

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

**Resolution Number 24-016**

**Sutter Parcel Map Subdivision and Special Permits**

**Record Number PLN-2023-18146**

**Assessor Parcel Number 509-321-018**

**Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Sutter Parcel Map Subdivision and Special Permits.**

**WHEREAS**, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision and Special Permits; and

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

**WHEREAS**, the Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that impacts from projects of this sort were analyzed and addressed during preparation of Environmental Impact Reports (EIR's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

**WHEREAS**, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

**WHEREAS**, on **April 4, 2024**, a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

- 1. FINDING:**                    **Project Description:** A Parcel Map Subdivision of an approximately 2.26-acre parcel into four parcels with a 0.55-acre Remainder. The created parcels will be 0.57 acres (0.22 net lot acres), 0.70 acres (0.30 net lot acres), 0.26 acres (0.22 net lot acres), and 0.23 acres in size. An existing single-family residence will remain on the proposed Remainder, an existing Accessory Dwelling Unit will remain on proposed Parcel 2, and the existing

detached garage and accessory structures will remain on proposed Parcel 1. A Special Permit is required pursuant to Section 314-43.1.1 of the Humboldt County Code (H.C.C.) to allow the existing detached garage and accessory structures to remain on proposed Parcel 1 prior to the development of a main building. An additional Special Permit is required pursuant to Section 314-99.1.2 of H.C.C. to utilize Lot Size Modification to allow lots less than the minimum 10,000 square feet in size required within the R-1-B-2 zone. The parcel is served with community water and sewer provided by the McKinleyville Community Services District. The property proposed for subdivision is located McKinleyville area, on the east side of Azalea Road, approximately at the intersection of Sutter Road and Azalea Road, on the property known as 1643 Azalea Road.

**EVIDENCE:** a) Project File: PLN-2023-18146

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

2. **FINDING:** The requirements of the California Environmental Quality Act (CEQA) have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision requires no further environmental review per Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines.

**EVIDENCE:** a) Section 15183 of the CEQA Guidelines acknowledges CEQA's mandate that projects require no additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

Project-specific environmental effects:

- are peculiar to the project or the parcel on which it is located
- are significant and were not analyzed as such in a prior EIR
- are off-site and/or cumulative and were not discussed in the prior EIR
- were identified in a prior EIR as significant but due to substantial new information (not known at the time the EIR was certified) are determined to have a more severe adverse impact than what was disclosed.



The residential density specified in the McKinleyville Community Plan was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all of the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017.

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. Neighboring development on adjacent parcels is composed of the same density as the subject parcel. The proposal is consistent with the planned density and is currently developed with low-density residential uses. The development pattern and design included in the concept provided by the applicant has been found to be acceptable by the Land Use Division of Public Works and Planning Division.
- c) Potential Impacts such as those common to projects of this sort were analyzed and addressed during preparation of Environmental Impact Reports (EIR's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089).
- d) There are no potentially significant environmental effects which were not analyzed in the above referenced EIR's. The proposed subdivision would enable future build-out to the currently planned density for the area, which was re-confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.
- e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR's (SCH# 1998082024 & SCH# 2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the recently adopted General Plan.
- f) There is no substantial new information that would cause the project to result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.

- g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.
- h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The proposed minor subdivision will create a total of four parcels and a remainder. Three of which, that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than significant impact to aesthetics.
- i) The project was referred to the Northwest Information Center (NWIC), the Wiyot Tribe, Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria. NWIC responded recommending further study and that consultation with local tribes occur. Blue Lake Rancheria responded stating that they had no concerns about the project at this time. The Bear River Band responded stating that they are satisfied that the activities of the project do not appear to represent a source of significant impact(s) on cultural resources and requested that standard inadvertent archaeological discovery protocols be in place for any ground disturbing activities. This has been made a condition of project approval.
- j) The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials. The project site is not located in an Airport Review Area. Arcata Eureka Airport is the closest airport and is located approximately 2.4 miles north-northwest of the project site.
- k) According to the Humboldt County Fire Hazard Severity map, the parcel is mainly located within a moderate fire hazard severity area and a small portion of the western side of the property is located within a high fire hazard severity area. The site is located within the State Responsibility Area (SRA) and within the Arcata Fire Protection District response area. Future development of the site will require compliance with the Uniform Fire Code and Uniform Building Code and the SRA Fire Safe regulations. 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.



- l) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Future residential development of the parcels being created will receive water and sewer service provided by the McKinleyville Community Services District. A hydraulic report and drainage plan are required to be prepared by a Civil Engineer registered within the State of California and will be submitted to the Land Use Division of Public Works (PW) for review and approval prior to commencement of the project. The project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year (Q2) storm flows. Lastly, because the site is located in an urban MS4 stormwater area, future development will be required to incorporate measures to further enhance and detain stormwater runoff. The applicant plans for roof gutter water to be hard piped to 18" diameter perforated pipes in 2' wide x 3' deep x 75' to 100' long trenches. The exact locations will be determined by the owners at the time of construction.
  
- m) The California Natural Diversity Database does not indicate that any species of concern have been identified on or near the project site, the site is part of a previous residential subdivision, and the project site is fully developed with three residential-type buildings and is fully landscaped. The project was referred to the California Department of Fish and Wildlife (CDFW). CDFW responded requesting the project be conditioned for avoidance of disturbance to nesting birds and encouraging the use of locally appropriate native plants in landscaping, and at a minimum, the planting palette avoiding invasive species listed in the California Invasive Plant Council Inventory. These have been made conditions of project approval.

### **312-1.1.2 Legal Lot Requirement**

**3. FINDING:** The lot that was created in compliance with all applicable state and local subdivision regulations.

**EVIDENCE:** Per LLA-98-16, the subject parcel has been determined to be one legal parcel as shown on Recorded Map in Book 22 of Maps page 120 as a remnant parcel from Parcel Map recorded in Book 13 of Parcel Maps page 61.

**SUBDIVISION FINDINGS - Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code**

4. **FINDING:** All lots shall be suitable for their intended uses.
- EVIDENCE:** The project will result in a total of four parcels and a Remainder. The parcels will range between 0.23 to 0.70 acres in size. The newly created parcels will be served community water and sewer by the McKinleyville Community Services District. The lots are large enough to comply with all required setbacks for existing and proposed structures with the approval from CALFIRE for the exemption of the 30-foot State Responsibility Area setback that is on file with the County and attached to the staff report.
5. **FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.
- EVIDENCE:** Access to the parcel being divided is currently provided by Sutter Road (County Road No. C4L810) and Azalea Avenue, a private drive. The Draft Conditions provided by the Land Use Division of Public Works include a request that easements for public road, sidewalk, slope maintenance, and public utility purposes be granted as part of the filing of the map.
6. **FINDING:** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.
- EVIDENCE:** Satisfaction of the requirements found in the 2/14/2024 memo from the Land Use Division of Public Works (PW) is required by the project Conditions of Approval. Section 3.2 and 3.3 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of PW and requires that a hydraulic report and drainage plan for the subdivision be submitted to PW for review and approval. Additionally, the project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year ( $Q_2$ ) storm flows. This will likely be achieved by the construction of retention or detention facilities. Lastly, because the site is located in an urban MS4 stormwater area, future development will be required to incorporate measures to further enhance and detain stormwater runoff. The applicant plans for roof gutter water to be hard piped to 18" diameter perforated pipes in 2' wide x 3' deep x 75' to



100' long trenches. The exact locations will be determined by the owners at the time of construction.

