

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

**Resolution Number 24-020**

**MINOR SUBDIVISION AND COASTAL DEVELOPMENT PERMIT  
PROJECT NUMBER PLN-2023-18184  
ASSESSOR PARCEL NUMBER 302-091-010**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE  
WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND  
CONDITIONALLY APPROVING THE PASTORI TENTATIVE PARCEL MAP  
SUBDIVISION AND COASTAL DEVELOPMENT PERMIT**

**WHEREAS**, the owner submitted an application and evidence in support of approving a Minor Subdivision and Coastal Development Permit; and

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

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

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Tentative Map subdivision (Case Number PLN-2023-18184); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on May 2, 2024.

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

## PROJECT DESCRIPTION

1. **FINDING:** A Minor Subdivision of a 0.95 acre parcel into two parcels of approximately 11,5451 square feet (Parcel 1) and 29,816 square feet (Parcel 2). The parcel is currently developed with a single-family residence and shed that will remain on proposed Parcel 1. Parcel 2 will be vacant and suitable for residential development. Access to Parcel 2 will be via an existing driveway on the east side of the parcel. The parcel is served with community water and sewer provided by the Humboldt Community Services District. The parcel is located within the Coastal Zone, therefore, a Coastal Development Permit (CDP) is also required.

**EVIDENCE:** a) Project File: PLN-2023-18184

## CEQA

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has determined the project is not subject to further environmental review pursuant to Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines.

**EVIDENCE:** a) Section 15183 of the CEQA Guidelines acknowledges CEQA's mandate that projects not be subject to additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

project-specific environmental effects:

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

The residential density specified in the Eureka Community Plan was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all of the required elements



specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017.

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel being divided was previously host to residential development, adjacent lands in the vicinity are similarly planned and zoned and are also developed and sized consistent with the applicable planned density and minimum lot size.
- c) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
- d) There are no potentially significant environmental effects which were not analyzed in the 2017 General Plan EIR. The proposed subdivision would enable future build-out to the currently planned density for the area, which was confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.
- e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH #2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the most recently adopted General Plan.
- f) There is no substantial new information that would cause the project to result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.
- g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment as conditioned.
- h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The parcel is currently vacant. The proposed minor subdivision will create one new parcel that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than significant impact to aesthetics.
- i) To date no cultural resources have been documented on the project site or its vicinity. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by Tribal agencies. Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers

(THPO's) for the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. Per referral comments recommended conditions include adherence to standard protocols for handling inadvertent discovery of cultural resources encountered during future ground disturbance.

- j) The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials. The project site is not located in an Airport Review Area. The Samoa Airport is the closest airport and is located approximately 2 miles northwest of the project site.
- k) The parcel and neighboring lands are all served by Humboldt #1 Protection District for structural fire protection. Future development of the site will require compliance with the Uniform Fire Code and Uniform Building Code. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of or physically interfere with, an adopted emergency response plan.
- l) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Residential development located on the parcel being created will receive water and sewer service provided by the Humboldt Community Services District independent of the existing development.
- m) The applicant will also be required to submit a complete hydraulic report and drainage plan, as well as comply with requirements to prevent control and reduce stormwater pollutants. The project has been conditioned to adhere to all recommendations found in the Public Works referral response dated May 19, 2023.
- n) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. Department finds there is no evidence that the proposed subdivision and future residential development will result in significant changes in vehicle miles traveled not already contemplated in the EIR prepared during adoption of the 2017 General Plan. The proposed project will not result in a change in air traffic patterns and will not result in vehicle miles traveled beyond that anticipated.
- o) The project is consistent with the development density of 1-7 units per acre of the Residential Low Density (RL) land use designation established during adoption of the Eureka Community Plan (ECP)



and upheld in 2017 following adoption of the General Plan update (GPU). The establishment and future development of one additional parcel is consistent with mitigations for induced population growth as described in Impact 3.1.3.4. of the 2017 Environmental Impact Report (EIR) to reasonably obtain the projected goals of the Regional Housing Needs Allocation (RHNA) through the use of alternative subdivision standards and the facilitation of opportunities for second residential units.

