



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

Hearing Date: July 23, 2020

To: Humboldt County Planning Commission

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

Subject: **Dorris Parcel Map Subdivision and Special Permit**
Case Number PLN-2019-15407
Assessor Parcel Number (APN) 203-181-045
111 and 117 Kemp Lane, Fortuna area

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

AGENDA ITEM TRANSMITTAL

Hearing Date July 23, 2020	Subject Parcel Map Subdivision and Special Permit	Contact Trevor Estlow
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Project: A Minor Subdivision to divide an approximately eight-acre parcel into three parcels of 2.78 acres, 2.10 acres and 3.20 acres. The parcel is currently developed with an existing residence, a small cabin and several detached shops/sheds. Proposed Parcel 1 will be vacant and suitable for residential development, while proposed Parcels 2 and 3 will contain the existing residence and cabin, respectively. Proposed Parcel 2 will be served with water provided by the City of Fortuna and proposed Parcels 1 and 3 will be served by an on-site well located on proposed Parcel 1. All parcels will be served with on-site wastewater treatment systems. A Calfire exception request was submitted and approved to allow a reduced road width. Additionally, pursuant to Section 325-11 of the Subdivision Regulation, a Special Permit is required for Lot Size Modification to allow proposed Parcel 2 to be created as 2.10 acres.

Project Location: The project site is located in the Fortuna area, on the south side of Rohnerville Road, at the intersection of Rohnerville Road and Kemp Lane, on the properties known as 111 Kemp Lane and 117 Kemp Lane.

Present Plan Designation: Residential Estates (RE); Humboldt County General Plan. Density: one unit per 2.5 – 5 acres. Slope Stability: Low Instability.

Present Zoning: Agriculture General (AG)

Case Number: PLN-2019-15407

Assessor Parcel Number: 203-181-045

Applicant

Jeanne and David Dorris
111 Kemp Lane
Fortuna, CA 95540

Owner(s)

same as applicant

Agent

Schillinger Engineering
Jakob Schillinger
PO Box 1183
Arcata, CA 95518

Environmental Review: Project requires environmental review.

Major Issues: None

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

DORRIS PARCEL MAP SUBDIVISION AND SPECIAL PERMIT

Case Number PLN-2019-15407

Assessor Parcel Number 203-181-045

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:

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

Executive Summary: The project consists of a subdivision of an approximately eight-acre parcel into three parcels of 2.78 acres, 2.10 acres and 3.20 acres. The parcel is currently developed with an existing residence, a small cabin and several detached shops/sheds. Proposed Parcel 1 will be vacant and suitable for residential development, while proposed Parcels 2 and 3 will contain the existing residence and cabin, respectively. Proposed Parcel 2 will continue to be served with water provided by the City of Fortuna and proposed Parcels 1 and 3 will be served by an on-site well located on proposed Parcel 1. All parcels will be served with on-site wastewater treatment systems.

The project site is located in the Fortuna area, off of Rohnerville Road, approximately one-half mile southeast of the City limits of Fortuna. The parcel was created by a Lot Line Adjustment in 2006 (LLA-04-038).

The minimum parcel size for this zone (AG) is 2.5 acres, however, pursuant to Section 314-99.1.1.2 of the Zoning Regulations and Section 325-11 of the Subdivision Regulations, the applicant has requested a lot size modification to allow proposed Parcel 2 to be reduced to 84% of the minimum required. The lot size modification will allow proposed Parcel 1 additional flexibility in building site placement and setback from the new water well, future on-site sewage disposal system, and the drainage ditch that traverses the site.

Public Works recommended that the applicant combine their road with the neighbors' road to the west to eliminate side-by-side access roads. The property owners did attempt to acquire additional easements from the neighbor but were not able to obtain any additional right of way. Therefore, a 40-foot right-of-way is proposed entirely on the applicant's parcel. The applicant submitted an exception request to Calfire to allow a road width less than the required 20-foot width for the entire length as required in the State Fire Safe Regulations. In consultation with the Fortuna Fire Protection District, it was agreed that the road could begin as 20-feet wide off of Rohnerville Road for the first 50-feet, taper down to 16-feet to where a turnaround would be installed on proposed Parcel 2 and finally taper down to 12-feet wide to serve proposed Parcel 3. Calfire reviewed this request and supports it as proposed (Attachment 5). Public Works Subdivision Requirements reflect these road improvements.

According to comments received from the California Department of Fish and Wildlife (CDFW), the site may contain suitable habitat for Siskiyou checkerbloom in the pastures and along the fence line. Additionally, the drainage ditch crossing the property may contain wetland features. A site visit was conducted with staff from CDFW to assess the site. During the site visit, wetland soils were found in the drainage ditch and adjacent to it. A break in slope was identified that would be considered upland and outside any wetland buffer area. Therefore, any development proposed below this break in slope would require further wetland delineation to determine appropriate setbacks. Provided all development occurs above the break in slope, no impacts to potential wetlands will occur and no further studies are required. This will be further noted on the Development Plan. Finally, although suitable habitat for Siskiyou checkerbloom does occur on the

parcel, it was not detected during the site visit and further botanical surveys are not recommended at this time.

