



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

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

Hearing Date: August 3, 2017

To: Humboldt County Planning Commission

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

Subject: **BSDS Investments, LLC Final Map Subdivision**  
Application Number 11039  
Case Numbers FMS-16-005  
Assessor Parcel Number 509-114-016-000  
Lime Avenue, First Street and A Street, McKinleyville area

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

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> August 3, 2017	<b>Subject</b> Final Map Subdivision	<b>Contact</b> Trevor Estlow
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**Project:** A Major Subdivision to divide an approximately one-acre parcel into seven lots ranging in size from 6,000 square feet to 7,481 square feet. The parcel is currently vacant and approximately 100 trees are proposed to be removed to facilitate the subdivision. An exception to the solar shading requirements and right of way width is requested. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District.

**Project Location:** The project site is located in the McKinleyville area, on the south side of First Street, bordered by Lime Avenue to the west and A Street to the east.

**Present Plan Designation:** Residential Low Density (RL). McKinleyville Community Plan) (MCCP). Density: 1-7 dwelling units per acre. Slope Stability: Relatively Stable.

**Present Zoning:** Residential One-Family with a Special Building Site combining zone specifying a 6,000 square foot minimum parcel size and Noise Impacts (R-1-6-S-N).

**Application Number:** 11039

**Case Number:** FMS-16-005

**Assessor Parcel Number:** 509-114-016-000

**Applicant**

BSDS Investments, LLC  
1242 Winchester Ave.  
McKinleyville, CA 95519

**Owner(s)**

Dane Valadao                      Jeffrey Schirmann  
1242 Winchester Ave.      1904 Pickett Road  
McKinleyville, CA              McKinleyville, CA  
95519                                      95519

**Agent**

Kelly-O'Hern Associates  
Mike O'Hern  
3240 Moore Ave.  
Eureka, CA 95501

**Environmental Review:** Project requires environmental review.

**Major Issues:** None

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

## BSDS INVESTMENTS, LLC FINAL MAP SUBDIVISION

Case Number: FMS-16-005

Assessor Parcel Number 509-114-016

### Recommended Planning Commission Action

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

*Move to adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Final Map Subdivision, including the exception request to allow a reduced right of way, based on evidence in the staff report and public testimony, and adopt the Resolution approving the BSDS Investments, LLC project subject to the recommended conditions.*

### EXECUTIVE SUMMARY:

The applicant requests approval of a Final Map Subdivision of an approximately one acre parcel into seven lots ranging in size from 6,000 square feet to 7,481 square feet. Approximately 100 trees are proposed to be removed from the site to clear the site for development. The parcel is currently vacant. The parcels are to be served by community water and sewer by the McKinleyville Community Services District.

The property is within the inland zone (non-coastal). The property is planned Residential Low Density by the McKinleyville Community Plan. The subdivision, with the proposed residential development, is consistent with subdivision requirements, with the development standards of the zone and with General Plan policies. The subdivision is consistent with the planned density of the area as dictated by the 6,000 square foot minimum parcel size set by the zone. The project is consistent with existing residential development.

The subdivision is accessed from A Street on the east side, Lime Avenue on the west side and First Street on the north. The tentative map proposes a 40 foot right of way for First Street, a 45 foot right of way for A Street and a 45 foot right of way for Lime Avenue. All three of the proposed right of ways match the existing right of way. The subdivision ordinance specifies a minimum 50 foot wide right of way for a Category 6 road. Pursuant to Section 325-9 H.C.C., the applicant has requested a reduction to the required right of way width for First Street, A Street and Lime Avenue. The Department of Public Works has reviewed this request and supports the exception. Public Works has also provided Subdivision Requirements that include dedications, access requirements, and improvements. Project approval is conditioned upon satisfaction of these requirements.

A Grading and Drainage Plan was prepared by Trinity Valley Consulting Engineers. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased."

The applicant has requested an exception to the solar shading requirements due to the north-south orientation of the parcels. According to the solar shade map submitted by the applicant, adequate solar access is not feasible because the north-south layout of Lime Avenue and A Street prohibit the availability of adequate solar access. In order to mitigate for this, the applicant has proposed to limit the residences to single story and 17 feet tall. Development, including second dwelling units, additions at a greater height or different footprint, other than that specified in the Solar Shade Study, will require a site-specific solar shading analysis to show conformance.

The parcel is located within the Noise Impact combining zone due to the proximity to Sutter Road, but is outside the area of concern that would require barriers between the noise source and site. Therefore, no mitigation is proposed or required.

All referral agencies have recommended approval or conditional approval of the project. Project approval is conditioned upon meeting their requirements. The Department has prepared and circulated a draft Mitigated Negative Declaration and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment.

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

**Alternative 1:** The Planning Commission could elect not to approve the exception request submitted by the applicant and require the applicant to provide additional right of way along Lime Avenue, First Street and A Street. This alternative should be implemented if your Commission is unable to make all of the required findings to support the exception. Planning Division staff and Public Works staff has found that the required findings can be made and supports the exception. Consequently, planning staff does not recommend further consideration of this alternative.

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

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

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BSDS INVESTMENTS, LLC  
FINAL MAP SUBDIVISION APPLICATION  
CASE NO.: FMS-16-005; ASSESSOR PARCEL NUMBER 509-114-016-000**

**WHEREAS**, Mike O'Hern, on behalf of the owners, submitted an application and evidence in support of approving the Final Map Subdivision; and  
**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and  
**WHEREAS**, the Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and  
**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision (Case Number: FMS-16-005); and  
**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on August 3, 2017.

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number FMS-16-005 support approval of the project, based on the submitted evidence; and
3. Approves the proposed Final Map Subdivision project as recommended and conditioned in Attachment 1 for Case Number FMS-16-005.

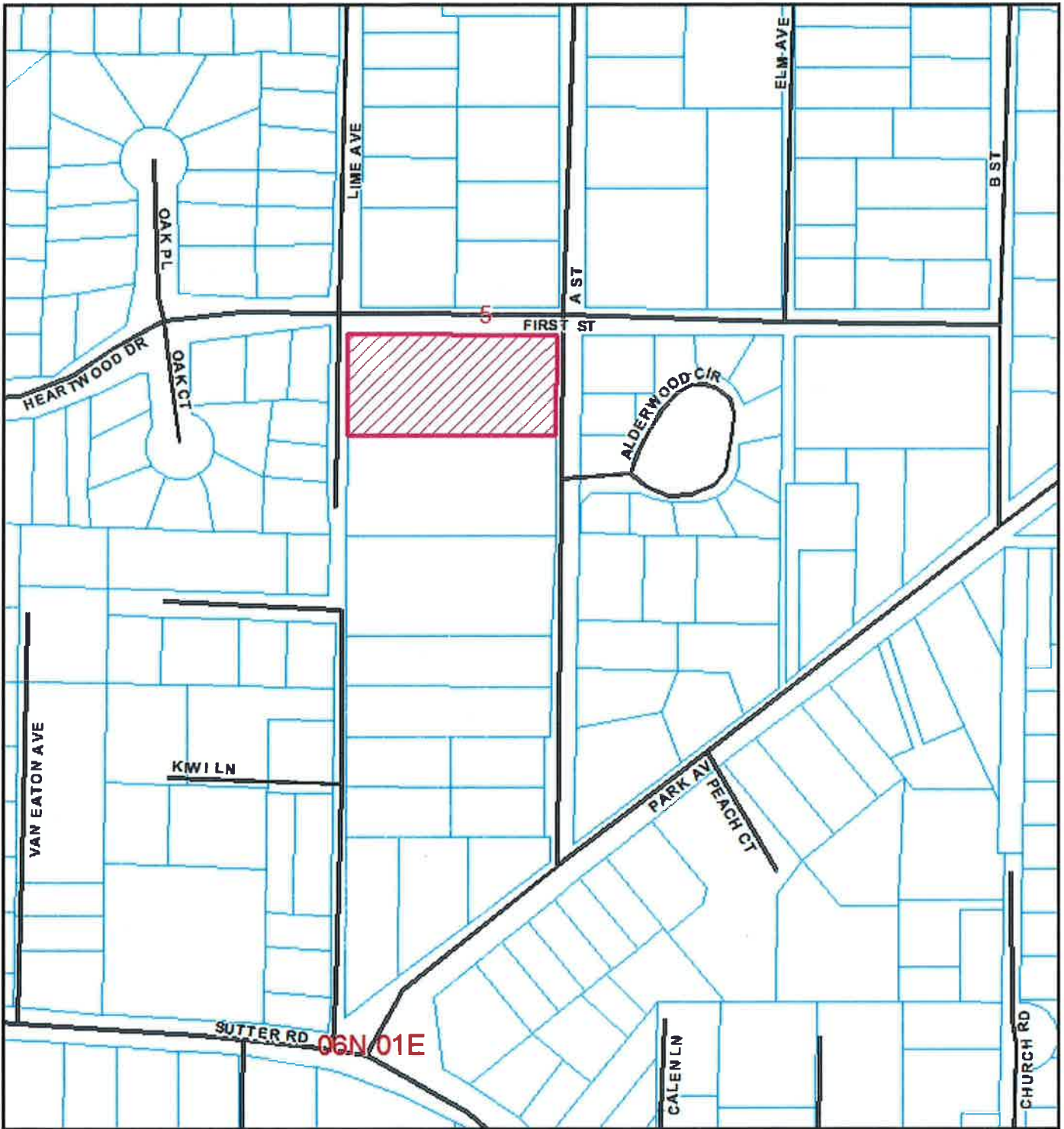
Adopted after review and consideration of all the evidence on August 3, 2017.

