



**COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION**

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3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792  
<http://www.co.humboldt.ca.us/planning/>

Hearing Date: May 7, 2015

To: Humboldt County Planning Commission

From: Kevin R. Hamblin, Director of Planning and Building Department

Subject: **George Lewis** Parcel Map Subdivision  
Application Number 9542  
Case Number PMS-14-011  
Assessor Parcel Number 511-031-036  
1161 Gassaway Road, McKinleyville

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

**AGENDA ITEM TRANSMITTAL**

<b>Meeting Date</b> May 7, 2015	<b>Subject</b> Parcel Map Subdivision	<b>Contact</b> Trevor Estlow
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**Project Description:** A Minor Subdivision of an approximately 21,977 square foot parcel into two parcels of approximately 10,110 square feet (net) and 7,420 square feet (net) in size. The parcel is currently developed with a single family residence which will remain on proposed Parcel 1. Pursuant to County Code Section 325-9, the applicant has submitted an exception request for a reduced right of way width for Hazel Avenue. The parcel is currently served with water and sewer by the McKinleyville Community Services District.

**Project Location:** The project site is located in the McKinleyville area, on the northwest corner of Gassaway Road and Hazel Avenue, on the property known as 1161 Gassaway Road.

**Present Plan Land Use Designation:** Residential Medium Density (RM); McKinleyville Community Plan (MCCP); density: 7 - 30 dwelling units per acre.

**Present Zoning:** Residential Multiple Family with combining zones for Airport Safety Review and Design Review (R-3-AP-D).

**Assessor Parcel Number:** 511-031-036

**Applicant**  
George Lewis  
1394 Lick Avenue  
San Jose, CA 95110

**Owner**  
same as applicant

**Agent**  
Points West Surveying Co.  
Michael Pulley  
5201 Carlson Park Dr. Ste. 3  
Arcata, CA 95521

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

**Major Issues:** None.

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

## GEORGE LEWIS PARCEL MAP SUBDIVISION

Case Number PMS-14-011  
Assessor Parcel Number 511-031-036

### Recommended Planning Commission Action

1. Open the public hearing.
2. Request that staff present the project.
3. Take public testimony and close the public hearing.
4. Take the following action:

*Adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Parcel Map Subdivision, based on evidence in the staff report and public testimony, and adopt the Resolution approving the George Lewis project subject to the recommended conditions.*

**Executive Summary:** The applicant is proposing a subdivision of an approximately 21,977 square foot parcel into two parcels of approximately 10,110 square feet (net) and 7,420 square feet (net). The parcel is currently developed with a single family residence that will remain on proposed Parcel 1. All parcels will be served with water and sewer by the McKinleyville Community Services District.

Proposed Parcel 1 will be a corner lot and have 100 feet of street frontage on Gassaway Road and 137 feet of frontage on Hazel Avenue. Proposed Parcel 2 will have 83 feet of frontage on Hazel Avenue. Gassaway Road is a County maintained road with a 40 foot right of way and is paved with curb, gutter and sidewalk on the south side only. Hazel Avenue is a private road with a 20 foot right of way and paved with no curb, gutter or sidewalk. The applicant has submitted an exception request pursuant to County Code Section 325-9. The exception, dated January 9, 2015 (Attachment 3) requests a reduced right of way width for Hazel Avenue due to the difficulty in obtaining the additional right of way. The Department of Public Works has indicated that they can support the request. Your Commission may choose to accept, modify or reject these exception requests.

A preliminary drainage report was prepared and reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant has proposed stormwater detention to address additional runoff created by the future development of proposed Parcel 2. This is required in order to comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased."

The site is in a developed part of McKinleyville with both single family homes and multi-family dwellings on adjacent parcels. The subject property is planned and zoned for multi-family residential development; however, because of the site's proximity to the airport the overall density is limited to not more than 8 dwelling units per acre. The site is relatively flat, with a less than one percent slope towards the south. The geologic hazards map for this area shows the soils to be relatively stable. There are no flood hazards on the property, no mapped archaeological resources, and no mapped biological resources.

Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has

submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action.

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 15-**

**Case Number PMS-14-011; Assessor Parcel Number 511-031-036**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the George Lewis Parcel Map Subdivision.**

**WHEREAS**, Michael Pulley, on behalf of the owner, submitted an application and evidence in support of approving the Parcel Map Subdivision; and

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

**WHEREAS**, the Planning Division, the lead agency, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision (Case No. PMS-14-011); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on May 7, 2015.

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case No. PMS-14-011 based on the submitted evidence; and
3. The Planning Commission approves the proposed project applied for as recommended and conditioned in Attachment 1 for Case No. PMS-14-011, as modified by the Commission to reflect the exception requests, if granted.

Adopted after review and consideration of all the evidence on May 7, 2015.

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

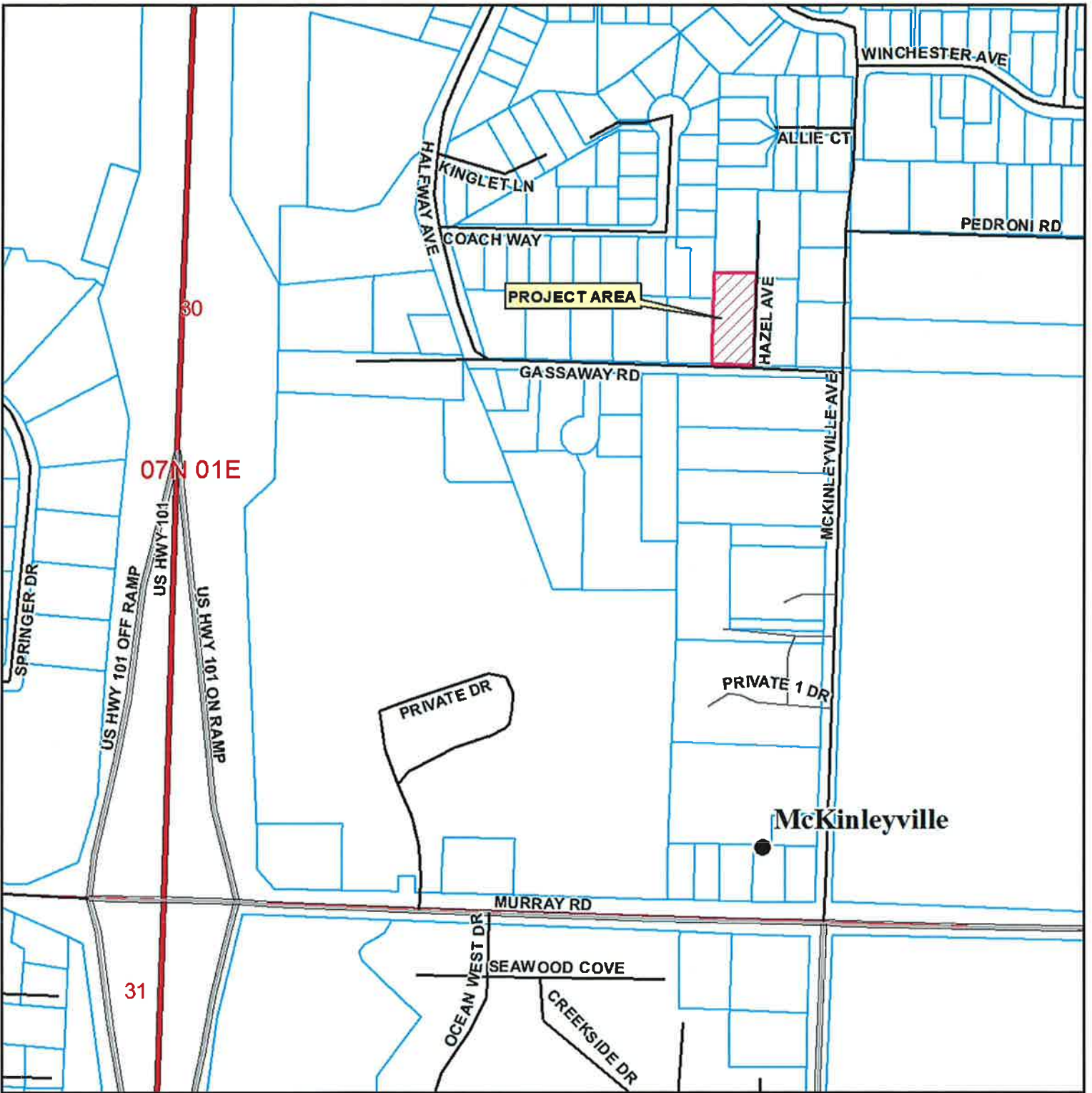
ABSENT: Commissioners:

DECISION:

\_\_\_\_\_  
Robert Morris, Chair

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

\_\_\_\_\_  
Catherine Munsee, Clerk



**LOCATION MAP**

**PROPOSED THE GEORGE STEVEN LEWIS TRUST  
 PARCEL MAP SUBDIVISION  
 MCKINLEYVILLE AREA  
 PMS-14-011**

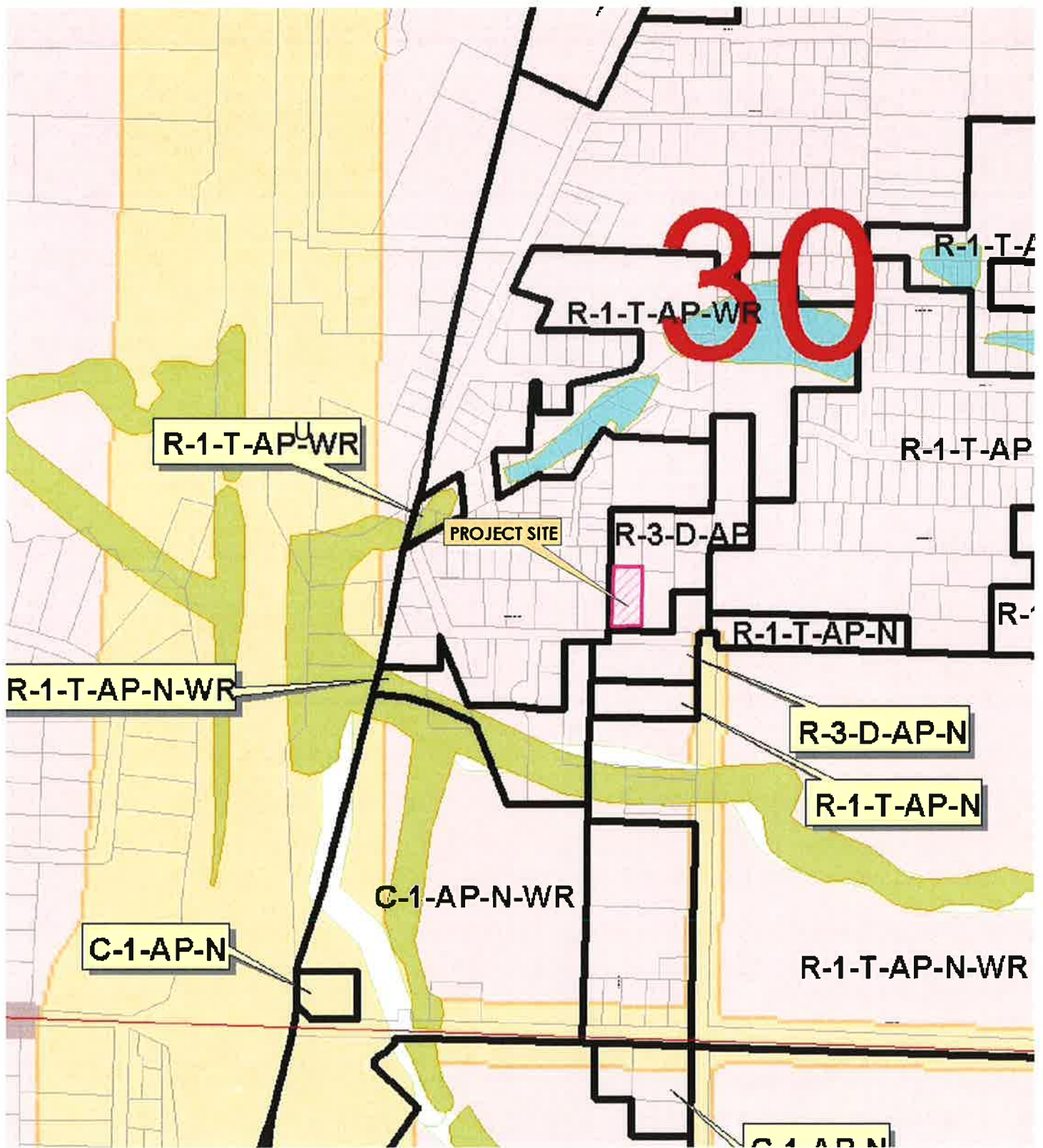
**APN: 511-031-036**

**T07N R01E S30 HB&M (Arcata North)**

**Project Area =** 

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





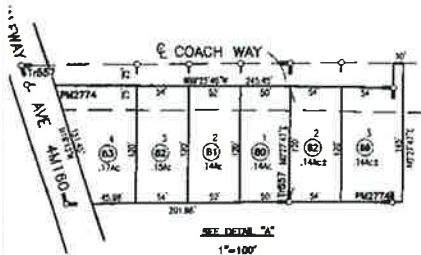
PROJECT AREA = 

**ZONING MAP**

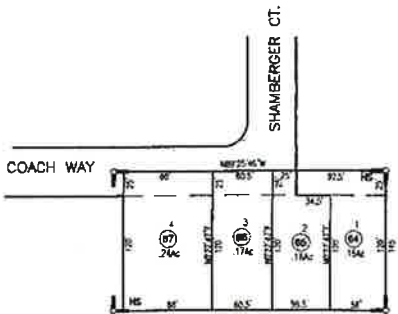
**PROPOSED THE GEORGE STEVEN LEWIS TRUST  
 PARCEL MAP SUBDIVISION  
 MCKINLEYVILLE AREA  
 PMS-14-011  
 APN: 511-031-036  
 T07N R01E S30 HB&M (Arcata North)**