The growth impacts of this project are not anticipated to create peculiar, specific, or more severe impacts effects which the GPU EIR failed to analyze as significant effects or failed to evaluate.

### **SUBDIVISION FINDINGS**

**(Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)**

3. **FINDING:** All lots shall be suitable for their intended uses.  
**EVIDENCE:** a) The project will result in a total of two (2) parcels. Both parcels will be over minimum required 5,000 square feet in size.
4. **FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.  
**EVIDENCE:** a) Both proposed parcels will utilize twenty feet of frontage on Herrick Avenue, a County maintained road.  
b) The Recommended Conditions of Approval prepared by the Land Use Division of Public Works include retrofitting the existing driveway, providing an access easement over the flag lot to parcel 2 for the benefit of parcel 1, and additional requirements for improvements and to address potential drainage issues.  
c) The development timing provisions of the Recommended Conditions require that all of the frontage improvements be completed prior to issuance of the first building permit for residential development. This will help ensure that the roads are sufficiently designed and improved prior to new residential development occurring.
5. **FINDING** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.  
**EVIDENCE:** a) Section 3.0 of the Public Works Conditions of Approval Memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of DPW and requires that a hydraulic report and drainage plan be prepared by a

California-licensed Civil Engineer for the subdivision and be submitted to DPW for review and approval.

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

**EVIDENCE:** a) Any future residential development located on the parcel being created will receive water service provided by the Humboldt Community Services District. Requirements are clarified in a letter from HCSD dated May 17, 2023.

b) The project was referred to the Division of Environmental Health who recommended approval of the project.

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

**EVIDENCE:** a) The size and configuration of the proposed parcels complies with width requirements of the RS-5 zone.

b) Both resulting parcels will be greater than the required minimum parcel size of 5,000 square feet.

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

**EVIDENCE:** a) The property is not located in a State Responsibility Area for Fire Protection and is located in an area with no mapped fire hazard severity and is within the boundaries of Humboldt #1 Fire Protection District, who provide structural fire protection. The project was referred to the district for review and did not result in any comments or issues being raised with the proposal.

## **COMMUNITY PLAN FINDINGS – HUMBOLDT BAY AREA PLAN**



9. **FINDING:** The proposed development is consistent with the Humboldt Bay Area Plan (HBAP).

- EVIDENCE:**
- a) The subject property is outside any mapped flood zones or tsunami hazard areas.
  - b) The subject property is outside any mapped earthquake faults or fault hazard zones.
  - c) The proposed project has been referred to Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, the Wiyot Tribe, and the Northwest Information Center. Referral responses recommended implementation of inadvertent discovery protocol.
  - d) The property is within an area mapped as having an occurrence of marsh pea. Per the CNDDDB the mapping is a best guess around marsh areas north of Elk River Slough. There are no mapped wetlands on the property. The project will result in two parcels, with measures included to prohibit development in riparian areas and vegetation per referral comments from California Department of Fish and Wildlife.
  - e) The parcel is outside wetland setbacks.
  - f) The parcel is within a Wetland Buffer Area, and the development plan associated with the subdivision has been required to note any future development is required to comply with Section 3.30 B 6 f of the Humboldt Bay Area Plan of the Humboldt County Local Coastal Program.
  - g) There are no designated scenic views or scenic areas mapped on the subject parcel.
  - h) The proposed project has been referred to the Department of Public Works, the Division of Environmental Health, and the Humboldt Community Services District, all of whom recommended approval or conditional approval of the subdivision. Recommendations from these agencies have been included in the Conditions of Approval.
  - i) The proposed development does not constitute a conversion from agricultural or timber production and does not reduce viability of agricultural or timber production lands outside the Urban Limit Line as identified in the Humboldt Bay Area Plan.