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

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

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

\_\_\_\_\_  
John Ford  
Director, Planning and Building Department



**LOCATION MAP**

**PROPOSED BSDS INVESTMENTS, LLC  
FINAL MAP SUBDIVISION  
MCKINLEYVILLE AREA  
FMS-16-005**

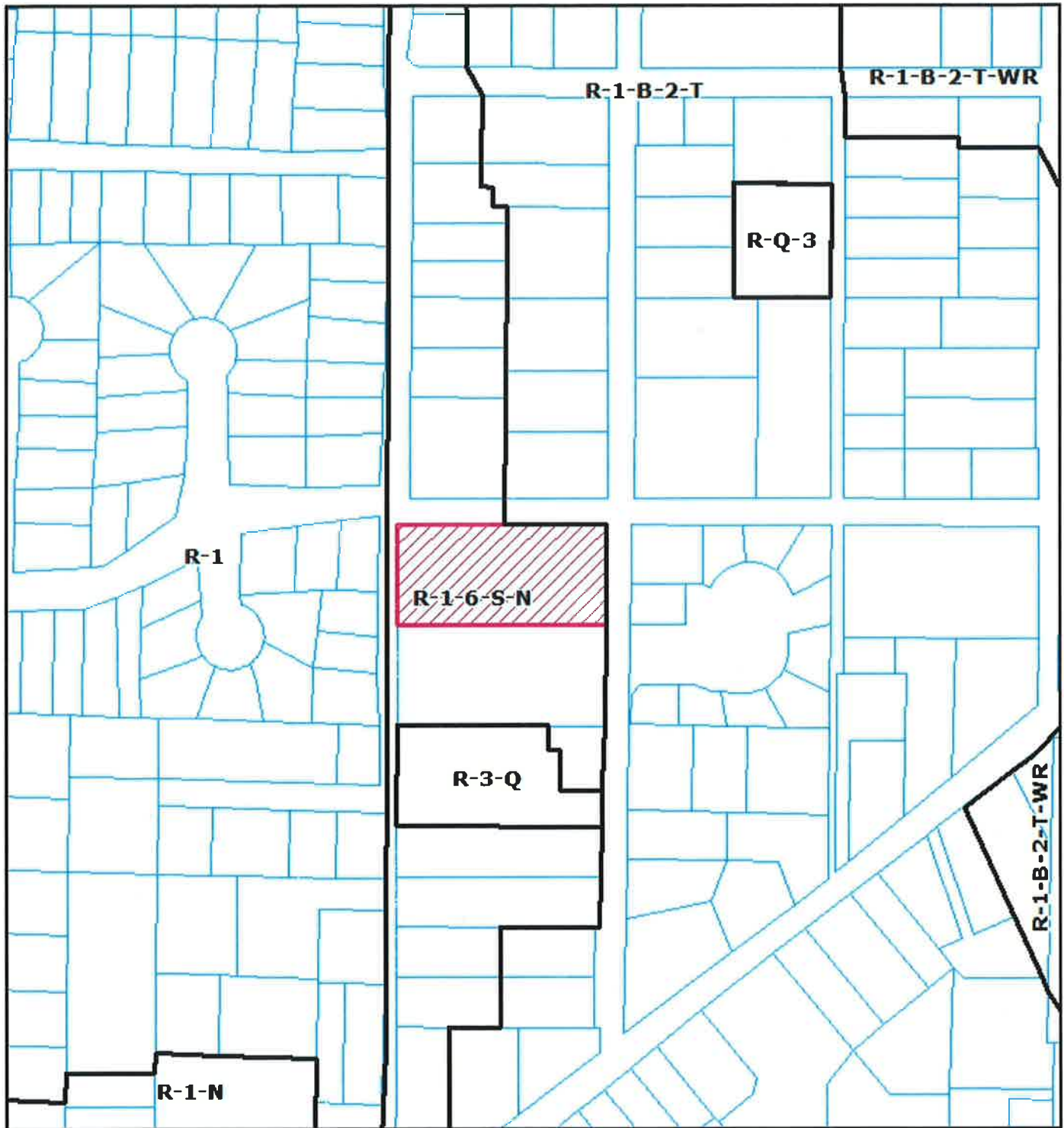
**APN: 509-114-016**

**T06N R01E S05 HB&M (Arcata North)**

**Project Area =** 

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





**ZONING MAP**

**PROPOSED BSDS INVESTMENTS, LLC  
 FINAL MAP SUBDIVISION  
 MCKINLEYVILLE AREA  
 FMS-16-005**

**APN: 509-114-016**

**T06N R01E S05 HB&M (Arcata North)**

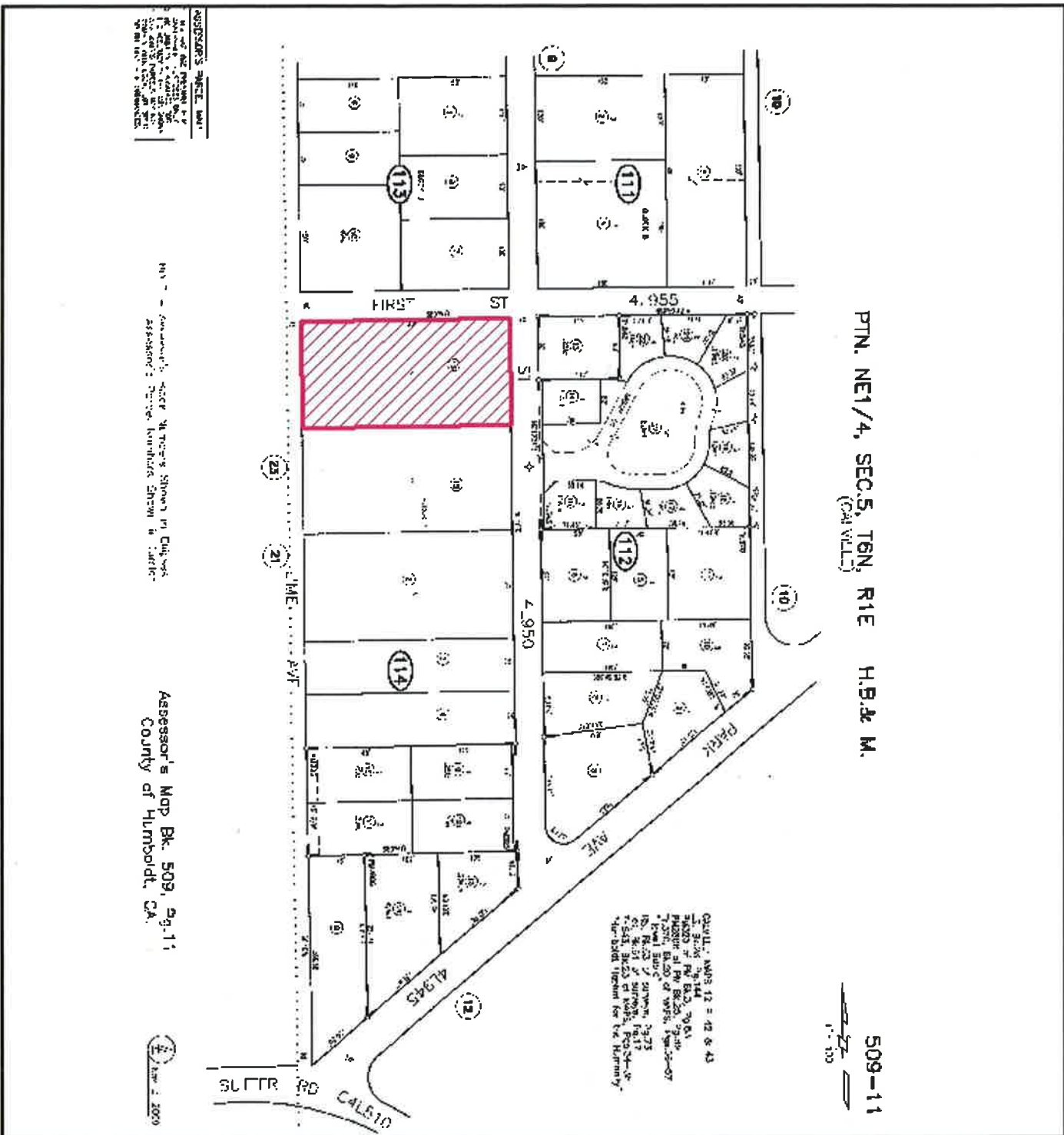


**Project Area =** 

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







**ASSESSOR PARCEL MAP**

**PROPOSED BSDS INVESTMENTS, LLC  
FINAL MAP SUBDIVISION  
MCKINLEYVILLE AREA  
FMS-16-005**

**APN: 509-114-016**

**T06N R01E S05 HB&M (Arcata North)**

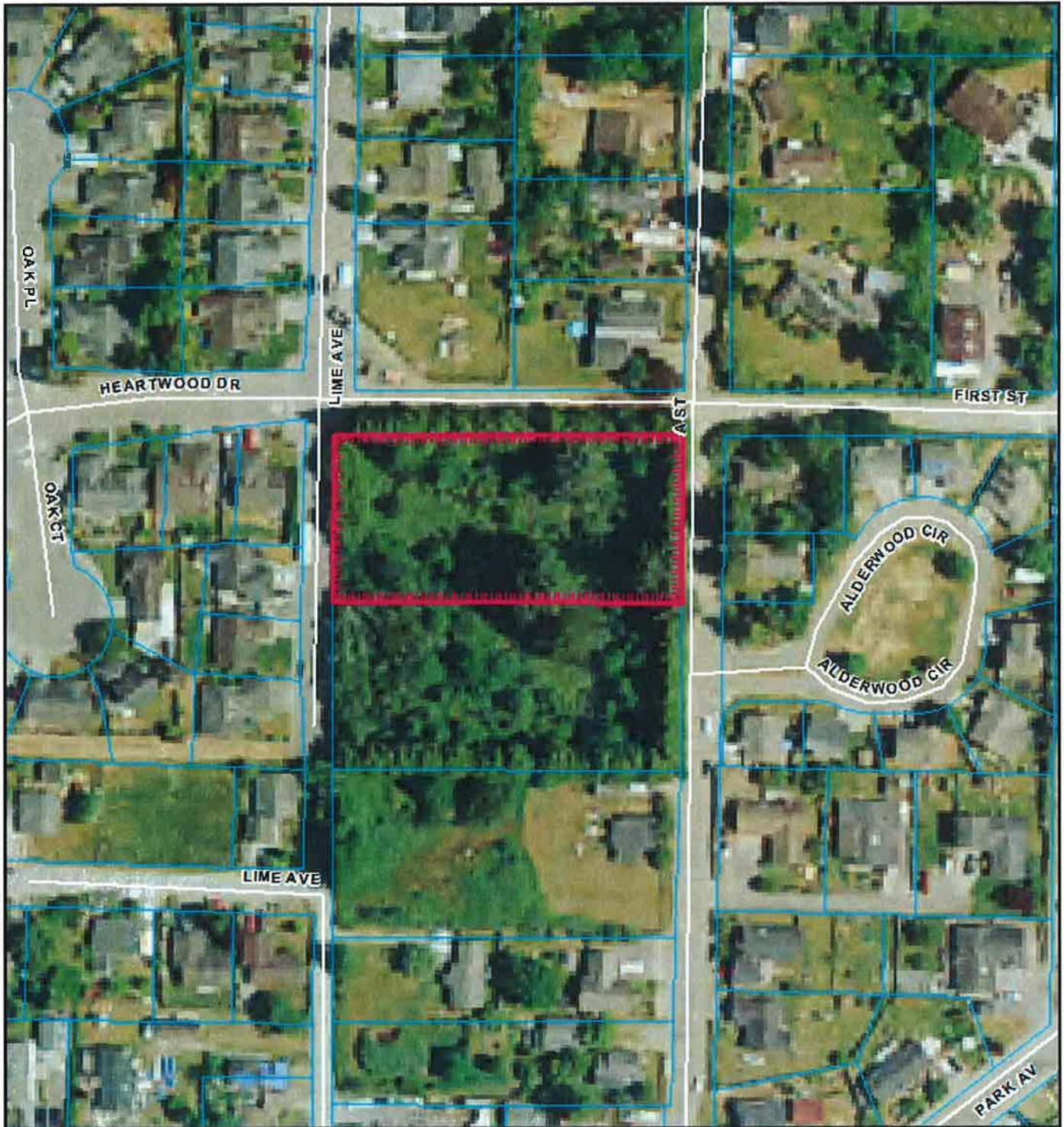
Project Area = 

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



MAP NOT TO SCALE





**AERIAL MAP**

**PROPOSED BSDS INVESTMENTS, LLC  
FINAL MAP SUBDIVISION**

**MCKINLEYVILLE AREA**

**FMS-16-005**

**APN: 509-114-016**

**T06N R01E S05 HB&M (Arcata North)**

**Project Area =** 

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



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral, herein as Exhibit A of Attachment 1 dated Revised June 19, 2017, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final Map, identifying both net and gross parcel areas, be submitted for review and approval.
4. 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 shall include Items 6.1 through 6.5 of the Public Works Memorandum dated June 19, 2017, included herein as Exhibit A of Attachment 1, and the following site development details:

#### A. Mapping

- (1) Topography of the land in 1-foot contours.
- (2) Development standards for parcels: building "envelopes" (dwelling site locations with applicable yard setbacks, maximum lot coverage, maximum building height), including parking area detail and improvements showing conformance with Section 314-109.1 HCC and as specified by LUD Subdivision Requirements.
- (3) Proposed improvements including streets, sidewalks, driveways, drainage facilities, community services corridors, access easements, recreational trails, and emergency access and vehicle turn-around, as applicable.
- (4) Location of waterline, sewer and drainage easements in favor of the McKinleyville Community Services District (MCSD) or the County of Humboldt.
- (5) LID measures incorporated into the improvement plans for the project.
- (6) Height limits, plan-, sectional-view and/or elevation details to demonstrate conformance with the Solar Access requirements of HCC Section 322.5. The Solar Shade Study dated June 8, 2017 (received) illustrates that building heights will be limited to 17 feet to minimize the shading on adjacent properties. Development, including second dwelling units, additions at a greater height or different footprint, other than that specified in the Solar Shade Study, requires a site-specific solar shading analysis to show conformance.

#### B. Notation

- (1) "The site of the residential subdivision is not located within an area where known cultural resources have been located. However, as there exists the possibility that

undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).

Pursuant to California Health and Safety Code Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

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

- (2) "Hours of construction activity shall be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."
  - (3) "Utilities associated with the subdivision shall be placed underground, where feasible."
  - (4) "Water and sewer connection fees are due and payable to the MCSD upon a request for services."
  - (5) "The subdivision is subject to payment of parkland dedication in-lieu fees of \$10,737.72 or \$5,368.86, half the parkland dedication fee for all lots, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on all lots."
  - (6) "Any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests."
  - (7) "The solar shade map shows shadows cast by future development (i.e. single-story structures with gabled roofs at right angles to the street frontage, 17 feet high). Development other than that upon which the shade map dated June 8, 2017 (received) was based shall require submittal of information to demonstrate conformance with Section 322-5.5 and 322-5.6 H.C.C. to provide adequate solar access."
  - (7) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
8. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
  9. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$102.00 per parcel) as required by the County Assessor's Office shall be paid to the Humboldt 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.

10. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