MAP NOT TO SCALE



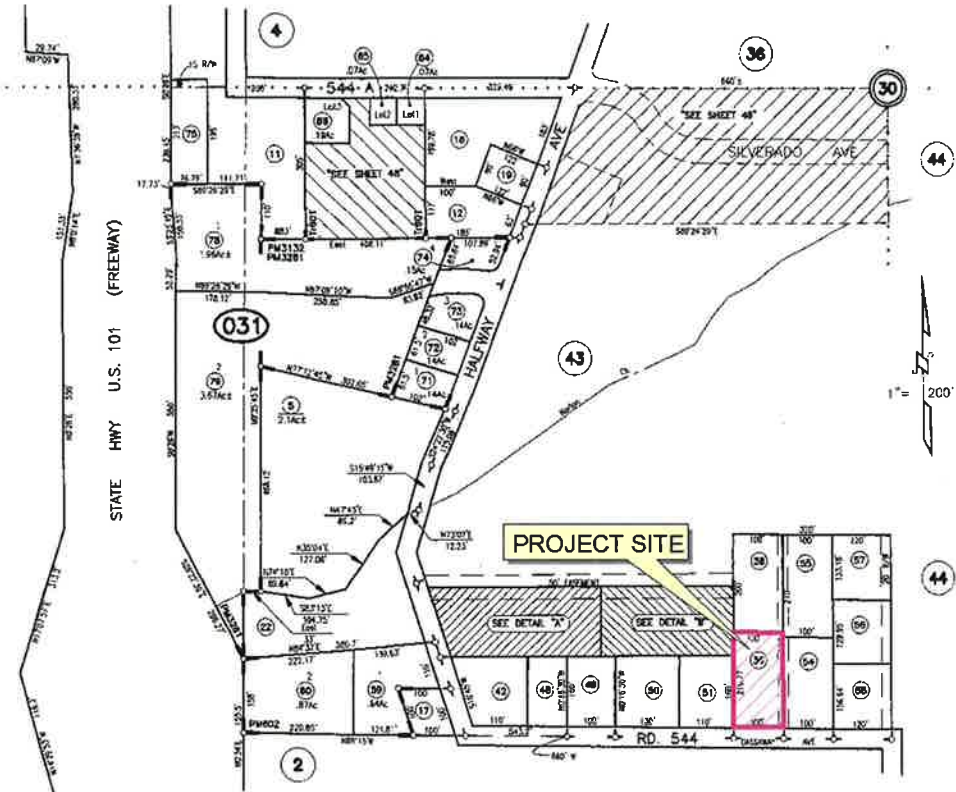
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 RS, Bk.58 of surveys, Pg.4  
 LS 28, Pg.51  
 LS 12, Pg.125  
 PM2774, Bk.25 of PM, Pgs.42-43  
 Hendricks Sub'd, Tr.39D, Bk.20, Pgs.100-101  
 PM3122, Bk.29 of PM, Pg.28-29  
 RS, Bk.60 of surveys, Pgs.31-32  
 RS, Bk.61 of surveys, Pg.50  
 PM3281, Bk.31 of PM, Pgs.40-41  
 TR557, Bk.23 of MAPS, Pgs.75-76  
 "Coach Way Sub'd"  
 TR601, Bk.24 of MAPS, Pgs.52-54  
 "Rancho Del Sol Sub'd"



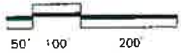
CEL MAP  
 PREPARED FOR  
 SECS ONLY.  
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 S MAY NOT  
 LOT-SPLIT  
 ADORNANCES

Nov 26, 2007

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



Assessor's Map Bk. 511, Pg.03  
 County of Humboldt, CA.



PROJECT SITE =

**ASSESSOR PARCEL MAP**  
**PROPOSED THE GEORGE STEVEN LEWIS TRUST**  
**PARCEL MAP SUBDIVISION**  
**MCKINLEYVILLE AREA**  
**PMS-14-011**  
**APN: 511-031-036**  
**T07N R01E S30 HB&M (Arcata North)**

MAP NOT TO SCALE





**AERIAL MAP**

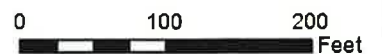
**PROPOSED THE GEORGE STEVEN LEWIS TRUST  
 PARCEL MAP SUBDIVISION  
 MCKINLEYVILLE AREA  
 PMS-14-011**

**APN: 511-031-036**

**T07N R01E S30 HB&M (Arcata North)**

Project Area = 

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



## ATTACHMENT 1

### CONDITIONS OF APPROVAL

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

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions in the Department of Public Works referral dated April 3, 2015, included 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 Department requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot areas, as confirmed by survey, shall be shown for each parcel.
4. Prior to recordation of the Parcel Map, the Applicant shall make payment for all outstanding Humboldt County Planning Department fees. Cost report will be made available at the Humboldt County Planning Department.
5. 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 \$96.00 per parcel) as required by the County Assessor's Office shall be paid to the Humboldt County Planning Department, 3015 H Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Humboldt County Planning Department, 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.
7. The applicant shall submit at least three (3) copies of a Development Plan for all parcels to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the following site development details:
  - A. Mapping:
    - (1) Topography of the land in 1-foot contours.

- (2) Development standards including: setbacks, maximum lot coverage, maximum height, and two (2) independently accessible parking spaces outside the front yard setback.
- (3) Location of all existing buildings and proposed setbacks.

B. Notes to be placed on the Development Plan:

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

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

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

- (2) "Hours of construction for on- and off-site improvements shall be restricted to Monday thru Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm, with no construction activity on Sunday." All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan.
- (3) "Notice is given pursuant to Government Code Section 66411.1 that the improvement requirements in Exhibit A to Attachment 1 for the subdivision shall be completed to the satisfaction of the Department of Public Works upon the following events:
  - (a) Parcel 1: within twenty-four (24) months from the date that the subdivision map is filed with the County Recorder, or prior to issuance of a development permit (or building permit) for Parcels 1 or 2, whichever occurs first;
  - (b) Parcel 2: Issuance of a development permit (or building permit) for Parcel 2."

(This note shall appear on the Development Plan unless a Subdivision Agreement is voluntarily entered into between the subdivider and the County prior to filing of the Parcel Map.)

- (4) "The existing single family residence on Parcel 1 is a nonconforming use and is subject to the provisions of H.C.C. Sections 314-131 and 314-132, Nonconforming Uses and Structures."
- (5) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
8. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning Department. Document review fees, plus applicable recordation fees, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required (currently \$272.00 plus applicable recording fees). The Development Plan shall also be noticed on the Parcel Map.
9. **Prior to public hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.00. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2015 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.00 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
- Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).
10. Parkland dedication in-lieu fees of \$3,067.92 shall be paid in accordance with the provisions of the parkland dedication ordinance.
11. The applicant shall convey to the County of Humboldt the rights to develop more than two (2) dwelling units on Parcels 1 and 2 of this subdivision. Release from this conveyance shall be given at such time as the Airport Land Use Compatibility Plan (ALUCP) permits a density for this property of more than 8 dwelling units per acre and the owner has paid the corresponding parkland in lieu fees for the additional allowed density to the County. The applicant shall initiate action on a "Conveyance and Agreement" 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 \$272.00) will be required.
12. Unless subdivision improvements in Attachment 1, Exhibit A, are completed or a Subdivision Agreement is entered into prior to filing of the Parcel Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.

## Informational Notes

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

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

Assessor's Parcel No. \_\_\_\_\_ Condition \_\_\_\_\_  
(Specify) (Specify)

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

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

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

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

**ATTACHMENT 1 – EXHIBIT A**  
**PUBLIC WORKS SUBDIVISION REQUIREMENTS**

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

VIA: Robert W. Bronkall, Deputy Director

FROM: Kenneth Freed, Senior Engineering Technician

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE  
APPLICATION OF GEORGE LEWIS, APN 511-031-036, PMS 14-011 FOR  
APPROVAL OF A TENTATIVE MAP, CONSISTING OF 0.50 ACRES INTO  
2 LOTS

DATE: 04/03/2015

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

**These recommendations are based on the tentative map prepared by Points West Surveying Co. dated October 2014, and dated as received by the Humboldt County Planning Division on November 18, 2014.**

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

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

1.0 MAPPING

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

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

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

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

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

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

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **PROOF OF LEGAL ACCESS:** Applicant shall provide, to the satisfaction of this Department, proof of recorded access from a publicly maintained road to the subject property. The width of the access shall be a minimum of 10 feet and shall be shown on the subdivision map.
- 1.5 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.6 **FURTHER SUBDIVISION:** At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.
- 1.7 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:



(a) **GASSAWAY ROAD (County Road No. C4M160):**

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

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

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

(b) **HAZEL AVENUE (not county maintained):**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels/lots within the subdivision in a manner approved by this Department. The easement shall be 18 feet in width.

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

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

(c) **NON-VEHICULAR ACCESS:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip adjacent to Gassaway Road (County Road No. C4M160), a County maintained collector road. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.

(d) **AVIGATION EASEMENT / OVERFLIGHT EASEMENT / DEED NOTICE:** The subject property is located within compatibility "C\*" zone of the Arcata/Eureka Airport as defined in the Airport Land Use Compatibility Plan (ALUCP).

Pursuant to Section 3.4.1 and Table 2A of the ALUCP, the applicant shall cause to be dedicated to the County of Humboldt an Overflight Easement for the benefit of the nearby airport in a manner satisfactory to this Department.