#### **FINDINGS APPLICABLE TO ALL PERMITS**

10. **FINDING:** The proposed development is in conformance with the County General Plan.

- EVIDENCE:**
- a) The property is planned and zoned for residential development at a density of one unit per 5,000 square feet.
  - b) The proposed subdivision would result in the creation of one new parcel.
  - c) The newly created parcel contains sufficient area outside the setback to the break in slope to accommodate future residential development outside of any potential sensitive wetland or riparian zones.
  - d) A Condition of Approval is included requiring that a Detailed Development Plan map be prepared and submitted for review and approval by the Planning and Building Department. This plan will be kept on file with the Department. The Conditions of Approval also require that a Notice of Development Plan be filed with the Recorder's Office to alert future owners of the presence of the Development Plan and its potential bearing on future development of the parcels.

11. **FINDING:** The proposed development is consistent with the purposes of the existing zone in which the site is located.

- EVIDENCE:**
- a) The project will result in a total of two parcels able to facilitate future residential development.

12. **FINDING:** The proposed development conforms with all applicable standards and requirements of the zoning regulations.

- EVIDENCE:**
- a) All parcels being created by the proposed subdivision are of sufficient size to accommodate essential infrastructure, parking areas, and residential development while meeting the minimum required setbacks from property lines, rights of way, and riparian areas, including setbacks for defensible space.

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

- EVIDENCE:**
- a) The property is planned and zoned for residential use.
  - b) The parcel being divided is in proximity to existing residential development of a similar density.
  - c) Conditions of approval are included requiring dedication and improvement of the access road.
  - d) A Development Plan will be created identifying the no building or vegetation removal area on the parcel which will serve as notice to future development of the resulting parcels.



14. **FINDING:**

The proposed project does not reduce the residential density for the parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** a) The property being divided was not targeted for residential development in the current Housing Inventory and therefore has no targeted density for development. The proposed subdivision would result in the creation of one new parcel with the potential for residential development.

## DECISION

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

1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Minor Subdivision and Coastal Development Permit (Record Number: PLN-2023-18184) based on the application materials on file for the project received May 2, 2023, and subject to the recommended conditions of approval.

Adopted after review and consideration of all the evidence on **May 2, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote.

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

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Peggy O'Neill

DECISION: Motion carried 6/0

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



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John H. Ford, Director  
Planning and Building Department



**ATTACHMENT 1A**  
**Conditions of Approval**

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING  
TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE  
PARCEL MAP MAY BE RECORDED:

**Conditions of Approval:**

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The relevant conditions in the Department of Public Works referral responses dated **May 19, 2023 and March 15, 2024**, shall be completed or secured to the satisfaction of that department. Final signoff from the Department of Public Works will satisfy this condition. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval, said map to identify net and gross acreage for each parcel.
4. To better accommodate circulation and siting of future building sites, minor adjustments to the design of the tentative map (parcel boundaries, driveway & road locations, etc.) may be performed, subject to review and approval by the Planning Division and Public Works Land Use Division.
5. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Humboldt Community Services District indicating that the project conforms to its requirements dated May 17, 2023. This condition shall be administered by the Department of Public Works.
6. Prior to recordation of the Parcel Map, the applicant shall submit a letter from Humboldt Fire District No. 1 stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
7. Prior to recordation of the Parcel Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.

8. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit. The applicant is required to pay for permit processing on a time and material basis as set forth in the latest schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision and upon file close out. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
9. Prior to recordation of the Parcel Map, the Applicant shall make payment for all outstanding Humboldt County Planning Department fees. A Cost report will be made available at the Humboldt County Planning Department.
10. A Condition & Mitigation Monitoring deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$1000.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note #1 below for suggestions to reduce the cost for this review.
11. 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 the following site development details:

A. Mapping

- (1) Topography of the land in 1-foot contours.
  - (2) Proposed access, parking lanes and pedestrian ways
  - (3) Two (2) off-street parking spaces on both lots consistent with Section 314-109.1 Humboldt County Code.
  - (4) Building locations and easements
  - (5) Future on-site waste treatment locations
- ON PROPOSED PARCEL 2
- (6) The slope break (greater than 15%)
  - (7) Location of 50-foot wide no building or vegetation removal easement.
  - (8) The dripline of any riparian vegetation
  - (9) Delineation of the mapped areas of the property designated with Moderate Instability.



