBDIVISION MAP, PLANNED UNIT DEVELOPMENT, AND SPECIAL PERMIT FOR THE NORTH MCKAY RANCH SUBDIVISION PROJECT, RECORD NO. PLN-9902-GPA.

WHEREAS, Kramer Properties submitted an application for a Tentative Subdivision Map, Planned Unit Development, Development Agreement and Special Permit for a mixed-use development with 320 residential units and approximately 22,000 square feet of commercial development. The Tentative Subdivision Map would create 146 single-family lots, 6 lots to support construction of up to 174 multi-family residential units, 2 commercial parcels supporting up to approximately 22,000 square feet of commercial space and 6 parcels totaling 21.73 acres to be dedicated to the County for future trail management and open space; and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on January 6, 2022 the Planning Commission considered the application, and adopted a Resolution which recommended that the Board of Supervisors conditionally approve the Tentative Subdivision Map, Planned Unit Development, and Special Permit for the North McKay Ranch project; and

WHEREAS, the Board of Supervisors held a public hearing, *de-novo*, on March 22, 2022 and reviewed, considered, and discussed the application and evidence and considered all public testimony and evidence presented at the hearing; and

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1. **FINDING:**

PROJECT DESCRIPTION

The proposed project would be constructed on approximately 81 acres and would involve a mixed-use development with 320 residential units, approximately 22,000 square feet of commercial development, an off-site sewer line, and an off-site water storage tank. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and

174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. The proposed project would require annexation into HCSD for the provision of utilities. A Special Permit is required for work within Streamside Management Areas for two isolated wetlands in the northern part of the project, a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street. A total of 0.168 acres of wetlands would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project.

- EVIDENCE:**
- a) Evidence in File (PLN-9902-GPA)
 - b) The project description is based on the information submitted as part of the application package, and all subsequent technical documents and information used to evaluate the project.
 - c) These documents are on file in the Planning Department and are hereby incorporated herein by reference.

2. **FINDING:** **CONFORMANCE WITH 2017 HUMBOLDT COUNTY GENERAL PLAN, OPEN SPACE PLAN, AND THE OPEN SPACE ACTION PROGRAM (CO-IM5)** As conditioned, the project is in conformance with the Humboldt County General Plan, Open Space Plan, and the Open Space Action Program.

- EVIDENCE:**
- a) The Residential Low Density (RL) Land Use Designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units. The allowable density is 1-7 units per acre. A total of 146 single family lots will be developed within the areas planned RL, all to be connected to urban services and within the density range of 1-7 units per acre.
 - b) The Residential Medium Density designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character. The allowable density is 7-30 units per acre. The land use designation of approximately 18.5 acres of RL designated property will be redesignated as RM to accommodate 174 multi-family units, at an average of 9 units per acre which is within the range specified in the RM designation.

- c) The Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional needs. A total of 2.2 acres of RL designated land will be redesignated as CG to accommodate 22,000 square feet of office and neighborhood commercial space that will serve the development and surrounding community.
- d) In accordance with UL-P1 Urban Development Areas, the County shall plan Urban Development Areas and implement land use regulations to support business expansion, housing opportunities and investments in infrastructure. The project site is located within the Urban Development Area and within an adopted housing opportunity zone intended to facilitate additional housing development. The project will add 320 housing units, expansion of business through the additional 22,000 square feet of commercial space and will result in additional public infrastructure.
- e) The Timberland (T) Land Use Designation is utilized to classify land that is primarily suitable for the growing, harvesting, and production of timber. Prairie and grazing land may be intermixed. Density range is 40-160 acres/unit.

The new water tank to serve this site will be on land designated T. It is an existing tank site used by Humboldt Community Services District. As provided in the General Plan, Utilities, such as the water storage tank, is considered an allowable use type within the T land use designation
- f) Policy FR-P16. Public Utilities on TPZ Lands indicates where feasible avoid locating federal, state, or local public improvements and utilities in TPZ where the project or land acquisition will have a significant adverse effect on the production of timber or ecosystem services. The new water tank to serve this site will be on land zoned TPZ. The water storage tank will be located on land that is already owned by a public utility and managed for water distribution purposes. The installation of an additional water storage tank on this site that is already utilized for public services will not have a significant adverse impact on the production of timber or ecosystem services.
- g) Policy FR-P20: Fire Safety Hazards requires the County to continue to implement the State Responsibility Area Fire Safe Standards and Wildland-Urban Interface Building Codes for new development and support voluntary programs for fuels reduction, dwelling fire protection and creation of defensible space for existing development. The project site is within a High Fire Hazard area. The project site is within the jurisdiction of the Humboldt #1 Fire Protection District (with the exception of the water tank site) and within State Responsibility Areas (SRA), which are served by CAL FIRE. The project EIR examined the hazards of potential wildfire. The project will comply with all of the required measures in the state's Fire Safe regulations. Mitigation measures have been included to reduce the potential impacts of adding additional development within the high fire hazard area. MM-WF-1 requires the development of a fire safety management plan and MM-WF-2 requires revisions for 100 feet of defensible space as recommended by Cal-Fire and

Humboldt #1 Fire Protection District to be included or an agreement in place with the County to ensure the same practical effect through management of the adjacent open space lands which are managed or proposed to be managed by Humboldt County after completion of this project.

- h) Policy IS-P3 – Requirements for Discretionary Development requires the adequacy of public infrastructure and services for discretionary development greater than a single-family residence and/or second unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. The proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A new off-site water tank would be constructed as part of the proposed project, expanding HCSD’s service capacities. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.
- i) Policy IS-P9. District Boundaries, Spheres of Influence, and Community Plans requires district boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services. The proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.
- j) Policy IS-P25: Fire Service Impacts from New Development. During review of discretionary permits within fire related district boundaries or identified response areas, utilize recommendations from the appropriate local fire chief as feasible mitigation measures to reduce impacts to emergency response and fire suppression services from new development.

The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. Consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE’s regulations for fire safety. MM PS-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations.

- k) Policy T-P13: Subdivision Improvement Requirements requires *new residential and commercial development projects to include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment and flexible telephone conduit to allow for easy retrofit for high-speed data systems.* The proposed project would include adequate telecommunications and broadband service capability as a condition of approval.
- l) Policy C-P5: Level of Service Criteria requires the County to strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of

Service and/or Quality of Service for other modes of transportation, if possible.

- i. A Traffic Study for the McKay Ranch Subdivision was prepared in May 2018 by TJKM found Coordination between the Humboldt County Department of Public Works and the City of Eureka determined that 12 intersections had the potential to be impacted and needed to be analyzed for level of service conditions to determine consistency with this Humboldt County General Plan policy.
 - ii. The Study found 9 of these intersections would be functioning below LOS C under both Future (2040) with no project and Future (2040) plus Project conditions. The traffic study identified improvements to all intersections operating at LOS D or worse in the future condition with Project, except for the Harris and Harrison intersection where a traffic signal is already in place.
 - iii. The study calculated the project's contribution to LOS delay at these intersections as a percentage of the Future plus Project conditions.
 - iv. The project is not responsible for pre-existing conditions but is responsible for its proportionate share of the traffic contributed to the intersections. The county may only require development conditions which are proportional to the project's impacts (*Dolan v. City of Tigard*, 512 U.S. 374).
 - v. The project's cumulative fair share is 197%, which is roughly two intersections. County Public Works has identified two intersections that are priority needs for signalization based on circulation patterns, and which may serve an equivalent share of the total of improvement costs for intersections that fall below LOS C.
 - vi. Signalization of these intersections is a condition of approval of the subdivision map. The various intersection improvements would help minimize traffic congestion in the vicinity of the proposed project.
 - vii. Additional traffic calming facilities such as roundabouts, chicanes and traffic circles would necessitate a reduction in off-street parking for existing residents and a reduction in available space for the proposed residential development and is not feasible for this project.
- m) Policy C-P11: Transportation Demand Management Programs require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs. The project is conditioned to signalize two priority intersections identified by the County Public Works that will facilitate implementation of the County's transportation demand management program. The project is conditioned to provide a bus stop in the vicinity of the multi-family and commercial development and bicycle facilities.
- n) Policy C-P34: Traffic Calming requires use of traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic

calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles. The proposed project has been designed to incorporate intersection improvements. These intersection improvements would help minimize traffic congestion in the vicinity of the proposed project. Additional traffic calming facilities such as roundabouts, chicanes and traffic circles would necessitate a reduction in off-street parking for existing residents and a reduction in available space for the proposed residential development and is not feasible for this project.

- o) Policy C-P38: Develop a Regional Trails System calls for support of efforts to establish and connect regional trails, particularly in the greater Humboldt Bay and lower Mad River areas, the Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible. The proposed project would include 20-foot-wide trail easements and would construct trail connection to the future public trails to access the McKay Community Forest, consistent with efforts to establish a regional trail system.
- p) Policy C-P39: Encourage Bicycle and Pedestrian-Friendly Development incentives to be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary. The project is conditioned to provide for a bus stop in the vicinity of the commercial development, and to provide for bike racks and bike lockers adjacent to the bus stop and the commercial development. The proposed connector roads will provide for bike lanes within the public rights-of-way.
- q) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.
- r) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.
- s) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The proposed project consists of a mixed-use development which would include 146 single-family houses

and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.

- t) Goal H-G3: Workforce Housing calls for an adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.

The proposed project consists of a mixed-use development that would place residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.

- u) Policy H-P21: Siting of Multifamily Housing Developments assures that the County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.

The proposed project includes a mixed-use development located approximately 0.3 mile from the neighborhood commercial area at Maple Avenue and Fern Avenue, and adjacent to existing recreational opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.

- v) Policy H-P22: Allowances for a Mixture of Housing Sizes and Types states the County shall allow a variety of housing types and sizes in all residential areas served by public sewer to encourage a mix of housing opportunities for all income categories.

The proposed project includes a variety of housing types, including 96 larger single-family lots (6,600 square feet or greater), 50 smaller single-family lots (less than 5,000 square feet), and 174 multi-family units; 18 housing units would be affordable. The residences would be served by public sewer through HCSD.

- w) Goal ED-G6: Competitive Quality of Life calls for maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.

The proposed project includes trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.

- x) Goal CO-G4: Parks and Recreation calls for maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system

that meets future recreational and non-motorized transportation demands.

The proposed project includes designating and preserving 21.73 acres of permanent open space through a permanent easement dedicated to the County. In addition, 20-foot wide trail easements and trail connections would be provided on-site to connect to the future public trails to the McKay Community Forest.

- y) Goal CO-G5: Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.
The project site is currently zoned to allow 320 residential dwelling units. The project location is adjacent to developed lands, including community playfields at Redwood Fields Park, and would be provided with public water and sewer from HCSD, as outlined in the approved MSR. The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 APNs as available for residential development in the Residential Land Inventory. As noted earlier, 21.73 acres of permanent open space would be preserved and dedicated to the County through an easement or conveyed in fee. Additionally, 20-foot-wide trail easements and constructed trail connections would connect the future public trails to the McKay Community Forest.
- z) Goal BR-G2: Sensitive and Critical Habitat calls for mapped inventory of sensitive and critical habitat where biological resource protection policies apply. Numerous biological resource surveys have been prepared and utilized to support project planning. Based on the results of the literature and database review and field surveys, a thorough inventory of sensitive and critical habitat within the project site has been mapped. This inventory is found in the Draft EIR and refined in the Final EIR.
- aa) Goal BR-G3: Benefits of Biological Resources calls for Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits. Mitigation measures are included in the DEIR in order to minimize potential impacts on fish and wildlife habitats. These mitigations measures are primarily found in the biological resources section and hydrology and water quality section. No significant and unavoidable impacts to biological resources were identified in the environmental review.
- bb) Policy BR-P1: Compatible Land Uses ensures areas containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.

The project site contains combining zones for the protection of habitat and open space through the Eureka "GO" Greenway and Open Space combining

zone and is designed to comply with all of the provisions of this combining zone. Through mitigation measures the project is conditioned to prevent significant degradation of sensitive habitats. With implementation of Mitigation Measures MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7 and MM-BIO-8 impacts on sensitive natural communities and riparian habitat either would be avoided or would be compensated at a 1:1 ratio. Mitigation and conditions are also in place to prevent project related erosion and runoff to receiving waters and to protect and facilitate wildlife movement (MM-BIO-8). Through mitigation and conditions, the project will not degrade sensitive habitats.

- cc) Policy BR-P2: Critical Habitat states discretionary projects which use federal permits or federal funds on private lands that have the potential to impact critical habitat shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies. The project is anticipated to require federal permits. A Clean Water Act Section 404 Nationwide Permit for wetland fill and work within riparian areas may likely be required. No critical habitat wildlife species will be impacted. Development within the stream channels and wetland areas have been minimized through project refinements and mitigation measures. The project as designed will not be inconsistent with adopted habitat recovery plans or interim recovery strategies.
- dd) Policy BR-P4: Development within Stream Channels states Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects which include road crossings where erosion control measures are implemented. Development within stream channels will be limited to road crossings, a permitted development activity in stream channels. The crossings will be required to be designed to minimize impacts to the streams and to facilitate wildlife movement and to mitigate for all impacts to riparian habitat (Mitigation Measures MM-BIO-4 and MM-BIO-8)
- ee) Policy BR-P5: Streamside Management Areas is to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along streams including intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation. The EIR has identified a total of 0.168 acres of wetlands that would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project. Project construction activities occurring within riparian habitat would be limited to the stream crossings for public road extensions, and all riparian habitat will be mitigated at a 1:1 ratio (MM-BIO-4). Wetland impacts are limited to two small isolated wetlands and to a larger wetland required to be impacted for the extension of a public road. Wetland impacts will be mitigated at a 1:1 ratio (MM-BIO-5) and existing wetlands not impacted will be enhanced (MM-BIO-6). The project will adhere to the prescribed Streamside Management Areas (SMAs)

buffers of 100 and 50-feet from the edge of riparian vegetation or top of bank for perennial and intermittent streams, whichever is greater for all other development related activities.

- ff) Policy BR-P6: Development within Streamside Management Areas states that Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 – Required Mitigation Measures, BR-S9 – Erosion Control, and BR-S10 – Development Standards for Wetlands) have been provided to minimize any adverse environmental effects and shall be limited to uses as described in Standard BR-S7 – Development within Streamside Management Areas.

The EIR has identified a total of 0.168 acres of wetlands that would be impacted, and 0.050 acres of riparian habitat will be impacted as a result of the project. Project construction activities occurring within riparian habitat would be limited to the stream crossings for public road extensions, and all riparian habitats will be mitigated at a 1:1 ratio (MM-BIO-4). Wetland impacts are limited to two small isolated wetlands and to a larger wetland required to be impacted for the extension of a public road. Wetland impacts will be mitigated at a 1:1 ratio (MM-BIO-5) and existing wetlands not impacted will be enhanced (MM-BIO-6). The project will adhere to the prescribed Streamside Management Areas (SMAs) buffers of 100 and 50-feet from the edge of riparian vegetation or top of bank for perennial and intermittent streams, whichever is greater for all other development related activities.

- gg) Policy BR-P7: Wetland Identification states that the presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified professional shall be required when wetland characterization and limits cannot be easily inventoried and identified by site inspection. A wetland delineation has been conducted by qualified individuals for the entire project area [Wetland Delineation prepared for Kramer Properties, Inc. (SHN Consulting Engineers March 2017) As identified in the DEIR a total of 0.168 acres of wetlands would be impacted by the project. However, mitigation measures have been identified in the DEIR to reduce potential impacts on wetlands to a less-than-significant level (see Mitigation Measures MM-BIO-5 and MM-BIO-6).

- hh) Policy BR-P11: Biological Resources Maps states biological resource maps shall be consulted during the ministerial and discretionary permit review process in order to identify habitat concerns and to guide mitigation for discretionary projects that will reduce biological resource impacts to below levels of significance, consistent with CEQA. SHN prepared biological resource surveys designed to support project planning. Prior to preparing these reports, available resource maps were consulted, including but not limited to the National Wetlands Inventory (NWI), California Natural Diversity Database (CNDDDB), and Humboldt County General Plan Resource Maps

(publicly available on the County's GIS website). Based on the literature and database review and field surveys, a thorough inventory of sensitive and critical habitat within the project site has been mapped. This inventory is found in the Draft EIR. This information was used to refine the project and develop mitigation measures that reduce biological impacts to a level that is less than significant. Consistent with CEQA, all feasible mitigation to reduce impacts have been required.

- ii) Policy BR-P12: Agency Review requires that the County shall request the California Department of Fish and Wildlife, as well as other appropriate trustee agencies and organizations, to review plans for development within Sensitive Habitat, including Streamside Management Areas. The County shall request NOAA Fisheries or U.S. Fish and Wildlife Service to review plans for development within critical habitat if the project includes federal permits or federal funding. Recommended mitigation measures to reduce impacts below levels of significance shall be considered during project approval, consistent with CEQA. The development of the project has included referrals to and consultation with the California Department of Fish and Wildlife (CDFW). CDFW has provided recommendations regarding project design and project mitigation measures and these recommendations have been considered and, where feasible, incorporated into the project. While CDFW recommended that a greater than 1:1 mitigation ratio be provided for the wetlands being impacted, this was not required in the project EIR as the wetlands being impacted are generally of lower quality and impacted from existing pedestrian and ATV traffic and road runoff. The mitigation measures in the EIR require the creation of wetlands of equal or greater habitat value and in areas that will provide greater habitat connectivity than the existing wetland areas that are proposed to be impacted.
- jj) Policy CU-P1: Identification and Protection addresses the potential for impacts to significant cultural resources shall be identified during ministerial permit and discretionary project review, impacts assessed as to significance, and if found to be significant, protected from substantial adverse change per California Public Resources Code (PRC) Section 5020.1. The project's potential impacts on both cultural and tribal cultural resources were analyzed and addressed in the DEIR, with appropriate and feasible mitigation identified in order to reduce potential impacts as a result of inadvertent discovery of resources. A cultural resources Survey was prepared by Roscoe and Associates in February 2017 and an additional survey conducted by Archaeological Research and Supply Company in 2020 for the water tank location, both of which identified no artifacts, features, sites or other significant cultural resources on the project site.
- kk) Policy CU-P2: Native American Tribal Consultation
Native American Tribes shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural

resources located in project areas within their respective tribal geographical area of concern.

The following Tribes were contacted regarding the project:

- Wiyot Tribe
- Bear River Band of the Rohnerville Rancheria
- Blue Lake Rancheria

The above Tribes were contacted as part of the referral process as soon as the project was submitted to the County. Additionally, formal consultation pursuant to SB 18 and AB 52 occurred. Representatives of all three tribes responded that no further consultation was desired.

- ll) Policy CU-P4: Avoid Loss or Degradation ensures projects located in areas known, or suspected to be archeological sites or Native American burial sites shall be conditioned and designed to avoid significant impacts to significant sites, or disturbance or destruction to Indian burial grounds. Preserving Native American remains undisturbed and in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) are feasible. Conditions of approval shall include standard provisions for post-review inadvertent archaeological discoveries and discovery and respectful treatment and disposition of Native American remains with or without funerary objects in accordance with state law (Health and Safety Code (HSC) Section 7050.5 and PRC Section 5097.98). No known or suspected cultural resources were identified on the project site. However, in accordance with this policy, the DEIR includes measures to avoid potential impacts in the event cultural materials or human remains are inadvertently discovered.
- mm) Standard SR-S4: Light and Glare ensures new outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant is required to prepare and submit an outdoor lighting plan to Humboldt County for review and approval prior to filing a map for each phase (MM-AES-2) to ensure that light and glare will not be a significant impact to sensitive receptors.
- nn) Goal WR-G10: Storm Drainage requires utilizing onsite infiltration and natural drainage channels and watercourses, while minimizing erosion, peak runoff, and interference with surface and groundwater flows and storm water pollution. As identified in the DEIR, the project will comply with applicable storm drainage requirements and policies and mitigation is included to require stormwater control such as bioswales, pervious pavement, and catch basins (MM-HYD-2).
- oo) Policy WR-P10: Erosion and Sediment Discharge requires Ministerial and discretionary projects requiring a grading permit shall comply with performance standards adopted by ordinance and/or conditioned to minimize erosion and discharge of sediments into surface runoff, drainage systems, and

water bodies consistent with best management practices, adopted Total Maximum Daily Loads (TMDLs), and non-point source regulatory standards.