11. Parkland dedication fees of \$10,737.72 shall be paid to the Humboldt County Community Development Services, 3015 H Street, Eureka. Alternately, \$5,368.86, half the parkland dedication fee for lots 1-7, 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 lots 1-7. Release from the Conveyance and Agreement may be pursued upon payment of the parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Final 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, the applicant shall initiate action on a "Conveyance and Agreement" on forms provided by Humboldt County Planning Division. Please contact the Planning Division regarding the preparation and scheduling of the necessary agreement. Legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00) will be required.
12. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,266.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
13. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

#### **Informational Notes:**

1. To minimize costs the applicant is encouraged to bring in written evidence\* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review **as a package** as early as possible before the desired date for parcel map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at



the County's current burdened hourly rate.

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

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

2. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
3. Site preparation and grading work for subdivision improvements will require a Grading Plan from the Land Use Division of Public Works. Please contact the Land Use Division at 445-7205 for more information concerning permit requirements and processing.
4. The term of the approved Tentative Map shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

**TO: Trevor Estlow, Senior Planner**

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

**RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE APPLICATION OF BSDS INVESTMENTS, LLC, APN 509-114-016, FMS 16-005 FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF APPROXIMATELY 1 ACRE INTO 7 LOTS**

**DATE: 02/08/2017**  
**Revised 06/19/2017 - - - - -**

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

**These recommendations are based on the tentative map prepared by Kelly-O'Hern Associates dated June 2016, and dated as received by the Humboldt County Planning Division on August 25, 2016.**

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

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

**1.0 MAPPING**

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



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

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

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

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

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

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

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

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

(a) **PUBLIC ROAD: (LIME AVENUE)**

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 20 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.

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.

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.

(a) **PUBLIC ROAD: (A STREET)**

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 20 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.

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.

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.

(c) **PRIVATE ROAD: (FIRST STREET-Not County Maintained)**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the lots within the subdivision lying within 20 feet of the center line of the road. 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.

Sidewalks: Applicant shall cause to be dedicated on the subdivision map a non-exclusive 10 foot wide easement for sidewalk purposes lying adjacent to the right of way

of the access roads within the subdivision. Said easement shall be for the benefit of the lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department. This easement may overlap a public utility easement.

- (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 a NBU for this project.

- 1.7 **PHASING:** If phasing of the proposed subdivision is requested by the Applicant and approved by the Planning Commission, a phasing plan shall be approved by this Department that ensures orderly development. The sequence in which the phases are developed may require improvements to be constructed in another phase.  
The storm water detention basin shall be constructed as part of Phase 1.

## 2.0 IMPROVEMENTS

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

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

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

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

- 2.2 **CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.
- 2.3 **ADA FACILITIES:** All pedestrian facilities shall be ADA compliant. This includes, but is not limited to, providing curb ramps at intersections and sidewalks behind driveway aprons (or ADA compliant driveway aprons).

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

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

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

A stop sign will be required on First Street at its intersection with A Street.

A stop sign will be required on First Street at its intersection with Lime Avenue.