7. **FINDING:** Sewer and water systems shall be constructed to appropriate standards.

**EVIDENCE:** The McKinleyville Community Services District supports approval of the project and is prepared to provide water and sewer service to future development of the parcels. Residential development located on the parcels being created already receives water and sewer service provided by the McKinleyville Community Services District.

8. **FINDING:** The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated, and in conformance with the requirements of the current zoning regulations and the Humboldt County General Plan.

**EVIDENCE:** The size and configuration of the proposed parcels complies with size, width and depth requirements of the R-1-B-2 zone with the requested Lot Size Modification.

9. **FINDING:** Section 314-99-1.2 H.C.C.: Minimum lot size may be modified down to 1,500 square feet but cannot create a parcel greater than 1.8 times the allowed minimum.

Section 325-11 H.C.C.: (a) the lots are in harmony with the topography; (b) soil conditions will not be adversely affected; (c) hydrologic conditions will not be adversely affected; (d) traffic patterns and emergency vehicle access will not be adversely affected; (e) the subdivision design with the LSM is in the interest of the public welfare; (f) the existing character of the area will not be adversely affected; (g) wetlands will not be adversely affected; (h) the subdivision conforms to the General Plan.

**EVIDENCE:** The subdivision is meant to create four parcels with a remainder. Three of the created parcels (Parcels 1, 2, and 3) will be encumbered by access easements resulting in lot sizes of 0.22 acres, 0.30 acres, and 0.22 acres. The unencumbered Parcel 4 parcel and lot size will be 0.23 acres. None of the created parcels will exceed 1.8 times the allowed minimum lot size of 0.41-acres. Created Parcels 1 and 3, at 0.22 lot acres in size, will be approximately 417 square feet smaller than the 10,000 square-foot minimum lot size for the R-1-B-2 zone. The granting of the

Lot Size Modification will allow the created Parcels 1 and 3 to provide access easements for the benefit of the Remainder Parcel and the created Parcel 4.

The Lot Size Modification (LSM) is consistent with the findings of Section 325-11 H.C.C.: (a) the lots are in harmony with the topography; (b) there is no evidence that soil conditions will be adversely affected; (c) hydrologic conditions will not be adversely affected as there are no mapped watercourses on or near the subject parcel; (d) by utilizing existing and required road and access improvements the impact to traffic patterns and emergency vehicle access is minimized; e) the subdivision design with the LSM is in the interest of the public welfare in that it considers the physical constraints and allows for optimum use of the site; (f) the existing character of the area will not be adversely affected in that the subdivision design with the LSM is consistent with residential development pattern of the area; (g) wetlands will not be adversely affected as there are no mapped wetlands on or near the subject parcel; and (h) the subdivision conforms to the General Plan density.

A condition of approval requires the Development Plan to include a notation as to the creation of these parcels using the lot size modification exception.

***Govt. Code §66474.02 Structural Fire Protection***

**10. FINDING:**

Where approving subdivision of land (not for open space purposes) within a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone, the project must be consistent with state or local Fire Safe Regulations and be located within an area where structural fire protection and suppression services will be available from a qualified entity (County, City, Special District, or other political subdivision or entity) that is monitored and funded by a County or other public entity, and organized solely to provide fire protection services, or through contract with the Department of Forestry and Fire Protection pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

**EVIDENCE:**

The property is located in a SRA for Fire Protection and is mainly located within a moderate fire hazard severity area with a small portion of the western side of the property located within a high fire hazard severity area. The property lies within the boundaries of the Arcata Fire Protection District response area, who provide structural fire protection. The project was referred to the district



for review and did not result in any comments or issues being raised with the proposal.

**FINDINGS APPLICABLE TO ALL PERMITS**

**11. FINDING:** The proposed development is in conformance with the County General Plan and McKinleyville Community Plan.

**EVIDENCE:** a) The proposed development is consistent with the Residential Low Density (RL1-7) land use designation. The project will allow for the creation of a total of four parcels and a remainder for existing and proposed single-family residential development within the 2.26-acre parcel. The RL1-7 designation specifies a density of one to seven units for every one acre.

b) *McKinleyville Community Plan – Stormwater*

The project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year (Q<sub>2</sub>) storm flows. Because the site is located in an urban MS4 stormwater area, future development will be required to incorporate measures to further enhance and detain stormwater runoff.

*Parkland §4420 (MCCP)*

c) *Parkland Dedication Fee Calculations*

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	2.578	Persons per average McKinleyville household (Source: 2020 U.S. Census)
	335.14	Parkland dedication per average household in square feet
/	43,560	Square feet per acre
	0.00769	Parkland dedication per average household in acres
X	7	Number of new units being created by the subdivision and Planned Unit Development,
X	100% (1.0)	Percentage of these parcels within the McKinleyville Community Planning Area
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	0.054	Acres of parkland for subdivision
X	\$160,000	Value of one acre of land in the vicinity of the subdivision project

\$8,616.94 Parkland Dedication In-lieu Fee for the Sutter  
Minor Subdivision

**12. FINDING:** The proposed project is consistent with the purposes of and meets all of the applicable development standards of the Residential One-Family Zone with a Special Building Site Combining Zone and combining zones for Manufactured Home and Noise Impact (R-1-B-2-T-N).

**EVIDENCE:** a) The property zoning designation of R-1-B-2 allows for residential uses as Principally Permitted on lots greater than 10,000 square feet in size. The proposed creation of lots less than 10,000 square feet is allowable with the Special Permit for the Lot Size Modification that is being requested.

b) (T) A manufactured home is not proposed as part of the project.

c) (N) This parcel is located within the Noise Impact combining zone due to proximity to Sutter Road. There will be no new noise exposure over the existing baseline noise conditions as a result of this project. Sutter Road is located approximately 125 feet south of the project site. As the project is to subdivide a parcel in to four parcels with a remainder, where two existing residences that have been at the current location for decades, there is no evidence that new residences will be exposed to noise levels beyond what is existing.

d) Two existing accessory structures will remain on proposed Parcel 1 prior to the development of a main building, which is allowable with the Special Permit that is being requested.

**13. FINDING:** The proposed subdivision will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE:** a) The proposed subdivision will divide a 2.26-acre parcel into four parcels with a remainder parcel and build out with a total of five units. The proposed parcel sizes are permitted with the zoning and the resulting density is consistent with that planned for the area.

b) The parcel being divided is currently host to an existing single-family residence with detached garage that will remain on the proposed Remainder, and an existing Accessory Dwelling Unit



that will remain on proposed Parcel 2, and existing accessory structures that will remain on proposed Parcel 1 prior to the development of a main building. Public water and sewer service is available through the McKinleyville Community Services District. The parcel has been planned and zoned for single-family residential development for over 30 years and is surrounded by parcels with the same density. Single-family residential development is principally permitted under the parcel's current zoning. None of the referral agencies oppose the project and there is no information to suggest that approval of the project would potentially be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity.

**14. FINDING:**

The proposed subdivision with possible future 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.