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

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

- 1.8 **PRIVATE ROAD:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road".

Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

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

## 2.0 IMPROVEMENTS

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

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

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

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

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

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

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

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

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

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

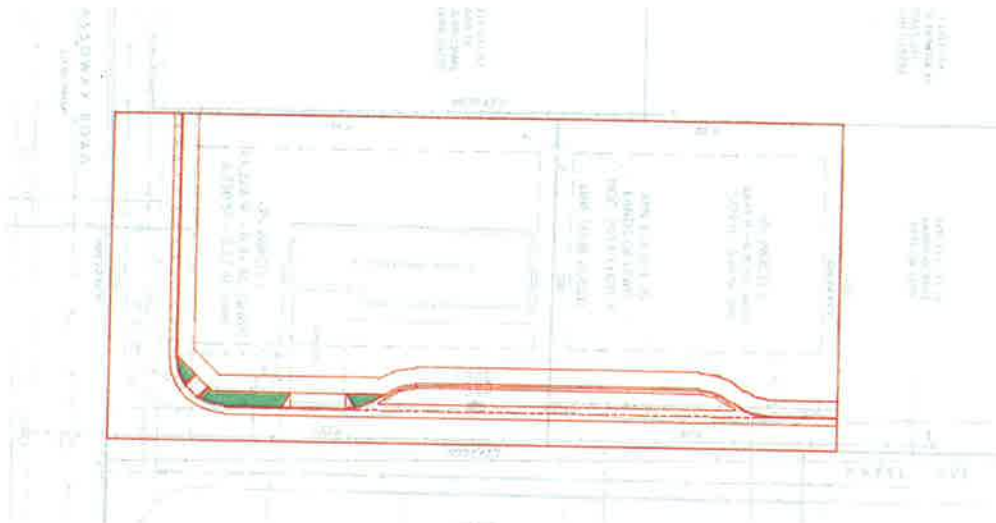
In addition, pursuant to County Code Section 323-2(c)(4), non-county maintained roads shall be posted with sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street".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

2.6 **ACCESS ROADS:** The surface of the access road(s) shall conform to the *Structural Section* requirements within this document. The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:

(a) The intersection of the subdivision access road(s) and the County road shall be constructed in conformance with the standards for a private road intersection as illustrated in Caltrans standards. The access opening must conform to Humboldt County Code Section 341 regarding visibility.

(b) **HAZEL AVENUE (non County Maintained):** Hazel Avenue shall be constructed having a typical section (from east to west) of two 10 foot wide driving lanes, an 8 foot wide parking bay; and a 5 foot wide pedestrian sidewalk with Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter(s). Along the parking bay, construct an APWA Type A3-150(6) with W=0.5' curb (as shown on Standard Plan 120-1), and a 4 foot wide APWA Type Longitudinal Gutter (as shown on Standard Plan 122-1) along the prolongation of the curb line.

Along the frontage of the subdivision, the north side of Hazel Avenue shall be signed and striped for "no parking", except in the parking bays, to the satisfaction of the Department.



*Above: Hazel Avenue parking bay*

- (c) **GASSAWAY ROAD (County Road No. C4M160):** Applicant shall be required to construct a parking lane; Caltrans Type A2-6 portland cement concrete curb and gutter; and 5 foot wide Portland cement concrete sidewalk along the frontage of the subdivision on Gassaway Road in a manner satisfactory to this Department. The curb line is to be constructed 5 feet south of the north right of line of Gassaway Road.

A curb return with top of curb radius of 20 feet shall be constructed at the southwest corner of Gassaway Road and Hazel Avenue. A modified Caltrans Case F curb ramp shall be constructed as part of the curb return.



- (d) The widening of Gassaway Road and Hazel Avenue may require the reconstruction of the existing road to provide a uniform centerline grade compatible with the proposed curb grade. This is necessary in order to provide an adequate cross slope to the proposed gutter. Engineering plans showing existing and proposed conditions for both the centerline grade and roadway cross sections will be necessary to ensure proper drainage. In addition, existing utilities may need to be adjusted and/or relocated at the expense of the applicant.

- 2.7 **DRIVEWAYS:** All access openings (existing and proposed) shall conform to Humboldt County Code Section 341 regarding visibility. All access openings (existing and proposed) shall intersect the road at a 90° angle, unless otherwise approved by this Department.

All access openings (existing and proposed) shall be paved with hot mix ("asphalt") for the width of the driveway and a distance of 20 feet from the back of sidewalk.

That portion of a structure used for the parking of vehicles must be setback a minimum of 20 feet from easements created as a condition of tentative map approval for the purpose of moving automotive vehicles, bicycles, pedestrians, or animals. If a development plan is prepared for this project, the develop plan shall note this minimum setback condition and indicate graphically the location of the setback line on the lots.

All access openings (existing and proposed) shall be shown on the improvement plans.

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

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

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

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

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

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

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time

of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

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

- 2.11 **PERMITS:** An encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.
- 2.12 **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES.** When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department.

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

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

### 3.0 DRAINAGE

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

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

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

#### 4.0 GRADING

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

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

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

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

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

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

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

#### 5.0 MAINTENANCE

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

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

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

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

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

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

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

## **6.0 DEVELOPMENT PLAN**

<NONE>

## **7.0 LANDSCAPING**

- 7.1 LANDSCAPING PLAN:** A landscape plan is required for all landscaping within the public right of way pursuant to Section 13 of the Appendix to Title III, Division 2, Humboldt County Code. The plans must show the proposed irrigation facilities. The plan shall be prepared by a landscape architect or other qualified professional as approved by this Department. Monument signs, if proposed, and landscaping shall be shown on the plan and shall conform with Humboldt County Code Section 341 regarding visibility. All work and materials shall be warranted for a minimum of 1 year from filing of the subdivision map,



unless otherwise approved by this Department. The landscape plan shall be approved by this Department. It must include a minimum of the following:

- (a) List of species to be planted (common name and scientific name)
- (b) An irrigation system. All landscaping that is not drought tolerant shall be maintained by a permanent automatic irrigation system.
- (c) Planting and fertilization method
- (d) Maintenance manual
- (e) Staking method for trees
- (f) The plant types must be approved by this Department
- (g) Landscaping within the right of way shall consider appropriate screening for utilities and structures such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, etc.

7.2 **SPECIES:** A list of approved trees and shrubs shall be shown on the development plan as the only trees and shrubs permitted in the parkway area, unless otherwise approved by this Department. Utilize native species when appropriate.

7.3 **MAINTENANCE:** Landscaping along the frontage of public streets is the responsibility of the adjacent lot owner. Landscaping along the frontage of private roads is the responsibility of the road maintenance association for the private road or is the responsibility of the adjacent lot owner.

This Department **may** maintain landscaping along collector or arterial roads when permanent funding source is made available.

7.4 **LANDSCAPING GOALS:** When on-site landscaping is required, any unimproved county right of way contiguous with the property shall be incorporated into the landscaping plan. Any landscaping shown within the County right of way shall be in addition to any required landscaping areas and shall not be counted towards meeting a landscaping goal.