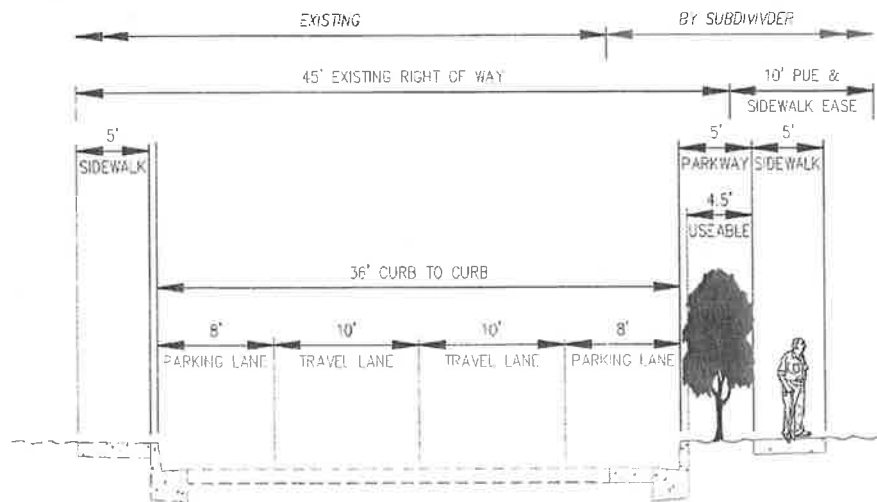
In addition, pursuant to County Code Section 323-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation. [County Code Section 323-2 appears after Section 324-1 in County Code]

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

- (a) **LIME AVENUE** shall be widened to provide a curb to curb distance of 36 feet. A Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter, 5 foot wide landscape strip (4.5 foot useable) and 5 foot wide PCC sidewalk shall be constructed along the frontage of the subdivision.

A curb return with a radius of 20 feet and a Caltrans modified Case F curb ramp shall be constructed at the southeast corner of Lime Avenue and First Street.

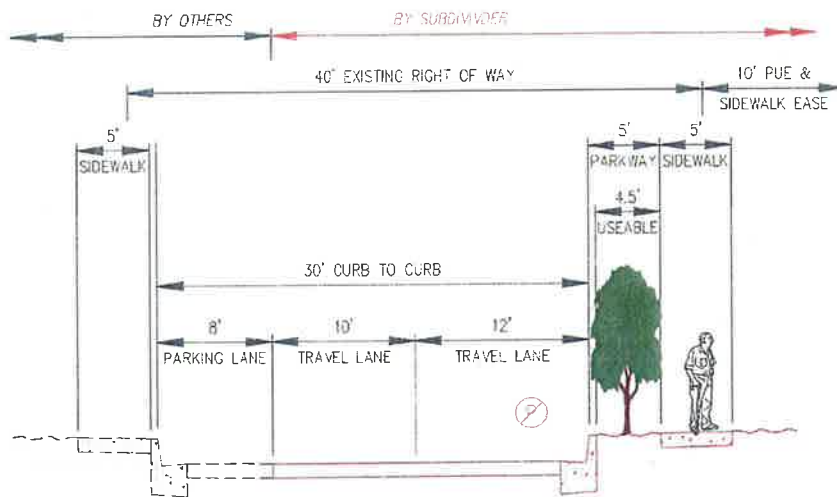
Adjust the location of the existing drainage inlet to match the curb line. It is estimated that the existing inlet is 34 feet from the westerly curb. The proposed curb is 36 feet from the westerly curb. In addition, a stub to connect to Johnston (APN 509-113-010, Johnston, PMS 05-019) shall be provided.



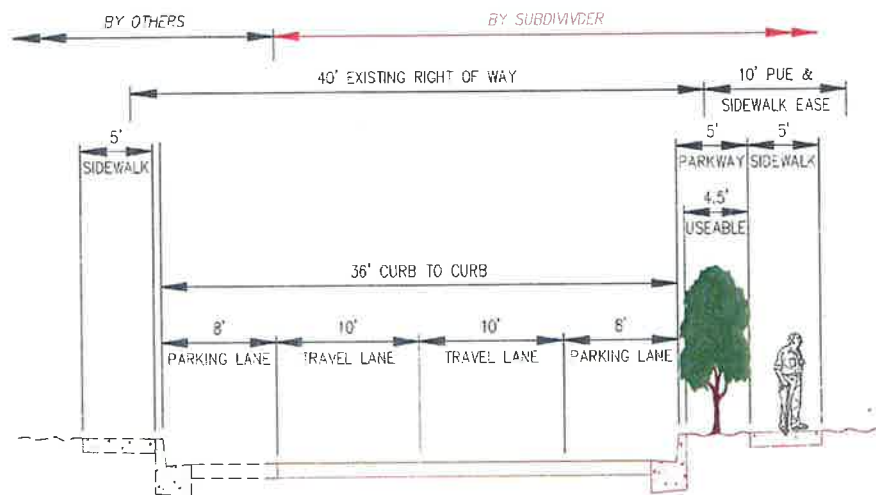
- (b) **FIRST STREET** shall be widened to provide (from north to south) 10 foot wide travel and a 12 foot wide travel lane. A Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter, 5 foot wide landscape strip (4.5 foot useable) and 5 foot wide PCC sidewalk shall be constructed along the frontage of the subdivision.

Along the frontage of Lot 4, the road shall be widened to include an 8 foot wide parking lane (6 feet to the edge of gutter) for a length of 75 feet to provide on-street parking for two vehicles and the driveway.

The southerly portion of First Street that is not widened to provide a parking lane shall have the curb painted red.



Above: Typical section for First Street without a parking lane



Above: Typical section for First Street with a parking lane

- (c) **A STREET** shall be widened to provide a curb to curb distance of 40 feet. A Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter, 5 foot wide landscape strip (4.5 foot useable) and 5 foot wide PCC sidewalk shall be constructed along the frontage of the subdivision.

A curb return with a radius of 20 feet and a Caltrans modified Case F curb ramp shall be constructed at the southwest corner of A Street and First Street.



- (d) The widening of A Street, Lime Avenue, and First Street may require the reconstruction of the existing road to provide a uniform centerline grade compatible with the proposed curb grade. This is necessary in order to provide an adequate cross slope to the proposed gutter. Engineering plans showing existing and proposed conditions for both the centerline grade and roadway cross sections will be necessary to ensure proper drainage. In addition, existing utilities may need to be adjusted and/or relocated at the expense of the applicant.
- (e) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (f) 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.
- (g) 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.
- (h) All road intersections shall conform to Humboldt County Code Section 341 regarding visibility.
- (i) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

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

All access openings (existing and proposed) shall be paved with hot mix ("asphalt") for the width of the driveway and a distance of 25 feet from the edge of the County road. The width of the driveway shall be as approved by this Department.



Any proposed access openings to the County road(s) will require encroachment permits from this Department. The proposed access openings will be evaluated after application is received.

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

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

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

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

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

2.8 **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:** 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.

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

- 2.12 **GATES:** Gates are not permitted on County right of way for public roads without authorization of the Board of Supervisors. Gates must not create a traffic hazard and must provide an appropriate turnaround in front of the gate. Existing gates shall be evaluated for conformance.
- 2.13 **COMPLETION OF SIDEWALK IMPROVEMENTS:** Sidewalk improvements may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the “final” of the building permit. Any sidewalk damaged during construction will need to be replaced prior to the “final” of the building permit.

### 3.0 DRAINAGE

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

- 3.5 **DRAINAGE FEES:** Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.
- 3.6 **LOW IMPACT DEVELOPMENT (LID):** The subdivision in its entirety is a regulated project and is required to comply with County Code Section 337-13. 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 the 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. Each lot in the subdivision is considered a regulated project.

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.

#### 4.0 GRADING

- 4.1 **SOILS ENGINEERING REPORT:** Pursuant to Humboldt County Code Section 331-14 (E)(5), applicant shall provide a soils engineering report that addresses the entire subdivision. The report shall include sufficient detail to enable the Building Official to issue building permits for each lot within the subdivision.

Pursuant to Humboldt County Code Section 331-14 (H)(6)(b)(3), the Applicant shall file a copy of the soils engineering report with the Chief Building Official.

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

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

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

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

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

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

4.6 **SLOPES:** Benches/terraces when required by Humboldt County Code Section 331-14 (H)(3)(b) shall also include interceptor drains when required by this Department.

Interceptor drains when required by this Department or per Humboldt County Code Section 331-14 (H)(3)(e) shall be sized per the drainage study to pass a Q<sub>100</sub> storm event with at least 0.5 foot freeboard.

Proposed lot lines shall be situated at the top of slopes between lots, unless otherwise approved by this Department.

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

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

## 5.0 MAINTENANCE

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

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

- A maintenance plan for the private drainage swales and private storm water detention basin within the proposed subdivision.
- A maintenance plan for the non-county maintained road known as First Street

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

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

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

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

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

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

6.1 The development plan shall be legibly drawn to a convenient scale on 22"x34" (or 24"x36") mylar, in black ink, unless approved otherwise by this Department.

6.2 The development plan shall include a note substantially similar to the following: "See the subdivision map on file with the County Recorder for easements that existed at the time the map was filed. Additional easements may have been established after the map was filed. Refer to a current title report for all easements. Refer to the filed subdivision map for exact lot dimensions."

6.3 The development plan shall include the following to the satisfaction of this Department:

- (a) When roads or drainage facilities are not to be maintained by the County, then clearly state next to the facility "NOT COUNTY MAINTAINED".
- (b) When minimum finished floor elevations must be adhered to, the plan shall state the minimum elevation and the referenced benchmark.