As the project would disturb more than one acre of land, the project would require preparation of a SWPPP that identifies specific actions, specifications, and BMPs for pollution prevention and control. The project applicant must prepare and submit the appropriate notices of intent and prepare the SWPPP at the time final grading and engineering plans are completed and submitted to the County for review. The project would implement all measures contained in regulatory plans, programs, and policies adopted for protection of the environment. Nonetheless, the potential exists for construction-related spills of hazardous materials or fuels to reach receiving waters and degrade water quality and potentially violate a water quality standard or waste discharge requirement. Mitigation Measure MM-HYD-3 is required in the DEIR to implement require the preparation and submittal of a Low Impact Development plan prior to the filing of each phase of the map.

- pp) Policy WR-P14: Groundwater Quality Protection
Commercial and industrial discretionary uses shall be evaluated for their potential to contaminate groundwater resources, and mitigated as necessary. The project's potential to contaminate groundwater resources was analyzed in the DEIR and found to not be significant after implementation of mitigation measures MM-HYD-1 and MM-HYD-2 (preparation of a Stormwater Pollution and Prevention Plan and stormwater quality and drainage management plan).
- qq) Policy WR-P37: Downstream Stormwater Peak Flows states peak downstream stormwater discharge shall not exceed the capacity limits of off-site drainage systems or cause downstream impacts. New development shall demonstrate that post development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water. A Preliminary Hydrologic and Drainage Study was prepared for the McKay Ranch Project (Ontiveros & Associates, May 2017) which calculated the amount of stormwater runoff showing that this requirement can be met. Mitigation Measures require the preparation and submittal of appropriate stormwater plans for each phase of development prior to the filing of the map for that phase.
- rr) Standard WR-S13: Storm Water Management requires all commercial, industrial, shall, whenever possible, provide stormwater treatment for parking lot runoff using bio-retention areas, filter strips, and/or other practices that be integrated into required landscaping areas and traffic islands. During construction stormwater shall be controlled.
The project will be required to control all stormwater and provide treatment for all parking lot areas. This includes the requirement for Low Impact Development features, a Stormwater Pollution and Prevention Plan, Stormwater Quality and Drainage Management Plan. MM-BIO-HYD-1, MM-HYD-2, MM-HYD-3 results in the requirement for a number of features including but not limited to the following features:

- Bioswales
- Rain gardens
- Catch-basins
- Oil/water separators
- Pervious pavement

ss) Policy E-P13: Incentives for Using Alternative Energy encourages the use of renewable energy and environmentally preferable distributed energy generation systems in the county.

The project will comply with California Code of Regulations, including CalGreen at the time of issuance of building permits. This will include the requirements for solar panels to be installed on the residential units and the installation of electric vehicle charging stations.

tt) Policy N-P4: Protection from Excessive Noise protects persons from existing or future excessive levels of noise which interfere with sleep, communication, relaxation, health or legally permitted use of property.

The use of heavy equipment and power tools during construction of permitted structures when conforming to the terms of an approved permit is not subject to General Plan noise standards. After construction the primary noise source from project related activities will be the daily activities of residents and office-workers which is similar to the surrounding land uses.

uu) Standard N-S5: Noise Standards for Habitable Rooms requires noise reduction shall be required as necessary in new development to achieve a maximum of 45 CNEL (Community Noise Equivalent Level) interior noise levels in all habitable rooms per California building standards.

There are no substantial operational noise generating features related to the project and standard construction techniques and requirements of the Building Code would reduce interior noise levels to 45 CNEL or below.

vv) Goal S-G4: Fire Risk and Loss

Development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources.

The proposed project would be located adjacent to existing wooded areas and constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. Therefore, the proposed project would be consistent with this policy with MM WF-1 incorporated.

ww) Policy S-P11: Site Suitability states that new development may be approved only if it can be demonstrated that the proposed development will neither create

nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.

The proposed project would not substantially increase or contribute to site geologic instability or place structures within a geologic hazard area. The proposed project would be designed and built in conformance with all applicable federal, state, and local building code requirements related to site stability.

- xx) Policy S-P18: Subdivision Design in High and Very High Fire Hazard Zones states Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design, slope development constraints, fuel modification plans, and vegetation setbacks.

The proposed project is located in an SRA with a high fire severity classification. As discussed in Section 3.19, Wildfires, MM WF-1 and MM WF-2 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. However, the proposed project does not provide a 100-foot defensible space along the perimeter of the subdivision and is not consistent with this policy. However, Policy G-P31 of the General Plan requires a comprehensive view of all relevant policies and a balancing of the intent of the policies to result in a practical and workable manner. This project is consistent with a comprehensive view of the plan and provides a significant public need while mitigating for the potential impacts of this policy inconsistency. Policy G-P31 provides that this project should be approved despite an inconsistency with Policy S-P18.

- yy) Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations requires development shall conform to Humboldt County SRA Fire Safe Regulations.

The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. MM WF-1 would be implemented in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations.

- zz) Standard S-S9: Fire Safe Regulations require development within SRA shall conform to SRA Fire Safe Regulations (Humboldt County Code, Division 11 of Title III as amended).

The county's Fire Safe regulations have been superseded by the state Fire Safe Regulations. The project will comply with all the appropriate Fire Safe Regulations.

- aaa) Standard S-S11: The California Fire Code shall be applied to all applicable development as required, the project will be designed in accordance to the California Fire Code (CFC).

- bbb) Goal AQ-G1: Improved Air Quality requires that air quality that meets state and federal ambient air quality standards.

The impacts to air quality have been analyzed in the DEIR. Based on modeling,

emissions associated with construction of the proposed project would not exceed the NCUAQMD maximum daily thresholds of significance during construction or operation.

- ccc) Goal AQ-G2: Particulate Emissions require successful attainment of California Ambient Air Quality Standards for particulate matter.

The impacts to air quality have been analyzed in the EIR. Based on modeling, California Ambient Air Quality particulate matter thresholds will not be exceeded on the daily or annual basis. This is true for both construction and operations phases of the project.

- ddd) Goal AQ-G3: Other Criteria Pollutants maintain attainment of Ambient Air Quality Standards for ozone and other criteria pollutants which may be subject to tightening standards.

The impacts to air quality have been analyzed in the EIR. Based on modeling, the project would not exceed state or national thresholds, and would not result in significant health impacts.

- eee) Policy AQ-P4: Construction and Grading Dust Control states, “Dust control practices on construction and grading sites shall achieve compliance with NCAQMD fugitive dust emission standards.”

The project will comply with NCUAQMD’s Rule 104 for fugitive dust control measures. Activities associated with decreased air quality from project activities are temporary.

- fff) Policy AQ-P5: Air Quality Impacts from New Development

During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCAQMD.

The impacts to air quality have been analyzed in the DEIR. Based on modeling, emissions associated with construction of the proposed project would not exceed the NCUAQMD maximum daily thresholds of significance during construction or operation.

- ggg) Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions
The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.

The project would increase greenhouse gas emissions and that is identified as a significant and unavoidable impact. Mitigation measures are required in order to minimize project emissions and mitigate for project emissions. MM-GHG-1 and MM-GHG-2 provide for feasible mitigation measures to reduce the emissions associated with this project.

- hhh) Policy AQ-P17: Preservation and Replacement of On-site Trees

Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.

The project does require tree removal that would result in a loss of carbon sequestration and a release of carbon that is stored in trees. Because

replacement on-site is not an option, the EIR requires mitigation in the form of a carbon off-set program related to the carbon storage losses associated with the development of the project (MM-GHG-1).

- iii) Standard AQ-S1: Construction and Grading Dust Control requires ground disturbing construction and grading shall employ fugitive dust control strategies to prevent visible emissions from exceeding NCAQMD regulations and prevent public nuisance.

Fugitive dust control strategies to prevent visible emissions from exceeding NCAQMD regulations, per Rule 104, will be implemented throughout project construction and would reduce construction-related emissions of PM10 and PM2.5 to levels that are below adopted thresholds.

- jjj) Standard AQ-S2: Evaluate Greenhouse Gas Emission Impacts requires that during environmental review of large scale residential, commercial and industrial projects, include an assessment of the project's GHG emissions and require feasible mitigation.

Short-term construction activities and long-term operations for the proposed project would emit GHGs. These GHG emissions were modeled using the California Emissions Estimator Model (CalEEMod). Feasible mitigation has been required for the project's GHG emissions (MM-GHG-1, MM-GHG-2).

- kkk) Standard AQ-S3: Evaluate Air Quality Impacts requires that during environmental review of discretionary projects, evaluate new commercial and industrial sources of emissions using analytical methods and significance criteria used, or recommended by, the NCAQMD.

Emissions from short-term construction activities and long-term operations of the proposed project were modeled using the California Emissions Estimator Model (CalEEMod) and then compared to the NCUAQMD daily and annual standards. As discussed above, construction and operation of the project would not exceed NCUAQMD thresholds of significance and no mitigation measures are required.

- lll) Standard AQ-S6: Preservation and Replacement of On-Site Trees requires large scale residential, commercial and industrial projects which remove a significant number of large trees (for example, more than 50 trees of greater than 12 inches DBH) shall plant replacement trees on-site or provide offsetting carbon mitigations.”

Replacement trees are not feasible on-site. The project includes mitigation for implementation of a carbon offset program tied to the loss of trees on-site.

3. FINDING:

The Planned Development, Special Permit and Subdivision Map are consistent with the Eureka Community Plan.

EVIDENCE:

- a) Goal 2510.1: To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.

Although the proposed project consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.

- b) Policy 2520.1: States subdivisions for residential purposes, including

subdivisions developed in phases, shall not be approved unless the roads planned to serve such subdivision or individual phases are acceptable to Public Works for development at planned densities and for use by emergency vehicles. Costs of bringing new on-site roads up to standards shall be borne by the subdivider.

The proposed project would require that the roads included in the development be constructed early in the process for each phase of development to provide adequate access for construction personnel and equipment. Conditions of approval would require Public Works review and approval for each phase through the Final Map and improvement plans processes.

- c) Goal 2610.2: To protect the area's numerous drainage gulches (greenway/open space areas) while providing for development along hillside terrain.

The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages to be preserved through the establishment of permanent easements.

- d) Goal 2610.3: To provide opportunities for public recreation.

The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages, to be preserved through the establishment of permanent easements.

- e) **Policy 2620.1. Residential Density and Lot Sizes:**

a. *The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.*

b. *The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre.*

c. *The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps.*

The proposed project would have an average density of 3.8 dwelling units per acre for the residential single-family designation (RL) with 96 larger (6,600-square-foot to 39,670-square-foot) lots and 50 smaller (4,758-square-foot) lots and 9 dwelling units per acre for the residential multiple family designation (RM) with 174 multi-family units. The smaller single-family residential lot sizes would be allowed through a Planned Unit Development.

- f) Policy 2620.8. North McKay Tract requires development of this area shall include at least three access points onto Walnut Drive (the extension of Redwood, Fern and Arbutus Streets). Development of this area should also include a through road and its northerly extension to the intersection of Manzanita and Harrison Avenue. Development of the property should occur with an approved plan and rights-of-way for the through road. The timing for extension of each street shall be determined by Public Works.

The project would have two primary access points, Redwood Street and Arbutus Street, which would be extended to access 320 units (all but three single-family residential lots), the commercial space, and the open space. Fern Street would provide secondary access to two lots because it currently

terminates at the adjacent community ballfields at Redwood Fields Park and does not provide an opportunity for a connection. Manzanita Avenue would access three single-family residential lots. The project does not include a through-road and would not provide a future extension to the intersection of Manzanita and Harrison Avenues.

The North McKay Tract was previously rezoned from TPZ to Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), which is consistent with this policy. The project proposes a total of 320 units with a range of lot sizes, trails, and permanent open space.

The total Immediate Rezone area of the North McKay Tract is approximately 81 acres. The parcel has been given combining zones to facilitate development of a 10-acre minimum youth sports field facility with a surrounding low density residential community.

The Planned Unit Development limits the number of dwelling units to 320. The Planned Unit Development should include a clustering of homesites with lot sizes ranging from 4,000 square feet (adjacent to the park) to 9,600 square feet (along the bluff), enabling a large portion of land to be preserved through a permanent easement as open space.

4. FINDING:

The Planned Development, Special Permit and Subdivision Map are consistent with the purposes of the existing zone in which the site is located.

EVIDENCE:

- a) Residential One Family (R-1) Zone District, the purpose of the R-1 zone is to allow for low-density residential development in areas where topography, access, utilities and public services are available.

The project will result in 146 single family lots available for single family dwellings and accessory uses. The site is relatively flat, has access to arterial and collector roads, and will be served by public utilities and services.

- b) Apartment Professional (R-4) Zone District is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses.

Upon reclassification the project will result in approximately 18.5 acres of R-4 zoning which will support 174 units through a variety of multiple dwelling types and dwelling groups. The site has sufficient services and access to arterial roads, public transportation, public recreational areas and neighborhood commercial uses.

- c) Neighborhood Commercial (C-1) Zone District is to provide for neighborhood shopping centers which will provide convenient sales and services facilities to residential areas without detracting from the residential desirability of such areas.

Upon reclassification the project results in two C-1 zoned parcels which will be developed with 22,000 square feet of commercial services to serve the 320 residential units associated with the project in addition to the surrounding existing residential community. The 22,000 square feet will be developed on approximately 2.2 acres of C-1 zoned area.

- d) Timberland Production Zone (TPZ) is intended to provide standards and restricti

for the preservation of timberlands for growing and harvesting timber. Public water facilities are specified as a compatible use with timber production. The project includes the development of a water storage tank within TPZ lands that are currently owned and utilized for the provision of public water services and infrastructure.

5. FINDING:

The Planned Development, Special Permit and Subdivision Map are conform with all applicable standards and requirements of the Humboldt County Zoning Regulations.

EVIDENCE:

- a) Section 314-2.1: Neighborhood Commercial since project is proposing commercial space which will be principally permitted uses in the C-1 zone, such as professional business offices and stores and services of a light commercial nature. The two proposed commercial lots will be significantly larger than the minimum lot size in the C-1 zone of 2,000 square feet.
- b) Section 314-6.2: Residential Single Family
The project will result in 146 single family lots ranging in size from 4,838 square feet to 60,531 square feet. One-family dwellings are a principally permitted use in the R-1 zone. While the minimum lot size in the R-1 zone district is 5,000 square feet, this may be modified through approval of a Planned Unit Development.
- c) Section 314-6.5: Apartment Professional
The project will result in 6 lots which will be zoned R-4 and developed with a variety of multiple-family housing units. The lots will range from 90,956 square feet to 233,551 square feet. Principally permitted uses in the R-4 zone include two-family dwellings and multiple dwellings and dwelling groups. The minimum lot size is 5,000 square feet.
- d) Section 314-7.4: Timberland Production Zone
The project includes the construction of a water storage tank for the adequate provision of water services to serve the project. The erection, construction and maintenance of water facilities is specifically identified as a principal permitted use within the TPZ zone.
- e) Section 314-22.2: Greenway and Open Space (GO) Combining Zone is intended to be applied within the urban limits of the Eureka Community Planning Area in sensitive habitat areas historically known as gulches. Greenway and Open Space areas are mapped to contain Streamside Management Areas, measured from the centerline of the stream and all slopes of 30% or greater on lands adjacent to streams and all streams and level areas below those slopes. Road, street and utility crossing and trails and parks are compatible uses within the GO areas upon approval of a Special Permit. All subdivisions within areas which have the GO combining zone must submit a detailed development map prepared by a licensed engineer or surveyor that shows the SMA areas and the greenway and open space areas. The Applicant has submitted a detailed map (see preliminary grading and drainage plan) prepared by Brian Ontiveros, a licensed engineer, which shows these areas and demonstrates that all areas are outside of the greenway and open space areas with the exception of the road crossings, for which a Special Permit is

- requested.
- f) Section 314-31.1: Planned Development
The project is a planned development which will allow for flexibility in the development standards, most specifically for the minimum lot size standards of the underlying R-1 zone and the setback provisions within the proposed lots. The purpose of the planned development regulations is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services. This project is planned around a variety of housing types and commercial and recreational development that benefits from the flexibility in design standards.
 - g) Section 314-33.1: Recreation
The Recreation Combining Zone is intended to be combined with any principal zone in which the addition of recreational uses is desirable and will not be detrimental to the uses of the principal zone or of adjacent zones. All principally allowed uses in the primary underlying zone are principally permitted in the R combining zone. The R combining zone is applicable to these properties primarily as the area was identified in the Eureka Community Plan for development of recreational facilities such as the baseball fields which have been constructed at the end of Fern Street and for trails within and adjacent to the McKay Community Forest. This project is consistent with the R zone in that principal uses of the underlying zone are proposed, and the project includes the dedication of recreational open space to the County.
 - h) Section 314-61.1: Streamside Management Areas and Wetlands Ordinance
“All developed as defined in the General Plan within or affecting SMAs, wetlands or other wet areas not exempted under Section 314-61.1.4 shall require a permit pursuant to an application for development within SMAs, wetlands and other areas and processed as a special permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq).”
Work is proposed within SMA areas for the filling of two isolated wetlands in the northern part of the project, development within a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street. A total of 0.168 acres of wetlands would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project. Work within riparian areas will require a Lake or Streambed Alteration Agreement (LSAA) from CDFW and replanting of impacted areas at a 1:1 ratio.
 - i) Section 312-1: General Provisions states, “1.1.2: Legal Lot Requirement. Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.”

The property is a single legal parcel created through a lot line adjustment approved by Humboldt County and recorded as document 1997-28279-6 on November 12, 1997.

6. **FINDING:** **HEALTH, SAFETY, or WELFARE** – The Planned Development, Special Permit and Subdivision Map and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE:** a) The project was referred to and reviewed by the Humboldt County Planning Division, County Building Inspection Division, County Department of Public Works, County Division of Environmental Health (DEH), County Department of Health and Human Services, California Department of Fish and Wildlife (CDFW), California Department of Forestry and Fire Protection (CalFire), California Department of Transportation (Caltrans), City of Eureka, North Coast Unified Air Quality Management District (NCUAQMD), Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Regional Water Quality Control Board (RWQCB), United States Army Corp of Engineers, Humboldt Community Services District, Humboldt bay Fire protection District. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. No evidence has been submitted that the project as conditioned and mitigated will be detrimental to public health, convenience, safety, and welfare. Furthermore, no evidence has been submitted that indicates that properties within the vicinity will be physically damaged by the proposed development.
7. **FINDING:** **NO REDUCTION IN THE RESIDENTIAL DENSITY FOR ANY PROJECT PARCEL** - The Planned Development, Special Permit and Subdivision Map will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation).
- EVIDENCE:** a) This property was identified in the 2019 Humboldt County Regional Housing Needs Assessment (RHNA) Plan as critical to fulfill the County’s mandated requirement to provide a “fair share” of the County’s projected housing needs for the current RHNA cycle of December 31, 2018 through August 31, 2027. In this assessment the parcel was determined to be available for adding 323 residential units to the County’s housing inventory/ This assessment was based on an estimated property size of 87 acres however the actual assessed size of the property is 81 acres. Accordingly, the project will provide a higher density than that which was utilized for the Regional Housing Needs Assessment.
8. **FINDING:** **COASTAL RESOURCES** – The project will not have a significant adverse effect on coastal resource, including wildlife qualities.
- EVIDENCE:** a) The property and all off-site improvements are located outside of the Coastal Zone.
9. **FINDING:** **CEQA** – The County has complied with the California Environmental Quality Act.