**EVIDENCE:**

The parcel's General Plan land use designation (RL) and zoning (R-1) allow single-family residential development. The project will positively impact compliance with Housing Element law. The project will increase the available separately owned housing in the McKinleyville Community Plan area and will comply with the density range of the RL1-7 land use designation, which includes a maximum density of seven units per acre. The parcel is not included within the 2019 Housing Element inventory so there is no risk of the density falling short of the target required.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby.

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Sutter Parcel Map Subdivision and Special Permits (PLN-2023-18146) subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **April 4, 2024**.

The motion was made by Peggy O'Neill and seconded by Lorna McFarlane and the following vote:

AYES: Commissioners: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriazzi, Peggy O'Neill, Sarah West, Lorna McFarlane

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carried 7/0

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



John H. Ford, Director  
Planning and Building Department



## CONDITIONS OF APPROVAL

**APPROVAL OF THE TENTATIVE MAP AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL MAP MAY BE FILED WITH THE COUNTY RECORDER.**

### **Conditions of Approval:**

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated **2/14/2024**, included herein as Attachment 1B, as may be modified by the decision maker, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. To better accommodate circulation and siting of future building sites, minor adjustments to the design of the tentative map (parcel boundaries, driveway & road locations, etc.) may be performed, subject to review and approval by the Planning Division and Public Works Land Use Division.
5. Prior to filing of the Parcel Map, the applicant shall submit a letter from the McKinleyville Community Services District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. Prior to filing of the Parcel Map, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
7. Prior to filing of the Parcel Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements, including appropriate labeling and description of Public Utility Easements. This requirement shall be administered by the Department of Public Works.

8. Prior to filing of the Parcel Map, the applicant shall submit a letter from the United States Postal Service stating that the project meets their requirements for mailbox units. This condition shall be administered by the Department of Public Works.
9. Prior to filing of the Final Map, the Applicant shall make payment for all outstanding Humboldt County Planning Department fees. A Cost report will be made available at the Humboldt County Planning Department.
10. 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 \$129.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
11. Parkland dedication fees of \$8,616.94 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$3,692.98 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Parcels 1, 2, 3, and 4. Release from the Conveyance and Agreement may be pursued upon payment of the \$1,230.99 parkland dedication fee balance per parcel. A copy of the Conveyance and Agreement form with pro-rata dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a pro-rata basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$160,000/acre. The dedication fee calculation per Section 314-110 of the Humboldt County Code is as follows:  $7(130 \times 2.578/43,560) \times \$160,000 = \$8,616.94$ .

12. Any vegetation removal shall be done outside of the nesting bird season (generally March 15 August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee shall consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.



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

A. Mapping

- (1) Topography of the land in 1-foot contour intervals; and
- (2) Proposed access, parking lanes and pedestrian ways; and
- (3) Building envelopes and easements consistent with the submitted tentative map; and
- (4) The location of all drainage improvements and related easements; and
- (5) Off-street parking spaces consistent with Section 314-109.1 of the Humboldt County Code.

B. Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
  - If archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.
  - The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at (916)653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at (707)445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

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

- (2) “The project is located in a designated non-attainment area for the state’s health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
- Prohibition of open fireplaces.
  - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
  - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction.”
- (3) “Hours of construction activity shall be limited to Monday through Friday from 7:00 am to 6:00 pm.”
- (4) “Any vegetation removal shall be done outside of the nesting bird season (generally March 15 August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee shall consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.”
- (5) Landscaping shall utilize native plants appropriate to coastal northern California. At minimum, the planting palette shall avoid invasive species listed in the California Invasive Plant Council Inventory.
- (6) “Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded 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.”
- (7) “Notice is given pursuant to Government Code Section 66411.1 that the improvement requirements in Attachment 1B for the subdivision shall be completed to the satisfaction of the Department of Public Works pursuant to Section 2.10 of the above-mentioned Subdivision Requirements.”



(8) "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 superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."

(9) "Lots in this subdivision were created utilizing Lot Size Modification."

14. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$445.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map.

15. The applicant is required to pay for permit processing on a time and material basis as set forth in the latest schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision and upon file close out. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

**Informational Notes:**

1. To reduce costs the applicant is encouraged to bring in written evidence\* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Conditions 3-11). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges. Copies of all required forms and written instructions are included in the final approval packet.

\* Each item evidencing compliance should note in the upper right hand corner:

*Assessor's Parcel No.* \_\_\_\_\_, *Exhibit "A", Condition* \_\_\_\_\_.  
*(Specify)* *(Specify)*

2. If archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the

appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

3. 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. As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.
5. The term of the approved Tentative Parcel 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.
6. The Special Permit shall be effective for 24 months to coincide with the term of the approved Tentative Map. Extensions of this term may be requested in conformance with the provisions of the Humboldt County Code.




EXHIBIT A



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ON-LINE WEB: CO.HUMBOLDT.CA.US	ADMINISTRATION 445-7491	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409	NATURAL RESOURCES 445-7741	CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388
	BUSINESS 445-7652		NATURAL RESOURCES PLANNING 267-9540	LAND USE 445-7205
	ENGINEERING 445-7377		PARKS 445-7651	
	FACILITY MANAGEMENT 445-7493		ROADS 445-7421	

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Rodney Yandell, Senior Planner   
FROM: Kenneth Freed, Assistant Engineer

RE: **SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE SUTTER, APPLICATION #PLN-2023-18146 PMS, APN 509-321-018, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 2.3 ACRES INTO 4 PARCELS AND A REMAINDER**

DATE: 2/14/2024  
-----

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

**These recommendations are based on the tentative map prepared by Kelly-O'Hern Associates dated February 14, 2024, and dated as received by the Humboldt County Planning Division on February 14, 2024.**

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 County Code §326-31. 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 an electronic copy of the subdivision map, in pdf format, as filed by the County Recorder. [Reference: Government Code §66466(f)]

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 County Code §326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.

## **1.4 EASEMENTS**

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

## **1.5 FURTHER SUBDIVISION**

At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code §323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.

## **1.6 PRIVATE ROADS**

Pursuant to County Code §324-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code §324-2(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."  
(use this paragraph private roads are within the distinctive border.)

## 1.7 DEDICATIONS

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

### (a) PUBLIC ROAD: SUTTER ROAD

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.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated to the County of Humboldt a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes in a manner approved by this Department. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

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) PRIVATE ROAD: UNAMED ACCESS ROADS #1 and #2

Access: Applicant shall cause to be dedicated on the subdivision map two non-exclusive easements for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 40 feet in width and shall be for Unnamed Access Road #1 and Unnamed Access Road #2).

A turn-around area shall be provided at the end of the road complying with Appendix D of the International Fire Code unless otherwise approved by this Department and Arcata Fire Protection District and/or CalFire.

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 unnamed access roads or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

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

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes. 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.

**(c) DRAINAGE EASEMENT**

To ensure orderly development of adjacent upland properties, applicant shall provide drainage easements to upstream property owners and/or the County as required by this Department. (Also see DRAINAGE section for improvement requirements.)

**(d) 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 an NBU for this project.

**1.8 LINES OF OCCUPATION**

Applicant shall provide prospective buyers with notice of any fences that are not on the property lines.