B. Notes to be Placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
  - If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, and the County Planning and Building Department; 3. The professional archaeologist, Tribes and County officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.
  - If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5; 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 4. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
- (2) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
- (3) LOW IMPACT DEVELOPMENT (LID) NOTE: This subdivision is approved as a small project and is required to comply with the County Code §337-13. Each lot within the subdivision is considered a small project. At the time of issuance of a building permit, the applicant shall demonstrate compliance with County Code §337-13.
- (4) All new development shall include the following mitigation measures:
  - 1) Not more than 25% of the lot surface shall be effectively impervious.
  - 2) The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50-year storm of 10 minute duration.
  - 3) Storm water outfalls, culverts, gutters, and the like shall be dissipated.

- 4) Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.
  - 5) Areas disturbed during construction, grading, etc., within 100 feet of the mean high water line, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.
  - 6) Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary sediment basins, sediment basins, seeding or planting bare soil, diversion of runoff away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).
  - (5) To avoid impacts to vegetation and any sensitive wetland or riparian areas, no development shall occur within or north of the boundary of the 50-foot setback.
  - (6) Landscaping shall primarily utilize native plants appropriate to coastal northern California, which provide aesthetic and habitat values while requiring minimal watering and maintenance. Invasive species spread into adjacent natural areas and compete with native plants. Use of invasive plant species in landscaping is prohibited, if listed in the Cal-IPC Inventory of problematic species.
  - (7) If any future development is proposed within areas of the parcel designated with moderate instability, the property owner shall prepare and submit a R2 Soils Report for Planning Department review.
  - (8) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
12. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Community Development Services—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 \$460.00) will be required. The Development Plan shall also be noticed on the Final Map.
13. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$129.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt



County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.

14. Per comments from the California Department of Fish & Wildlife, the landowner shall observe at least a 50-foot setback from the change in slope to avoid impacts to vegetation and sensitive wetland or riparian areas to the north.
15. Future landscaping shall primarily utilize native plants appropriate to coastal northern California, which provide aesthetic and habitat values while requiring minimal watering and maintenance. Invasive species spread into adjacent natural areas and compete with native plants. Use of invasive plant species in landscaping is prohibited, if listed in the Cal-IPC Inventory of problematic species.

### Informational Notes:

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

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

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

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

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



contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

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

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. Approval of the tentative map shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code.



EXHIBIT A

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

APPROVED

MAY - 2 2024

Humboldt County  
PLANNING

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

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Desmond Johnston, Senior Planner

FROM: Brenda Howell, Associate Civil Engineer *BH* 05/19/2023

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE PASTORI,  
APPLICATION #PLN-2023-18184 PMS, APN 302-091-010, FOR APPROVAL  
OF A TENTATIVE MAP, CONSISTING OF 0.95 ACRES INTO 2 PARCELS

DATE: 05/19/2023  
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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 dated May 2023 and dated as received by the Humboldt County Planning Division on May 2, 2023.**

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

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

**1.0 MAPPING**

**1.1 EXPIRATION OF TENTATIVE MAP**

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

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

## **1.2 MAP TYPE**

Applicant must cause to be filed a subdivision map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code §326-31. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

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

Applicant shall submit to this Department an electronic copy of the subdivision map, in pdf format, as filed by the County Recorder. [Reference: Government Code §66466(f)]