// END //

## ATTACHMENT 2

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

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

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

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

**1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in Chapters 2-4 of the Framework Plan (FRWK).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §2733 (MCCP)	Residential Medium Density (RM) Primary and compatible uses include multiple family housing and professional and business offices. Density Range: 7 - 30 dwelling units per acre.	The existing parcel is developed with a single family residence which will be sited on proposed Parcel 1. Parcel 2 will be suitable for multi-family residential development (duplex).
Urban Limits: §2600 (MCCP)	New development shall be located within existing developed areas or in areas with adequate public services.	Both parcels are within the Urban Limit line and are served by public water and sewer. The parcels will be served by Gassaway Road, a County maintained road, and Hazel Avenue, a private road.
Housing: §2400 (MCCP)	Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.	The proposal results in one additional building site for residential development. The "mid-point" density for the RM designation is 18.5 dwellings per acre. However, the parcel is constrained by Zone C* of the Airport Land Use Compatibility Plan (ALUCP) which limits density to eight units per acre. Therefore, four units is the maximum allowed (2 each for Parcels 1 and 2) under the ALUCP. Furthermore, the site was not utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Hazards: §3200 (MCCP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards. Geologic Fire Flood Hazards	The area of the proposed building site is within Geologic Hazard Rating 0 - "Relatively Stable" and is not within the Alquist-Priolo Fault Hazard Area. The proposed subdivision site is in an area of low fire hazard. Conditions of approval require approval of the Arcata Fire Department. The parcel does not have any flood hazards as shown on FIRM Map #625 C.
Sensitive and Critical Habitats: §3420 (MCCP)	To protect designated sensitive and critical resource habitats.	The parcel does not have any mapped constraints as shown on the biological resource map. It is located within a developed residential area which is not known to possess wetlands, natural drainages or other types of Sensitive or Critical Habitats.

Cultural Resource Protection: §3500 (FP)	New development shall protect cultural, archeological and paleontological resources.	The Northwest Information Center recommended that a cultural resource study be conducted. However, further consultation with the local Tribal Historic Preservation Officers (THPOs) concluded that the site does not warrant a study provided the standard condition regarding inadvertent discovery is included. This has been made a condition of approval.
Parkland: §4420 (MCCP)	To establish recreational facilities to meet the needs of Eureka residents.	Parkland dedication in-lieu fees shall be paid in accordance with the provisions of the parkland dedication ordinance. Parkland dedication in-lieu fees shall be paid: \$3,067.92.

Parkland Dedication Fee Calculations

R-3 Multiple-family Residential Lots as proposed:

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	<u>2.57</u>	Persons per average McKinleyville household (Source: 2000 U.S. Census)
	334.10	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	4	Number of multi-family residential units per the proposed plan,
X	100%	Percentage of these parcels within the McKinleyville Community Planning Area
X	<u>\$100,000</u>	Value of one acre of land in the vicinity of the subdivision project
	<b>\$3,067.92</b>	<b>Parkland Dedication In-lieu Fee for the Lewis Subdivision</b>

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

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The project will result in Parcels 1 and 2 of 10,110 square feet (net) and 7,420 square feet (net), respectively. The subdivision sites an existing one-family dwelling onto proposed Parcel 1 (this unit is a legal nonconforming use and structure in an R-3 Zone) and allows for future multi-family development on proposed Parcel 2.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	The parcel is served by both Gassaway Road and Hazel Avenue. Gassaway Road is a County maintained road with a 40 foot right of way and is paved with curb, gutter and sidewalk on the south side only. Hazel Avenue is a private road with a 20 foot right of way and paved with no curb, gutter or sidewalk. The applicant has submitted an exception to the right of way width for Hazel Avenue pursuant to Section 325-9 (see Attachment 3). Public Works has provided comments regarding the exception request in Attachment 5. The project has been conditioned to adhere to all road improvement and drainage requirements as recommended by the Land Use Division of the Department of Public Works (LUD) per their Subdivision Requirements dated April 3, 2015.
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	Resultant parcels are served by community water and sewer provided by the McKinleyville Community Services District (MCSD). MCSD has stated that they have the capacity to serve the subdivision

<p>Government Code § 66411.1 Improvement Timing</p>	<p>Unless the subdivider voluntarily enters into an agreement with the County establishing the timing of the work, fulfillment of reasonable on- and off-site construction requirements are deferred until issuance of a permit or other grant for development of the created lot, except where found to be necessary for the public health and safety or for orderly development of the surrounding area. If not completed prior to parcel map recordation or under agreement with the County, a Notice of deferred construction of subdivision improvements shall be filed concurrently with the parcel map.</p>	<p>Because one of the parcels being created by this division is currently developed with an occupied residential structure, and the subdivider has not indicated that it is their intent to enter into a Subdivision Agreement, the Public Works Department is recommending that the construction of the frontage improvements set forth in Attachment 1 for Parcel 1 be completed within 24 months of the filing of the parcel map, or upon issuance of development permit (or building permit) on either Parcel 1 or 2, whichever occurs first, for orderly development of the area. Improvement requirements for Parcel 2 will be completed as condition of building permit issuance on that parcel. (Refer to Attachment 5). Notice of deferred construction improvements will be provided in the Development Plan to be recorded with the parcel map that informs the owner and their successors in interest of their development obligations.</p>
<p>322-3.1 Housing Element Densities The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>		<p>The proposal results in one additional building site for residential development. The "mid-point" density for the RM designation is 18.5 dwellings per acre. However, the parcel is constrained by Zone C* of the Airport Land Use Compatibility Plan (ALUCP) which limits density to eight units per acre. Therefore, four units is the maximum allowed under the ALUCP. Furthermore, the site was not utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

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

Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
That there are special circumstances or conditions affecting said property.	Hazel Avenue is a 20 foot easement with 10 feet on the subject parcel and 10 feet on the neighboring parcel to the east. Providing additional right-of-way is impractical as Hazel Avenue serves just four parcels and will never extend beyond the existing road.
That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	The proposed subdivision will result in two (2) parcels consistent with the current zoning and general plan designation. The lots will be similar to other lots within the neighborhood, and the subdivision is in keeping with the configuration of the site, existing pattern of development, and the character of the immediate area.
That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.	The existing road is sufficiently providing access to the current residents. All parking required by the subdivision will be provided on-site, without a parking lane. There is no indication that the development of the surrounding lands will be adversely impacted by this exception. All referral agencies have recommended approval of the subdivision.

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

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
Residential Multiple Family (R-3)	Two-family dwellings and dwelling groups are principally permitted uses.	The subdivision sites an existing dwelling on proposed Parcel 1 (this unit is a legal nonconforming use and structure in an R-3 Zone) and proposed Parcel 2 is currently vacant and suitable for development. Parcels 1 and 2 would be permitted a maximum of two dwellings (duplexes) on each parcel because of the density limitation of the Airport land Use Compatibility Plan.
Minimum Parcel Size	5,000 square feet	The subdivision results in two parcels of 10,110 square feet and 7,420 square feet.
Minimum Yard Setbacks per Zoning:	Front: 20 feet Side: 5 feet Rear: 10 feet	Existing development complies with these development standards. Future development must comply with standards of the zone.
Minimum Lot Width	50 feet	Parcel 1: 100 feet Parcel 2: 83 feet

Maximum Lot Depth	3 time lot width	Parcel 1: 137 feet Parcel 2: 100 feet
Maximum Ground Coverage	60%	Parcel 1: 17% Parcel 2: vacant
Maximum Structure Height	45 feet	Parcel 1: 18 feet Parcel 2: vacant
<b>Combining Zones</b>		
314-16.1 <b>AP:</b> AIRPORT SAFETY REVIEW	The purpose of these provisions is to establish regulations to maintain compatibility between proposed land uses and development and Humboldt County airports.	The parcel is located in the C* zone (common traffic pattern) and allows residential use of the property. Density is limited to eight units per acre and an overflight easement is required. The current proposal complies with the density requirement.
314-19.1 <b>D -</b> DESIGN CONTROL	It is the purpose of the Design Control Combining Zone to be combined with any principal zone to provide controls and safeguards to preserve and enhance areas of historical, scenic, civic or cultural values of the County. The D Zone is also combined with principal zones to preserve and enhance architectural and recreational aspects of designated areas of the County. Such appearance and design of buildings, sites, structures and signs should form a substantial contribution to the desirability of the zone for uses permitted therein.	No development is proposed as part of the subdivision. Future development will require Design Review.



**4. Public Health, Safety and Welfare.**

<b>The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:</b>	<b>Evidence supporting the finding</b>
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 4, Referral agency recommendations.
The proposed project is consistent with the general plan.	See previous discussion.
The proposed project is consistent with the zoning.	See previous discussion.
The proposed project will not cause environmental damage.	See following discussion.