**2.0 IMPROVEMENTS**

**2.1 CONSTRUCTION PLANS**

Pursuant to County Code §326-3, 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) shall be named as approved by the Planning & Building Department – Planning Division.

## **2.5 TRAFFIC CONTROL DEVICES & SIGNS**

Traffic control devices and signs may need to be placed as required and approved by this Department. All signs and striping on County maintained roads shall be installed by the County at the expense of the developer, unless otherwise approved by the Department.

- (a) A stop sign shall be installed on Azalea Avenue (not-County maintained) at its intersection with Sutter Road. When the road is paved, a "stop" pavement marking and limit line shall be installed.
- (b) Pursuant to County Code §324-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation. (last paragraph for private roads)
- (c) No parking signs shall be installed along both sides of Azalea Avenue (not-County maintained) from Sutter Road to north property line of Parcel 2.
- (d) No parking signs shall be installed along both sides of unnamed access roads #1 and #2 from their intersection with Azalea Avenue to the eastern property lines of parcel 4 and the remainder parcel, respectively.
- (e) Street name signs shall be provided at all road intersections. In State Responsibility Areas, street name signs shall also comply with SFSR §1274.00 et seq. and County Code §3113-11.

For streets that will not be named, address signs shall be posted at the intersection. In State Responsibility Areas, the address signs shall comply with County Code §3113-11 and §1274.00 et seq. In the event that addresses are not available at the time that the

subdivision map is filed with the County Recorder, then a note shall be added to the development plan indicating that street address signs shall be posted prior to issuance of a building permit.

**Note:** CalFire has decertified the County's Fire Safe Regulations (FSR) codified in County Code §3111-1, et seq., as a result of the State's Fire Safe Regulations (SFSR) set forth in §1270.05, et seq. apply. Because the County has not repealed County Code §3111-1, et seq., County Code requirements also apply. When there is a conflict between the County's FSR and the State's SFSR, the code affording the greatest fire protection applies. [As an example, if County FSR requires a minimum 16 foot wide road and State SFSR requires a minimum 20 foot wide road, the State's requirement for a 20 foot wide road applies as it provides the greatest fire protection.]

- (f) Fire hydrants shall be identified with a retroreflective blue colored raised pavement marker. In State Responsibility Areas, water source signs shall also comply with SFSR §1275.04 and County Code §3114-5.
- (g) Additional signing and striping may be required by the Department upon review of the improvement plans. This includes, but is not limited to, centerline striping, two way left turn lane striping, bicycle lane striping, edge lines, dead end road signs, no outlet signs, speed limit signs, warning signs, etc....

## 2.6 ACCESS ROADS

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

- (a) All intersections must conform to Humboldt County Code §341 regarding visibility.
- (b) **Sutter Road (County Maintained):** Applicant shall retrofit the existing access apron for Azalea Avenue to comply with ADA requirements.
- (c) **Unnamed Access Road #1:** Unnamed Access Road #1 shall be constructed having a typical section comprised of a 16-foot-wide travel lane.
- (d) **Unnamed Access Road #2:** Unnamed Access Road #2 shall be constructed having a typical section comprised of a 16-foot-wide travel lane.
- (e) **Azalea Avenue (Non-County Maintained):** Azalea Avenue, north of Sutter Road, shall be constructed having a typical section comprised of an 18-foot-wide travel lane and a 5 foot wide pedestrian sidewalk with Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter(s) on the east side.
- (f) The access road(s) from a County maintained road to the subject property; and all access road(s) (including driveways) within the subject property shall be certified by a Civil Engineer registered by the State of California to be in conformance with SFSR; and in conformance with any exceptions approved by Cal Fire. Conformance shall include but is not limited to width of traveled way; roadway grade; curve radius; roadway surface; turnouts; turnaround areas; and maximum length of dead-end road. Certification shall be made in a manner approved by this Department.



- (g) In the event that the Civil Engineer is unable to certify that the road(s) are in conformance, the applicant shall cause construction plans to be prepared by a Civil Engineer that show what improvements need to be constructed to bring the road(s) into conformance. The plans shall be submitted for review by this Department. Once the construction plans are authorized for construction by this Department and the applicant constructs the improvements, the engineer shall certify that the road(s) are in conformance.
- (h) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (i) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.
- (j) Applicant shall remove and replace any public curb, gutter, sidewalk, flowline drain, or pavement found by this Department to be broken, uplifted, or damaged that fronts or is within the subdivision.
- (k) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

## 2.7 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 feet of Caltrans Type A 1/2" 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.
- (b) 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.

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.

- (c) **For unpaved road surfaces**, the structural section shall include a minimum, of 0.5 foot of Caltrans Class 2 aggregate base. Paved surfaces are required for grades in excess of 16%.

## **2.8 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.

## **2.9 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.

## **2.10 PERMITS**

Pursuant to County Code §411-11 (a)&(b), 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.

## **2.11 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. If the NBUs will not be installed by the Post Office, the subdivider shall install the NBUs as part of the subdivision.

Note: The Post Office may not require an NBU for this project. (Use this note when it is questionable whether or not an NBU will be required by the post office.)

## **2.12 COMPLETION OF IMPROVEMENTS ON PARCEL MAP SUBDIVISION**

When improvements are not constructed before the subdivision map is filed with the County Recorder, the following apply:

- (a) Pursuant to Government Code §66411.1 (improvement timing), fulfillment of reasonable on-site and off-site construction requirements may be imposed prior to Parcel Map filing with the County Recorder if found necessary for the public health or safety or orderly



development of the area. The following improvements are necessary for the public health or safety or orderly development of the area and shall be completed: (1) within twenty-four (24) months after the filing date of the Parcel Map, or (2) prior to issuance of a building permit on any property subject to this notice, or (3) prior to any other grant of approval for any property subject to this notice, whichever occurs first:

Item 2.6(b)

- (b) The following improvements shall be completed: (1) prior to issuance of a building permit on any property subject to this notice, or (2) prior to any other grant of approval for any property subject to this notice, whichever occurs first:

Item 2.5 and Item 2.6

### **3.0 DRAINAGE**

#### **3.1 PRELIMINARY DRAINAGE REPORTS**

Any submitted reports have not been through a thorough engineering review. Detailed review and approval will be provided after the tentative map has been approved. This also applies to low impact development submittals.

#### **3.2 DRAINAGE ISSUES**

Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.

#### **3.3 DRAINAGE REPORT**

Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. The report and plan must be prepared by a Civil Engineer registered by the State of California. 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.

#### **3.4 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.

#### **3.5 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.

Applicant may construct individual facilities on each lot or may provide a consolidated facility to serve the entire subdivision.

### **3.6 DRAINAGE FEES**

Applicant must conform to County Code §328.1-16 regarding McKinleyville Drainage Area Fees.

### **3.7 LOW IMPACT DEVELOPMENT (LID)**

The subdivision is required to comply with County Code §337-13. The applicant shall submit a Storm Water Information Sheet for review and approval by the County. The improvement plans must incorporate LID strategies for the entire subdivision, including roads, lots, and other areas.

At the time that the subdivision improvements are constructed, the LID elements related to an individual lot may be deferred until such time as the lot is developed. It is intended that any deferred LID strategies shown on the improvement plans for a lot are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for. Any deferred LID improvements must be shown and identified on the Development Plan.