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

## **1.3 DEPOSIT**

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

## **1.4 EASEMENTS**

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

## **1.5 FURTHER SUBDIVISION**

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

## **1.6 DEDICATIONS**

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

### **HERRICK 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 25 feet of the center line of the



County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

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

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

#### **1.7 LINES OF OCCUPATION**

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

#### **2.0 IMPROVEMENTS**

##### **2.1 CONSTRUCTION PLANS**

<NONE>

##### **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 IMPROVEMENTS**

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

- (a) Retrofit both existing driveway aprons to meet County urban driveway standards.
- (b) Construct two surfaced residential driveways to County Standards.
- (c) Retrofit all sidewalk which does not meet current ADA standards. (i.e. cross-slope less than 2%)
- (d) Relocate existing mailbox to meet current ADA standards.

##### **2.4 ADA FACILITIES**

All pedestrian facilities shall be ADA compliant. This includes providing compliant residential driveway aprons and accessible sidewalks behind 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.

## 2.5 DRIVEWAYS

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 surfaced with Portland cement concrete or Hot mix asphalt for the width of the driveway and a distance of 25 feet from the edge of the County road. Existing driveways serving developed parcels need to be surfaced prior to filing of the subdivision map. The width of the driveway shall be as approved by this Department.

(a) **VISIBILITY:** All driveways shall conform to Humboldt County Code § 341 regarding visibility.

(b) **DRIVEWAY SURFACE:**

***Driveways connecting to paved roads:*** Existing and proposed driveways shall be surfaced for the entire width of the driveway. The driveway shall be surfaced for a minimum length of 25 feet. For uphill driveways where the grade of the driveway exceeds 16%, the driveway shall be paved to a grade break as determined by this Department.

When a concrete curb is present, a Portland cement concrete driveway apron (Urban Driveway No. 1 Standard Plan) shall be constructed, or as approved by this Department.

(c) **DRIVEWAY WIDTHS:** The width of the driveway shall be as approved by this Department.

Driveway Widths (W)			
Type	Minimum	Recommended	Maximum
Residential	10'	18'	20'
Non-Residential	12'	24	29'

## 2.6 STRUCTURAL SECTION

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

- (a) **For paved road surfaces,** the structural section shall include a minimum of 0.2 feet of Caltrans Type A 1/2" hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.
- (b) When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.



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

## **2.7 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.

## **2.8 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.

## **2.9 PERMITS**

Pursuant to County Code §411-11 (a)&(b), an encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.

## **2.10 NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES**

When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department. If the NBUs will not be installed by the Post Office, the subdivider shall install the NBUs as part of the subdivision.

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

## **2.11 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.



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

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

- (a) Pursuant to Government Code § 66411.1 (improvement timing), fulfillment of reasonable on-site and off-site construction requirements may be imposed prior to Parcel Map filing with the County Recorder if found necessary for the public health or safety or orderly development of the area. The following improvements are necessary for the public health or safety or orderly development of the area and shall be completed: (1) within twenty-four (24) months after the filing date of the Parcel Map, or (2) prior to issuance of a building permit on any property subject to this notice, or (3) prior to any other grant of approval for any property subject to this notice, whichever occurs first:

Parcel One

Item #2.3 (a)(b)(c)(d)

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

<NONE>

- (c) The following improvements shall be completed: (1) within twenty-four (24) months after the issuance of a Building Permit on any property subject to this notice, or (2) prior to issuance of an Occupancy Permit for any property subject to this notice, whichever occurs first:

Parcel Two

Item #2.3 (a)(b) Retrofit existing driveway apron on parcel 2 to meet current ADA compliance and construct surfaced residential driveway to County standards.

## **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. The report and plan must be prepared by a Civil Engineer registered by the State of California. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.

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

The subdivision is required to comply with County Code § 337-13. The applicant shall submit a Storm Water Information Sheet for review and approval by the County. When there will be deferred LID improvements, a separate sheet in the improvement plans shall be provided for the LID concepts proposed for the individual lots. It is intended that this sheet will be attached to the development plan to facilitate issuance of a building permit at a later time.