EVIDENCE: a) An Environmental impact Report (EIR) has been prepared and circulated for public review pursuant to sections 15080 through 15097 of the CEQA Guidelines. As part of the review of this project the Humboldt County Board of Supervisors adopted Resolution No. 22- __ certifying the Final Environmental Impact Report prepared for the project, adopting Statements of Overriding Considerations, making the required CEQA findings prior to approving the project, and adopting the Mitigation Monitoring and Reporting Plan for implementation of the mitigation measures contained in the EIR.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Tentative Subdivision Map, Planned Unit Development, and Special Permit for the North McKay Subdivision Project, based upon the Findings and Evidence herein, and subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on March 22, 2022.

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--

NOES: Supervisors--

ABSENT: Supervisors--

ABSTAIN: Supervisors--

STATE OF CALIFORNIA)

County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors

KATHY HAYES

Clerk of the Board of Supervisors of
the County of Humboldt, State of California

ATTACHMENT 1

Recommended Conditions of Approval

RECOMMENDED CONDITIONS OF APPROVAL FOR THE FINAL SUBDIVISION AND PLANNED UNIT DEVELOPMENT PERMIT

APPROVAL OF THE TENTATIVE MAP AND PLANNED UNIT DEVELOPMENT PERMIT IS
CONDITIONED ON THE FOLLOWING TERMS AND
REQUIREMENTS THAT MUST BE SATISFIED BEFORE THE FINAL MAP MAY BE RECORDED.

- 1) All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
- 2) The conditions on the Department of Public Works referral dated revised January 6, 2022, herein as Exhibit A of Attachment 1, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
- 3) The Planning Division requires that two (2) copies of the Final Map for each phase, identifying both net and gross parcel areas, be submitted for review and approval.
- 4) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from the Humboldt Community Services District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- 5) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from the Humboldt Bay Fire Protection District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- 6) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements per their letter dated. This requirement shall be administered by the Department of Public Works.
- 7) The applicant shall cause to be dedicated on the Final Map for each phase easements as necessary for the establishment of telecommunications and broadband service.
- 8) Prior to the filing of the Final Map for Phase 2, the applicant shall provide the location of a minimum of 7 bicycle storage racks within the Phase 2 development. The location of bicycle storage racks shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units.
- 9) Prior to the filing of the Final Map for Phase 3, which involves 12 small lot single family residential lots, 44 multi-family units and 2 commercial lots, the applicants shall consult with the Department of Public Works and Humboldt Transit Authority on the appropriate placement for a transit stop. The Applicant shall cause to be dedicated on the subdivision map an easement and right-of-way as necessary to accommodate the transit stop.
- 10) Prior to the filing of the Final Map for Phase 3, the applicant shall provide the location of a minimum of 12 bicycle storage racks within the Phase 3 development and a minimum of 4 bicycle storage lockers. The location of bicycle storage racks and lockers shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the

issuance of occupancy clearance for any of the units and the installation of the bicycle storage lockers to be complete prior to the issuance of occupancy clearance for any of the commercial structures.

- 11) Prior to the filing of the Final Map for Phase 4, the applicant shall provide the location of a minimum of 6 bicycle storage racks within the Phase 4 development. The location of bicycle storage racks shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units.
- 12) The applicant shall cause to be dedicated on the Final Map for each phase the following open space and recreation areas to the County of Humboldt:
 - Phase 1: COH 206 as shown on the preliminary map.
 - Phase 3: COH 207 as shown on the preliminary map, subject to County acceptance. If this area is not accepted by the Director of Public Works this deduction shall not be required.
 - Phase 4: COH 202 and COH 204 as shown on the preliminary map.
 - Phase 6: COH 205 as shown on the preliminary map.
 - Phase 8: COH 201 as shown on the preliminary map.
- 13) New utilities for all units and developments shall be undergrounded. Above ground vaults and utility boxes shall be screened with vegetation or fencing.
- 14) For each map the applicant shall cause to be recorded a "Notice of Development Plan and Geological Report " 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 \$190.00 plus applicable recordation fees) will be required. The Planned Unit Development shall also be noticed on the Final Map.
- 15) For each map 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 \$100.00 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.
- 16) For each map 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 \$95 .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 minimize the cost for this review.
- 17) **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 \$3,589.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) EIR filing fee plus a \$50 document handling fee.
- 18) A note shall be included on the Development Plan indicating units may not be rented for less than 30 days or used as short-term rentals.
- 19) The applicant must enter into an Agreement to Implement a Mitigation Monitoring and Reporting Plan prior to filing of the first phase or issuance of any grading or building permits for the development project.
- 20) Prior to filing of each final map where tree removal will occur a Timber Harvest Plan must be in place to allow tree removal and it must be demonstrated that the existing Timber Conversion Permit applies to the area of tree removal.
- 21) Prior to filing each final map abutting the McKay community forest, where the subdivider chooses option 2 of MM WF-2, the subdivider shall establish building setbacks for lots abutting the Community Forest and shall determine how much encroachment is needed to maintain defensible space requirements. The

location of the project boundary and extent of encroachment shall be staked on the ground by a Licensed Surveyor. A site visit shall be conducted with Public Works staff to verify the ground conditions at those locations. The actual thinning or work will be determined by the State standards for horizontal spacing between trees and shrubs and defensible space will vary depending on slopes.

Prior to any work being conducted a preconstruction survey shall be conducted to the satisfaction of Public Works.

The subdivider shall identify how and by who this area will be maintained after the initial defensible space is established to the satisfaction of the Public Works Director. The following defensible space maintenance standards shall be maintained within the Community Forest:

- a) All work shall be done under the supervision of a Registered Professional Forester.
- b) Dead and dying woody surface fuels can be removed. Down logs and stumps embedded in the soil shall be retained.
- c) Loose surface litter (needles, twigs, bark, small branches) shall be retained, up to four inches in depth. Surface litter above four inches shall be spread and scattered in the vicinity, chipped, or removed.
- d) Branches on live standing trees may be removed up to six feet above ground surface.
- e) Work shall be done exclusively with hand tools (no mowers, masticators, or heavy equipment). A chipper may be allowable depending on access.
- f) No grading or ground disturbance.
- g) No leaving bare soil. Thin layers of surface litter shall be spread for erosion control.
- h) Thinning of standing trees larger than four inches in diameter at breast height will require special approval under the entry permit.
- i) Surface fuels shall not be placed elsewhere within the Community Forest without explicit permission.
- j) Maintenance work is limited to within 100 feet of the home, unless otherwise approved in the entry permit. Outbuildings and other structures shall not be located between the home and the property boundary.
- k) The maintenance organization will be responsible for restoring or repairing any environmental damage due to actions within the Community Forest that were not approved in their entry permit.
- l) Entry into the site will require an entry permit issued by the Public Works Department.

The County will need hold harmless agreements for the work done on County property in the event of a fire.

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 Division. 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 filing. 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 _____ .

- (2) Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project' s approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee 's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
- (3) Development and construction of the project shall conform to the adopted Mitigation and Monitoring

Reporting Program.

- (4) The tentative map approval shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code or through a negotiated Development Agreement.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____, 2022

Resolution No. 22-__ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS FOR APPROVING A GENERAL PLAN AMENDMENT IN ASSOCIATION WITH THE NORTH MCKAY RANCH SUBDIVISION PROJECT, RECORD NO. PLN-9902-GPA.

WHEREAS, Kramer Properties submitted an application for a General Plan Amendment that would change approximately 18.5 acres of land designated as Residential low Density to residential Medium Density and approximately 2.2 acres of land designated as Residential Low Density to Commercial General; and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on January 6, 2022 the Planning Commission considered the application, and adopted a Resolution which recommended that the Board of Supervisors conditionally approve the General Plan Amendment; and

WHEREAS, the Board of Supervisors held a public hearing, *de-novo*, on March 22, 2022 and reviewed, considered, and discussed the application and evidence and considered all public testimony and evidence presented at the hearing; and

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1.	FINDING:		PROJECT DESCRIPTION Amending the Humboldt County General Plan to change approximately 18.5 acres of land designated as Residential low Density to residential Medium Density and approximately 2.2 acres of land designated as Residential Low Density to Commercial General.
	EVIDENCE:	a)	Evidence in File (PLN-9902-GPA)
		b)	The project description is based on the information submitted as part of the application package, and all subsequent technical documents and information used to evaluate the project.
		c)	These documents are on file in the Planning Department and are hereby incorporated herein by reference.

2.	FINDING:		THE GENERAL PLAN AMENDMENT IS IN THE PUBLIC INTEREST
	EVIDENCE:	a)	The General Plan Amendment provides an increased range of densities which is needed to provide housing opportunities across a range of income ranges.
		b)	The Humboldt County Housing Element identified that this project site could provide 323 units as part of the housing opportunity inventory. The County is significantly behind in providing housing to meet its regional housing obligations. The county’s projected housing needs for the current period (2019-2027) is 1,413 units spread across all housing income categories. These amendments allow for the project to provide for 320 units over a variety of different housing income categories.
		c)	As demonstrated by the significant deficit in available housing, there is a significant need for housing in Humboldt County and it is in the public interest to facilitate housing development.
		d)	The amendment results in a portion of the property being developed for neighborhood commercial facilities which will serve the needs of the residents of the development and result in less vehicle miles traveled for convenience items. .
		e)	Lastly, the amendment facilitates the transfer of approximately 21.73 acres to the County for future trails and open space which will serve the public.
3.	FINDING:		APPROVAL OF THE GENERAL PLAN AMENDMENT IS CONSISTENT WITH THE GUIDING PRINCIPLES IN SECTION 1.4 OF THE GENERAL PLAN
	EVIDENCE:	a)	<ol style="list-style-type: none"> 1. <i>Ensure that public policy is reflective of the needs of the citizenry of a democratic society as expressed by the citizens themselves.</i> The General Plan Amendment will implement the policy focus of the Housing Element and provide a range of housing opportunities for a variety of household incomes. 2. <i>Preserve and enhance the diverse character of Humboldt County and the quality of life it offers.</i> The General Plan Amendment will allow a range of housing types to meet the needs of many different income levels. 3. <i>Promote and facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels.</i> The General Plan Amendment allows a higher density on some parcels which will provide housing that is more affordable by design. 4. <i>Cooperate with service providers and promote efficient use of roads, water, and sewer services by encouraging development that is consistent with Land Use maps contained in the General Plan. Support home construction methods and alternative wastewater systems that are proven to minimize threats to human health and safety with a goal of reducing energy and water usage.</i> <u>The applicant and County have been coordinating with the Humboldt Community Services district and as</u>

		<p><u>identified in the EIR there is a need to install a new sewer line and install a new water tank which are requirements of this project.</u></p> <ol style="list-style-type: none"> 5. <i>Support the County's economic development strategy and other efforts to retain and create living-wage job opportunities.</i> The provision of housing will create jobs to construct the housing and install the infrastructure. 6. <i>Encourage, incentivize and support agriculture, timber ecosystem services and compatible uses on resource lands.</i> As part of the dedication of the McKay Forest this property was set aside for development. This is no longer a resource land and so development this parcel is consistent with this provision. 7. <i>Support individual rights to live in urban, suburban, rural or remote areas of the County while using a balanced approach to protect natural resources, especially open space, water resources, fisheries habitat and water quality in cooperation with state and federal agencies.</i> This parcel was identified as a non-resource land as part of setting aside the McKay Forest. The proposed development has been analyzed in an EIR prepared for the proposed project. 8. <i>Adhere to practical strategies that can be implemented utilizing constructive cooperation and common sense. This is a unique proposal on a unique property that has required sound reasoning in order to apply appropriate conditions and mitigation measures that balance the need for improvements with the impact which can be assigned to the project.</i> 9. <i>Provide a clear statement of land use values and policies to provide clarity in the County's permit processing system and simplify review of projects.</i> Within the Housing Element this parcel is identified as a priority location for housing. The fact that the project proponent is proposing a range of housing types makes this even more of a priority from a County Policy standpoint. 10. <i>Maximize the opportunities to educate the public about the planning process, in order to have meaningful participation in the development and maintenance of the Plan. In addition to the legal notices for the CEQA document review and public hearings there have been press releases to notify the public that they may participate in the review of this project.</i> 11. <i>Support a broad public participation program at all levels of the decision making process; including study, workshops, hearings, a citizens handbook and plan revisions. The Planning Commission and Board of Supervisors consideration of this project occurred at notice and advertised public hearings.</i>
	FINDING:	THE GENERAL PLAN AMENDMENT IS CONSISTENT WITH

		APPLICABLE GOALS OF THE GENERAL PLAN
EVIDENCE:	a)	<p>The Residential Medium Density designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character. The allowable density is 7-30 units per acre.</p> <p>The land use designation of approximately 18.5 acres of RL designated property will be redesignated as RM to accommodate 174 multi-family units, at an average of 9 units per acre which is within the range specified in the RM designation.</p>
	b)	<p>The Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional needs. A total of 2.2 acres of RL designated land will be redesignated as CG to accommodate 22,000 square feet of office and neighborhood commercial space that will serve the development and surrounding community.</p>
	c)	<p>Goal C-G1 Circulation System Safety and Functionality. A safe, efficient, accessible and convenient circulation system in and between cities, communities, neighborhoods, hamlets, and adjoining regions taking into consideration the context-specific needs of all users, consistent with urban, suburban, rural or remote community character.</p> <p>The amendment facilitates a project that includes various intersection improvements that would help minimize traffic congestion in the vicinity of the proposed project, and includes pedestrian pathways which would connect the new development to the existing community and surrounding recreational opportunities.</p>
	d)	<p>Goal C-G4 Access to Active Transportation. Improved access to non-motorized modes of transportation, including walking, bicycling, horseback riding and hiking.</p> <p>The amendment facilitates the construction of the McKay Community Forest trail segments that are within the project boundary and provides for a bus stop in the vicinity of the commercial development and bike lanes within the public rights-of-way.</p>
	e)	<p>Goal H-G2 Housing Diversity. An adequate supply of all types of affordable housing for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.</p> <p>The amendment is necessary to facilitate a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>

		<p>f) Goal G-3 Workforce Housing. An adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.</p> <p>The development associated with the amendment places new residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities for wage earners. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.</p>
		<p>g) Goal ED-G6. Competitive Quality of Life calls for maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.</p> <p>The amendment facilitates the dedication and development of trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.</p>
		<p>h) Goal CO-G4. Parks and Recreation calls for maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system that meets future recreational and non-motorized transportation demands. The amendment makes possible the project that includes designating and preserving 21.73 acres of permanent open space through a permanent easement dedicated to the County. In addition, 20-foot wide trail easements and trail connections would be provided on-site to connect to the future public trails to the McKay Community Forest.</p>
		<p>i) Goal CO-G5: Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.</p> <p>The project location is adjacent to developed lands, including community playfields at Redwood Fields Park, and would be provided with public water and sewer from HCSD, as outlined in the approved MSR. The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 APNs as available for residential development in the Residential Land Inventory. 21.73 acres of permanent open space would be preserved and dedicated to the County through an easement or conveyed in fee. Additionally, 20-foot-wide trail easements and constructed trail connections would connect the future public trails to the McKay Community Forest.</p>

		j)	Goal BR-G2: Sensitive and Critical Habitat calls for mapped inventory of sensitive and critical habitat where biological resource protection policies apply. Numerous biological resource surveys have been prepared and utilized to support project planning. Based on the results of the literature and database review and field surveys, a thorough inventory of sensitive and critical habitat within the project site has been mapped. This inventory is found in the Draft EIR and refined in the Final EIR.
		k)	Goal BR-G3: Benefits of Biological Resources calls for Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits. Mitigation measures are included in the DEIR in order to minimize potential impacts on fish and wildlife habitats. These mitigations measures are primarily found in the biological resources section and hydrology and water quality section. No significant and unavoidable impacts to biological resources were identified in the environmental review.
	FINDING:		THE GENERAL PLAN AMENDMENT IS CONSISTENT WITH APPLICABLE GOALS OF THE EUREKA COMMUNITY PLAN
3.	EVIDENCE:	a)	Goal 2510.1: To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure. Although the proposed project area consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.
		b)	Goal 2610.2: To protect the area’s numerous drainage gulches (greenway/open space areas) while providing for development along hillside terrain. The amendment facilitates the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages to be preserved through the establishment of permanent easements.
		c)	Goal 2610.3: To provide opportunities for public recreation. The amendment facilitates the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages, to be preserved through the establishment of permanent easements.
4.	FINDING:		CEQA – The County has complied with the California Environmental Quality Act.
	EVIDENCE:	a)	An Environmental impact Report (EIR) has been prepared and circulated for public review pursuant to sections 15080 through 15097 of the CEQA Guidelines. As part of the review of this project the Humboldt County Board of Supervisors adopted Resolution No. 22- __ certifying the Final Environmental Impact Report prepared for the project, adopting Statements of Overriding Considerations, making the required CEQA findings prior to approving the project, and adopting the Mitigation Monitoring and Reporting Plan for implementation of the mitigation measures contained in the EIR.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- Adopt the findings set forth in this resolution; and
- Amends the General Plan as shown on the Attached Map included as Exhibit A

Adopted after review and consideration of all the evidence on March 22, 2022.

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

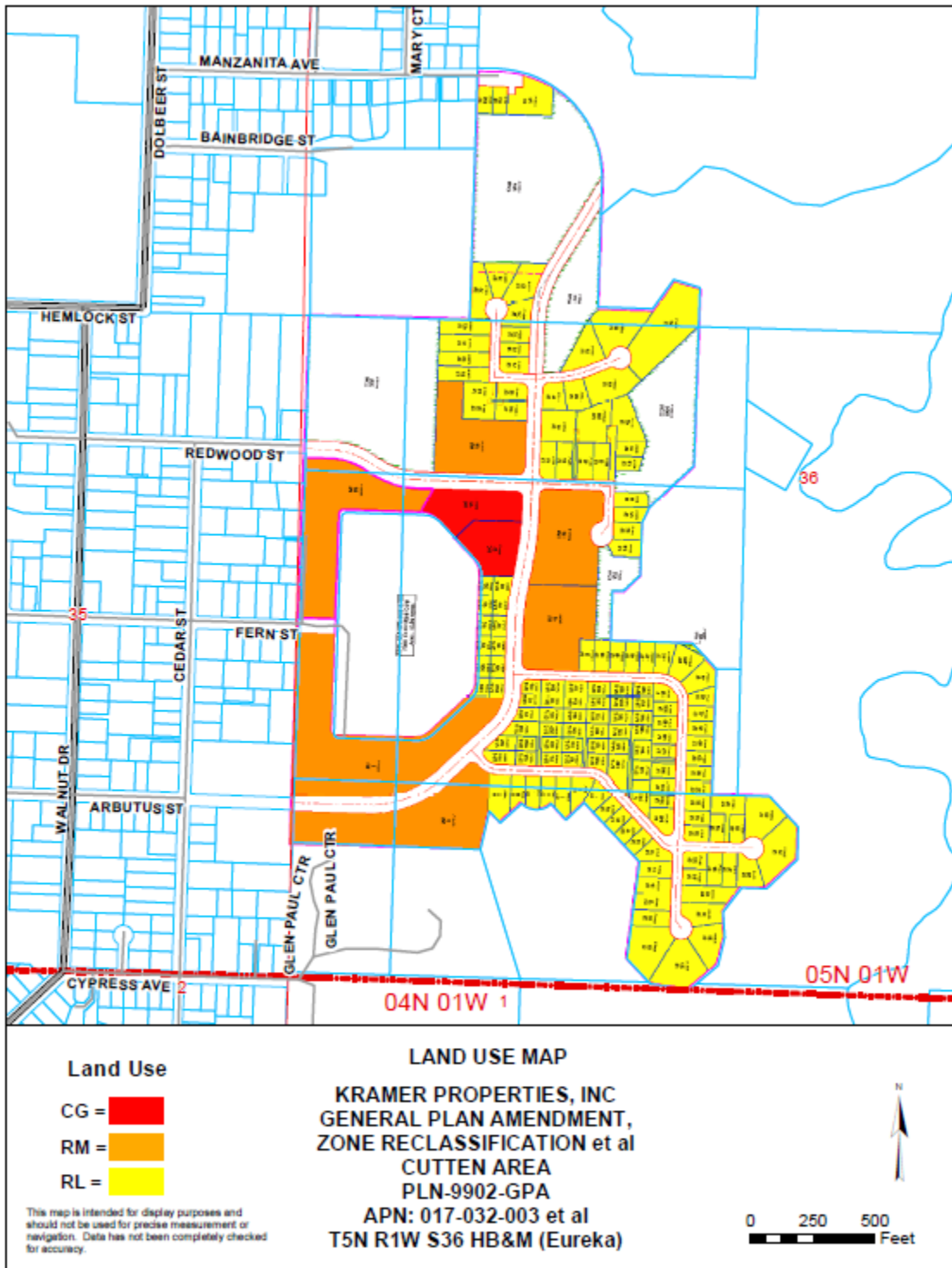
STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of
the County of Humboldt, State of California

Exhibit A – Land Use Map



BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____, 2022

Resolution No. 22-__ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING AN ORDINANCE RECLASSIFYING THE ZONING OF PROPERTY ASSOCIATED WITH THE NORTH MCKAY RANCH SUBDIVISION PROJECT, RECORD NO. PLN-9902-GPA.