When there will be deferred LID improvements, a separate sheet in the improvement plans shall be provided for the LID concepts proposed for the individual lots. It is intended that this sheet will be attached to the development plan to facilitate issuance of a building permit at a later time.

Each lot in the subdivision is considered a regulated project.

### **4.0 GRADING**

<NONE>

### **5.0 MAINTENANCE**

#### **5.1 MAINTENANCE OF IMPROVEMENTS**

The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code § 324-2 (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, 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 Azalea Avenue.
- A maintenance plan for the two unnamed access roads.

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 consolidated detention facilities shall include, but is not limited to, the following:

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

## **5.2 MAINTENANCE AGREEMENTS**

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

## **6.0 DEVELOPMENT PLAN**

<NONE>

## **7.0 LANDSCAPING**

<NONE>

## **7.1 WATER EFFICIENT LANDSCAPE GOALS**

For projects with an aggregate landscape area equal to or greater than 500 square feet, landscaping design and documentation shall be completed in accordance with County Code §331-11(o). After approval, the applicant shall submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

// END //

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ON-LINE  
WEB: CO.HUMBOLDT.CA.US

	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409		
ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

	CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388
LAND USE	445-7205

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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Rodney Yandell, Senior Planner

FROM: Kenneth Freed, Assistant Engineer

DATE: February 14, 2024

**RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE SUTTER, APPLICATION #PLN-2023-18146 PMS, APN 509-321-018, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 2.3 ACRES INTO 4 PARCELS AND A REMAINDER**

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

**EXCEPTION REQUEST FOR REDUCED RIGHT OF WAY WIDTH FROM 40 FEET TO 20 FEET:** Based upon the development potential of the Unnamed Access Roads, the Department can support the proposed exception request. If the Planning Commission approves the exception requires, Item No. 1.7(b) in the Public Works Conditions of Approval will be replaced with the following:

Access: Applicant shall cause to be dedicated on the subdivision map two non-exclusive easements for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 20 feet in width and shall be for Unnamed Access Road #1 and Unnamed Access Road #2).

**EXCEPTION REQUEST FOR CURB, GUTTER, AND SIDEWALK:** It is unclear where the applicant is requesting an exception to sidewalks, curb, and gutter, so the request has been broken into two parts for the Department response.

- 1. Azalea Avenue (North of Sutter Road):** The exception request states that the project site has no connection to an existing sidewalk network, however, there is existing sidewalk along the project frontage on Sutter Road. Based upon these facts, the Department cannot support the proposed exception request at this location. Additionally, the exception request does not provide adequate justification to support the proposed exception. If the Planning Commission approves the exception request, Item No. 2.6(e) in the Public Works Conditions of Approval will be replaced with the following:



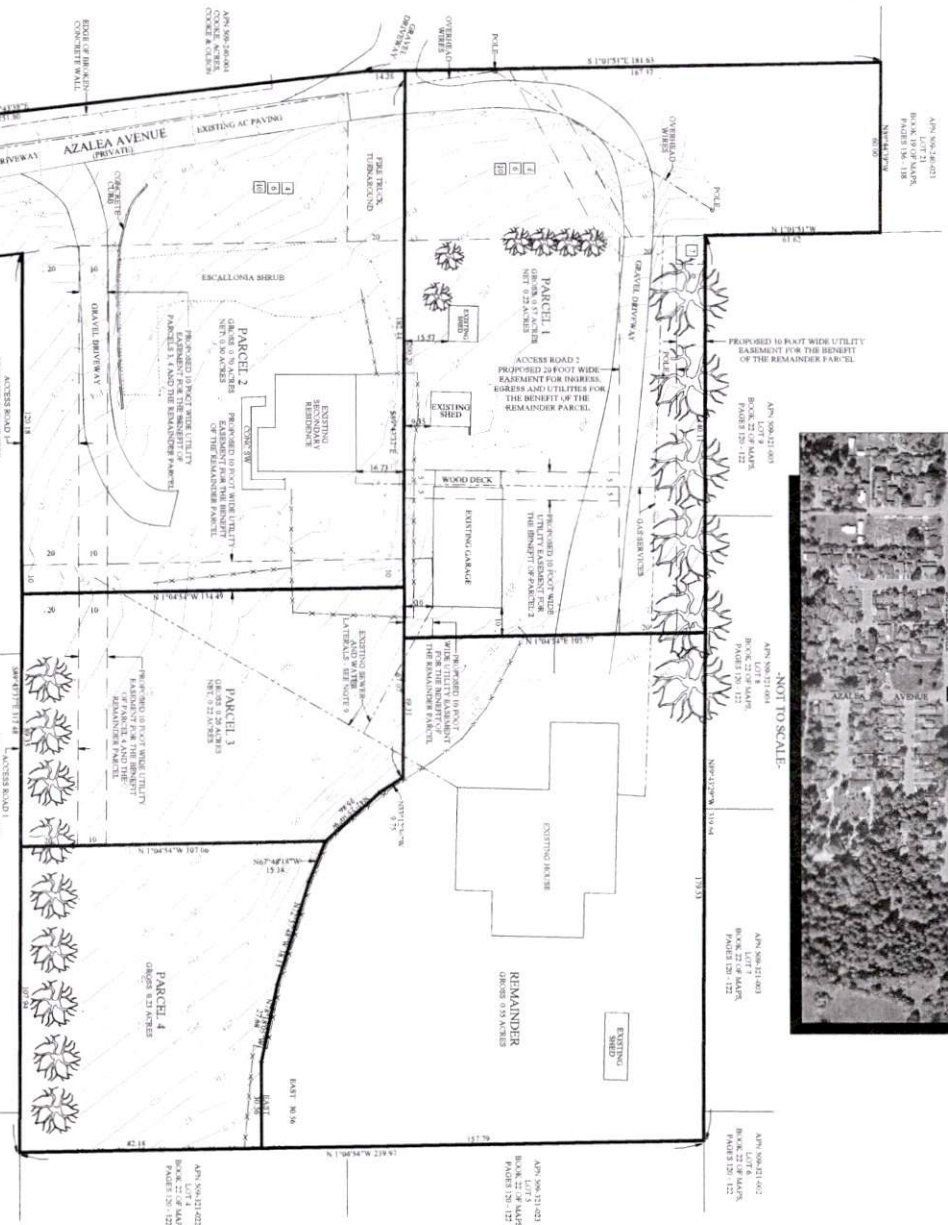
The Azalea Avenue, north of Sutter Road, shall be constructed having a typical section comprised of one 18-foot-wide travel lane.

The access road shall be signed and/or striped for no parking.

2. **Unnamed Access Roads #1 and #2:** Based upon the limited number of parcels served and the lack of future connectivity for the access roads the Department can support the proposed exception request at these locations.

**Azalea Avenue, north of Sutter Road:** McKinleyville Community Plan Policy #4230.10 states that sidewalks separated from roadways shall be incorporated into the design of subdivisions when warranted. However, a curb adjacent sidewalk on Azalea Avenue at the project location is acceptable to the Department due to constraints imposed by existing terrain.

//END//



**NOTES**

1. THE SITE PLAN IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.
2. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND THE ADJACENT AREAS AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.
3. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND THE ADJACENT AREAS AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.
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10. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND THE ADJACENT AREAS AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.