#### 4.0 **GRADING**

<NONE>

#### 5.0 **MAINTENANCE**

<NONE>

#### 6.0 **DEVELOPMENT PLAN**

The following note shall be placed on the development plan: "**LOW IMPACT DEVELOPMENT (LID) NOTE:** This subdivision is approved as a small project and is required to comply with County Code § 337-13. Each lot within the subdivision is considered a small project. At the time of issuance of a building permit, the applicant shall demonstrate compliance with County Code § 337-13."

#### 7.0 **LANDSCAPING**

<NONE>

// END //



## EXHIBIT A

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

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

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409  
ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MANAGEMENT 445-7493

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

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

### LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Desmond Johnston, Senior Planner

FROM: Brenda Howell, Associate Engineer

DATE: 05/19/2023 *BH* 05/19/2023

RE: PASTORI SUBDIVISION, APN 302-091-010, PLN-2023-18184

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

**EXISTING DRIVEWAY:** The existing driveway(s) serving the properties do not meet ADA grade compliance and visibility standards and must be retrofitted as part of the project.

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

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

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LAND USE 445-7205

#### LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michael Holtermann, Associate Planner

FROM: Ken Freed, Assistant Engineer 

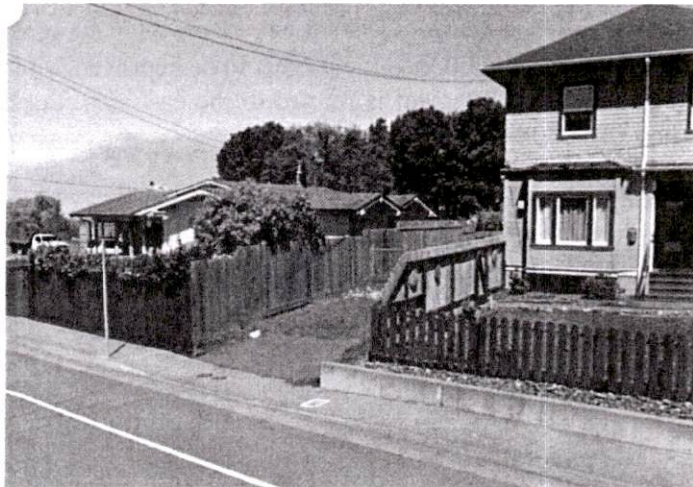
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Above: 2019 google street view showing the subject property (on the right), including the existing driveway. The fencing and landscaping on the neighboring property (on the left) will need to be heavily modified to comply with the County's visibility ordinance.

**FLAG LOT:** The applicant is proposing a flag lot with a width of 15 feet. Section 7-2 of Appendix A to the County Subdivision Ordinance requires a minimum flag width of 20 feet. A County Code Section 325-9 exception request was not provided.

Additionally, there is ample room on the east side of the property to establish a flag lot without requiring a County Code Section 325-9 exception request. However, a small shed located in the northeast corner of the property will need to be relocated (or removed) to comply with setbacks. Access to Parcel 1 could utilize the same driveway as the flag lot. The existing trees along the west boundary can remain. Instead of removing the shed, the flag portion of the lot could be widened to incorporate the shed into Parcel 2.

The proposed flag lot also creates a setback issue for the existing structure on Parcel 1. The applicant has requested a variance to allow for the structure to be within 1.9 feet to 2.4 feet of the proposed property line. Relocating the flag lot to the easterly side of the parcel resolves this issue and a variance is no longer required. In addition, a 20 foot wide flag can also be provided which then eliminates the need for a County Code Section 325-9 exception request.