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

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

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

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project.** The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.00. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2015 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.00 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #9 of Attachment 1.

**ATTACHMENT 3**

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

<b>Document</b>	<b>Location</b>
Tentative Subdivision Map	Attached in Maps Section
Application Form	On file with Planning
Preliminary Title Report	On file with Planning
Preliminary Drainage Report	On file with Planning
Exception Request dated January 9, 2015	Attached



# POINTS WEST SURVEYING Co.

5201 Carlson Park Drive, Suite 3 Arcata, CA 95521

707.840.9510 Phone 707.840.9542 Fax

David A. Crivelli

Michael D. Pulley

crivelli@pointswestsurveying.com

pulley@pointswestsurveying.com

January 9, 2015

Trevor Estlow  
Planning Division  
3015 H St  
Eureka, CA 95501



Re: Petition for Exception Request to Required Right of Way Width for George Lewis  
APN 511-031-036

Dear Mr. Estlow

Pursuant to Humboldt County Code Section 325-9, I am requesting an exception to the minimum right of way width requirements, as specified by Code Section 324-1(b), to allow the proposed Parcel 2 of the Minor Subdivision proposed by George Lewis to gain access off of Hazel Avenue, a private road with a 20 foot wide right of way. Exceptions to the requirements and regulations of the Code may be granted if the following conditions exist:

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

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

The proposed Parcel 2, as shown on the Tentative Map, is consistent with the prescribed density, minimum parcel size and building setbacks, parking regulations, and other development criteria of the applicable regulations. This proposed subdivision is consistent with planned growth of the area, and is General Plan supported in-fill development.

The proposed Parcel 2 will gain access via Hazel Avenue, a 20 foot wide right of way. The currently constructed roadway in the Hazel Avenue right of way averages 24 feet wide, with the easterly excess falling outside of the rights of way noted on the Tentative Map. Current construction along Hazel Avenue makes it impractical to dedicate additional right of way without violating setback requirements. In addition, creating a new right of way along the westerly side of the parcels would be impractical as it would consume the entire back yard of Parcel 1 and could not be 40 feet in width without falling into the existing house. The future construction of a duplex on this site would possible increase traffic on Hazel Avenue by up to 4 vehicles. Hazel Avenue currently services only 4 parcels, and the creation of the Silver Creek Estates Subdivision in 2009 which abuts the end of Hazel Avenue on the north means that Hazel Avenue will not be extended or service any additional parcels. 2 of the parcels on Hazel are currently developed with multi-family housing units, and the existing road has been adequate at servicing the traffic load. The dedication or acquisition of additional right of way for Hazel Avenue would not serve any practical purpose for the County or the private landowners it currently serves.

All parking needs will be met with on-site parking. Currently all the 4 parcels on Hazel Avenue utilize only on-site parking with no parking on the traveled way or margins of Hazel Avenue. The fact no on-street parking occurs also allows the 20 foot right of way width to adequately serve the 4 parcels on Hazel Avenue.

The County Housing Element has as its goal; "To provide for the projected future housing needs of the community." The policies outlined to facilitate this goal are favorable to development of this type in areas where public services already exist. Policy H-P1 states: "Promote Infill, Reuse and Redevelopment. The County shall prioritize infill, re-use and redevelopment of vacant and under-developed land within Urban Development Areas as a strategy to create affordable housing, provide an economic stimulus and re-vitalize community investment." The proposed subdivision would be such infill and is already heavily constrained by the multi-family zoning of the parcel and the Airport Compatibility Zone which will also limit future development of the other 3 parcels on Hazel Avenue.

Since the project, as proposed, satisfies other requirements for land subdivision, granting this exception does not appear to provide special privileges unavailable to others. Denying the exception request would deprive the property owner of the ability to subdivide the subject property to the maximum potential as described in the existing General Plan and Zoning Regulations.

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

Sincerely,

Michael Pulley, PLS

**ATTACHMENT 4**

**INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION**

## **Project Information**

**Project Title:** George Lewis Minor Subdivision

### **Lead Agency**

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

### **Property Owner**

George Lewis  
1394 Lick Avenue  
San Jose, CA 95110

### **Project Applicant**

Same as owner

### **Project Location**

The project site is located in the McKinleyville area, on the northwest corner of Gassaway Road and Hazel Avenue, on the property known as 1161 Gassaway Road.

### **General Plan Designation**

Residential Medium Density (RM); McKinleyville Community Plan (MCCP); density: 7 - 30 dwelling units per acre.

### **Zoning**

Residential Multiple Family with combining zones for Airport Safety Review and Design Review (R-3-AP-D).

### **Project Description**

A Minor Subdivision of an approximately 21,977 square foot parcel into two parcels of approximately 10,110 square feet (net) and 7,420 square feet (net) in size. The parcel is currently developed with a single family residence which will remain on proposed Parcel 1. The parcel is currently served with water and sewer by the McKinleyville Community Services District.

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

The project site is located on the northwest corner of Gassaway Road and Hazel Avenue approximately one-half mile south of the California Redwood Coast – Humboldt County Airport. It is in a developed neighborhood and surrounded by other similarly sized residential parcels.

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

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

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

**Determination:** On the basis of this initial evaluation:

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

Signature 

Date 4/2/15

Trevor Estlow, Senior Planner  
Printed Name

Humboldt County Planning  
and Building Department  
For

## Evaluation of Environmental Impacts

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



## Environmental Checklist

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

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

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

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

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

I. <b>Aesthetics.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	
<p><b>Discussion:</b></p> <p><b>(a-d) Less Than Significant Impact:</b> The project site is not within an area mapped or designated with scenic vistas or resources nor is it in the Coastal Zone where specified areas of scenic values are mapped and certified by the state. The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The parcels will be served by either Gassaway Road or Hazel Avenue. The Department finds no evidence that the creation of one additional parcel within an area characterized as urban residential will have a substantial adverse aesthetic impact. There is no indication that the future development likely to occur on the site will significantly increase light or glare or affect nighttime views in the vicinity.</p>				

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

**Discussion:**

**(a-e) No Impact:** Neither the subject property nor adjacent lands are within a Williamson Act contract. The site is not considered prime or unique farmland and is not used for agricultural purposes. The neighborhood is characterized by urban residential development with services provided by the McKinleyville Community Services District. The proposed subdivision infills an established development pattern. Multi-family residential is a primary and compatible use within the RM designation and is principally permitted in the R-3 zoning district. General agriculture is not a use allowed in the R-3 zone, nor are there any intensive agricultural uses in the immediate vicinity. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.

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

**Discussion:**

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

on air quality.

IV. <b>Biological Resources.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:**

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

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

**Discussion:**

**(a) No Impact:** No historical resources have been documented on site. The site contains a single family residence of modern construction. This structure was not determined to be a significant historical resource. Therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) § 15064.5.

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

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

resource, site, or unique geologic feature.

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

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

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

VI. Geology and Soils. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X

iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

**Discussion:**

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

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

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

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

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

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

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

**Discussion:**

**(a-b) Less Than Significant Impact:** The eventual construction of one residence would contribute temporary, short-term increases in air pollution from equipment usage.

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

<b>VIII. Hazards and Hazardous Materials. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	



e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?			X	

**Discussion:**

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

<b>IX. Hydrology and Water Quality. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Result in inundation by seiche, tsunami, or mudflow?			X	

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

with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map Panel #625, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 98 feet.