- (c) If prepared for the project, reference the soils report; including a statement substantially similar to: "See soils report prepared by \_\_\_\_\_, Project No. \_\_\_\_\_, dated \_\_\_\_\_, for recommendations, inspections, and special requirements required for development of this subdivision."
- (d) A statement substantially similar to: "All pedestrian facilities must be ADA compliant."
- (e) When improvement plans have been prepared in conjunction with proposed subdivision, include a statement substantially similar to: "Improvement plans for roads, driveways, and drainage, etc. are on file with the Department of Public Works".
- (f) For parcels that could be further subdivided: Provide information on the development plan to assist future owners in developing the parcels in a manner that preserves the maximum, future subdivision potential. This may include showing "potential" building setbacks for ultimate development. It is the intent of this condition that any "potential" setbacks are for information only and are not actual setback requirements to be adhered to.
- (g) Show a minimum setback of 20 feet from garage entrances for vehicles from easements created as a condition of tentative map approval or existing for the purpose of moving automotive vehicles, bicycles, pedestrians, or animals. Typically, this is 29 feet from the curb.
- (h) Provide a note identifying the maximum finished floor elevations for garage slabs based upon holding minimum setback of 20 feet to the garage door from back of sidewalk. The slab elevation should be relative to the flowline of the street at the centerline of the driveway. The maximum elevation is typically around 2.5 feet.
- (i) A typical section showing the location of the curbs and sidewalks with respect to the right of way lines.
- (j) Place the following note when landscaping is required along the frontage of lots within street rights of way: "Landscaping within the street right of way along the frontage of a lot shall be the maintenance responsibility of the individual lot owner. The landscaping was required as a condition of the approval of the subdivision and must not be removed without approval of the Planning & Building Department of the County of Humboldt or their successor."
- (k) For projects with a subdivision agreement, include the following note: "This subdivision was approved with requirements to construct improvements. At the time the subdivision map was filed, the improvements were not completed. The developer has entered into a subdivision agreement with the County to defer construction of these improvements. **Subdivision improvements must be completed within the timelines specified in the agreement. In general, building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision agreement are shown on the improvement plans prepared by \_\_\_\_\_, dated \_\_\_\_\_, and are signed as approved by the County on \_\_\_\_\_. Contact the Land Use Division of the Department of Public Works for details."



- (l) Typical precise grading/lot drainage details for the lots shall be shown or a reference shall be made to the approved grading plan on file with the Department of Public Works.
- (m) The following note shall be placed on the development plan: "**LOW IMPACT DEVELOPMENT (LID) NOTE:** This subdivision is approved as a regulated project and is required to comply with County Code Section 337-13. Each lot within the subdivision is considered a regulated project. The improvement plans prepared for this subdivision show a conceptual plan to address LID for the lots. It is intended that the LID strategies shown on the improvement plans are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for."

6.4 Applicant shall cause a "Notice of Development Plan" to be recorded in the Office of the County Recorder.

6.5 The development plan shall be signed off by this Department prior to official filing with the Planning Division. The plan shall include a signoff block for this Department to sign substantially similar to:

Reviewed by: \_\_\_\_\_  
 Department of Public Works Date

**7.0 LANDSCAPING**

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

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

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

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

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

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

// END //

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

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

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

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

**Staff Analysis:**

FINDINGS

**A1. General Plan Consistency:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in Chapters 2-4 of the Framework Plan (FP) and McKinleyville Community Plan (MCCP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Supporting the General Plan Conformance Finding
Urban Land Use 2600	Development to be consistent with the provision of urban services and adequate circulation systems.	The subdivision creates seven residential lots. The subdivision is served by community water and sewer provided by the McKinleyville Community Services District (MCSD). The subdivision is accessed from Lime Avenue, First Street and A Street.
Housing FP 2420-2430	Encourage innovative designs which facilitate optimum use of sites.	Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes.
Land Use Residential Low Density (RL) 2700	The RL designation is applied to areas suitable for one-family development. Detached single family residential is a principal use. Density: 1 to 7 dwelling units per acre	The project subdivides an approximately one acre parcel into seven residential lots. The subdivision is consistent with the planned density of the area as dictated by the 6,000 square foot minimum parcel size set by the zone. The project is consistent with existing residential development.
Geologic	New construction shall be built to help protect occupants from geologic hazards	The area of the proposed building site is within Geologic Hazard Rating 0 - "Relatively Stable". The applicant provided an R-2 Preliminary Soils Report prepared by Trinity Valley Consulting Engineers. The report demonstrated that there were adequate building sites for development. The report was referred to the Building Division and they recommended approval of the project provided all recommendations are followed.
Flood Hazards	All new development shall conform to the County Flood Insurance Program and certificate regulations.	The project site is not located in an area of flooding. BID did not identify any site concerns relating to site suitability for residential development.
Fire Hazards	Use appropriate sections of the Fire Safe Ordinance (FSO) for review of residential development in rural areas.	The property is located in an area of low hazard rating. The site is within the fire jurisdiction of the Arcata Fire Protection District. This agency recommended approval. LUD has provided Subdivision Requirements (see Exhibit A of Attachment 1) that includes dedications and access improvements. Project approval has been conditioned upon satisfaction of the requirements of LUD, MCSD and the Fire District.

Drainage 3301	To protect natural drainage by minimizing erosion and runoff and minimize risks from flooding.	A Grading and Drainage Plan was prepared by Trinity Valley Consulting Engineers. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." LUD Subdivision Requirements include drainage and grading requirements. Project approval is conditioned upon satisfaction of these requirements.
Biological Resources	To protect designated sensitive habitats and cultural resources.	Review of County resource maps indicate there are no watercourses or other biological resources within or adjacent to the project site. The project was referred to the California Department of Fish and Wildlife and they recommended that any tree removal be conducted outside of the bird nesting season to avoid a "take" as defined and prohibited by Fish and Game Code and by the Federal Migratory Bird Treaty Act. This is included in the Conditions of Approval and will be noted on the Development Plan.
Cultural Resources	To protect designated historical and archeological resources.	The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the recorded Development Plan. This is included in the Conditions of Approval.
Public Facilities 4100	Development shall be consistent with the goals and policies relating to public services and facilities. All subdivisions shall provide road access to County maintained roads.	The subdivision will be served by community water and sewer provided by MCSD. The subdivision is accessed from Lime Avenue, First Street and A Street. Project approval is conditioned upon satisfaction of the requirements set by LUD, the Fire District, MCSD and other utility companies.

**A2. Subdivision Regulations:** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (H.C.C.).

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The subdivision creates seven residential lots. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes. An R-2 Preliminary Soils Report was submitted prepared by Trinity Valley Consulting Engineers that identified that the site was suitable for residential building sites. The Building Inspection Division reviewed and approved the report.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	<p>The tentative map proposes a 40 foot right of way for First Street, a 45 foot right of way for A Street and a 45 foot right of way for Lime Avenue. The subdivision ordinance specifies a minimum 50 foot wide right of way for a Category 6 road. Pursuant to Section 325-9 H.C.C., the applicant has requested a reduction to the required right of way width for First Street, A Street and Lime Avenue. The Department of Public Works has reviewed this request and supports the exception (see Attachment 5). The Arcata Fire Protection District has recommended approval. LUD has provided Subdivision Requirements (see Exhibit A of Attachment 1) that include dedications, access requirements, and improvements. Project approval is conditioned upon satisfaction of their requirements.</p> <p>A Grading and Drainage Plan was prepared by Trinity Valley Consulting Engineers. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." LUD Subdivision Requirements include drainage and grading requirements. Project approval is conditioned upon satisfaction of these requirements.</p>
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	The parcels will be served by community water and sewer provided by the McKinleyville Community Services District. Project approval is conditioned upon satisfaction of the requirements of MCSD.
Access Road Appendix 4-1	Roadway design must incorporate a 50-foot right of way.	See discussion under Access and Drainage above.



Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Parking Appendix 4-2	If the subdivision does not provide for on-street parking, subdivision must provide for 5 on-site parking spaces.	The subdivision is conditioned with a requirement that each lot provide the required off-street parking consistent with Section 314-109.1 HCC Inland Regulations. Project approval is conditioned upon satisfaction of LUD Subdivision Requirements. Parking shall be clearly identified on the Development Plan.
Solar Analysis 322.5	The design of subdivision shall provide, to the extent feasible, passive or natural heating and cooling.	The subdivision is designed in such a way that the access roads run in a north/south direction. The applicant requests an exemption to the Solar Access standards per §322.5-8 of the County's Subdivision Regulations for all lots due to the orientation of the parent parcel. Per Mike O'Hern's exemption justification letter dated June 3, 2007 (received), the subdivision is restricted by the configuration of the existing parcel. No reasonable alternative is available without sacrificing buildable area and lots. The Solar Shade Study dated June 8, 2017 (received) illustrates that building heights will be limited to 17 feet to minimize the shading on adjacent properties. Development, including second dwelling units, additions at a greater height or different footprint, other than that specified in the Solar Shade Study, requires a site-specific solar shading analysis to show conformance. Planning staff believes that an exemption may be granted upon a finding that compliance is not feasible. Therefore, the exemption will enable the applicant/owner to develop to the planned buildout recommended by the plan designation and the Housing Element.

<b>Exceptions to Right of Way Width Requirements, Appendix of Title III, Div. 2, §4-1(d):</b>	
Minimum of 50 foot right of way width is required for a Category 6 Road.	The tentative map proposes a 40 foot right of way for First Street, a 45 foot right of way for A Street and a 45 foot right of way for Lime Avenue. The subdivision ordinance specifies a minimum 50 foot wide right of way for a Category 6 road. Pursuant to Section 325-9 H.C.C., the applicant has requested a reduction to the required right of way width for First Street, A Street and Lime Avenue. The Department of Public Works has reviewed this request and supports the exception. Public Works has also provided subdivision requirements described in the Department of Public Works conditions Attachment 1, Exhibit A.