WHEREAS, Kramer Properties submitted an application to reclassify approximately 18.5 acres of land currently zoned Residential One Family (R-1) as Apartment-Professional (R-4) and approximately 2.2 acres of land currently zoned Residential One Family as Neighborhood Commercial (C-1); and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on January 6, 2022 the Planning Commission considered the application, and adopted a Resolution which recommended that the Board of Supervisors approve the Zone Reclassification as proposed; and

WHEREAS, the Board of Supervisors held a public hearing, *de-novo*, on March 22, 2022 and reviewed, considered, and discussed the application and evidence and considered all public testimony and evidence presented at the hearing; and

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1.	FINDING:	<p>PROJECT DESCRIPTION</p> <p>Amending section 311-7 of the Humboldt County Code by reclassifying the property described in the Attached Exhibit A as follows: approximately 18.5 acres of R-1 Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), to Apartment Professional (R-4) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), and 2.2 acres of Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) to Neighborhood Commercial (C-1) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO).</p>
	EVIDENCE:	<p>a) Evidence in File (PLN-9902-GPA)</p>

		b)	The project description is based on the information submitted as part of the application package, and all subsequent technical documents and information used to evaluate the project.
		c)	These documents are on file in the Planning Department and are hereby incorporated herein by reference.
2.	FINDING:		THE ZONING MAP AMENDMENT IS IN THE PUBLIC INTEREST
	EVIDENCE:	a)	The zone reclassification provides an increased range of densities which is needed to provide housing opportunities across a range of income ranges.
		b)	The Humboldt County Housing Element identified that this project site could provide 323 units as part of the housing opportunity inventory. The County is significantly behind in providing housing to meet its regional housing obligations. The county's projected housing needs for the current period (2019-2027) is 1,413 units spread across all housing income categories. These amendments allow for the project to provide for 320 units over a variety of different housing income categories.
		c)	As demonstrated by the significant deficit in available housing, there is a significant need for housing in Humboldt County and it is in the public interest to facilitate housing development.
		d)	The project results in a portion of the property being developed for neighborhood commercial facilities which will serve the needs of the residents of the development and result in less vehicle miles traveled for convenience items. .
		e)	Lastly, the amendment facilitates the transfer of approximately 21.73 acres to the County for future trails and open space which will serve the public.
3.	FINDING:		THE AMENDMENT IS CONSISTENT WITH THE HUMBOLDT COUNTY GENERAL PLAN
	EVIDENCE:	a)	The Residential Medium Density designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character. The allowable density is 7-30 units per acre. The land use designation of approximately 18.5 acres of RL designated property will be redesignated as RM to accommodate 174 multi-family units, at an average of 9 units per acre which is within the range specified in the RM designation.
		b)	The Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional needs. A total of 2.2 acres of RL designated land will be redesignated as CG to accommodate 22,000 square feet of office and neighborhood commercial space that will serve the development and surrounding community.
		c)	In accordance with UL-P1 Urban Development Areas, the County shall plan Urban Development Areas and implement land use regulations to support

			<p>business expansion, housing opportunities and investments in infrastructure. The project site is located within the Urban Development Area and within an adopted housing opportunity zone intended to facilitate additional housing development. The project will add 320 housing units, expansion of business through the additional 22,000 square feet of commercial space and will result in additional public infrastructure.</p>
		d)	<p>Policy IS-P9. District Boundaries, Spheres of Influence, and Community Plans requires district boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services. The proposed project includes annexing to HCSO and extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project</p>
		e)	<p>Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The zone reclassification facilitates a mixed-use development which would include 146 single-family houses and 174 multi-family units providing for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.</p>
		f)	<p>Goal H-G3: Workforce Housing calls for an adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.</p> <p>The zone reclassification facilitates a mixed-use development that would place residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.</p>
		g)	<p>Policy H-P21: Siting of Multifamily Housing Developments assures that the County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.</p> <p>The reclassification facilitates a mixed-use development located approximately 0.3 mile from the neighborhood commercial area at Maple Avenue and Fern Avenue, and adjacent to existing recreational opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.</p>

		<p>h) Policy H-P22: Allowances for a Mixture of Housing Sizes and Types states the County shall allow a variety of housing types and sizes in all residential areas served by public sewer to encourage a mix of housing opportunities for all income categories.</p> <p>The reclassification results in a variety of housing types, including 96 larger single-family lots (6,600 square feet or greater), 50 smaller single-family lots (less than 5,000 square feet), and 174 multi-family units; 18 housing units would be affordable. The residences would be served by public sewer through HCSD.</p>
		<p>i) Goal ED-G6: Competitive Quality of Life calls for maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.</p> <p>The proposed project associated with the reclassification includes trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.</p>
		<p>j) Policy BR-P1: Compatible Land Uses ensures areas containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.</p> <p>The project site contains combining zones for the protection of habitat and open space through the Eureka “GO” Greenway and Open Space combining zone and the reclassification will retain this important combining zone to ensure the long-term sustainability of the habitat.</p>
		<p>k) Policy CU-P2: Native American Tribal Consultation</p> <p>Native American Tribes shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural resources located in project areas within their respective tribal geographical area of concern.</p> <p>The following Tribes were contacted regarding the project:</p> <ul style="list-style-type: none"> • Wiyot Tribe • Bear River Band of the Rohnerville Rancheria • Blue Lake Rancheria <p>The above Tribes were contacted as part of the referral process as soon as the</p>

			project was submitted to the County. Formal consultation pursuant to SB 18 and AB 52 occurred. Representatives of all three tribes responded that no further consultation was desired.
		1)	<p>Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations requires development shall conform to Humboldt County SRA Fire Safe Regulations.</p> <p>The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. MM WF-1 would be implemented in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations.</p>
4.	FINDING:		The Zone Reclassification is consistent with the Eureka Community Plan.
	EVIDENCE:	a)	<p>Goal 2510.1: To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.</p> <p>Although the rezone area consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.</p>
		b)	<p>Policy 2620.1. Residential Density and Lot Sizes:</p> <ul style="list-style-type: none"> a. <i>The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.</i> b. <i>The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre.</i> c. <i>The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps.</i> <p>The zone reclassification facilitates a project that would have an average density of 3.8 dwelling units per acre for the residential single-family designation (RL) with 96 larger (6,600-square-foot to 39,670-square-foot) lots and 50 smaller (4,758-square-foot) lots and 9 dwelling units per acre for the residential multiple family designation (RM) with 174 multi-family units. The smaller single-family residential lot sizes would be allowed through a Planned Unit Development.</p>
		c)	<p>Policy 2620.8. North McKay Tract requires development of this area shall include at least three access points onto Walnut Drive (the extension of Redwood, Fern and Arbutus Streets). Development of this area should also include a through road and its northerly extension to the intersection of Manzanita and Harrison Avenue. Development of the property should occur with an approved plan and rights-of-way for the through road. The timing for extension of each street shall be determined by Public Works.</p> <p>The reclassification facilitates a project that would have two primary access points, Redwood Street and Arbutus Street, which would be extended to access 320 units (all but three single-family residential lots), the commercial space,</p>

		<p>and the open space. Fern Street would provide secondary access to two lots because it currently terminates at the adjacent community ballfields at Redwood Fields Park and does not provide an opportunity for a connection. Manzanita Avenue would access three single-family residential lots. The project does not include a through-road and would not provide a future extension to the intersection of Manzanita and Harrison Avenues.</p> <p>The North McKay Tract was previously rezoned from TPZ to Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), which is consistent with this policy. The project proposes a total of 320 units with a range of lot sizes, trails, and permanent open space.</p> <p>The total Immediate Rezone area of the North McKay Tract is approximately 81 acres. The parcel has been given combining zones to facilitate development of a 10-acre minimum youth sports field facility with a surrounding low density residential community.</p> <p>The Planned Unit Development limits the number of dwelling units to 320. The Planned Unit Development should include a clustering of homesites with lot sizes ranging from 4,000 square feet (adjacent to the park) to 9,600 square feet (along the bluff), enabling a large portion of land to be preserved through a permanent easement as open space.</p>
5.	FINDING:	THE ZONE RECLASSIFICATION DOES NOT REDUCE THE RESIDENTIAL DENSITY FOR ANY PARCEL BELOW THAT UTILIZED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN DETERMINING COMPLIANCE WITH HOUSING ELEMENT LAW (THE MID-POINT OF THE DENSITY RANGE SPECIFIED IN THE PLAN DESIGNATION).
	EVIDENCE:	a) This property was identified in the 2019 Humboldt County Regional Housing Needs Assessment (RHNA) Plan as critical to fulfill the County’s mandated requirement to provide a “fair share” of the County’s projected housing needs for the current RHNA cycle of December 31, 2018 through August 31, 2027. In this assessment the parcel was determined to be available for adding 323 residential units to the County’s housing inventory/ This assessment was based on an estimated property size of 87 acres however the actual assessed size of the property is 81 acres. Accordingly, the project that this zone reclassification facilitates will provide a higher density than that which was utilized for the Regional Housing Needs Assessment.
6.	FINDING:	CEQA – The County has complied with the California Environmental Quality Act.
	EVIDENCE:	a) An Environmental impact Report (EIR) has been prepared and circulated for public review pursuant to sections 15080 through 15097 of the CEQA Guidelines. As part of the review of this project the Humboldt County Board of Supervisors adopted Resolution No. 22- __ certifying the Final Environmental Impact Report prepared for the project, adopting Statements of Overriding Considerations, making the required CEQA findings prior to approving the project, and adopting the Mitigation Monitoring and Reporting Plan for implementation of the mitigation measures contained in the EIR.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- Adopt the findings set forth in this resolution; and
- Adopt the Zone Reclassification Ordinance included as Attachment 2b-i to the Agenda Item.

Adopted after review and consideration of all the evidence on March 22, 2022.

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--

NOES: Supervisors--

ABSENT: Supervisors--

ABSTAIN: Supervisors--

STATE OF CALIFORNIA)

County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors

KATHY HAYES

Clerk of the Board of Supervisors of
the County of Humboldt, State of California

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on March 22, 2022**

ORDINANCE NO. _____

**AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY
REZONING PROPERTY IN THE CUTTEN AREA [PLN-9902-GPA (Fairhaven
Cottages, LLC)]**

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying approximately 18.5 acres of R-1 Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), to Apartment Professional (R-4) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), and 2.2 acres of Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) to Neighborhood Commercial (C-1) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) as shown on the map attached as Exhibit A.

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2022 on the following vote, to wit:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:

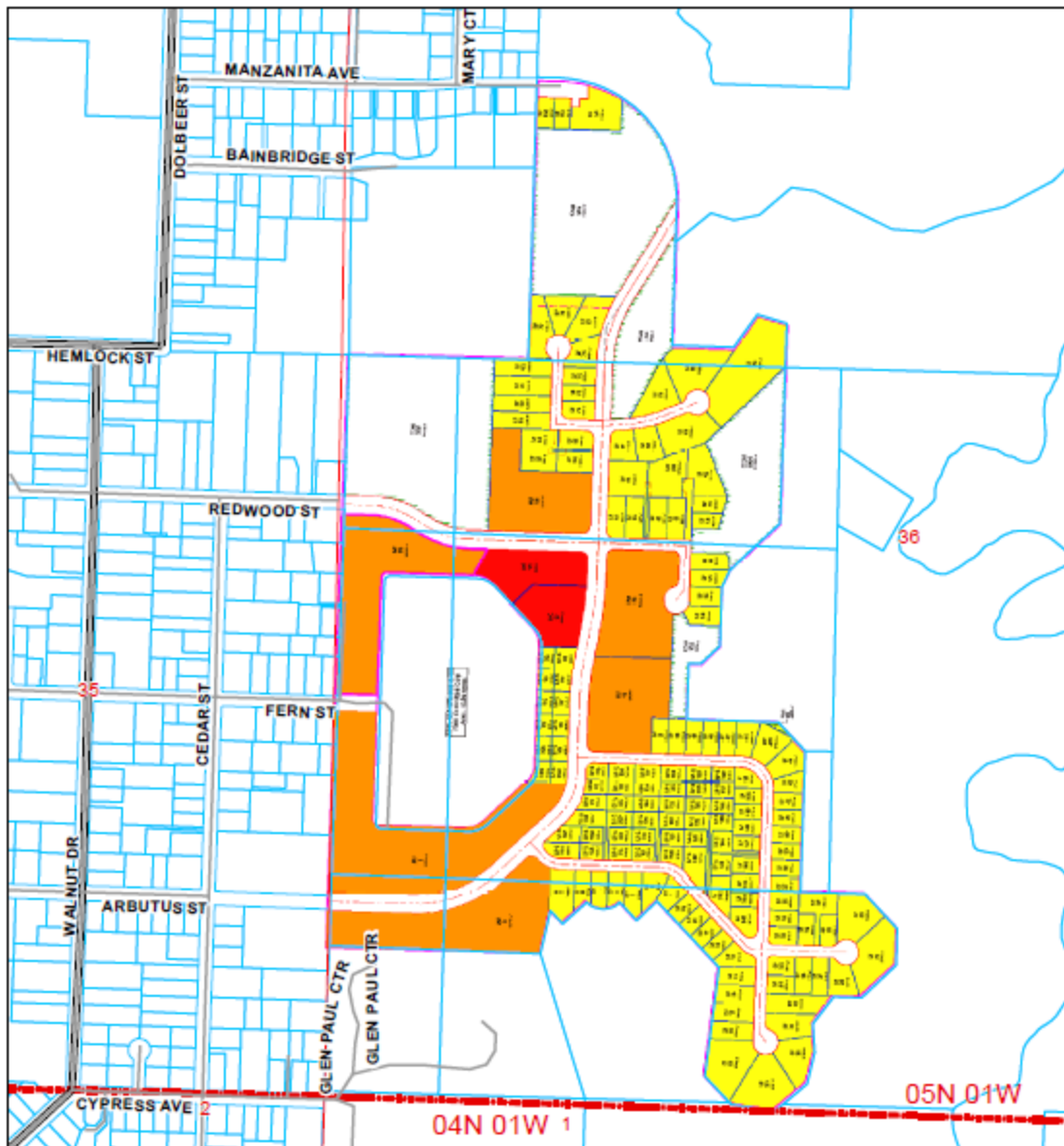
Chair, Board of Supervisors
County of Humboldt, State of California

(SEAL)

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

Deputy

Exhibit A
Re-zoning Map



Zoning

- C-1,P,G/O =
- R-4,P,G/O =
- R-1,P,G/O,R =

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

**KRAMER PROPERTIES, INC
GENERAL PLAN AMENDMENT,
ZONE RECLASSIFICATION et al
CUTTEN AREA
PLN-9902-GPA**

**APN: 017-032-003 et al
T5N R1W S36 HB&M (Eureka)**

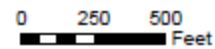


Exhibit B
Legal Description of lands to be re-zoned

Legal Description

Those portions of the lands described below which are specifically shown on the re-zoning map (Exhibit "A") are to be re-zoned. The following describes APNs 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, and 017-073-009

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL A:

That portion of the West Half of Section 36, Township 5 North, Range 1 West, and of the Northwest Quarter of Section 1, Township 4 North, Range 1 West, Humboldt Meridian, in the County of Humboldt, State of California, as described in the Deed to Louisiana-Pacific Corporation, recorded February 2, 1978 in Volume 1468 of Official Records, Page 335, in the Office of the Humboldt County Recorder, described as follows:

BEGINNING at the Northwest corner of the property conveyed to Humboldt County Schools by the Deed recorded in Book 964 of Official Records, Page 1, said point being on the West line of said Section 36;
thence North 00 degrees 29 minutes 39 seconds East, 2136.41 feet to the West Quarter Corner of said Section 36;
thence South 89 degrees 57 minutes 33 seconds East, 645.29 feet to the Southwest corner of the East Half of the Southwest Quarter of the Northwest Quarter of said Section;
thence along the West line of said East Half of the Southwest Quarter of the Northwest Quarter of Section 36, North 00 degrees 24 minutes 58 seconds East, 991.88 feet;
thence South 89 degrees 30 minutes 20 seconds East, 84.36 feet to the beginning of a curve concave to the Southwest having a radius of 430.00 feet;
thence Easterly, Southeasterly and Southerly, 675.44 feet along said curve through a central angle of 90 degrees 00 minutes 00 seconds;
thence South 00 degrees 29 minutes 40 seconds West, 511.04 feet;
thence South 89 degrees 30 minutes 20 seconds East, 220.00 feet;
thence North 34 degrees 11 minutes 04 seconds East, 144.22 feet;
thence South 74 degrees 30 minutes 20 seconds East, 109.74 feet;
thence South 00 degrees 29 minutes 40 seconds West, 714.30 feet;
thence South 45 degrees 29 minutes 40 seconds West, 245.68 feet;
thence South 23 degrees 15 minutes 29 seconds West, 67.99 feet;
thence South 00 degrees 29 minutes 40 seconds West, 210.00 feet;
thence South 45 degrees 29 minutes 40 seconds West, 91.92 feet;
thence North 89 degrees 30 minutes 20 seconds West, 45.00 feet;
thence South 00 degrees 29 minutes 40 seconds West, 200.29 feet;
thence South 89 degrees 30 minutes 20 seconds East, 326.11 feet;
thence South 44 degrees 30 minutes 20 seconds East, 141.27 feet;
thence South 00 degrees 29 minutes 40 seconds West, 503.62 feet;
thence South 89 degrees 30 minutes 20 seconds East, 230.00 feet;
thence South 44 degrees 30 minutes 20 seconds East, 169.71 feet;
thence South 00 degrees 29 minutes 40 seconds West, 130.00 feet;
thence South 45 degrees 29 minutes 40 seconds West, 169.71 feet;
thence North 89 degrees 30 minutes 20 seconds West, 100.00 feet;
thence South 35 degrees 29 minutes 11 seconds West, 122.07 feet;
thence South 05 degrees 09 minutes 36 seconds East, 101.49 feet;
thence South 12 degrees 32 minutes 22 seconds West, 115.69 feet;
thence South 48 degrees 25 minutes 38 seconds West, 152.03 feet;
thence North 82 degrees 11 minutes 50 seconds West, 158.42 feet;
thence North 44 degrees 27 minutes 49 seconds West, 134.72 feet;
thence North 06 degrees 03 minutes 57 seconds East, 392.58 feet;
thence North 44 degrees 30 minutes 20 seconds West, 325.00 feet;
thence South 45 degrees 29 minutes 40 seconds West, 100.00 feet;
thence North 44 degrees 30 minutes 20 seconds West, 88.10 feet to a non-tangent curve concave to the North, having a radius of 83.00 feet and to which a radial line bears North 44 degrees 30 minutes 20 seconds West;
thence Southwesterly, Westerly and Northwesterly, 130.38 feet along said curve, through a central angle of 90 degrees 00 minutes 00 seconds;
thence on a radial line, South 45 degrees 29 minutes 40 seconds West, 118.00 feet;
thence North 44 degrees 30 minutes 20 seconds West, 65.00 feet;

PARCEL A: CONTINUED ...

thence South 11 degrees 14 minutes 13 seconds West, 157.92 feet to the Northeast corner of said property conveyed to Humboldt County Schools;

thence North 89 degrees 45 minutes 42 seconds West, 760.00 feet along the North line of said property to said point of beginning.