**LEGEND**

- AC CONCRETE
- CM CONC. ON GRADE
- DI DRAINAGE
- EM EXISTING DRIVEWAY
- EX EXISTING
- GR GRASS
- HW HATCH
- IR IRON
- MA MAINTENANCE
- PA PAVEMENT
- PL PLANTING
- PO POOL
- PR PRIVATE
- RE REPAIR
- SH SHED
- SK SKYLINE
- SP SPACING
- ST STEEL
- TR TRAILER
- UN UNDEVELOPED
- UT UTILITY
- VA VALVE
- VE VEGETATION
- VI VISIBILITY
- W WATER
- WD WOOD
- WM WOOD MOUNTAIN
- WO WOOD
- WV WATER
- WY WYRE
- ZE ZONING



APR 509-31-018  
TENTATIVE PARCEL MAP

FOR  
**ROBERT W. & CINDI L. SUTTER**  
IN  
SECTIONS 4 & 5 T8N, R1E, HUMBOLDT-SERRAVALLE  
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
FEBRUARY 2024 SCALE 1" = 20'

KELLY-O'HERN ASSOCIATES  
EUREKA, CALIFORNIA





April 26, 2022

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



Attention: Trevor Estlow – Senior Planner

Re: Exception Request Justification (325-9) (CALFIRE) – Azalea Ranch Minor Subdivision APN 509-321-018

Mr. Estlow:

Attached you will find a completed CALFIRE Exception Request (Section 325-9) to the proposed right of way road width, from SRA required width of 40 feet to the proposed exception of 18 feet. The Applicant is also requesting an exception to sidewalks, curbs, and gutters for the project. The following conditions exist which warrant exception to these requirements:

1. 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 Applicant/Petitioner.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property adjacent to where this property is situated.

Currently, there are two existing residences on the property (1641 and 1643 Azalea Ave). The project would result in the potential for three additional single-family residences in the future. The subdivision design plans include consideration for the provision of emergency services, such as maneuverability, off-street parking, setbacks, widening existing travel lanes from 12 to 18 feet, providing a durable compacted base to support 40,000-pound vehicles, and utilizing existing turnarounds similar to hammerhead T style, etc.

The project site is on the boundary of Local and SRA, and the site is accessed by Azalea Avenue and Sutter Road. There is an existing 50-foot easement right of way (R/W), on that SRA boundary, which extends north to south along the westerly boundary of the property. That easement would remain intact and undeveloped. Branching out from the 50-foot main driveway R/W are two 12-foot-wide dead-end driveways that lead to the two existing residences. These driveways are already improved with compacted road base aggregate and are suitable for emergency vehicles (Personal Communication: Ed Laidlaw-Arcata Fire District Marshall, April 5, 2022).

The project site has no connectivity to an established sidewalk system in the area. The benefit/cost would not be feasible to install due to the physical layout and conditions on site that limit the functionality of a sidewalk system.

The proposed minor subdivision is infill development consistent with planned growth for the area. The proposed project helps achieve maximum buildout for the community, and supports the construction of much needed additional housing units. The proposed project would be consistent with the Humboldt County General Plan, Zoning Ordinance, McKinleyville Community Plan, and be prepared in accordance with the State's Tentative Map Act.

In granting this exception there would not appear to be a detrimental impact on the public's health, welfare, or safety, nor violate the intent of SRA Fire Safe Regulations. On this basis, the Applicant/Petitioner respectfully requests that an exception be granted. If you should need additional information, feel free to contact me anytime.

Sincerely,

Keith Castonguay – Agent

cc: Michael O'Hern; Ed Laidlaw AFD; File

December 13, 2023

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



Attention: Rodney Yandell – Senior Planner

Re: Exception Request Justification (HCC Section 325-9) – Azalea Ranch Minor Subdivision APN 509-321-018

Mr. Yandell:

The applicant respectfully requests exception from certain Land Use Division's recent conditions of approval (Dated: April 27, 2023), that includes the condition of a 40-foot right of way (ROW).

There are three conditions in HCC 325-9 that must be met in order to consider an exception. The following conditions exist which warrant exception to these requirements:

**1. There are special circumstances or conditions affecting said property.**

Azalea Avenue ROW (Right of Way) flares from 50-foot to 60-foot from south to north. Two proposed unnamed access roads branch off Azalea Avenue, which are described as access road 1 and 2. Azalea Avenue services two entrances for (APN 509-240-004) proposed new Parcel 1. Access road 1 will service three parcels (2, 3, &4). Access Road 2 will service Parcel 1 and the Remainder Parcel.

Access Road 2 to the Remainder Parcel can be considered a rural driveway and will have an 18-foot travel lane and a 10-foot PUE (Public Utility Easement). The level of service would warrant classification as road category #1 at worst case scenario. A 20-foot ROW with a 10-foot PUE would seem more than adequate east of Azalea Avenue. If a 40-foot ROW were to be imposed it would reduce the usable area for development to a point whereby Parcel 1 could not be created.

The Access Road 1 to Parcels 2, 3, and 4 are being allowed to have an 18-foot wide gravel per CalFire approval (CalFire Battalion Chief Chris Ramey, April 7, 2023). A 20-foot ROW plus 10-foot PUE would seem more than adequate east of Azalea Avenue to service these lots. If a 40-foot ROW were to be imposed it would reduce the usable area for development to a point whereby Parcel 3 could not be created.

It would appear as though a 20-foot ROW, in addition with a 10-foot PUE, for areas east of Azalea Avenue, would offer ample infrastructure to support the conditions of approval specified 18-foot access roadway widths, level of service, safety, and maneuverability demands for the project.

**2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the Applicant/Petitioner.**

The proposed minor subdivision is infill development consistent with planned growth for the area. The proposed project helps achieve maximum buildout for the community, and supports the construction of much needed additional housing units. The proposed project is consistent with the Humboldt County General Plan Housing Element (Policy H-P1), Zoning Ordinance, McKinleyville Community Plan, and be prepared in accordance with the State's Tentative Map Act. Not to mention the addition of valuable infill housing development and tax base to the community.



If the 40-foot ROW were to be imposed on the project access roadways at least two lots would be eliminated and the project would no longer be financially feasible to the Applicant, nor offer rough proportionality with surrounding uses and activities.

3. **That the granting of the exception will not be detrimental to the public welfare or injurious to other property adjacent to where this property is situated.**

The subdivision design plans include consideration for the provision of emergency services, such as maneuverability, off-street parking onsite out of the easements, setbacks, widening existing travel lanes from 12-foot to 18-foot, providing a durable compacted base to support 40,000-pound vehicles, utilizing turnarounds, vegetative fuel modification, accessing fire hydrant system, sprinklered homes, street signage, etc.

The subdivision safety/design elements were prepared in accordance with the recommendations of at least four public entities whom conducted site visits prior to project submittal, including: Arcata Fire District Marshall; CA Dept. of Fish & Wildlife Biologist; MCSD management; HC Planning & Building.

On this basis, the Applicant/Petitioner respectfully requests that this exception be granted. Denying the exception would deprive the Applicant the right to maximize the development potential of the property as promulgated in the General Plan, McKinleyville Community Plan, and Zoning Ordinance.