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

Summary of Applicable Requirement	Evidence
That there are special circumstances or conditions affecting said property.	According to the Exception Request provided by Mike O'Hern, the specified right of way widths were based on a design for a curb adjacent sidewalk. Landscape strips are now required for newly improved roads in McKinleyville. These will be included in a dedicated sidewalk easement and not in the roadway easement. For First Street, no parking will be proposed except for along the frontage of Lot 4. Therefore a 40 foot wide right of way is sufficient. The exception will allow for division of the parcel such that the buildout promoted by the Plan and Zoning may be achieved.
That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	The proposed subdivision will result in seven (7) parcels consistent with the General Plan and the R-1-B-6 (6,000 square foot) zoning. This would be difficult without the exception to the 50' wide right of way width requirement. Furthermore, the resultant parcel sizes will not be atypical for the neighborhood.
That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.	There is no indication that the development of the surrounding lands will be adversely impacted by this exception. The Department of Public Works recommends appropriate mitigation outlined in their Conditions of Approval (Attachment 1, Exhibit A). Furthermore, the resultant parcel sizes are not atypical for the neighborhood. The lots will be similar to other lots within the neighborhood, and the subdivision is in keeping with the character of the immediate area.

**A3. Zoning Compliance:** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations (H.C.C.).

Section 314-6.2	Summary of Applicable Requirement	Evidence for the Required Findings
Residential One Family	Single Family Residential is a principal permitted use.	The subdivision results in seven residential lots.
Min. Parcel Size	6,000 square feet	Complies
Min. Lot Width	50 feet	Complies
Max. Lot Depth	3 x lot width	Complies
Max. Lot Coverage	35%	Future development must comply with the prescribed standards of the R-1 zone and new building installations must meet the County Building regulations.
Max. Bldg. Height	35 feet	Future development must comply with the prescribed standards of the R-1 zone and new building installations must meet the County Building regulations.
Parking: 314-109.1	Parking spaces must be provided outside the front yard setback and independently accessible.	Project approval is conditioned on mapping on the Development Plan the development standards set by the zone as well as the required parking spaces consistent with this section. Furthermore, parking shall be provided consistent with additional access/parking restrictions set by LUD Subdivision Requirements. Parking shall be clearly identified on the Development Plan.
Noise: 314-29.1	To maintain low exposure levels to noise associated with airports and major roads.	The parcel is located within the Noise Impact combining zone due to the proximity to Sutter Road, but is outside the area of concern that would require barriers between the noise source and site. Therefore, no mitigation is proposed or required.
Parkland Dedication 314-110.1	To establish recreational facilities to meet the needs of Eureka residents.	Parkland dedication in-lieu fees shall be paid in accordance with the provisions of the parkland dedication ordinance. Parkland dedication in-lieu fees shall be paid: $(7)(2)(1)(130 \times 2.57/43,560) \times \$100,000 = \$10,737.72$ or $\$5,368.86$ with the conveyance of second dwelling units on parcels 1 through 7.

*Parkland Dedication Fee Calculations*

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	<u>2.57</u>	Persons per average McKinleyville household (Source: 2000 U.S. Census)
	334.10	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	7	Number of parcels being created by the subdivision,
X	2	Number of dwellings per legal parcel or lot, including potential second units
X	100%	Percentage of these parcels within the McKinleyville Community Planning Area

X \$100,000 Value of one acre of land in the vicinity of the subdivision project  
**\$9,203.76** **Parkland Dedication In-lieu Fee for the BSDS Investments, LLC**  
**Subdivision**

**A4/A6. Environmental Impact:**

Please see the attached draft Mitigated Negative Declaration.

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

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Wildlife Code apply to this project.** The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,266.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Wildlife Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #12 of Attachment 1.

**A5. Impact on Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
312-17.1.5 and 322-3.1 Housing Element Densities	The proposed subdivision/development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposal results in seven parcels suitable for residential development. This parcel was not identified as providing any additional dwelling units in the most recent Housing Inventory, therefore, all of the parcels created by this subdivision will provide additional units above and beyond those identified in the Housing Element.

**ATTACHMENT 3**

**Applicant's Evidence In Support of the Required Findings**

<b>Document</b>	<b>Location</b>
Application Form	On file with Planning
Tentative Map Checklist	On file with Planning
Tentative Subdivision Map	Attached
Preliminary Title Report	On file with Planning
Current Deeds	On file with Planning
R2 Engineering Geologic Report	On file with Planning
Grading and Drainage Plan	On file with Planning
Solar Exception Request	Attached
Right of Way Exception Request	Attached

## SOLAR ACCESS REPORT

FOR A TENTATIVE SUBDIVISION MAP FOR BSDS INVESTMENTS LLC, ET AL

APN 509-114-016

June 8, 2017

This report addresses Chapter 2.5 of the Humboldt County Subdivision Regulations. Adequate solar access is defined as a design that provides for sunlight reaching 80% of the south side of a residence between the hours of 10:00 a.m. and 2:00 p.m. on December 21. In order to comply with this requirement, at least 80% of the primary buildings will have their short axes aligned between 15° east of south and 30° west of south. To the extent feasible, the streets should be oriented within 15° of east-west.



As shown on the tentative map, the subject property is bounded on the east by A Street and on the west by Lime Avenue. These are north-south streets. It is not feasible to orient the streets within 15° of east-west. Since this proposal is “infilling” in a developed area, there are no options available to change the existing parcel configuration.

Enclosed is a shade projection map for the proposed subdivision. A theoretical house is shown on each lot. The theoretical house is 40 feet deep by 40 feet wide, except on Lot 1 and Lot 5 where the theoretical house is 35 feet wide. One-story houses are shown. A gable roof is shown, with the 17-foot high ridge of the gable at right angles to the street frontage.

Actual houses designed for this subdivision will probably differ from these dimensions. Roof designs, such as a hip roof versus a gable roof, will have an impact on shade projections. Houses may be located in different locations than those shown on this map. Thus the actual shade conditions following construction could differ from those shown on the shade projection map.

The following is a summary of the lots within the proposed subdivision:

Lot 1 - The house on this lot is shaded by the house on Lot 2, and the house on this lot shades only the street to the north.

Lot 2 - The house on this lot is shaded by the house on Lot 3, and the house on this lot shades the house on Lot 1.

Solar access report  
BSDS Investments, et al Subdivision  
June 8, 2017

Lot 3 – The house on this lot has adequate solar access, but shades the house on Lot 2.

Lot 4 – The house on this lot has adequate solar access and the house on this lot on this lot only shades the street to the north.

Lot 5 - The house on this lot is shaded by the house on Lot 6, and the house on this lot shades only the street to the north.

Lot 6 - The house on this lot is shaded by the house on Lot 7, and the house on this lot shades the house on Lot 5.

Lot 7 – The house on this lot has adequate solar access, but shades the house on Lot 6.

As noted previously, options are limited for this property. One option would be to stagger the houses so that the houses on Lots 2 and 6 are constructed in the back of the lots. While this would improve the solar access for these lots, the desirability of the lots would be diminished. Normally people want to have a back yard to enjoy.

An exception from the solar access requirements is requested for this subdivision.



# Kelly – O’Hern Associates

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

Professional Land Surveyors  
Phone and fax: 707-442-7283

June 12, 2017

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



RE: Tentative Subdivision Map for BSDS Investments, LLC, et al  
APN 509-114-016

Dear Trevor:

Pursuant to Humboldt County Code Section 325-9, the applicant requests an exception from the requirement for a 50-foot-wide right of way for a category 6 road. The applicant proposes to use the existing 40-foot-wide right of way for First Street and proposes a 45-foot-wide right of way for Line Avenue and A Street.

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

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

The specified right of way widths were based on a design for a curb adjacent sidewalk. Landscaping strips are now required for newly improved roads in McKinleyville. These will be included in a dedicated sidewalk easement and not in the roadway easement. For First Street no parking will be proposed and thus a 40 foot wide right of way width will be sufficient.

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

The applicant proposes to subdivide the property into seven lots. If additional right of way dedication is required then one lot will be eliminated due to the requirement for 6000 square feet. Since this is an infill project the maximum number of lots will help offset the substantial road improvements required for this project.

(3) *That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.*

The practical effect of the sidewalks being within sidewalk easement areas rather than within the roadway easement will not be an impact to anyone using these roads. The only visible effect will be the attractive nature of a landscaping strip. There will not be any impact that is detrimental to public welfare or to other properties in the neighborhood.

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

Sincerely,  
Kelly-O'Hern Associates



Mike O'Hern (agent)

**ATTACHMENT 4**  
**Initial Study and Draft Mitigated Negative Declaration**

## **Project Information**

**Project Title:** BSDS Investments, LLC Major Subdivision

### **Lead Agency**

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

### **Property Owners**

Dane Valadao	Jeffrey Schirmann
1242 Winchester Ave.	1904 Pickett Road
McKinleyville, CA 95519	McKinleyville, CA 95519

### **Project Applicant**

BSDS Investments, LLC  
1242 Winchester Ave.  
McKinleyville, CA 95519

### **Project Location**

The project site is located in the McKinleyville area, on the south side of First Street, bordered by Lime Avenue to the west and A Street to the east.

### **General Plan Designation**

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

### **Zoning**

Residential One-Family with a Special Building Site combining zone specifying a 6,000 square foot minimum parcel size and Noise Impacts (R-1-6-S-N).

### **Project Description**

A Major Subdivision to divide an approximately one-acre parcel into seven lots ranging in size from 6,000 square feet to 7,481 square feet. The parcel is currently vacant and approximately 100 trees are proposed to be removed to facilitate the subdivision. An exception to the solar shading requirements and right of way width is requested. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District.

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

The project site is located in the Calville area of McKinleyville, approximately two and one-half miles southeast of the California Redwood Coast – Humboldt County Airport. It is in a developed neighborhood and surrounded by other similarly sized residential parcels.