A preliminary drainage report was prepared and identified a stormwater detention basin that will be created for Parcel 2 at the time it is developed. This will assure compliance with the policy in the McKinleyville Community Plan that restricts increases in downstream flows. Furthermore, the applicant is required to submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by the Department of Public Works. No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

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

**Discussion:**

**(a-c) No Impact:** The project site is designated Residential Medium Density (RM) by the McKinleyville Community Plan, and is zoned Residential Multiple Family with a 5,000 square foot minimum parcel size as well as combining zones for airport safety and design review. Multi-family residential is a primary and compatible use within the RM designation and is principally permitted in the R-3 zoning district. The neighborhood is characterized as urban residential with a combination of single-family and multi-family developments in the immediate area. The creation of one additional parcel for residential development is consistent with the zoning and land use density (seven to thirty dwelling units per acre). The proposed subdivision infills an established development pattern, is consistent with the planned build-out of the area, and is consistent with the policies and regulations specified in the McKinleyville Community Plan and Framework General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use

and planning.

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

**Discussion:**

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

<b>XII. Noise.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				X
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

**Discussion:**

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

**(e and f) Less Than Significant Impact:** The project area is approximately one-half mile from the California Redwood Coast – Humboldt County Airport, and subject to the airport land use compatibility matrix. The site is within the C\* zone (common traffic pattern), and requires the dedication of an overflight easement. Residential use is compatible with the C\* zone and the noise impacts associated with the airport are not anticipated to be excessive. Therefore, noise impacts will remain less than significant.

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

**Discussion:**

**(a–c) No Impact:** The proposed project divides a parcel into two. One of the created parcels will be vacant and suitable for residential development. The project creates one new potential building site.

Multi-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area, seven to thirty units per acre. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

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

**Discussion:**

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

<b>XV. Recreation.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
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**Discussion:**

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

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

**Discussion:**

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

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

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



**Discussion:**

**(a-g) No Impact:** The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses.

The lots will be served by community water and sewer provided by the McKinleyville Community Services District. The Department of Environmental Health has recommended approval of the project. The parcel currently drains southerly towards Gassaway Road. A stormwater detention basin will be constructed at time of development of Parcel 2 in order to comply with the McKinleyville Community Plan requirement of no increase in downstream flows. The Division of Public Works reviewed the project and did not identify any drainage issues. The applicant will be required to provide a complete hydraulic report and drainage plan. The Department finds the project impact to be insignificant.

<b>XVIII. Mandatory Findings of Significance.</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

**Discussion:**

**(a through c) No Impact:** The proposed project divides one parcel into two. One of the two created parcels will be vacant and suitable for residential development. Staff finds no evidence that the proposed project will significantly degrade the quality of the environment, nor will it have impacts that are individually limited but cumulatively considerable. Based on the project as described in the

administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Proposed Mitigation Measures, Monitoring, and Reporting Program

**Cultural Resources**

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

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

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

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

<b>Referral Agency</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	Approval	On file with Planning
Public Works Land Use Division	Conditional Approval	Attached as Exhibit A, Attachment 1
Public Works Land Use Division	Comments	Attached
Division Environmental Health	Approval	On file with Planning
McKinleyville Community Services District	Approval	Attached
California Department of Fish & Wildlife	No response	
Arcata Fire Protection District	Approval	Attached
Northwest Information Center	Conditional Approval	On file with Planning
Bear River Band of the Rohnerville Rancheria	Conditional Approval	On file with Planning
Blue Lake Rancheria	Conditional Approval	On file with Planning
Wiyot Tribe	Conditional Approval	On file with Planning
PG&E	Approval	On file with Planning



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

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Trevor Estlow, Senior Planner

VIA: Robert W. Bronkall, Deputy Director 

FROM: Kenneth Freed, Senior Engineering Technician

DATE: 04/03/2015

RE: **GEORGE LEWIS, APN 511-031-036, PMS 14-011**

**EXCEPTION REQUEST FOR RIGHT OF WAY WIDTH FOR HAZEL AVENUE:** Based upon the development potential of Hazel Avenue and the physical constraints that prohibit a wider right of way from being established, the Department can support the proposed exception request.

**PARCEL MAP IMPROVEMENT NOTE:** Frontage improvements to Parcel 1 (an existing developed parcel) must be constructed per the Department's subdivision requirements. Pursuant to Government Code Section 66411.1(b), the Department recommends that the frontage improvements on Parcel 1 be completed within twenty-four (24) months from the date that the subdivision map is filed with the County Recorder; or prior to issuance of a development permit (or building permit) for Parcels 1 or 2, whichever occurs first. This is based upon the need for orderly development of the surrounding area.

The construction of the subdivision improvements for Parcel 2 may be deferred to the time that a development permit (or building permit) is issued.

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

**GASSAWAY ROAD RIGHT OF WAY:** There is an existing fence that was built into the County's right of way for Gassaway Road. As part of this project, the fence will need to be relocated out of the right of way.

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

**GASSAWAY ROAD IMPROVEMENTS:** The project has been conditioned to improve the frontage of Gassaway Road (County Road No. C4M160) to its ultimate cross section. This will require the relocation of an existing utility pole near the intersection of Gassaway Road and Hazel Avenue. The Department recommends that the ultimate cross section be built as part of the project.



*Above: ultimate cross section for Gassaway*

However, pursuant to County Code Section 325-9, the applicant may wish to submit an exception request to allow the utility pole to remain in place as an interim condition. The interim condition would allow a bulb out around the existing utility pole. This would shift the financial responsibility of completing the frontage improvements from the subdivider to the taxpayer. In the future, a project funded by the taxpayers would then be responsible to relocate the utility pole and complete the widening of Gassaway Road.

As part of the exception request, the applicant will need to include a cost estimate from PG&E documenting the cost to relocate the utility pole.



*Above: interim condition (bulb-out) at intersection of Gassaway and Hazel*

// END //



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



11/26/2014

DEC 22 2014

**PROJECT REFERRAL TO: McKinleyville Community Services District**

McK. C.S.D.



**Project Referred To The Following Agencies:**

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

**Applicant Name** The George Steven Lewis Trust **Key Parcel Number** 511-031-036-000

**Application (APPS#)** 9542 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** PMS14-011

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

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

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

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

**Return Response No Later Than 12/11/2014**

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: \_\_\_\_\_

DATE: 12/16/2014

PRINT NAME: GREG ORSINI



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



11/26/2014

**PROJECT REFERRAL TO: Arcata Fire Protection District**

**Project Referred To The Following Agencies:**

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

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Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

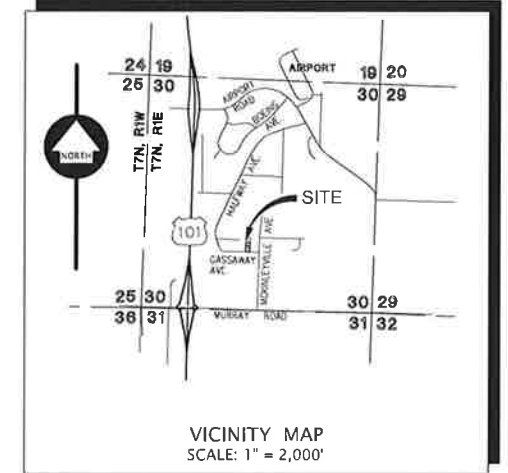
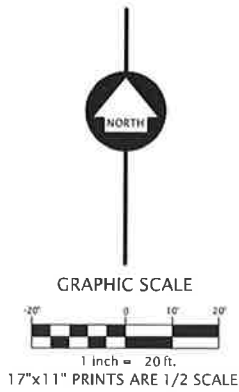
Recommend Denial. Attach reasons for recommended denial.

Other Comments: will review water supply, fire department access and residential sprinkler system when structure plans are submitted.