EXCEPTING therefrom the following described property:

That portion of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Humboldt Meridian, in the County of Humboldt, State of California, described in the Deed to Louisiana-Pacific Corporation recorded February 2, 1978 in Volume 1468 of Official Records, Page 335, in the Office of the Humboldt County Recorder, described as follows:

COMMENCING at a point on the West line of said Section 36, said point being North 00 degrees 29 minutes 39 seconds East, 1394.80 feet from the Southwest corner of said Section 36;

thence South 89 degrees 30 minutes 21 seconds East, 149.95 feet to the point of beginning;

thence parallel with said West section line, North 00 degrees 29 minutes 39 seconds East, 450.05 feet to the beginning of a curve concave to the Southeast, having a radius of 20.00 feet;

thence Northerly, Northeasterly and Easterly 31.42 feet along said curve, through a central angle of 90 degrees 00 minutes 00 seconds;

thence South 89 degrees 30 minutes 21 seconds East, 307.41 feet to beginning of a curve concave to the Southwest, having a radius of 100.00 feet;

thence Easterly and Southeasterly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence South 44 degrees 30 minutes 21 seconds East, 200.71 feet to the beginning of a curve concave to the Southwest, having a radius of 100.00 feet;

thence Southeasterly and Southerly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence South 00 degrees 29 minutes 30 seconds West, 422.22 feet to the beginning of a curve concave to the Northwest, having a radius of 100.00 feet;

thence Southerly and Southwesterly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence South 45 degrees 29 minutes 39 seconds West, 198.99 feet to the beginning of a curve concave to the Northwest, having a radius of 100.00 feet;

thence Southwesterly and Westerly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence North 89 degrees 30 minutes 21 seconds West, 308.63 feet to the beginning of a curve concave to the Northeast, having a radius of 20.00 feet;

thence Westerly, Northwesterly and Northerly, 31.42 feet along said curve, through a central angle of 90 degrees 00 minutes 00 seconds;

thence North 00 degrees 29 minutes 39 seconds East, 414.80 feet to said point of beginning.

ALSO BEING the property described as:

Parcel 1 of Lot Line Adjustment in that certain Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded November 12, 1997 as Instrument Number 1997-28279-6, Official Records.

PARCEL B:

A non-exclusive right of way and easement for ingress, regress and egress over, upon and across an area sixty (60) feet in width located East of and adjacent to the West boundary line of the parcel of land conveyed to Glen W. Paul, County Superintendent of Schools of the County of Humboldt, by Deed recorded June 10, 1968 in Book 964, Page 1, Humboldt County Official Records.

BEING the same right reserved in said Deed recorded June 10, 1968 in Book 964, Page 1, Humboldt County Official Records.

Attachment 2b-ii
Post Adoption Summary of the Ordinance for Publication.

POST-ADOPTION SUMMARY OF ORDINANCE
(For publication after adoption)

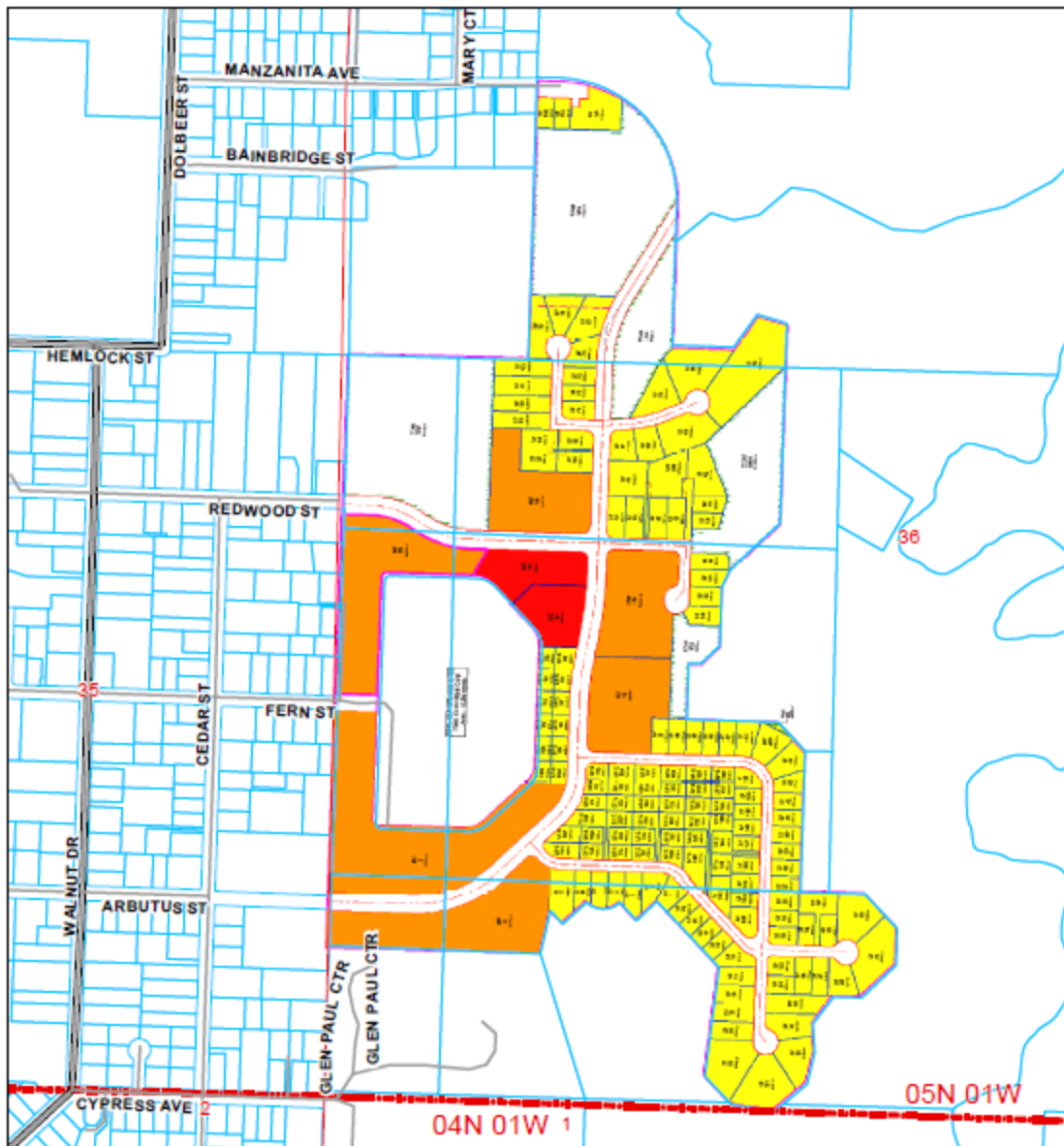
On March 22, 2022, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends Section 311-7 of the Humboldt County Code by reclassifying the property described in the Attached Exhibit A as follows: approximately 18.5 acres of R-1 Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), to Apartment Professional (R-4) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), and 2.2 acres of Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) to Neighborhood Commercial (C-1) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO).

The area described is shown on the map attached as Exhibit A.

AYES:	Supervisors:
NOES:	Supervisors:
ABSENT:	Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.

Exhibit A
Re-zoning Map




ZONING MAP

**KRAMER PROPERTIES, INC
GENERAL PLAN AMENDMENT,
ZONE RECLASSIFICATION et al
CUTTEN AREA
PLN-9902-GPA
APN: 017-032-003 et al
T5N R1W S36 HB&M (Eureka)**

Zoning	
C-1,P,G/O =	
R-4,P,G/O =	
R-1,P,G/O,R =	

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.



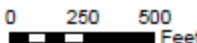


Exhibit B
Legal Description of lands to be re-zoned

Legal Description

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thence South 89 degrees 30 minutes 20 seconds East, 84.36 feet to the beginning of a curve concave to the Southwest having a radius of 430.00 feet;
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thence South 89 degrees 30 minutes 20 seconds East, 220.00 feet;
thence North 34 degrees 11 minutes 04 seconds East, 144.22 feet;
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PARCEL A: CONTINUED ...

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thence North 00 degrees 29 minutes 39 seconds East, 414.80 feet to said point of beginning.

ALSO BEING the property described as:

Parcel 1 of Lot Line Adjustment in that certain Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded November 12, 1997 as Instrument Number 1997-28279-6, Official Records.

PARCEL B:

A non-exclusive right of way and easement for ingress, regress and egress over, upon and across an area sixty (60) feet in width located East of and adjacent to the West boundary line of the parcel of land conveyed to Glen W. Paul, County Superintendent of Schools of the County of Humboldt, by Deed recorded June 10, 1968 in Book 964, Page 1, Humboldt County Official Records.

BEING the same right reserved in said Deed recorded June 10, 1968 in Book 964, Page 1, Humboldt County Official Records.

ATTACHMENT 1

Ordinance No. _____

Ordinance No. ____ Approving the Development Agreement between Kramer Properties Inc.
and the County of Humboldt.

Exhibit A: Development Agreement

ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN
KRAMER PROPERTIES, INC., AND THE COUNTY OF HUMBOLDT
(PLN-9902-GPA; NORTH McKAY RANCH SUBDIVISION PROJECT)

ORDINANCE NO. _____

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 et seq. (The “Development Agreement Statute”) which authorizes counties to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property; and

WHEREAS, in accordance with the Development Agreement Statute, the County of Humboldt (the “County”) has enacted regulations (the “Development Agreement Regulations”) to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute; and

WHEREAS, Developer has a legal interest in those certain parcels of land making up the Project site and encompassing approximately 81 acres. Developer represents that it has an equitable and legal interest in the Project Site and that all other persons holding legal or equitable interests in the Project Site are to be bound by the Development Agreement. The subject of the Development Agreement is the development of those certain parcels of land within the Project Site; and

WHEREAS, Planning for the Project began in 2015. Thereafter, the County Planning Division released a Draft EIR in May 2020 prepared pursuant to CEQA for public review and comment (State Clearinghouse No. 2019049166). A Partial Recirculation Draft EIR was prepared to address new transportation impact assessment metrics mandated by the State that was released for public review and comment in November 2021; and

WHEREAS, in December 2021 a Final EIR was prepared and on January 6, 2022 the County Planning Commission held a public hearing on the Project at which the Planning Commission adopted a resolution recommending the Board of Supervisors certify the Final EIR, and approve the proposed Project and related entitlements; and

WHEREAS, on February 3, 2022, the County Planning Commission held a public hearing on the draft Development Agreement at which the Commission received public testimony, reviewed and discussed the Development Agreement, and adopted a resolution recommending the Board of Supervisors approve the Development Agreement; and

WHEREAS, on March 22, 2022, the Board certified the Final EIR for the Project and conditionally approved the proposed the Project; and

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

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the Development Agreement attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

SECTION 2. This Ordinance is adopted under the authority of Government Code Section 65864 et seq., and pursuant to “Development Agreement Regulations.”

SECTION 3. In accordance with the Development Agreement Regulations, the Board of Supervisors hereby finds and determines, as follows:

- (a) The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, as amended, in that it establishes certain development rights, obligations and conditions for the implementation of the Humboldt County General Plan – Eureka Community Plan;
- (b) The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the general plan designations, as amended, which apply to the Humboldt County General Plan – Eureka Community Plan;
- (c) The Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- (d) The Development Agreement will not be detrimental to the public health, safety and general welfare;
- (e) The Development Agreement will not adversely affect the orderly development of property or the preservation of property values;
- (f) The Development Agreement is within the scope of the Final EIR certified by the Board of Supervisors on March 22, 2022.

SECTION 4. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;

- (b) Resolution No. _____, adopted by the Board of Supervisors on March 22, 2022, making findings as to the Final EIR for North McKay Ranch Subdivision Project,
- (c) All County staff reports (and all other public reports and documents) prepared for the Planning Commission, Board of Supervisors, or others relating to the Final EIR, the Development Agreement, and other actions relating to the Property;
- (d) All documentary and oral evidence received at public hearings or submitted to the Planning Commission, or County during the comment period relating to the Final EIR, the Development Agreement, and other actions relating to the Property;
- (e) All other matters of common knowledge to the Board of Supervisors, including but not limited to the County’s fiscal and financial status, County general ordinances, policies and regulations.

SECTION 5. The Board of Supervisors hereby approves the Development Agreement, attached hereto as Exhibit A and subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the Planning Director, in consultation with County Counsel prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, as approved by the Board of Supervisors.

SECTION 6. Upon the effective date of this Ordinance as provided in Section 8 hereof, the Board of Supervisors and Clerk of the Board are hereby authorized and directed to execute the Development Agreement on behalf of the County of Humboldt.

SECTION 7. The Planning Director is hereby authorized and directed to perform all acts authorized to be performed by the Planning Director in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2022, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

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

By: _____
Ryan Sharp, Deputy Clerk

Date:

EXHIBIT A

Development Agreement

March 2022

DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF HUMBOLDT AND KRAMER PROPERTIES, INC. RELATING TO THE NORTH MCKAY SUBDIVISION PROJECT

THIS DEVELOPMENT AGREEMENT (“**Agreement**”) is entered into this ____ day of _____, 2022, by and between the County of Humboldt, organized under the laws of the State of California (“**County**”), Kramer Properties, Inc. a California limited liability company (“**Landowner**”), a California corporation, (collectively referred to as “**Developer**”), pursuant to the authority of Sections 65864 through 65869.4 of the Government Code of the State of California and Title II, Division 17, Chapter 1 of the Humboldt County Code. Developer and County are, from time to time, hereinafter referred to individually as a “**Party**” and collectively as the “**Parties.**”

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of development, the Legislature of the State of California adopted Section 65864 et seq. of the Government Code (the “**Development Agreement Statute**”), which authorizes the County to enter into a development agreement with any person/entity having a legal or equitable interest in real property providing for the development of such property and establishing certain development rights therein.

B. Pursuant to Government Code Section 65865(c), the County has adopted rules and regulations establishing procedures and requirements for consideration of development agreements. This Development Agreement has been processed, considered, and executed in accordance with those County rules and regulations. (See Humboldt County Code, Title II, Div. 17 (Development Agreements).) The use of a Development Agreement is appropriate under the stated intent of the relevant provisions of the County Code and the circumstances of the North McKay Subdivision project (“**Project**”) that is the subject of this Agreement.

C. On March 8, 2022 in Resolution No. 22- ____ the County Board of Supervisors (“**Board**”) certified as adequate a Final Environmental Impact Report prepared for the Project pursuant to the California Environmental Quality Act (“**CEQA**”), and conditionally approved the proposed Project, including the related General Plan Amendment and Zone Reclassification.

D. This Agreement relates to the development of the Project pursuant to the approved General Plan Amendment, Zone Reclassification and Tentative Map, including the densities, intensities and uses of the Project Site as depicted on the County Approvals (“**County Approvals**”) and consistent with the Humboldt County General Plan (Plan) approved by the County Board of Supervisors on October 17, 2017.

E. Developer has a legal interest in those certain parcels of land making up the Project site and encompassing approximately 81 acres as diagramed in Exhibit “A” attached hereto, and more particularly described in Exhibit “B,” subdivision map and Exhibit “C,” legal description, attached hereto and incorporated herein (the “**Project Site**” or “**Property**”). Developer represents that it has an equitable and legal interest in the Project Site and that all other persons holding legal

March 2022

or equitable interests in the Project Site are to be bound by this Agreement. The subject of this Agreement is the development of those certain parcels of land within the Project Site.

F. Planning for the Project began in 2008, when a General Plan Petition went before the Board of Supervisors on August 26, 2008. The Board of Supervisors adopted Resolution 08-72 to allow a portion of the project site to change from Residential Low Density (RL) to Residential Medium Density (RM) and Commercial General (CG). Thereafter, the County Planning Division released a Draft EIR prepared pursuant to CEQA for public review and comment (State Clearinghouse No. 2019049166).

G. At its January 6, 2022 meeting, the Planning Commission adopted Resolution No. 22-002 recommending the Board certify the environmental impact report (EIR), and Resolution No. 22-003 recommending the Board approve the proposed Project and related entitlements.

H. On March 8, 2022, the Board certified the Final EIR for the Project and conditionally approved the proposed General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, and Special Permit.

I. Ordinance Number _____ amending Section 311-7 of the Humboldt County Code for the approximate 81-acre Project that is within the Eureka Community Plan Area (Eureka CPA), rezoning of parcels from R-1, with combining zones indicating P, R, and GO, to R-1, R, GO, Apartment Professional (R-4), and C-1 with a Planned Unit Development overlay. The water storage tank location would remain zoned as TPZ, as generally depicted in the Eureka CPA Zoning Map, attached as Exhibit E.

The County Approvals are attached hereto as Exhibits “D” and are the subject of this Agreement.

J. Based on the County Approvals, the maximum potentially allowable levels of development for the Project Site include up to 146 new single-family residences and 174 multi-family units and 22,000 square feet of commercial and office space.

K. On May 15, 2020, the County Planning Division released a draft Environmental Impact Report (DEIR) prepared pursuant to CEQA for public review and comment (State Clearinghouse No. 2019049166). The public comment period on the DEIR closed on June 29, 2020, and responses to comments were prepared. On October 18, 2021, the County Planning Division released a partially Recirculated Draft Environmental Impact Report (RDEIR) for the project. The public comment period on the RDEIR closed on December 1, 2021, and responses to comments were prepared. On January 6, 2022, the Planning Commission following a duly noticed public hearing recommended the Board certify the EIR and adopt a Statement of Overriding Considerations.

L. On February 3, 2022, the County Planning Commission held a duly noticed public hearing to consider this Agreement and issue a recommendation to the Board pursuant to Government Code Section 65867 and County Code section 2171-13. On February 22, 2022, the Board also held a duly noticed public hearing as required by County Code section 2171-14, made

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the findings for approval required therein, and voted to adopt this Agreement by Ordinance No .
_____.

M. Development Agreement Ordinance. County and Developer have taken all actions mandated by and fulfilled all requirements set forth in the Development Agreement Ordinance of the County (County Code, Title II, Division 17, Section 2171-1 et seq.).

N. The Parties have, in good faith, negotiated the terms hereinafter set forth which carry out the Legislature’s purpose, as set forth in Government Code section 65864 et seq., above and assure the Parties to this Agreement realize a mutually desirable development of the Project Site.

O. Development of the Project will result in significant public benefits as described in the McKay Project approvals attached as Exhibits “D” and as additionally described hereinafter, including, without limitation:

- Comply with the Humboldt County Local Agency Formation Commission (LAFCo) policy to create a more logical service boundary and provide more effective delivery of municipal services by annexing all existing unincorporated islands zoned for development in the HCSD.
- Ensure new residents receive the same level of service as current residents.
- Ensure existing service levels to current County residents are not reduced in order to provide services to the HCSD service area.
- Promote economic vitality by maintaining and expanding small businesses and local services for residents.
- Assist County in meeting housing needs to accommodate forecasted population growth.
- Incorporate parks and open space, including trails, into the project design in a manner that would provide community connectivity and is aesthetically pleasing.
- Promote economic growth through new capital investment for an expanded population and increased tax base.
- Provide a diversity of housing choices in one development that would cater to various segments of the community, including low-cost, single-family homes.
- Provisions for contribution to infrastructure, open space, affordable housing, or other public improvements and amenities of benefit to the County, including reservation, dedication, and improvement of land for public purpose.