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

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

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

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

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

  
 \_\_\_\_\_  
 Signature

6/13/17  
 \_\_\_\_\_  
 Date

Trevor Estlow, Senior Planner  
 Printed Name

Humboldt County Planning  
and Building Department  
 For

## Evaluation of Environmental Impacts

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

## Environmental Checklist

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

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

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

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

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

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

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



**Discussion:**

**(a-e) Less Than Significant Impact:** Neither the subject property nor adjacent lands are within a Williamson Act contract. The site is not considered prime or unique farmland and is not used for agricultural purposes. The neighborhood is characterized by urban residential development with services provided by the McKinleyville Community Services District. The proposed subdivision infills an established development pattern. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. General agriculture is not a use allowed in the R-1 zone, nor are there any intensive agricultural uses in the immediate vicinity. The site does contain approximately 100 trees that will be removed to facilitate development. This can be expected in an area planned and zoned for urban level development. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.

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

**Discussion:**

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

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

**Discussion:**

**(a) Less Than Significant with Mitigation Incorporated:** The project was referred to the Eureka office of the California Department of Fish and Wildlife and they recommended that any tree removal be conducted outside of the bird nesting season to avoid a "take" under Fish and Game Code. This has been included in the conditions of approval and noted on the development plan. With the mitigation incorporated, the Department finds no evidence that the project will result in a significant adverse impact on biological resources.

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

other than restricting tree removal (see item a. above). The Department finds no evidence that the project will result in a significant adverse impact on biological resources.

**Mitigation Measure No. 1.** Any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 *et seq.*). If any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests.

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

**Discussion:**

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

**(b) Less Than Significant with Mitigation Incorporated:** The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Responses from the NWIC, the Blue Lake Rancheria and the Bear River Band of the Rohnerville Rancheria recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. If archaeological resources are encountered during construction activities, the contractor will execute Mitigation Measure No. 2. by halting construction and coordinating with a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines and appropriate tribes so resources can be evaluated so that there is not a substantial adverse change in the significance of an archaeological resource.

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

**(d) Less Than Significant with Mitigation Incorporated:** The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 3 has been included in the event that human remains are accidentally

discovered during construction.

**Mitigation Measure No. 2.** If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, as required by CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action.

**Mitigation Measure No. 3.** If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

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

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

**Discussion:**

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

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

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

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

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

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

<b>VII. Greenhouse Gas Emissions. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
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**Discussion:**

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

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

<b>VIII. Hazards and Hazardous Materials. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?			X	
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**Discussion:**

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

IX. Hydrology and Water Quality. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Result in inundation by seiche, tsunami, or mudflow?			X	

**(a-j) Less than significant:** The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area, in terms of both the County's Housing Element and the McKinleyville Community Plan (MCCP) adopted in 2002. The project site is an area served by community water and sewer. The McKinleyville Community Services District (MCSD) has indicated that it is able to provide water and sewer service to the proposed subdivision upon the payment of the appropriate fees. MCSD has not identified any concerns with regard to the project interfering with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map Panel #625, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 109 feet.

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

<b>X. Land Use and Planning.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X



b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Discussion:**

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

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

**Discussion:**

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

<b>XII. Noise.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?				X
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

**Discussion:**

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

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

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

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
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**Discussion:**

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

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

**Discussion:**

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

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

**Discussion:**

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

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

**Discussion:**

**(a-f) Less Than Significant Impact:** The property is accessed by First Street, A Street and Lime Avenue. The Land Use Division of Public Works has recommended standard conditions of approval including the improvement of the encroachment and improvement of the access road. The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; or will conflict with adopted policies

supporting transportation. The project site is approximately two and one-half miles south of the California Redwood Coast – Humboldt County Airport, the closest airport.

<b>XVII. Tribal Cultural Resources.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k), or			X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** The project was referred to the Northwest Information Center (NWIC) at Sonoma State University, the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria. Responses from the NWIC, the Blue Lake Rancheria and the Bear River Band of the Rohnerville Rancheria recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. See Mitigation Measures No. 2 and 3. Therefore, **a less than significant impact** would occur.

<b>XVIII. Utilities and Service Systems.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?				X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Violate any federal, state, and local statutes and regulations related to solid waste?				X

**Discussion:**

**(a-g) No Impact:** The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses. The lots will be served by community water and sewer provided by the McKinleyville Community Services District. The Department of Environmental Health has recommended approval of the project. The parcel currently drains southwesterly towards Lime Avenue. Stormwater detention as well as Low Impact Development (LID) techniques will be utilized at time of development of all parcels in order to comply with the McKinleyville Community Plan requirement of no increase in downstream flows and the Regional Water Board's MS4 program. The Division of Public Works reviewed the project and did not identify any drainage issues. The applicant will be required to provide a complete hydraulic report and drainage plan. The Department finds the project impact to be insignificant.

<b>XVIV. Mandatory Findings of Significance.</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

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

**Discussion:**

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



## Proposed Mitigation Measures, Monitoring, and Reporting Program

**Mitigation Measure No. 1.** Any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 *et seq.*). If any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests.

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

### **Cultural Resources**

**Mitigation Measure No. 2.** If a cultural resource, such as chipped or ground stone or bone is discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, as required by CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological find shall not resume until a professional archaeologist who meets the Secretary of the Interior's Standards and Guidelines has evaluated the materials and offered recommendations for further action.

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

**Mitigation Measure No. 3.** If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## ATTACHMENT 5

### Referral Agency Comments and Recommendations

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



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

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**LAND USE DIVISION MEMORANDUM**

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

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

**DATE:** 06/19/2017

**RE:** **BSDS INVESTMENTS, LLC, APN 509-114-016, FMS 16-005**

**RIGHT OF WAY:** The applicant has applied for an exception requires under County Code Section 325-9 to allow for a less than 50 foot wide right of way on First Street, Lime Avenue, and A Street.

The Department can support this request.

//END//



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7341



RECEIVED

SEP 9 2016

McK. C.S.D.

9/7/2016

PROJECT REFERRAL TO: McKinleyville Community Services District

Project Referred To The Following Agencies:

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

Applicant Name BSDS Investments, LLC | Dane Valadao Key Parcel Number 509-114-016-000

Application (APPS#) 11039 Assigned Planner Trevor Estlow (707) 268-3740 Case Number(s) FMS16-005

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

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

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

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

Return Response No Later Than 9/22/2016

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

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: WATER & SEWER IMPROVEMENTS WILL BE REQUIRED. ENGINEERED PLANS NECESSARY

DATE: 13 SEP 2016

PRINT NAME: [Signature]



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



**9/7/2016**

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

**Project Referred To The Following Agencies:**

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

**Applicant Name** BSDS Investments, LLC | Dane Valadao **Key Parcel Number** 509-114-016-000

**Application (APPS#)** 11039 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** FMS16-005

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

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

**Return Response No Later Than 9/22/2016** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: 10/17/16

PRINT NAME: Jenny Williamson

October 17, 2016

To: Trevor Estlow, Planner  
Humboldt County Planning

From: Jenny Williamson, Fire Prevention Specialist  
Arcata Fire District

Re: Plan Review Comments                      Application #: 11039

The Arcata Fire District has reviewed plans for **major subdivision with a proposed seven (7) lot near First Street in McKinleyville**. Plans were reviewed for compliance with applicable fire codes adopted by the Arcata Fire District.

The following items must be corrected or addressed before plans can be approved:

1. All access roads shall be a minimum of 20 feet wide and have a vertical clearance of 13 feet 6 inches
2. Access roads shall be an all-weather surface and hold up to 75,000 pounds
3. Access roads shall be built and maintained prior to and during construction
4. All dwellings will be required to have sprinklers
5. All dwellings shall have an address visible from the access road
6. All dwellings will be required to have smoke alarms in each bedroom and the adjoining hallway as well as on each level of the home

Please respond to the Arcata Fire District's Fire Prevention Specialist regarding the above comments.

This review is not intended to be all inclusive. All structures, fire alarms systems and suppression systems installed in the Arcata Fire District shall comply with all applicable codes and ordinances adopted by the Fire District.

If I may be of further assistance, please contact me at (707) 825-2000 or [jwilliamson@arcatafire.org](mailto:jwilliamson@arcatafire.org).

Sincerely,

*Jenny Williamson*

Jenny Williamson, Fire Prevention Specialist  
Arcata Fire District  
Office | (707) 825-2000  
[jwilliamson@arcatafire.org](mailto:jwilliamson@arcatafire.org)  
[www.arcatafire.org](http://www.arcatafire.org)



CALIFORNIA  
HISTORICAL  
RESOURCES  
INFORMATION  
SYSTEM



ALAMEDA  
COLUSA  
CONTRA COSTA  
DEL NORTE

HUMBOLDT  
LAKE  
MARIN  
MENDOCINO  
MONTEREY  
NAPA  
SAN BENITO

SAN FRANCISCO  
SAN MATEO  
SANTA CLARA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

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

September 20, 2016

File No.: 16-0399

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

re: FMS16-005 / KPN: 509-114-016-000 / BSDS Investments, LLC | Dane Valadao

Dear Mr. Trevor Estlow,

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

**Previous Studies:**

XX This office has record of one previous cultural resource study (Study # 886 Benson et al 1977) covering approximately 100% of the proposed project area (*see recommendation below*).

**Archaeological and Native American Resources Recommendations:**

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). Due to the passage of time since the previous survey (Benson et al 1977) and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify cultural resources.

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

**Built Environment Recommendations:**

XX The 1951 USGS Eureka 15' quad depicts a building in the proposed project area. Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if these, or similarly aged buildings, are present then it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

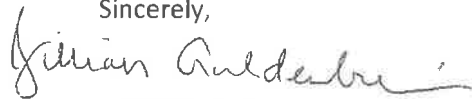
Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource

information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jillian Guldenbrein". The signature is written in black ink and is positioned above the printed name and title.