If you should need additional information, feel free to contact me anytime.

Regards,



Keith Castonguay – Agent  
cc: file

**From:** [Keith Castonguay](#)  
**To:** [Yandell, Rodney](#)  
**Cc:** [Freed, Ken](#)  
**Subject:** Azalea Ranch Subdivision  
**Date:** Wednesday, January 10, 2024 9:14:48 AM

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**Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi there Rodney, hope you had a nice holiday season. I wanted to give a courtesy heads up that Mr. O'herm will be completing the Tentative Map revisions we discussed with you and Mr. Freed. I cleaned up the 325-9 Exceptions Request, thanks to assistance from Mr. Freed. I focused the discussion on only the easement widths. I will be emailing you the TM and 325-9 later today and will be dropping off hard copies of those to you at the County as well.

I wanted to let you know that the Applicant does not want to install any sidewalks, except the area around the Sutter Road and Azalea Avenue intersection encroachment requirement. I am mentioning this because it would be an issue that we would appeal to Planning Commission on for leniency. This is to let you know the Applicant's intentions ahead of time. Other than reducing the access roads easement widths to 30-foot and no sidewalks on Azalea Avenue (past the encroachment area), there are no other concerns it appears.

Hope everything looks good and meets with your approval. We look forward to Staff and Planning Commission approval hopefully.

See you soon. Thanks very much.

Keith Castonguay



EXHIBIT A



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ON-LINE WEB: CO.HUMBOLDT.CA.US	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409	CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388
ADMINISTRATION 445-7491	NATURAL RESOURCES 445-7741	LAND USE 445-7205
BUSINESS 445-7652	NATURAL RESOURCES PLANNING 267-9540	
ENGINEERING 445-7377	PARKS 445-7651	
FACILITY MANAGEMENT 445-7493	ROADS 445-7421	

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Rodney Yandell, Senior Planner

FROM: Kenneth Freed, Assistant Engineer

DATE: February 14, 2024



**RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE SUTTER, APPLICATION #PLN-2023-18146 PMS, APN 509-321-018, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 2.3 ACRES INTO 4 PARCELS AND A REMAINDER**

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

**EXCEPTION REQUEST FOR REDUCED RIGHT OF WAY WIDTH FROM 40 FEET TO 20 FEET:** Based upon the development potential of the Unnamed Access Roads, the Department can support the proposed exception request. If the Planning Commission approves the exception requires, Item No. 1.7(b) in the Public Works Conditions of Approval will be replaced with the following:

Access: Applicant shall cause to be dedicated on the subdivision map two non-exclusive easements for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 20 feet in width and shall be for Unnamed Access Road #1 and Unnamed Access Road #2).

**EXCEPTION REQUEST FOR CURB, GUTTER, AND SIDEWALK:** It is unclear where the applicant is requesting an exception to sidewalks, curb, and gutter, so the request has been broken into two parts for the Department response.

- 1. Azalea Avenue (North of Sutter Road):** The exception request states that the project site has no connection to an existing sidewalk network, however, there is existing sidewalk along the project frontage on Sutter Road. Based upon these facts, the Department cannot support the proposed exception request at this location. Additionally, the exception request does not provide adequate justification to support the proposed exception. If the Planning Commission approves the exception request, Item No. 2.6(e) in the Public Works Conditions of Approval will be replaced with the following:

The Azalea Avenue, north of Sutter Road, shall be constructed having a typical section comprised of one 18-foot-wide travel lane.

The access road shall be signed and/or striped for no parking.

2. **Unnamed Access Roads #1 and #2:** Based upon the limited number of parcels served and the lack of future connectivity for the access roads the Department can support the proposed exception request at these locations.

**Azalea Avenue, north of Sutter Road:** McKinleyville Community Plan Policy #4230.10 states that sidewalks separated from roadways shall be incorporated into the design of subdivisions when warranted. However, a curb adjacent sidewalk on Azalea Avenue at the project location is acceptable to the Department due to constraints imposed by existing terrain.

//END//





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION

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



Date: 3/30/23

To: CALFIRE  
Attn: Chris Ramey, 118 S. Fortuna Blvd., Fortuna CA 95540

From: Trevor Estlow - Senior Planner

Subject: Exception Request from SRA Fire Safe Regulation

Section(s): 1273.01 (Roadwidth) 1273.08 (Dead End Road Length) *→ maybe non-applicable*

APN: 509-321-018-000 1276.01 (30-foot Setback)

Property Owners Name: Robert Sutter

Situs Address: 1643 Azalea Ave., McKinleyville, CA 95519

Building Permit Application Number: (if applicable) N/A

Enclosed please find a request for an exception to the State Fire Safe Regulations. Please review this request and contact Trevor Estlow of this office with your agency's decision.

ATTACHMENTS:

- Exception Request Form
- Plot Plan
- Other: \_\_\_\_\_

**Staff Use Only**

Receipt # RR 0766 (\$135.00 fee) Date Accepted: 3/23/23 By: TE Date Mailed to CDF: 4/3/23

Zoning: R-1-B-2 Standard Setbacks: 30/20 Front; 30/10 Rear; 30/5 Side

Date Parcel Created: 12/15/2000 Approximate Size of Parcel in Acres: 2.26

**Packet MUST contain all 3 pages to be considered complete**

PROPERTY OWNER: Robert Sutter APN: 509-321-018-000

### EXCEPTION REQUEST FORM

#### SRA Fire Safe Regulations

Exceptions to standards within the SRA Fire Safe Regulations, 2020 will be allowed by the California Department of Forestry and Fire Protection (CALFIRE) where it can be shown that the exception provides the same overall practical effect as these regulations towards providing defensible space<sup>1</sup> (14 CCR, Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5. SRA Fire Safe Regulations, 2020, Section 1270.06).

1. This request is for an exception from Section(s) 1273.01 and 1276.01 of the SRA Fire Safe Regulations which requires (briefly describe standard or practice (e.g. 30 foot building setback)) A minimum of two 9-foot wide traffic lanes (1273.01)  
A minimum 30-foot setback (1276.01) for all buildings from all property lines and/or center of a road.

2. This request will provide the same overall practical effect as the Fire Safe Regulations towards defensible space because (specify the material facts that support the granting of the exception) All roads will be constructed to support the load of emergency vehicles (ie fire trucks), Structure fire protection is provided by Arcata FPD (within District boundary). This property is located in a built environment and not subject to vegetation encroachment (Attach additional sheet(s) if necessary) that would create an indefensible space.