P. Development of the Project will necessitate the financing and/or construction of significant improvements that will not only benefit the Project but will benefit the County generally. The County recognizes that the success of the Project depends greatly upon the certainty and timing of further approvals and/or actions by the County necessary to implement the Project,

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including approval of final subdivision maps, conditional use permits, encroachment permits, memoranda of understanding, and design review. Such further approvals and/or actions by the County are referred to herein collectively as (“**Subsequent County Approvals**”). Nothing in this Agreement is intending to bind Non-County Responsible Agencies to issue subsequent permits or approvals which may be needed in the future (“**Non-County Subsequent Approvals**”), including LAFCo action related to Humboldt CSD annexation, CDFW LSAA, CESA and ESA compliance, Section 404 and Section 401 permits, etc.

Q. For the reasons recited herein, Developer and County have determined that the Project is the type of development for which this Agreement is appropriate. The Agreement will eliminate uncertainty in planning and provide for the orderly development of the Project and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted.

In exchange for these benefits to the County, together with the public benefits that will result from the development of the Project, Developer desires to receive the assurance that it may proceed with the Project in accordance with the County Approvals, Subsequent County Approvals and this Agreement and the ordinances, resolutions, policies, and regulations of the County in effect on the Effective Date of this Agreement, as hereinafter defined, pursuant to the terms and conditions contained in this Agreement. The Parties shall cooperatively collect all documents mentioned in this recital and place them in a three-ring binder to be maintained at all times by the County Clerk. Two true and correct conforming copies of the binder shall be prepared and given to the Developer and Planning Director of the County respectively. The Parties shall rely on the documents in the binder to determine the approvals granted by the County and the ordinances, policies and regulations in effect at the Effective Date of the Agreement.

Now, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the Parties agree as follows:

AGREEMENT

Section 1. General Provisions.

1.A. Incorporation of Recitals, Exhibits. The Recitals set forth above, the introductory paragraph preceding the Recitals, all defined terms set forth in both, and all Exhibits referred to in this Agreement are hereby incorporated into this Agreement as if set forth herein in full.

1.B. Covenants. Each and every purchaser, assignee, or transferee of an interest in the Project Site, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Project site sold, assigned, or transferred to it. Provided, however, notwithstanding anything to the contrary above, if any such sale, assignment or transfer relates to a completed residential or commercial unit or non-residential

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building or a portion thereof, which has been approved by County for occupancy, the automatic termination provisions of Section 6 herein shall apply thereto, and the rights and obligations of Developer hereunder shall not run with respect to such portion of the Project Site sold, assigned or transferred and shall not be binding upon such purchaser, assignee or transferee. Any such sale, assignment or transfer shall constitute a release from this Agreement of Developer as to that Property approved for occupancy except with regard to conditions, covenants, and restrictions imposed on individual properties which are required to effectuate the regulatory actions of County with respect to the Project.

1.C. Effective Date. This Agreement shall become effective upon the recordation of the Agreement, which shall be no later than two months after County's approval of this Agreement. This Agreement shall be recorded against the Property at Developer's expense not more than ten (10) days after County enters into this Agreement, as required by California Government Code section 65868.5 and County Code.

1.D. Term. The term of this Agreement shall commence upon the Effective Date and shall extend 20-years until December 31, 2042, or ninety (90) days following the "**Project Build-out**" as hereinafter defined, whichever is earlier. This Agreement may be extended by the mutual consent of the Parties hereto. For purposes of this Agreement, "Project Build-out" shall mean the date on which the permit final inspection (or comparable instrument) is completed for the last Project improvement or residential home or other structure to be constructed pursuant to the Eureka Community Plan as amended October 23, 2017. Following the expiration of said term, except as otherwise provided for in this Agreement, this Agreement shall be deemed terminated and of no further force and effect. However, Developer's right to receive reimbursement as provided for infrastructure improvements and County's promise to form or impose reimbursement mechanisms, if any, shall survive the term of this Agreement until full reimbursement is received by Developer or for ten (10) additional years, whichever occurs first.

1.E. Priority Enactment. In the event of conflict between the Development Agreement and the County Approvals, the Parties agree that the County Approvals are superior to the Agreement.

1.F. Amendment to Agreement. This Agreement may be amended from time to time by mutual written consent of County and Developer (and/or any successor owner of any portion of the Property to which the benefit or burden of the amendment would apply), in accordance with the provisions of the Development Agreement Statute. If the proposed amendment affects the approved Eureka Community Plan land use designation or zoning of less than the entirety of the Property, then such amendment need only be approved by the owner(s) in fee of the portion(s) of the Property that is subject to or affected by such amendment. If the proposed amendment or minor modification would significantly reduce the amount of revenue anticipated to be received by the County to the extent that County is unable to fund or maintain facilities and/or service commitments to the Property, Developer agrees County may adjust or modify any fee or assessment to mitigate the impact.

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1.G. Operating Memorandum. County and Developer may implement or clarify provisions of this Agreement through the execution of an “Operating Memorandum” approved by County and Developer, from time to time during the Term. Any such Operating Memorandum shall be automatically deemed a part of this Agreement, but approval, implementation and/or amendment thereof shall not constitute or require an amendment to the Agreement or require public notice or hearing. In the event a provision of any Operating Memorandum conflicts with this Agreement, the Agreement shall control. Such memorandums shall be used for agreed upon extensions of time to perform under this agreement.

1.H. Agreement is Between Developer and County. This Agreement is between Developer and County. Unless otherwise provided by law or provisions of this Agreement, this Agreement does not apply to other governmental agencies not party to this Agreement and whose permit or approval authority is not exercised through, by, or on behalf of County. This Agreement has no effect on the rules, regulations, and fees of other governmental agencies that may have independent permit or approval authority over the Project, including but not limited to, other Non-County Responsible Agencies, and whose permit or approval authority is not exercised through, by, or on behalf of County.

1.I. Project is a Private Undertaking. It is agreed among the Parties that the Project is a private development and the County has no interest therein except as authorized in the exercise of its governmental functions.

1.J. Assignment and Assumption. From and after recordation of this Agreement against the Property, Developer and Developer’s successors in interest shall have the full right to assign this Agreement as to the Property, or any portion thereof, in connection with any sale, transfer or conveyance thereof, and upon the express written assignment by Developer, or its successors in interest, as applicable, and assumption by the assignee of such assignment in the form attached hereto as Exhibit “E”, and the conveyance of Developer’s interest in the Property related thereto, Developer shall, subject to the County’s approval, not to be unreasonably withheld, conditioned, or delayed, be released from any further liability or obligation hereunder related to the portion of the Property so conveyed and the assignee shall be deemed to be the Developer, with all rights and obligations related thereto, with respect to such conveyed property. Developer shall remain subject to that portion of the Agreement that is not so assigned. In determining whether to grant or deny such approval, County shall review the experience and financial resources of the proposed assignee for the purpose of determining the assignee’s ability to implement the Project in conformance with the County Approvals and this Agreement.

1.K. Dispute Resolution. In the event there is a dispute between the parties regarding the County’s administrative interpretation of the Development Agreement, the following process shall be used to resolve such disputes:

The parties shall first attempt to resolve a dispute informally. The Developer shall notify the County of such dispute in writing. Such written notice shall include a description of the contested interpretation of the Development Agreement. Within five (5) working days after notification, an informal meeting shall be held with the Planning Director or his or her designee,

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the Developer or his designee, and the County Administrative Officer or his or her designee, for the purpose of resolving the dispute. If resolved at the informal stage, the parties shall jointly prepare and sign a memorandum setting forth the terms and conditions of the resolution.

If the parties do not resolve the dispute at the informal stage, the Developer shall have ten (10) working days from the date the informal dispute resolution took place to appeal the action to the Board of Supervisors by filing an appeal with the Planning Department. The standard Planning and Building form for appeal shall be used and shall state the grounds for appeal. The fee for an appeal shall apply. The matter shall be placed before the Board of Supervisors as soon as practicable, and within sixty (60) days of the appeal being filed. Notice shall be given by publication on the Board of Supervisor's agenda and the notice provisions in Humboldt County Code section 312-8 do not apply. The Rules of Procedure for the Board of Supervisors shall apply to the appeal hearing. The decision of the Board is final.

Section 2. Definitions.

In this Agreement, unless the context otherwise requires:

2.A. "County" shall mean the County of Humboldt, agencies under its jurisdiction, and agents, officers, employees, representatives and/or any others acting for, by or under the direction of the County. County does not refer to Non-County Responsible Agencies, as defined in this Agreement.

2.B. "Develop" or "Development" shall mean to improve or the improvement of the Property for the purpose of completing the structures, improvements, and facilities comprising the Project, including but not limited to: grading; the construction of infrastructure and public facilities related to the Project, whether located within or outside the Property; the construction of all of the private improvements and facilities comprising the Project; the preservation or restoration, as required of natural and man-made or altered open space areas; and the installation of landscaping. The terms "Develop" and "Development," as used herein, do not include the maintenance, repair, reconstruction, replacement, or redevelopment of any structure, improvement, or facility after the initial construction and completion thereof.

2.E. "Development Plan" shall mean all of the land use entitlements, approvals, and permits approved by the County for the Project Site on or before the Agreement Date, as the same may be amended from time to time consistent with this Agreement.

2.F. "Development Standards" shall mean the Development Agreement and County Approvals, including but not limited to the General Plan Amendment, including the amendment of the Eureka Community Plan land use map, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development and Special Permit.

2.G. "General Plan" shall mean the Humboldt County General Plan, including the text, maps.

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2.H. “Non-County Responsible Agencies” or “Non-City Responsible Agency” or “Trustee Responsible Agencies,” means any governmental agency or agencies with remaining approval or appeal authority over some aspect of the Project, including but not limited to the Humboldt Local Agency Formation (“LAFCO”) and the California Regional Water Quality Control Board. Non-County Responsible Agencies are not bound by this Agreement for purposes of issuing any remaining permit or approval which may be otherwise required by law.

2.I. “Non-County Subsequent Approvals” shall mean those permits and approvals necessary to implement the Project Approvals that have not been conferred or delegated to the County as of the Effective Date of this Agreement, with the understanding that except as expressly set forth herein, Non-County Responsible Agencies reserve the right to issue permits and approvals which remain within their discretion.

2.J. “Project” shall include all on-site and off-site improvements approved for implementation of the North McKay Ranch Subdivision Project that Developer is authorized and/or required to construct with respect to each parcel of the Property, as provided in this Agreement and the Development Regulations, as the same may be modified or amended from time to time consistent with this Agreement and applicable law.

2.K. “Subsequent County Approvals” shall mean those County approvals necessary to implement the Project Approvals that have not been conferred as of the Effective Date of this Agreement.

Section 3. Development of the Project Site.

3.A. Vested Right to Develop. It is agreed that the development rights, obligations, terms and conditions specified in this Agreement are fully vested in the Developer and may not be changed, modified, invalidated or otherwise limited by County, whether by administrative action, legislative action, or, to the extent allowed by law, vote of the electorate through initiative, referenda and/or other voting process, except as may be expressly permitted by and in accordance with the terms and conditions of the Development Standards or as expressly consented to by Developer.

Should such vested rights not be exercised during the term of this Agreement by Developer by undertaking and completing the contemplated Project, then such vested rights shall not survive beyond the term of this Agreement and any applicable extensions. Should, in the future within the term of this Agreement, any or all of the Project be destroyed by fire, earthquake, or other similar causes, then the Developer, or its successors, shall have a continuing vested right to rebuild or repair such damaged or destroyed structures, infrastructure, public and private facilities and Property as allowed by law within the term of this Agreement and to continue the vested uses granted hereunder.

3.B. Permitted Uses and Development Standards. The Project shall be developed in accordance with the Development Standards. The maximum permitted uses, density and intensity of use, the maximum height and size of proposed buildings, the construction, installation and

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extension of public and private improvements, subdivision standards, development guidelines and standards, implementation program for processing of Subsequent County Approvals, and other conditions of development for the Project Site shall be those set forth in the Development Standards.

3.C. Life of Parcel Maps, Subdivision Maps, County Approvals, Subsequent County Approvals and Permits. Except as otherwise required by law, any discretionary land use approval for the Project, including tentative maps, shall be automatically extended for the Term of this Agreement, by the County, if not otherwise vested by substantial construction. The Term of this Agreement and of any parcel map, subdivision map, tentative map, vesting tentative map, final map, or any other map or any other Subsequent County Approvals shall not include any periods of time during which the Project is delayed by unforeseen circumstances beyond the control of the Developer, including, but not limited to, development or building moratoria, or other governmental restrictions of development or building, or lawsuits adverse to the Developer and/or the Project, including any lawsuits which may be filed under the California Environmental Quality Act, the Subdivision Map Act, or the Planning and Zoning Law. In the event of termination, any tentative subdivision map or tentative parcel map shall remain in effect for twenty-four (24) months. Such tentative subdivision and parcel maps shall also otherwise be eligible for extensions as may be provided for by statute.

3.D. Timing of Development and Phasing; Effect of *Pardee* Decision. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465, that failure of the parties to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the intent of the Developer and County to cure that deficiency by acknowledging and providing that Developer shall have the right (without the obligation) to develop the Property in such order and at such rate and at such time as it deems appropriate within the exercise of its subjective business judgment, subject to the terms of this Agreement. Phasing shall be in accordance with the County approvals as may be amended. Developer may apply for final subdivision maps as the Developer determines in its sole discretion, provided the timing of the application for final subdivision maps complies or is not inconsistent with the Policies of the Eureka Community Plan as adopted by the Board of Supervisors and which may be amended by the Board. The County may not impose additional restrictions on the phasing of final maps except as permitted by the Subdivision Map Act.

3.E. Compliance with CEQA. The Parties acknowledge that the Final EIR prepared for the Project complies with CEQA. The Parties further acknowledge that (i) the DEIR and Final EIR contain a thorough analysis of the Project and possible alternatives to the Project, (ii) the Mitigation Measures have been adopted to eliminate or reduce to an acceptable level certain adverse environmental impacts of the Project, and (iii) the Board of Supervisors adopted a statement of overriding considerations in connection with the Project, pursuant to CEQA Guidelines Section 15093, for those significant impacts that could not be mitigated to a less than significant level. The DEIR and Final EIR for the Project is intended to be used in connection with each of the Subsequent County Approvals needed for the Project consistent with the Public Resources Code and the CEQA Guidelines, which streamlines the review of the Project and reduces the need to

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prepare repetitive environmental studies. Consistent with the CEQA policies and requirements applicable to the DEIR and FEIR, the EIRs will be used to the fullest extent allowed by law in connection with the processing of any Subsequent County Approval. Additional environmental review may only be required by County, in strict conformity with the terms and intent of the Public Resources Code and the CEQA Guidelines. (Pub. Resources Code, § 21166; CEQA Guidelines, § 15163).

3.F. Changes to Development Standards. Only the following changes to the Development Standards shall apply to the development of the Project Site.

3.F.1. Development of the Project Site shall be subject to the rules, regulations, ordinances, and official policies applicable to such development on the Effective Date of Agreement or as will become effective pursuant to the Development Standards and Subsequent County Approvals. To the extent any future changes in the plans, zoning, ordinances, or any future rules, ordinances, regulations, or policies adopted by County purport to be applicable to the Project, the terms of the Agreement shall prevail, unless the Parties thereto mutually agree to amend or modify the Agreement. All improvements that will be dedicated to the City of Eureka or County of Humboldt shall be constructed to the most current federal and state ADA requirements at the time that the improvement is constructed. Traffic signals shall be constructed to the most current standards of the City of Eureka at the time that the improvement is constructed.

3.F.2. The Agreement shall not prevent the County, in subsequent actions applicable to the Property, from applying new rules, regulations, and policies which do not conflict with the terms and conditions of the Agreement, nor shall the Agreement prevent the County from denying or conditionally approving any subsequent development application on the basis of such existing or new rules, regulations, and policies.

3.F.3. In the event State or federal laws or regulations enacted after the effective date of the Agreement prevent or preclude compliance with one or more provisions of the Agreement, such provisions of the Agreement shall be modified or suspended as may be necessary to comply with such State or federal laws or regulations. Said modification or suspension shall be noticed and heard in accordance with the procedures set forth in Section 2171-12 of the County Code. The Agreement shall not preclude County from applying to those changes in County plans, regulations and policies which are specifically mandated by changes in State or federal laws or regulations. Provided, however, that said changes shall not be applied to the Project Approvals where County has discretion how to comply with said directives so as to not affect the Project and this Agreement.

3.F.4. Authority of County. This Agreement shall not be construed to limit the authority or obligation of County to hold necessary public hearings, or to limit discretion of County or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which require the exercise of discretion by County or any of its officers or officials, provided that subsequent discretionary actions shall comply with the Applicable Rules and shall not unreasonably prevent or delay development of the Property. Nothing in this Agreement shall

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preclude the County from taking those actions it deems necessary and essential to protect public health and safety; to the extent such actions are inconsistent with the County Approvals, however, the County's actions shall be narrowly tailored to address the identified public health and safety concern, and the County shall minimize any inconsistency with the County Approvals. No official or employee of COUNTY shall be personally liable for any default or liability under this Agreement.

Section 4. Obligations of Developer.

In consideration of County entering into this Agreement, Developer agrees that it will comply with this Agreement and County Approvals. The Parties acknowledge that the execution of this Agreement by County is a material consideration for both Developer's acceptance of, and agreement to comply with, the terms and conditions of this Agreement and County Approvals.

4.A. Development and Connection Fees. Except as otherwise specifically provided in this Agreement, any and all required payments of development and connections by developer shall be made at the time and in the amount specified by County ordinances in effect as of the Effective Date.

4.B. Costs. Developer shall bear all costs associated with applying for and obtaining any necessary Non-County Responsible Agency approvals. Developer, at no cost to the County that is not a cost approved by the County, shall be solely responsible for complying with any Non-County Responsible Agency approval(s) and any and all conditions or restrictions imposed as part of a Non-County Responsible Agency approval, whether the conditions are on the Project Site or outside the Project Site. Developer shall have the right to appeal or contest any condition in any manner permitted by law imposed under any Non-County Responsible Agency approval, but only with the prior consent of County if the County is a co-applicant or co-permittee or the appeal impacts the rights, obligations, or potential liabilities of the County. If Developer demonstrates to the County's satisfaction that an appeal would not affect the County's rights, obligations, or potential liabilities, County shall not unreasonably withhold or delay its consent. In all other cases, County shall have the right to give or withhold its consent in its sole discretion. Developer must pay or otherwise discharge any fines, penalties, or corrective actions imposed as a result of Developer's failure to comply with any Non-County Responsible Agency approval(s), and Developer shall indemnify County for all losses relating to Developer's failure to comply with any Non-County Responsible Agency approvals.

4.C. McKay Community Forest Trail. Developer shall deliver to County a fully executed easement deed fulfilling the trail dedication set forth in Public Works Condition of Approval 1.6(e) prior to recordation of the first phase Final Map.

Section 5. Obligations of County.

In consideration of Developer entering into this Agreement, County agrees that it will comply with this Agreement, and County Approvals, and will proceed with processing any and all Subsequent County Approvals in accordance with and consistent with the terms of this Agreement

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and with the County Approvals. The Parties acknowledge that the execution of this Agreement by County is a material consideration for both Developer's acceptance of, and agreement to comply with, the terms and conditions of this Agreement and County Approvals.

5.A. Vested Rights. Developer is assured, and County agrees, that development rights, terms and conditions as specified in the Development Standards are fully vested in Developer and may not be changed or modified by County except as may be expressly permitted by, and in accordance with, the terms and conditions of this Agreement, or as expressly consented thereto by Developer to the extent such proposed change or modification is applicable thereto.