DATE: 12-11-14

PRINT NAME: Jennifer Williamson





**PROJECT NOTES**

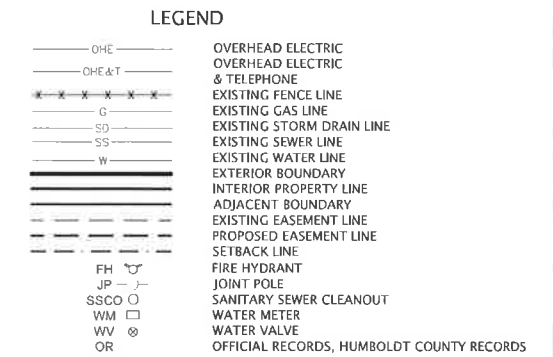
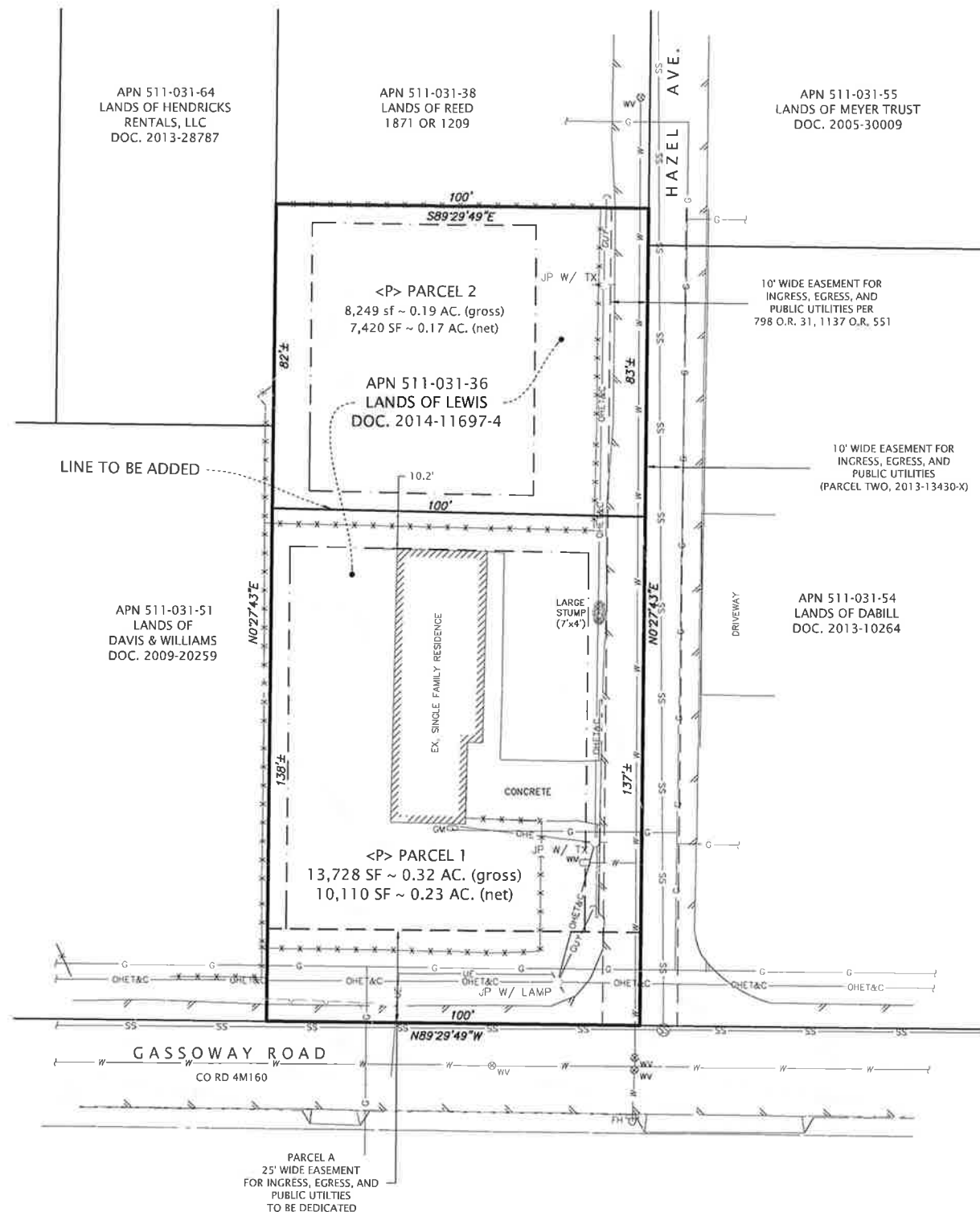
- 1) This Tentative Map application proposes a subdivision of APN 511-031-036, current vesting deed 2014-11697-4, which consists of approximately 21,977 square feet (0.50 acres), into 2 parcels as shown hereon. The proposed parcel will house a duplex to comply with zoning requirements. See Note 7 below.
- 2) Boundary lines for the subject parcel and existing easements of record are based on a Preliminary Title Report prepared by Fidelity National Title Company, Order No. 14-503945-KP, dated 7/18/2014. *All easements of record are shown on this Tentative Map and will appear on the record subdivision map.* See "Easement Notes" on this sheet for additional information.
- 3) Water and sewer are provided to the existing parcel by McKinleyville Community Services District (MCSD). Natural gas and electric service are provided by PG&E. Telephone and cable are provided by AT&T and Suddenlink. Proposed utility services to the parcel to be created are not shown and will be determined by location of future construction and development. Future construction will be a duplex or, with issuance of a special permit, a single family residence.
- 4) Adjacent property uses are residential, both single and multi-family. Parcels to the north and east are zoned R-3-D-AP like the subject parcel; parcels to the west are zoned R-1-T-AP.
- 5) The property is not shown on official maps to be subject to flooding per Firm Community Panel No. 060060 0625B.
- 6) Topography is shown at 0.5 foot contour intervals based on a field survey performed by Points West Surveying in October 2014. Elevations are assumed.
- 7) This parcel is located in Airport Compatibility Zone C\*, with a maximum density of 8 dwelling units per acre. The overall parcel is approximately 0.5 acre, which would allow 4 dwelling units. The proposed project will result in a duplex on a new parcel, for a total of 3 dwelling units on the site.

**EASEMENT NOTES**

Easements of record per the Preliminary Title Report listed in Project Note 2 are as follows:

- Item 4: Rights of public to any portion of land lying within the area commonly known as Gassaway Road.
- Item 5: Covenants, codes, and restrictions per 405 OR 262
- Item 6: Easement for ingress, egress, and public utilities per 798 OR 31  
Affects: Easterly 10 feet as shown hereon  
Beneficiary: Roy Morningstar
- Item 7: Easement for public utilities per 1137 OR 551  
Affects: Easterly 10 feet as shown hereon  
Beneficiary: McKinleyville Community Services District

This project will dedicate a right of way for Gassaway Road over the southerly 25 feet of the existing parcel to match existing easements to the east of the parcel as shown hereon.



**PROJECT DATA**

- Agent:** Michael Pulley  
Points West Surveying Company  
5201 Carlson Park Drive Suite 3  
Arcata CA 95521  
**Phone:** 707.840.9510  
**Fax:** 707.840.9542  
**Email:** Pulley@PointsWestSurveying.com
- Owner / Applicant:** The George Steven Lewis Living Trust  
**Contact Person:** George Lewis, Trustee  
**APN:** 511-031-036  
**Site Address:** 1161 Gassaway Road  
McKinleyville CA 95519  
**Mailing Address:** 1394 Lick Avenue  
San Jose CA 95110  
**Phone:** 530.321.0889
- General Plan:** Residential Multiple Family (MCCP)  
**Zoning:** R-3-D-AP (Multiple Family, 5000 sf min)
- Building Setbacks:** Front: 20'  
Interior Side: 5'  
Exterior Side: Varies  
Rear: 10'

**APN 511-031-036  
TENTATIVE MAP**

for  
**GEORGE LEWIS**  
SECTION 30 T7N R1E  
HUMBOLDT MERIDIAN

IN THE UNINCORPORATED AREA OF  
HUMBOLDT COUNTY, STATE OF CALIFORNIA  
OCTOBER 2014  
REVISED MARCH 2015

SCALE: 1" = 20' SHEET 1 OF 1

**POINTS WEST SURVEYING CO.**  
5201 Carlson Park Dr., Suite 3 - Arcata, CA 95521  
707-840-9510 - Phone 707-840-9542 - Fax