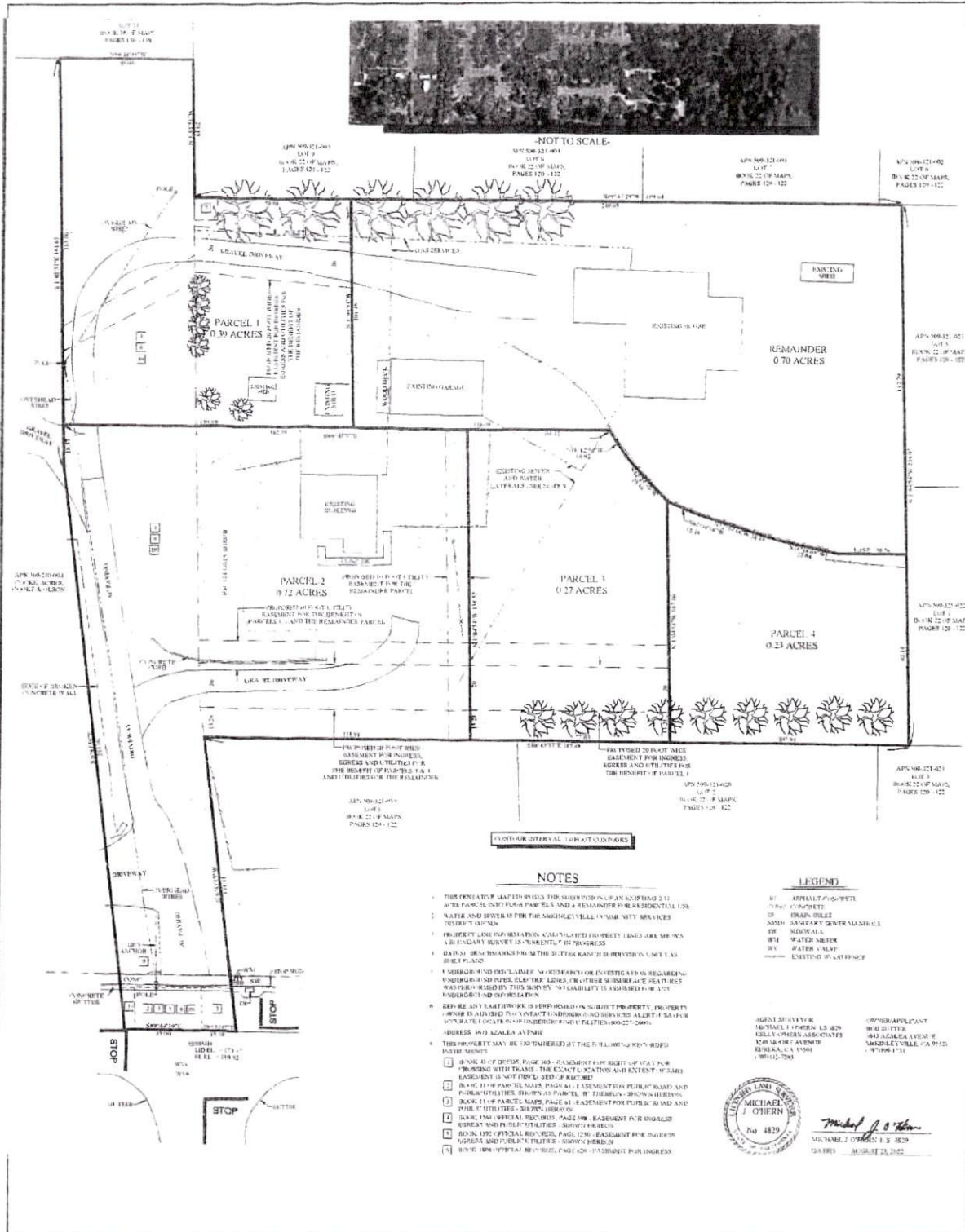
3. The following specific mitigation measures are proposed as part of this exception request (list any measure(s) to be used to meet the intent of the fire safe standard or practice (e.g. fuel modification and vegetation maintenance easement over adjacent property to achieve equivalent of a 30 foot building setback) All new homes will have sprinkler systems. All parcels will adhere to the SRA Standard Exception for small parcels. Adequate turnaround will be available/provided. MCSD provides adequate water pressure and hydrant is close by, so no new hydrant would be required. Addresses would be clearly displayed. No vegetation removal to support proposed 18-foot road ways. A Road Maintenance Agreement will be created to support long-term access viability.

<sup>1</sup> Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street road names and building identification, and fuel modification measures.



# PLOT PLAN OF PARCEL

Draw or attach plot plan as this page.



FOOT-CUR INTERVAL TO POINT CONTIGUOUS

### NOTES

1. THIS PRIVATE LOTS ARE BEING DIVIDED INTO PARCELS 1, 2, 3, 4 AND REMAINDER.
2. WATER AND SEWER IS FOR THE SMOGUEVILLE TOWN UTILITY SERVICES.
3. PROPERTY LINE INFORMATION, CALCULATED FROM THE LATEST SURVEY AND A BOUNDARY SURVEY IS CURRENTLY IN PROGRESS.
4. DATA IS BEING MARKED FROM THE SURVEY AND IS PROVIDED FOR THE BENEFIT OF THE REMAINDER.
5. A SURVEY AND INVESTIGATION IS BEING CONDUCTED REGARDING UNDERGROUND UTILITY LINES, OR OTHER SUBSURFACE FEATURES AND IS BEING CONDUCTED BY THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR THE RESULTS OF THIS SURVEY.
6. THE PROPERTY IS BEING DIVIDED INTO PARCELS 1, 2, 3, 4 AND REMAINDER. THE PROPERTY IS BEING DIVIDED INTO PARCELS 1, 2, 3, 4 AND REMAINDER. THE PROPERTY IS BEING DIVIDED INTO PARCELS 1, 2, 3, 4 AND REMAINDER.
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10. THE PROPERTY IS BEING DIVIDED INTO PARCELS 1, 2, 3, 4 AND REMAINDER. THE PROPERTY IS BEING DIVIDED INTO PARCELS 1, 2, 3, 4 AND REMAINDER.

### LEGEND

- ADULT PROPERTY
- CONCRETE
- DRAP CURTAIN
- SEMI-SANITARY SEWER MAIN
- INDIVIDUAL
- WATER METER
- WATER VALVE
- EXISTING PROPERTY



AGENT SURVEYOR  
MICHAEL J. O'BRIEN, L.S. 4829  
KELLY O'BRIEN ASSOCIATES  
1240 S. COAST AVENUE  
EUREKA, CA 99901  
(916) 442-7200

APPLICANT  
MICHAEL J. O'BRIEN, L.S. 4829  
KELLY O'BRIEN ASSOCIATES  
1240 S. COAST AVENUE  
EUREKA, CA 99901  
(916) 442-7200

DATE: AUGUST 23, 2022



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

118 S. Fortuna Blvd  
Fortuna, CA 95540  
(707) 725-4413  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



Ref: 7100 Planning  
Date: April 7, 2023

To:  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501

RE: Project/Owner: Robert Sutter APN: 509-321-018 Area: McKinleyville

CAL FIRE has reviewed this exception request for the following Fire Safe Regulations:

1276.01 Setback, 1273.01 Road Width, 1273.08 Dead End Road

The project proposes to subdivide 2.3 acre parcel with existing residence into 5 parcels of varying sizes. The parcel is situated within a developed area of McKinleyville adjacent to the Arcata Fire District Local Responsibility Area (LRA).

Field inspection revealed that site conditions are as described within the exception request form. The neighborhood surrounding the parcel is already developed similarly with the proposed parcel sizes and construction. The area is not considered to be a high fire danger area. CAL FIRE can support the approval of this exception request.

*Chris Ramey*

**Chris Ramey**  
Battalion Chief, Fire Planning  
CALFIRE  
Humboldt – Del Norte Unit

For Kurt McCray, Unit Chief