5.B. No Conflicting Enactments. Other than a referendum overturning this Agreement initiated and passed by the voters of Humboldt County, neither County, nor any agency of County, shall recognize, enact and apply to the Project Site any ordinance, resolution or other measure of any type which would have the effect of invalidating or otherwise limiting the vested rights granted by this Agreement. Except as provided for in this Agreement and the County Approvals no such action or enactment shall dictate any particular sequence, timing or phasing of the Project. By way of example and without limiting the foregoing general statement, and for all purposes pursuant to this Agreement generally, and this Section specifically, an ordinance, resolution or other measure, including an initiative shall be deemed to conflict with this Agreement if the ordinance, resolution or other measure seeks to accomplish any one or more of the following results, either with specific reference to the Project Site or as part of a general enactment that applies to the Project Site:

(a) Limit or reduce the density or intensity of the Project development as set forth in the Development Standards or otherwise require any reduction in the height, number, size or square footage of lots, structures, or buildings;

(b) Expand or increase Developer's obligations under the Development Standards with respect to the provision of streets, roadways, and/or any other public or private improvements or structures;

(c) Limit or control in any manner the timing or phasing of the construction/development of the Project within any phase of the Development allowed by the County Approvals and this Agreement;

(d) Limit the location of buildings, structures, grading or other improvements relating to the development of the Project in a manner which is inconsistent with or more restrictive than the Development Standards;

(e) Limit the processing of applications for, or procurement of Subsequent County Approvals;

(f) Establish, enact or increase in any manner applicable to the Project, or impose against the Project, any fees, taxes (including, without limitation, general, special, and excise taxes), assessments, liens or other financial obligations other than those specifically

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permitted by this Agreement as increased from time to time in order to offset inflationary cost adjustments as determined by County;

(g) Initiate, support or establish any assessment district or other public financing mechanism that would include or otherwise burden or affect the Project or the Project Site that has not been established under this Agreement, other than such mechanisms which would apply county-wide and not to the Project specifically.

5.C. Police Power and Taxing Power. County, through the exercise of either its police power or its taxing power, whether by direct County action or initiative or referendum, shall not establish, enact or impose any additional conditions, dedications, fees, and other exactions, policies, standards, laws or regulations which directly relate to the Project development. Further, County shall not approve a Mello-Roos assessment, or other type of district to cause bonded indebtedness on any portion of the Project without Developer's prior written approval, which approval may be given or withheld in Developer's sole and absolute discretion. Nothing herein prohibits the Project from being subject to a (i) County-wide bond issue, (ii) County-wide special or general tax, (iii) special –assessment for the construction or maintenance of a County-wide facility as may be voted on by the electorate or otherwise enacted; provided that such tax, assessment or measure is Countywide in nature, does not discriminate against the Land, and does not distinguish between developed and undeveloped parcels, or (iv) increases in land use fees based on an inflation or cost of construction in formula that was adopted as of the effective date, provided that such revised fees apply generally to similar projects or works within the County.

This Agreement shall not be construed to limit the authority of County to charge processing fees for land use approvals, building permits as they relate to plumbing, mechanical, electric or fire code permits, or other similar permits and entitlements which are in force and effect on a County-wide basis at the time those permits are applied for except to the extent any such processing regulations would be inconsistent with this Agreement.

5.D. Credits and Reimbursements.

5.D.1. Credits and Reimbursements. Developer may, pursuant to this Agreement, finance the construction of certain improvements which would otherwise be paid by the County or other parties and which serve other properties or which would be financed by existing County fees. County and Developer agree that, except as otherwise provided in this Agreement, Developer shall be entitled to grants, credits and/or reimbursement for the construction of improvements costing in excess of its fair share for such improvements consistent with the terms of each separate reimbursement/credit or grant program.

5.D.2. Reimbursement by Third Parties. In the case of public improvements, if any, which abut property owned by third persons or for other public improvements that are oversized or extended to benefit property owned by third persons, as analyzed in the environmental impact report and as approved by the County, Developer shall be entitled to receive a reimbursement from the benefited property's owner (and not the County) for the pro rata cost of the improvements which exceed Developer's obligation. Reimbursement may be provided directly

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from the owner abutting such improvements or from a community facilities district or any such other infrastructure financing district if such a district is formed by or includes such properties and includes monies for the construction of said improvements.

County shall use its best efforts, to the extent County has the authority to do so, to impose the obligation to pay said reimbursement, as a condition of development of such benefited property, at the time such property owner requests a discretionary approval or other such entitlement from County for development of the benefited property whereby such condition can be imposed. Such reimbursement shall be due and payable on the earlier of issuance of a building permit on the benefited property, recordation of a final parcel or subdivision map for the benefited property or receipt of funds from an infrastructure financing district that is formed by or includes such benefited property. County's obligation to impose such condition and collect such reimbursement shall terminate upon any termination of this Agreement. County shall have no obligation to make any payments to Developer unless and until it receives any such reimbursement amount from a third-party source.

5.D.3. Reimbursable Hard Costs. The hard costs of construction to be reimbursed to Developer by the County or a third party or to be paid by Developer to any third party in accordance with the terms of this Agreement shall consist of the identifiable and commercially reasonable costs of the design, engineering and construction as actually incurred by Developer or such third party for the reimbursable work.

5.D.4. Interest on Reimbursements. In each case in which this Agreement provides that Developer is entitled to receive reimbursement for improvements from third parties or is required to pay reimbursement to third parties, Developer shall be entitled to receive, or be obligated to pay, interest on the amount to be reimbursed as determined by the Board of Supervisors on a case-by-case basis.

5.D.5. Term for Credits and Reimbursements. County's obligation to provide any credits or to pay any reimbursements to Developer that accrue hereunder shall remain and continue during the term of this Agreement.

5.D.6. Not a Limitation. Nothing in this section 5.D. is intended to or shall be construed to limit Developer from receiving, in consideration of the improvements to be constructed by Developer hereunder, any other credits or reimbursements from County otherwise provided under the existing County policy, rule, regulation or ordinance.

5.D.7. Attribution of Development Fee Credits. County and Developer agree and understand that any fee credits obtained by Developer for Development Fee programs as a result of expenditures of Developer on public infrastructure improvements may be transferred or assigned by Developer to another subsequent landowner or other third party within the Project, but only in the manner provided for in each County reimbursement program that provided for the credit. The transfer of credits shall be in compliance with the requirements and provisions of this Agreement or of the credit agreements, if any, entered into between the County and Developer that granted the fee credits in the first instance.

5.E. Applications for Permits and County Approvals.

5.E.1. Timely Processing. County agrees that it will accept, in good faith, for processing review and action, all complete applications for development permits or other entitlements for use of the Property in accordance with the County Approvals and this Agreement, and shall exercise its best efforts to act upon such applications in an expeditious manner. Accordingly, to the extent that the applications and submittals are in conformity with the County Approvals, applicable law, and this Agreement, County agrees to diligently and promptly accept, review and take timely action on all Subsequent County Approvals and any environmental review required thereon in furtherance of the Project. Similarly, County shall promptly and diligently review and approve improvement plans, conduct construction inspections and accept completed facilities.

5.E.2. Cooperation to Obtain Permits. The Parties acknowledge that implementation and development of the Project will require approval of Non-County Responsible Agencies. The County will cooperate with reasonable requests by Developer to obtain permits, agreements, or approvals from Non-County Responsible Agencies. The County's commitment to Developer under this Agreement is subject to the following conditions:

(a) Throughout the approval or appeal process for any Non-County Responsible Agency approval or appeal, Developer shall consult and coordinate with County, and County shall cooperate reasonably with Developer.

(b) Developer shall not agree to conditions or restrictions in any Non-County Responsible Agency approvals that could create any obligations on the part of the County, unless County agrees to assume such obligations.

5.F. Overriding Federal and State Laws and Regulations.

5.F.1 Federal and state laws and regulations that override Developer's vested rights set forth in this Agreement, shall apply to the Property, together with any non-discriminatory County ordinances, resolutions, regulations, and official policies that are necessary to enable County to comply with the provisions of any such overriding federal or state laws and regulations, provided that (i) Developer does not waive its right to challenge or contest the validity of any such purportedly overriding federal, state, or County law or regulation; and (ii) upon the discovery of any such overriding federal, state, or County law or regulation that is not consistent with the provisions of this Agreement or otherwise prevents or precludes compliance with any provision of this Agreement, County or Developer shall provide to the other Party a written notice identifying the federal, state, or County law or regulation, together with a copy of the law or regulation and a brief written statement of the conflict(s) between that law or regulation and the provisions of this Agreement. Promptly thereafter County and Developer shall meet and confer in good faith in a reasonable attempt to determine whether a modification or suspension of this Agreement, in whole or in part, is necessary to comply with such overriding federal, state, or County law or regulation. In such negotiations, County and Developer agree to preserve the terms of this Agreement to the

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maximum feasible extent while resolving the conflict. County also agrees to process in a prompt manner Developer's proposed changes to the Project and any of the Development Regulations as may be necessary to comply with such overriding federal, state, or County law or regulation; provided, however, that the approval of such changes by County shall be subject to the discretion of County, consistent with this Agreement.

Section 6. Default, Enforcement, Termination.

6.A General Provisions. Subject to extensions of time by mutual consent in writing, failure or delay by either County, Developer or member of Developer not released from this Agreement to perform any term or provision of this Agreement shall constitute a default. In the event of alleged default or breach of any term or condition of this Agreement, the Party alleging such default or breach shall give the other Party or Developer not less than thirty (30) days' notice in writing specifying the nature of the alleged default and the manner in which said default may be cured. During any such thirty (30) day period, the Party or Developer charged shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party or Developer to this Agreement may, at its option, institute legal proceedings pursuant to this Agreement or give notice of its intent to terminate this Agreement pursuant to California Government Code Section 65868 and any regulations of the County implementing said Government Code section. Following notice of intent to terminate, the matter shall be scheduled for consideration and review in the manner set forth in Government Code Sections 65865, 65867 and 65868 and County regulations implementing said sections by County within thirty (30) calendar days.

Following consideration of the evidence presented in said review before County and an additional 30-day period to cure, either party alleging the default by the other party or member of Developer may institute legal proceedings or may give written notice of termination of this Agreement to the other party.

Evidence of default may also arise in the course of a regularly scheduled periodic review of this Agreement pursuant to Government Code Section 65865.1. If either party determines that a party is in default following the completion of the normally scheduled periodic review, said party may give written notice of termination of this Agreement specifying in said notice the alleged nature of the default, and potential actions to cure said default where appropriate, if the alleged default is not cured in thirty (30) days or within such longer period specified in the notice, or the defaulting party waives its right to cure such alleged default, this Agreement may be terminated by County or Developer.

6.B. Annual Review. County shall review the extent of good faith compliance by Developer with the terms of this Agreement at least every twelve (12) months from the date this Agreement is entered into. Such periodic review shall be limited in scope to compliance with the

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terms of this Agreement pursuant to Section 65865.1 of the Government Code, Section 2171-17 of Title II, Division 17 of the County Code, and the monitoring of mitigation in accordance with Section 21081.6 of the Public Resources Code of the State of California. Notice of such annual review shall include a statement that any review of obligations of Developer as set forth in this Agreement may result in termination of this Agreement. The Planning Commission, after a public hearing, shall determine on the basis of substantial evidence whether or not the Developer has, for the period under review, complied in good faith with the terms and conditions of this Agreement. A finding by the Planning Commission of good faith compliance by Developer with the terms of this Agreement shall be conclusive with respect to the performance of Developer during the period preceding the review.

Upon not less than sixty (60) days' notice by the County, Developer shall provide evidence at least thirty (30) days prior to the scheduled hearing in order to prove compliance with this Agreement.

6.C. Enforced Delay: Extension of Time Performance. In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walk-outs, riots, floods, force of nature, earthquakes, fires, or similar basis for excused performance which is not within the reasonable control of the party to be excused. Litigation attacking the validity of this Agreement, any of the County Approvals, Subsequent County Approvals, or any permit, ordinance, entitlement or other action of a governmental agency necessary for the development of the Project pursuant to this Agreement shall be deemed to create an excusable delay as to Developer. Upon the request of either party hereto, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon by Developer and the County Administrative Officer.

6.D. Permitted Extensions by County. The County, in its reasonable discretion, may extend the time for performance by Developer of any obligation hereunder during the term of this Agreement. Any such extension shall not require an amendment to this Agreement, so long as such extension only involves the time for performance thereof and does not change the obligations to be performed by Developer as a condition of such extension.

6.E. Applicable Law/Venue/Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Humboldt, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court. If either party shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any provision of this Agreement to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover court costs and reasonable attorneys' fees, including the reasonable value of services rendered by the Humboldt County Counsel's Office, to be fixed by the court, and such recovery shall include court costs and attorneys' fees on appeal, if applicable. As used herein,

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“prevailing party” means the party who dismisses an action or proceeding in exchange for payment of substantially all sums allegedly due, performance of provisions allegedly breached, or other considerations substantially equal to the relief sought by said party, as well as the party in whose favor final judgment is rendered.

6.F. Termination.

6.F.1. Termination Upon Completion of Development. This Agreement shall terminate upon the expiration of the Term or when the Project Site has been fully developed and all of Developer’s obligations in connection therewith are satisfied as determined by County. This Agreement shall automatically terminate and be of no further force or effect as to any single-family residence, any other residential dwelling unit(s) or any non-residential building, and the lot or parcel upon which such residence or building is located, when it has been approved by County for occupancy. Further, this Agreement shall automatically terminate upon entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement or upon the adoption of a referendum measure overriding or repealing the ordinance approving this Agreement. Upon termination of this Agreement, in whole or in part, County shall record a notice of termination in a form, which may be reasonably required by a title company.

6.F.2. Effect of Termination upon Developer Obligations. If this Agreement is terminated following any event of default of Developer or for any other reason, such termination shall not affect the validity of any building or improvement within the Property which is completed as of the date of termination, provided that such building or improvement has been constructed pursuant to a building permit issued by the County. Furthermore, no termination of this Agreement shall prevent Developer from completing and occupying any building or other improvement authorized pursuant to a valid building permit previously issued by the County that is under construction at the time of termination, provided that any such building or improvement is completed in accordance with said building permit in effect at the time of such termination.

6.F.3. Effect of Termination upon County. Upon any termination of this Agreement as to Developer of the Project Site, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the Project Site affected by such termination (provided vesting of such entitlements, conditions or fees may then be established for such property pursuant to then-existing planning and zoning laws) and the County shall no longer be limited, by this Agreement, to make any changes or modifications to such entitlements, conditions or fees applicable to the Project Site or any portion thereof.

7. Miscellaneous Provisions.

7.A. Enforceability. The County agrees that, except as otherwise provided in this Agreement (specifically Section 6, above), unless this Agreement is amended or canceled pursuant to the provisions of this Agreement and the adopting ordinance, this Agreement shall be enforceable according to its terms by any party hereto notwithstanding any change hereafter in any applicable general plan, specific plan, zoning ordinance, subdivision ordinance or building

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regulation adopted by County, or by initiative, which changes, alters or amends the rules, regulations and policies applicable to the Project at the time of approval of this Agreement, as provided by Government Code Section 65866.

7.B. Notices. Any notice or communication required hereunder between County or Developer must be in writing and may be given either personally or by registered or certified mail, return receipt requested, or by overnight or other courier service. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent or (ii) five (5) days after refusal of delivery of a registered or certified letter containing such notice, properly addressed, with postage prepaid. If personally delivered, a notice shall be deemed to have been given when delivered to the party or refused by the party to whom it is addressed. Any party hereto may at any time, by giving ten (10) days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to County, to:

Humboldt County Planning and Building Department
3105 H Street
Humboldt, California 95501
Attn: Planning Director

If to Developer, to:

Kramer Properties, Inc.
1589 Myrtle Ave, Suite B
Eureka, CA 95501

7.B. Estoppel Certificate. Within forty-five (45) days following any written request which either party may make from time to time, the other party to this Agreement shall execute and deliver to the requesting party a statement certifying that: (i) This Agreement is unmodified and in full force and effect, or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modification; (ii) There are no current uncured defaults under this Agreement or specifying the dates and nature of any such default; and (iii) Any other reasonable information requested.

The failure to deliver such a statement within such time shall constitute a conclusive presumption against the party which fails to deliver such statement that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting parties, and as to such other information reasonably requested by the

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requesting party. Developer shall be entitled to one estoppel certificate per year without any fee being assessed by County. For any additional estoppel certificates requested in a single year County may charge Developer a reasonable fee directly related to the actual cost to prepare the certificate. County acknowledges that a certificate hereunder may be relied on by transferees and mortgages of Developer.

7.C. Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit Developer, in any manner, at Developer's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. County acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with Developer and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. County will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the County in the manner specified herein for giving notices, shall be entitled to receive written notification from County of any default by Developer in the performance of Developer's obligations under this Agreement.

(c) If County timely receives a request from a Mortgagee requesting a copy of any notice of default given to Developer under the terms of this Agreement, County shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to Developer. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement.

7.D. Third Party Beneficiary. Nothing herein shall be construed to create any right of a third party to enforce this Agreement or to seek any benefit therefrom.

7.E. Third Party Challenger. Developer shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless County, its officers, agents, employees, and independent contractors from any claim, action or proceeding against County, its officers, agents, employees, or independent contractors to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. County shall

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promptly notify Developer of any such claim, action or proceeding, and County shall cooperate in the defense. If County fails to promptly notify Developer of any such claim, action or proceeding, or if County fails to cooperate in the defense, Developer shall not thereafter be responsible to defend, indemnify, or hold harmless County. County may in its discretion participate in the defense of any such claim, action or proceeding.

7.F. Indemnity. In addition to the provisions of 7.E. above, Developer shall indemnify and hold County, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of Developer, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (Developer's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of County. Developer shall defend, at its expense, including attorneys' fees, County, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. County may in its discretion participate in the defense of any such legal action.

7.G. General Insurance Requirements. Without limiting the parties' indemnification obligations hereunder, each party shall maintain in full force and effect, at its own expense, any and all appropriate insurance policies including, but not limited to: comprehensive general liability insurance, comprehensive automobile insurance, workers' compensation, and professional liability policies.

7.H. Environment Assurances. Developer shall indemnify and hold County, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of Developer, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, County, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. County may in its discretion participate in the defense of any such action.

7.I. Reservation of Rights. With respect to Sections 7.E., 7.F., and 7.H. herein, County reserves the right to either (1) approve the attorney(s) which Developer selects, hires or otherwise engages to defend County hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that Developer shall reimburse County forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

7.J. Survival. The provisions of Sections 6 and 7.E. through 7.I. inclusive, shall survive the termination of this Agreement.

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7.K. Consistency with General Plan. County hereby finds and determines that execution of this Agreement furthers the public health, safety, and general welfare of the community and that the provisions of this Agreement are consistent with the General Plan, as amended by the Project.

7.L. Invalidity of Agreement/Severability. If this Agreement in its entirety is determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment. If any provision of this Agreement shall be determined by a court to be invalid or unenforceable, or, if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of California which became effective after the Effective Date of the adopting ordinance, and either party in good faith determines such provisions are substantial material to its entering into this Agreement, that party may elect to terminate this Agreement as to all of its obligations remaining unperformed.

7.M. Other Necessary Acts. Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

7.N. Conflict Between Agreement and Exhibits. If a conflict exists between the terms of the Agreement and the Exhibits, the Agreement shall control over the inconsistent portion of any exhibit, except to the extent the exhibits are County Approvals in which case the County Approvals shall control.

7.O. Captions. The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

7.P. Entire Agreement: Counterparts and Exhibits. This Agreement is executed in three (3) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of _____ pages and exhibits A through E which constitute, in full, the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

7.Q. Binding Effect and Recordation of Development Agreement. The burden of this Agreement shall bind, and its benefits shall inure to the successors-in-interest of the County and Developer. No later than ten (10) days after County enters into this Agreement, the County Clerk shall at Developer's expense record an executed copy of this Agreement in the Official Records of the County of Humboldt.

7.R. Authority to Execute. Each person executing this Agreement represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized.

[SIGNATURES ON FOLLOWING PAGE]

Draft Subject to Future Updates – Including Final Approval to Form by County Counsel and County Risk Management

March 2022

IN WITNESS WHEREOF, this Agreement has been executed by the Parties hereto on the day and year first above written.