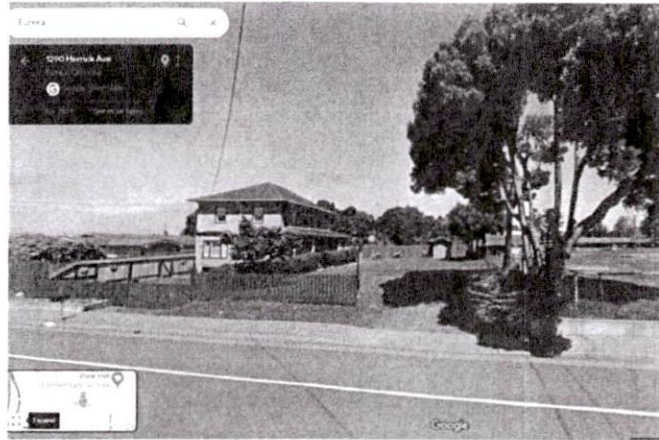
However, the applicant has stated that placing the flag on the easterly side of the property would adversely affect existing parking for Parcel 1 as well as needing to remove landscaping. Current aerial photos (2023) and google street view (2019) show that the parking area is dirt and that vehicles are not parking where the flag lot would be; and that the landscaping is grass.

It is not clear how a variance could be supported when alternatives exist that allow for the same number of parcels to be created without needing a variance for setbacks. Due to a) the need for a variance for setbacks; b) the need for an exception request for sub-standard flag lot width; c) the substantial impact to fencing and landscaping of the neighboring property (APN 302-091-011); d) the ability to have a full width flag on the west side thus eliminating the need for a County Code 325-9 exception request; e) no longer needing a variance for reduced setbacks for the existing house on Parcel 1; f) google aerial and street images show that parking is not occurring within the easterly 20 feet of the property; g) google aerial and street images that show that minimal landscaping would be affected by placing the flag on the east side, Public Works does not support the proposed flag location.

However, Public Works has conditioned the project to be approved with the proposed flag lot on the west side. If the proposed flag lot is moved to the east side, Public Works Conditions of Approval need to be revised as follows:

- 2.3(a) Retrofit the easterly existing driveway apron to meet County urban driveway standards. Remove and replace the westerly driveway apron with Caltrans Type A2-6 PCC curb and gutter and 5' wide curb adjacent sidewalk.
- 1.6 Provide an access easement over the flag lot of Parcel 2 for the benefit of Parcel 1.





*Picture: Recommended east side flag lot access location.*



*Picture: 2023 Aerial photo*

**SITE VISIBILITY:** To utilize the proposed flag on the west side of the property the neighbor's fence and landscaping would need to be reduced to three (3') feet in height starting from the back of the sidewalk to a point ten (10') feet back. And reduced for a distance of thirty (30') feet starting at the same point at the corner of the property westerly along the frontage of the neighbor's property, forming the visibility triangle as stated in County Code §341-3(c).

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

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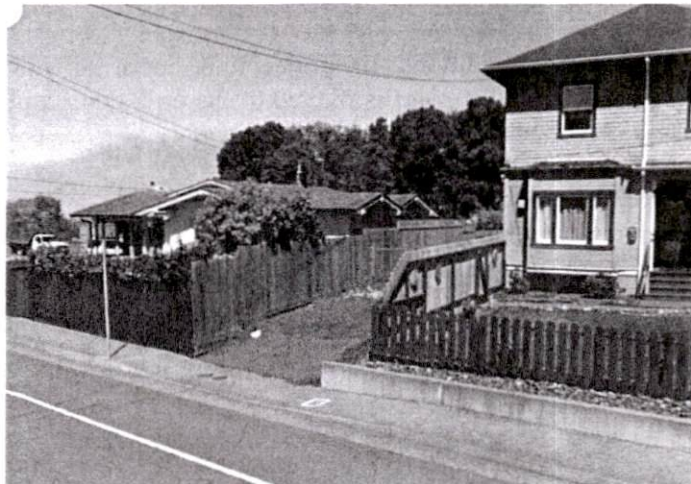
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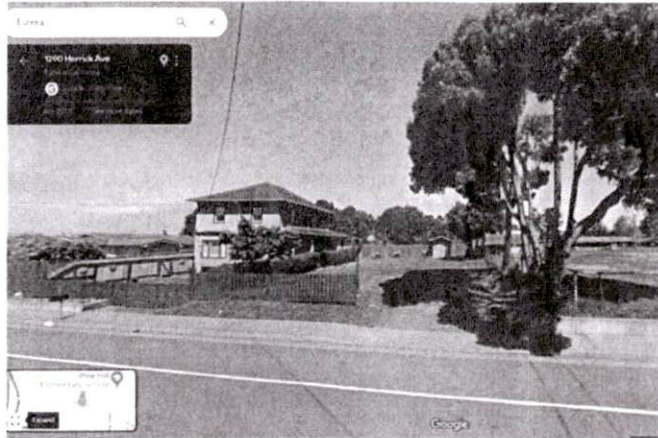
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// END //