Jillian Guldenbrein  
Researcher

Inc: Humboldt County project cover letter





**From:** [Janet Eidsness](#)  
**To:** [Estlow, Trevor; Planning Clerk](#)  
**Cc:** [erikacooper@brb-nsn.gov](mailto:erikacooper@brb-nsn.gov); [Tom Torma \(tom@wiyot.us\)](mailto:Tom.Torma@wiyot.us)  
**Subject:** Blue Lake THPO comment on BSDS Investments Major subdivision, McKinleyville  
**Date:** Tuesday, September 13, 2016 4:23:30 PM

---

Dear Trevor:

Thanks for sending the subject Project Referral dated 9/7/16 with comments requested by 9/22/16.

I am not aware of any known Wiyot cultural resources on the ca. 1 acre parcel located some distance from natural water sources in SE McKinleyville.

I recommend the project be conditioned with the Inadvertent Archaeological Discovery protocol.

Regards,

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

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**From:** [Tom](#)  
**To:** "[Janet Eidsness](#)"; [Estlow, Trevor](#); [Planning Clerk](#)  
**Cc:** [erikacooper@brb-nsn.gov](mailto:erikacooper@brb-nsn.gov)  
**Subject:** RE: Blue Lake THPO comment on BSDS Investments Major subdivision, McKinleyville  
**Date:** Wednesday, September 14, 2016 4:53:14 PM

---

Hi Trevor,

I concur with the recommendation that this project be conditioned with inadvertent discovery language.

Sincerely,  
Tom

---

**From:** Janet Eidsness [mailto:JEidsness@bluelakerancheria-nsn.gov]  
**Sent:** Tuesday, September 13, 2016 4:23 PM  
**To:** Estlow, Trevor; [planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)  
**Cc:** [erikacooper@brb-nsn.gov](mailto:erikacooper@brb-nsn.gov); Tom Torma ([tom@wiyot.us](mailto:tom@wiyot.us))  
**Subject:** Blue Lake THPO comment on BSDS Investments Major subdivision, McKinleyville

Dear Trevor:

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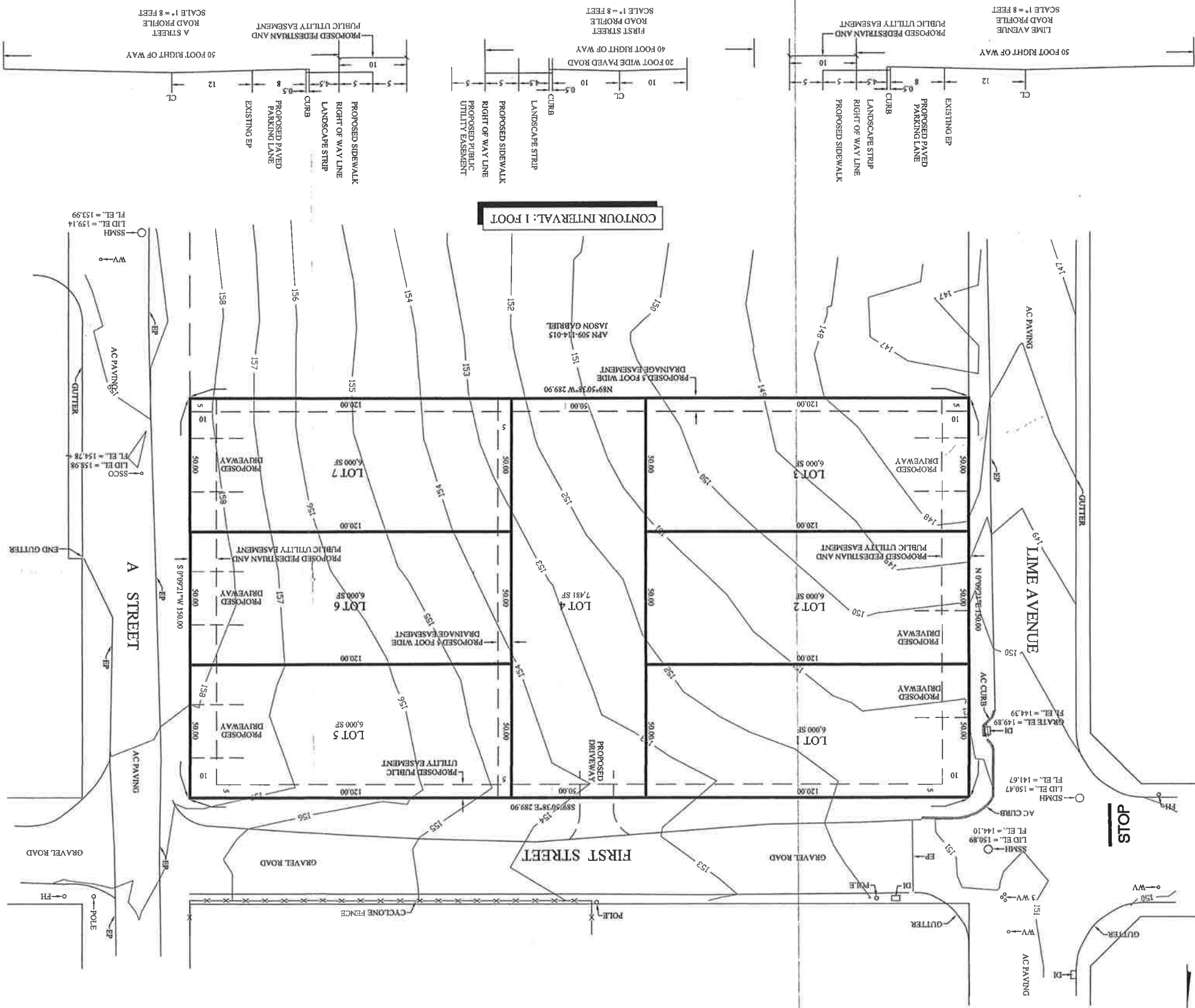
I recommend the project be conditioned with the Inadvertent Archaeological Discovery protocol.

Regards,

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

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protected by the trade secret privilege, the Electronic Communications Privacy Act (ECPA), and/or other legal bases as may apply. If you are not an intended recipient, please take notice that disclosure of the information contained herein is inadvertent, expressly lacks the consent of the sender, and your receipt of this e-mail does not constitute a waiver of any applicable privilege(s). In this event, please notify the sender immediately, do not disseminate any of the information contained herein to any third party, and cause all electronic and/or paper copies of this e-mail to be promptly destroyed. Thank you.



- LEGEND**
- AC ASPHALT-CONCRETE
  - DI DROP INLET
  - EL ELEVATION
  - EP EDGE OF PAVING
  - FH FIRE HYDRANT
  - FL FLOWLINE
  - WV WATER VALVE
  - SDMH STORM DRAIN MANHOLE
  - SSCO SANITARY SEWER CLEAN OUT
  - SSMH SANITARY SEWER MANHOLE
  - SS SANITARY FOWER MAIN
  - WF WATER MAIN
  - WF- EXISTING FENCE

APN 509-114-016  
**TENTATIVE SUBDIVISION MAP**  
 FOR  
**BSDS INVESTMENTS, LLC, DANE**  
**J. VALADAO AND JEFFREY SCHIRMANN**  
 IN  
 NE 1/4 SECTION 5 T6N, R1E, HUMBOLDT MERIDIAN  
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
 STATE OF CALIFORNIA  
 COUNTY OF HUMBOLDT  
 KELLY-O'HERN ASSOCIATES  
 EUREKA, CALIFORNIA



AGENTS/SURVEYOR:  
 DANE VALADAO  
 MICHAEL O'HERN  
 1242 WINCHESTER AVENUE  
 MCKINLEYVILLE, CA 95519  
 442-7283  
 EUREKA, CA 95501

OWNERS:  
 DANE VALADAO  
 MICHAEL O'HERN  
 1242 WINCHESTER AVENUE  
 MCKINLEYVILLE, CA 95519  
 834-6282

1. THIS TENTATIVE MAP PROPOSES THE SUBDIVISION OF AN EXISTING 1.0 ACRE PARCEL INTO SEVEN (7) LOTS.
2. WATER AND SEWER SERVICES ARE AVAILABLE FROM MCKINLEYVILLE COMMUNITY SERVICES DISTRICT (MCKSD).
3. CONTOUR INTERVAL: 1.0 FOOT CONTOURS ARE BASED ON A FIELD SURVEY. THE DATUM IS MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, FROM TBM (FIRE HYDRANT) AT SUTTER AND PARK STREET. ELEVATION = 156.03
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN.
5. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:  
 BOOK 41 O.R., PAGE 139 - EASEMENT RESERVED BY CALIFORNIA BARREL COMPANY, LTD. A CALIFORNIA CORPORATION FOR ACCESS AND UTILITIES. THE EXACT LOCATION OF SAID EASEMENT IS NOT DISCLOSED OF RECORD. NOT SHOWN HEREON.
6. ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.  
 ADDRESS: 2000 BLOCK OF FIRST STREET.  
 EXISTING TREES WERE NOT LOCATED BY THIS SURVEY. ALL TREES ARE PROPOSED TO BE REMOVED FROM THIS SITE.
7. THIS MAP REPRESENTS THE SUBDIVISION OF LOT 6 OF BLOCK 1 FROM BOOK 12 OF MAPS, PAGES 42 AND 43.
8. ZONING: R-1-6-S-N

**NOTES**