First Corporate Officer

By _____
Name and Title

Second Corporate Officer

By _____
Name and Title

County:
County of Humboldt

By: _____
Chairman, Board of Supervisors

ATTEST: County Clerk

By: _____
Its: _____

APPROVED AS TO FORM

County Counsel

By _____

March 2022

Exhibits A through E

Exhibit “A” – Project Location Map

Exhibit “B” – Subdivision Map

Exhibit “C” – Legal Description

Exhibit “D” County Approvals – to be inserted following BOS action

Exhibit “E” Eureka CPA Zoning Map

[To be added]

DRAFT

EXHIBIT D
COUNTY APPROVALS

To be inserted following BOS action

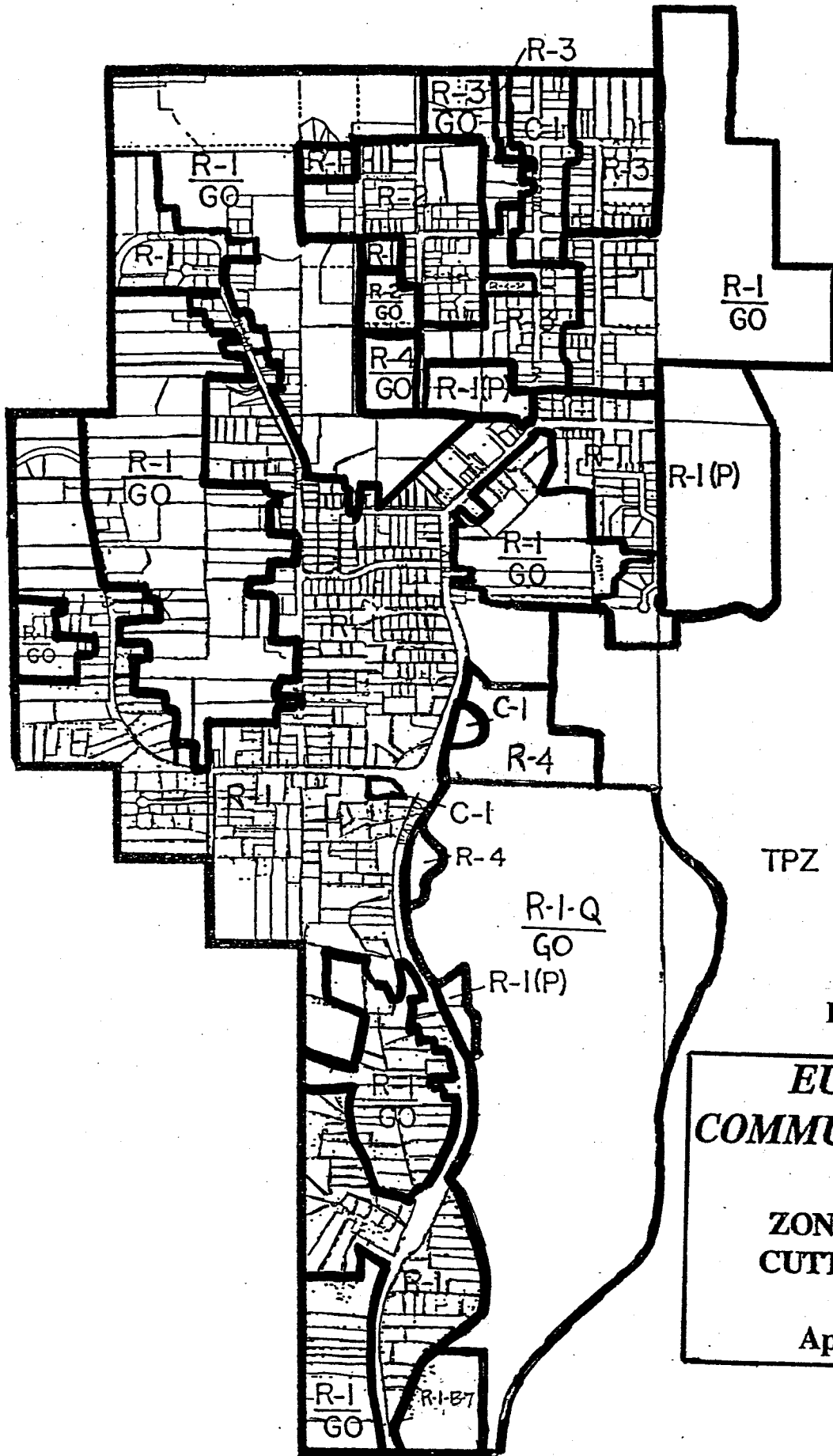


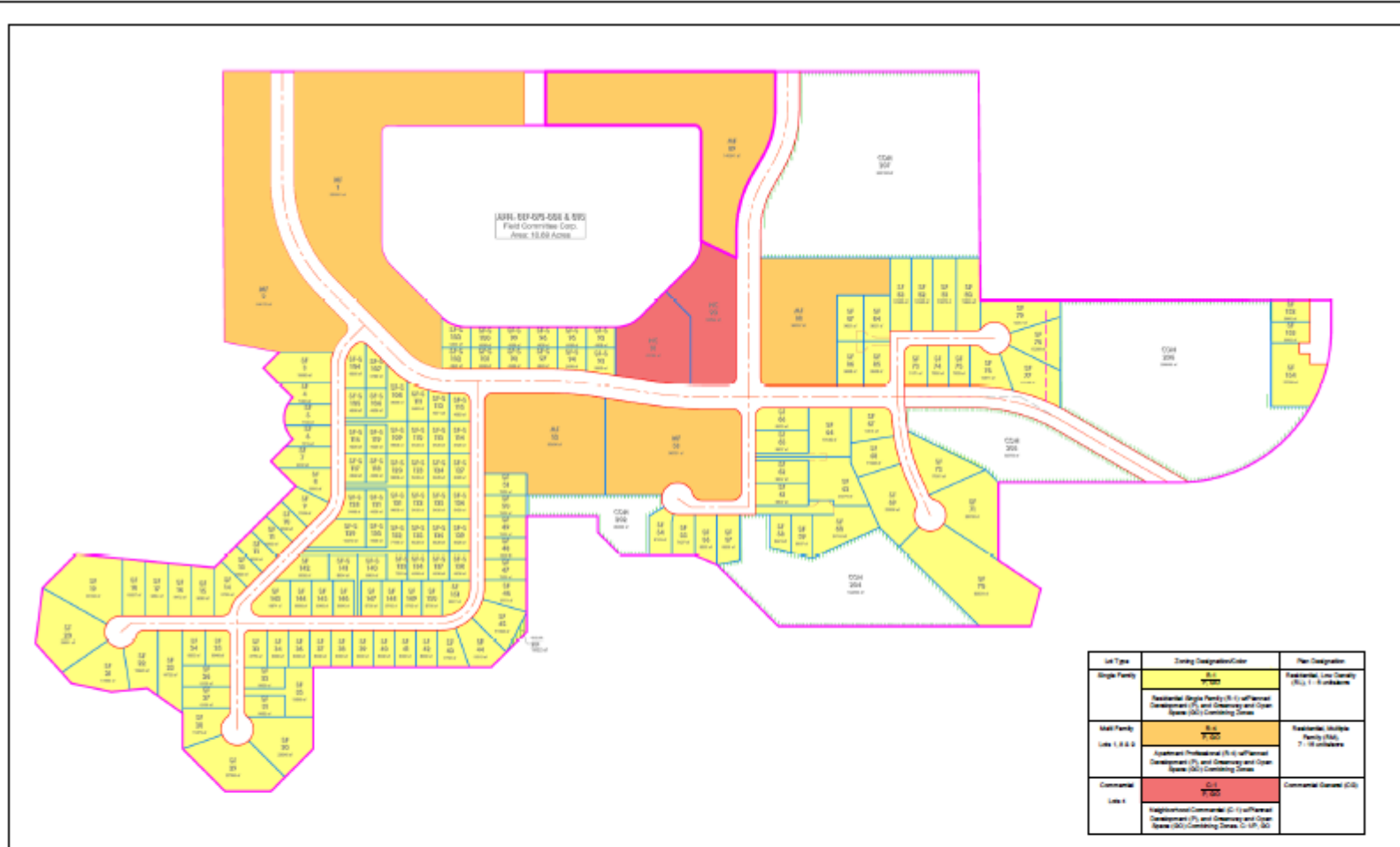
FIGURE 9

**EUREKA
COMMUNITY PLAN**

**ZONING MAP
CUTTEN AREA**

April 1995

KRAMER PROPERTIES DEVELOPMENT AGREEMENT EXHIBIT "B"



Source: Ontiveros & Associates, May 2019



PROJECT LOCATION
Humboldt County, CA Prepared by KJ on 2020-04-28
TR by TG on 2020-04-28

CLIENT/PROJECT
North McKay Ranch Subdivision Project

FIGURE NO.
2-3

TITLE
Proposed Land Use Designations

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL A:

That portion of the West Half of Section 36, Township 5 North, Range 1 West, and of the Northwest Quarter of Section 1, Township 4 North, Range 1 West, Humboldt Meridian, in the County of Humboldt, State of California, as described in the Deed to Louisiana-Pacific Corporation, recorded February 2, 1978 in Volume 1468 of Official Records, Page 335, in the Office of the Humboldt County Recorder, described as follows:

BEGINNING at the Northwest corner of the property conveyed to Humboldt County Schools by the Deed recorded in Book 964 of Official Records, Page 1, said point being on the West line of said Section 36;

- thence North 00 degrees 29 minutes 39 seconds East, 2136.41 feet to the West Quarter Corner of said Section 36;
- thence South 89 degrees 57 minutes 33 seconds East, 645.29 feet to the Southwest corner of the East Half of the Southwest Quarter of the Northwest Quarter of said Section;
- thence along the West line of said East Half of the Southwest Quarter of the Northwest Quarter of Section 36, North 00 degrees 24 minutes 58 seconds East, 991.88 feet;
- thence South 89 degrees 30 minutes 20 seconds East, 84.36 feet to the beginning of a curve concave to the Southwest having a radius of 430.00 feet;
- thence Easterly, Southeasterly and Southerly, 675.44 feet along said curve through a central angle of 90 degrees 00 minutes 00 seconds;
- thence South 00 degrees 29 minutes 40 seconds West, 511.04 feet;
- thence South 89 degrees 30 minutes 20 seconds East, 220.00 feet;
- thence North 34 degrees 11 minutes 04 seconds East, 144.22 feet;
- thence South 74 degrees 30 minutes 20 seconds East, 109.74 feet;
- thence South 00 degrees 29 minutes 40 seconds West, 714.30 feet;
- thence South 45 degrees 29 minutes 40 seconds West, 245.68 feet;
- thence South 23 degrees 15 minutes 29 seconds West, 67.99 feet;
- thence South 00 degrees 29 minutes 40 seconds West, 210.00 feet;
- thence South 45 degrees 29 minutes 40 seconds West, 91.92 feet;
- thence North 89 degrees 30 minutes 20 seconds West, 45.00 feet;
- thence South 00 degrees 29 minutes 40 seconds West, 200.29 feet;
- thence South 89 degrees 30 minutes 20 seconds East, 326.11 feet;
- thence South 44 degrees 30 minutes 20 seconds East, 141.27 feet;
- thence South 00 degrees 29 minutes 40 seconds West, 503.62 feet;
- thence South 89 degrees 30 minutes 20 seconds East, 230.00 feet;
- thence South 44 degrees 30 minutes 20 seconds East, 169.71 feet;
- thence South 00 degrees 29 minutes 40 seconds West, 130.00 feet;
- thence South 45 degrees 29 minutes 40 seconds West, 169.71 feet;
- thence North 89 degrees 30 minutes 20 seconds West, 100.00 feet;
- thence South 35 degrees 29 minutes 11 seconds West, 122.07 feet;
- thence South 05 degrees 09 minutes 36 seconds East, 101.49 feet;
- thence South 12 degrees 32 minutes 22 seconds West, 115.69 feet;
- thence South 48 degrees 25 minutes 38 seconds West, 152.03 feet;
- thence North 82 degrees 11 minutes 50 seconds West, 158.42 feet;
- thence North 44 degrees 27 minutes 49 seconds West, 134.72 feet;
- thence North 06 degrees 03 minutes 57 seconds East, 392.58 feet;
- thence North 44 degrees 30 minutes 20 seconds West, 325.00 feet;
- thence South 45 degrees 29 minutes 40 seconds West, 100.00 feet;
- thence North 44 degrees 30 minutes 20 seconds West, 88.10 feet to a non-tangent curve concave to the North, having a radius of 83.00 feet and to which a radial line bears North 44 degrees 30 minutes 20 seconds West;
- thence Southwesterly, Westerly and Northwesterly, 130.38 feet along said curve, through a central angle of 90 degrees 00 minutes 00 seconds;
- thence on a radial line, South 45 degrees 29 minutes 40 seconds West, 118.00 feet;
- thence North 44 degrees 30 minutes 20 seconds West, 65.00 feet;

PARCEL A: CONTINUED ...

thence South 11 degrees 14 minutes 13 seconds West, 157.92 feet to the Northeast corner of said property conveyed to Humboldt County Schools;

thence North 89 degrees 45 minutes 42 seconds West, 760.00 feet along the North line of said property to said point of beginning.

EXCEPTING therefrom the following described property:

That portion of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Humboldt Meridian, in the County of Humboldt, State of California, described in the Deed to Louisiana-Pacific Corporation recorded February 2, 1978 in Volume 1468 of Official Records, Page 335, in the Office of the Humboldt County Recorder, described as follows:

COMMENCING at a point on the West line of said Section 36, said point being North 00 degrees 29 minutes 39 seconds East, 1394.80 feet from the Southwest corner of said Section 36;

thence South 89 degrees 30 minutes 21 seconds East, 149.95 feet to the point of beginning;

thence parallel with said West section line, North 00 degrees 29 minutes 39 seconds East, 450.05 feet to the beginning of a curve concave to the Southeast, having a radius of 20.00 feet;

thence Northerly, Northeasterly and Easterly 31.42 feet along said curve, through a central angle of 90 degrees 00 minutes 00 seconds;

thence South 89 degrees 30 minutes 21 seconds East, 307.41 feet to beginning of a curve concave to the Southwest, having a radius of 100.00 feet;

thence Easterly and Southeasterly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence South 44 degrees 30 minutes 21 seconds East, 200.71 feet to the beginning of a curve concave to the Southwest, having a radius of 100.00 feet;

thence Southeasterly and Southerly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence South 00 degrees 29 minutes 30 seconds West, 422.22 feet to the beginning of a curve concave to the Northwest, having a radius of 100.00 feet;

thence Southerly and Southwesterly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence South 45 degrees 29 minutes 39 seconds West, 198.99 feet to the beginning of a curve concave to the Northwest, having a radius of 100.00 feet;

thence Southwesterly and Westerly, 78.54 feet along said curve, through a central angle of 45 degrees 00 minutes 00 seconds;

thence North 89 degrees 30 minutes 21 seconds West, 308.63 feet to the beginning of a curve concave to the Northeast, having a radius of 20.00 feet;

thence Westerly, Northwesterly and Northerly, 31.42 feet along said curve, through a central angle of 90 degrees 00 minutes 00 seconds;

thence North 00 degrees 29 minutes 39 seconds East, 414.80 feet to said point of beginning.

ALSO BEING the property described as:

Parcel 1 of Lot Line Adjustment in that certain Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded November 12, 1997 as Instrument Number 1997-28279-6, Official Records.

PARCEL B:

A non-exclusive right of way and easement for ingress, regress and egress over, upon and across an area sixty (60) feet in width located East of and adjacent to the West boundary line of the parcel of land conveyed to Glen W. Paul, County Superintendent of Schools of the County of Humboldt, by Deed recorded June 10, 1968 in Book 964, Page 1, Humboldt County Official Records.

BEING the same right reserved in said Deed recorded June 10, 1968 in Book 964, Page 1, Humboldt County Official Records.

ATTACHMENT 3

SUMMARY FOR PUBLICATION PRIOR TO ADOPTION OF ORDINANCE

(The summary shall be published and a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the proposed ordinance is to be adopted.)

SUMMARY

On March 22 2022, at its regularly scheduled Board meeting, the Humboldt County Board of Supervisors will consider for adoption a proposed ordinance approving a Development Agreement between Kramer Properties, Inc., and the County of Humboldt for development associated with the North McKay Ranch Subdivision Project.

The text of the proposed ordinance is available from the Clerk of the Board, 825 Fifth Street, Room 111, Eureka, CA.

ATTACHMENT 3D

SUMMARY FOR PUBLICATION AFTER ADOPTION OF ORDINANCE

(The summary shall be published within fifteen (15) days
after the adoption of the ordinance.)

SUMMARY

On March ____, 2022, the Humboldt County Board of Supervisors adopted Ordinance No. _____, approving the Development Agreement between Kramer Properties, Inc., and the County of Humboldt for development associated with the North McKay Ranch Subdivision Project.

A copy of the ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Room 111, Eureka, CA.

From: Sue Y Lee <sue.lee@humboldt.edu>
Sent: Tuesday, March 8, 2022 1:13:53 AM
To: Bushnell, Michelle <mbushnell@co.humboldt.ca.us>
Subject: Don't Approve McKay Subdivision Without Major Changes

Dear Ms Bushnell,

We are in a climate crisis. The authors of the IPCC report recognize even the most ambitious adaptations won't prevent all impacts; at this point, adaptation is simply about reducing as much damage as possible.

We ask that you vote against approving the McKay Subdivision unless

- The project includes meaningful active transportation and transit improvements, such as those suggested by CRTP, the Humboldt County Association of Governments, and the Redwood Coast Energy Authority.
- The project increases residential density and more commercial uses so as to shorten trip distances, reduce car trips, and make new bus service more feasible.
- The County is able to demonstrate that the project will reduce vehicle miles traveled and climate-harming emissions in line with the targets established in the Regional Transportation Plan, the Comprehensive Action Plan for Energy (RePower Humboldt), and the General Plan. Specifically, they must show that the project will help reduce vehicle miles traveled (VMT) by 25% and reduce transportation-related greenhouse gas emissions by 65%.
- If the project can't meet these standards, then it should be denied. The County can and must meet its housing needs with modern, walkable developments - not old-fashioned, car-oriented subdivisions.

Thank you for taking our comments.

Sincerely,
sue y. lee mossman
Archie Mossman
425 Fifth Ave
Trinidad, CA 95570
Mailing address:
PO Box 223
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Sent: Tuesday, March 8, 2022 11:55 AM

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Subject: Don't Approve McKay Subdivision Without Major Changes

Hello,

Please listen to the requests and make the changes necessary to keep this project going and thinking forward.

These were the recommendations:

- The project must include meaningful active transportation and transit improvements, such as those suggested by CRTP, the Humboldt County Association of Governments, and the Redwood Coast Energy Authority.
- The project should have increased residential density and more commercial uses in order to shorten trip distances, reduce car trips, and make new bus service more feasible.
- The County must be able to demonstrate that the project will reduce vehicle miles traveled and climate-harming emissions in line with the targets established in the Regional Transportation Plan, the Comprehensive Action Plan for Energy (RePower Humboldt), and the General Plan. Specifically, they must show that the project will help reduce vehicle miles traveled (VMT) by 25% and reduce transportation-related greenhouse gas emissions by 65%.
- If the project can't meet these standards, then it should be denied. The County can and must meet its housing needs with modern, walkable developments - not old-fashioned, car-oriented subdivisions.

Los Angeles was once considered a "green new city", with walkable grocery stores, small businesses and gathering spots, somewhat like Old Town Eureka. These places were throughout the entire county. Sure, that was early 1900s and ended with WW11 and rampant racism, however, if you're going to build something, build something beautiful. There's a sticker on a local business that says don't Southerncalifornicate Humboldt, I have no idea what that is implying, however urban sprawl is definitely a So Cal trait.

Cheers,

Wendy Raymond