APN 302-091-010  
HERRICK AVENUE

### VICINITY MAP



-NOT TO SCALE-



### NOTES

1. THIS TENTATIVE MAP PROPOSES THE SUBDIVISION OF AN EXISTING 0.95 ACRE PARCEL INTO TWO PARCELS.
2. WATER AND SEWER SERVICES ARE PER THE HUMBOLDT COMMUNITY SERVICES DISTRICT.
3. CONTOURS ARE FROM A FIELD SURVEY - DATUM IS ASSUMED.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN BASED ON BOOK 98 OF SURVEYS, PAGES 47 & 48.
5. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:
  1. BOOK 1024 O.R. PAGE 386 - EASEMENT FOR PUBLIC ROAD GRANTED TO THE COUNTY OF HUMBOLDT - SHOWN HEREON.
  2. INSTRUMENT NO. 2044-2313-16 O.R. AND INSTRUMENT NO. 2007-36621-8 O.R. - EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES - SHOWN HEREON.
  3. INSTRUMENT NO. 1996-2167-2 O.R. - EASEMENT FOR SEWER FACILITIES, INGRESS AND EGRESS - SHOWN HEREON.
  4. INSTRUMENT NO. 2008-8983-4 O.R. - EASEMENT FOR SEWER FACILITIES, INGRESS AND EGRESS - SHOWN HEREON.
6. ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED PARCEL MAP.
7. ADDRESS: 1313 HERRICK AVENUE
8. ZONING: RS-5 - RESIDENTIAL SINGLE FAMILY (5,000 SF MINIMUM LOT SIZE)
9. THIS PROPERTY IS LOCATED WITHIN THE CALIFORNIA COASTAL ZONE.

### LEGEND

EM	ELECTRIC METER
GM	GAS METER
BSO	SANITARY SEWER/CLEAN OUT
WM	WATER METER
---	EXISTING FENCE

AGENT/SURVEYOR:  
MICHAEL J. O'BRIEN  
KELLY O'BRIEN ASSOCIATES  
3240 MOORE AVENUE, #3  
EUREKA, CA 95501  
(707)443-7281

OWNER/APPLICANT:  
CAROLE Y. PASTORI  
1313 HERRICK AVENUE  
EUREKA, CA 95501  
(707)443-0849

REVISED APRIL 24, 2024

APN 302-091-010  
TENTATIVE PARCEL MAP  
FOR  
CAROLE YVONNE PASTORI, TRUSTEE

IN  
NE 1/4 SECTION 4 T8N, R13W, HUMBOLDT MERIDIAN  
IN THE INCORPORATED AREA OF HUMBOLDT COUNTY  
MAY 2023 SCALE: 1" = 17'

HUMBOLDT COUNTY  
STATE OF CALIFORNIA  
KELLY O'BRIEN ASSOCIATES  
EUREKA, CALIFORNIA



PREPARED BY  
MICHAEL J. O'BRIEN  
DATED: APRIL 24, 2024

HERRICK AVENUE (COUNTY ROAD NO. 433418)

CONTOUR INTERVAL: 1.0 FOOT CONTOURS