All responding 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 responding referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action.

Alternative: 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 20-**

**Case Number PLN-2019-15407
Assessor Parcel Number 203-181-045**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Dorris Parcel Map Subdivision and Special Permit.

WHEREAS, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision and Special 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, 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 and Special Permit (Case Number PLN-2019-15407); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 7, 2020.

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 PLN-2019-15407 support approval of the project based on the submitted evidence; and
3. The Parcel Map Subdivision and Special Permit Case Number PLN-2019-15407 is approved as recommended and conditioned in Attachment 1.

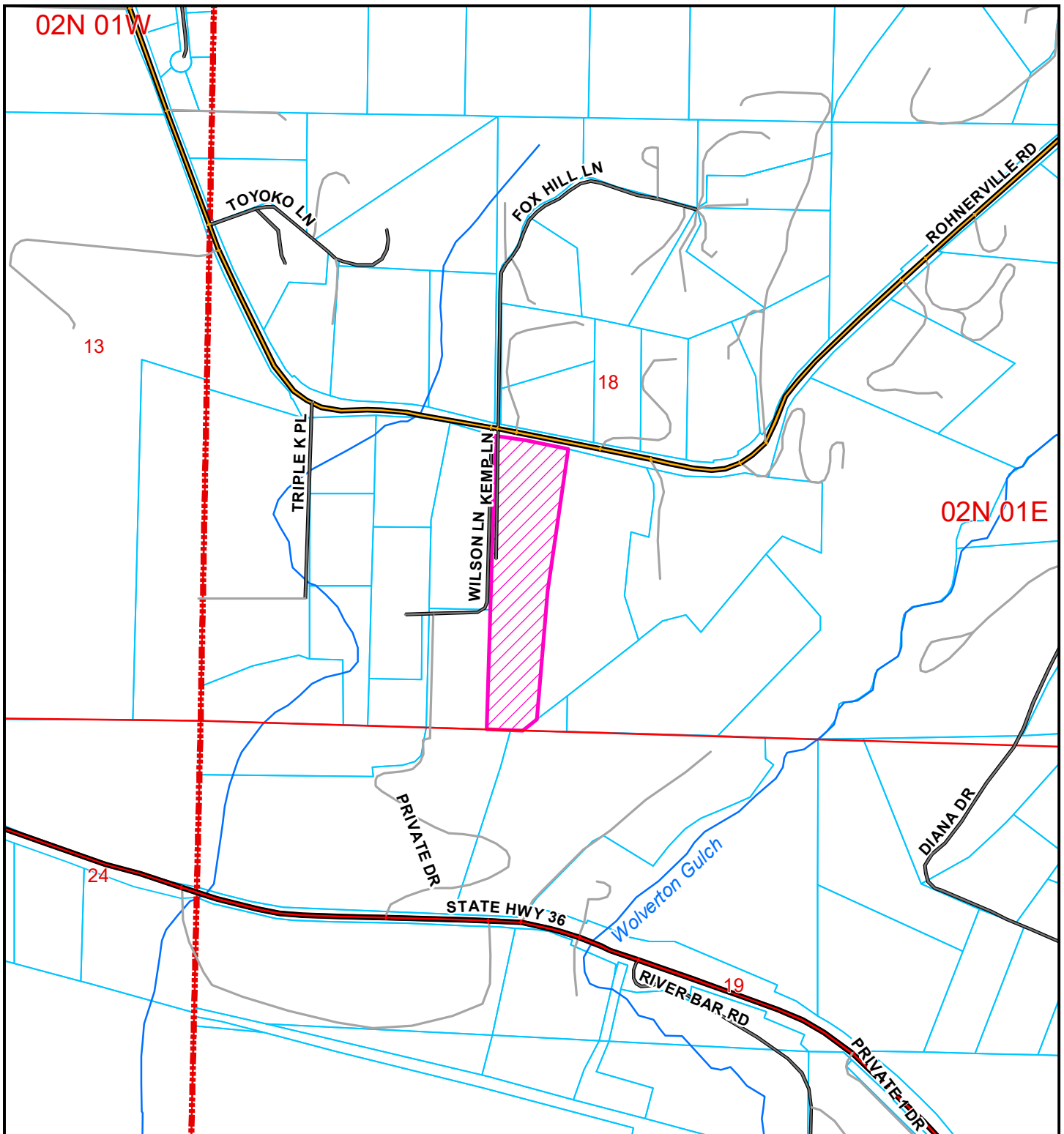
Adopted after review and consideration of all the evidence on July 23, 2020.

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 H. Ford
Director, Planning and Building Department



LOCATION MAP

PROPOSED DORRIS MINOR SUBDIVISION

FORTUNA AREA

PLN-2019-15407

APN: 203-181-045

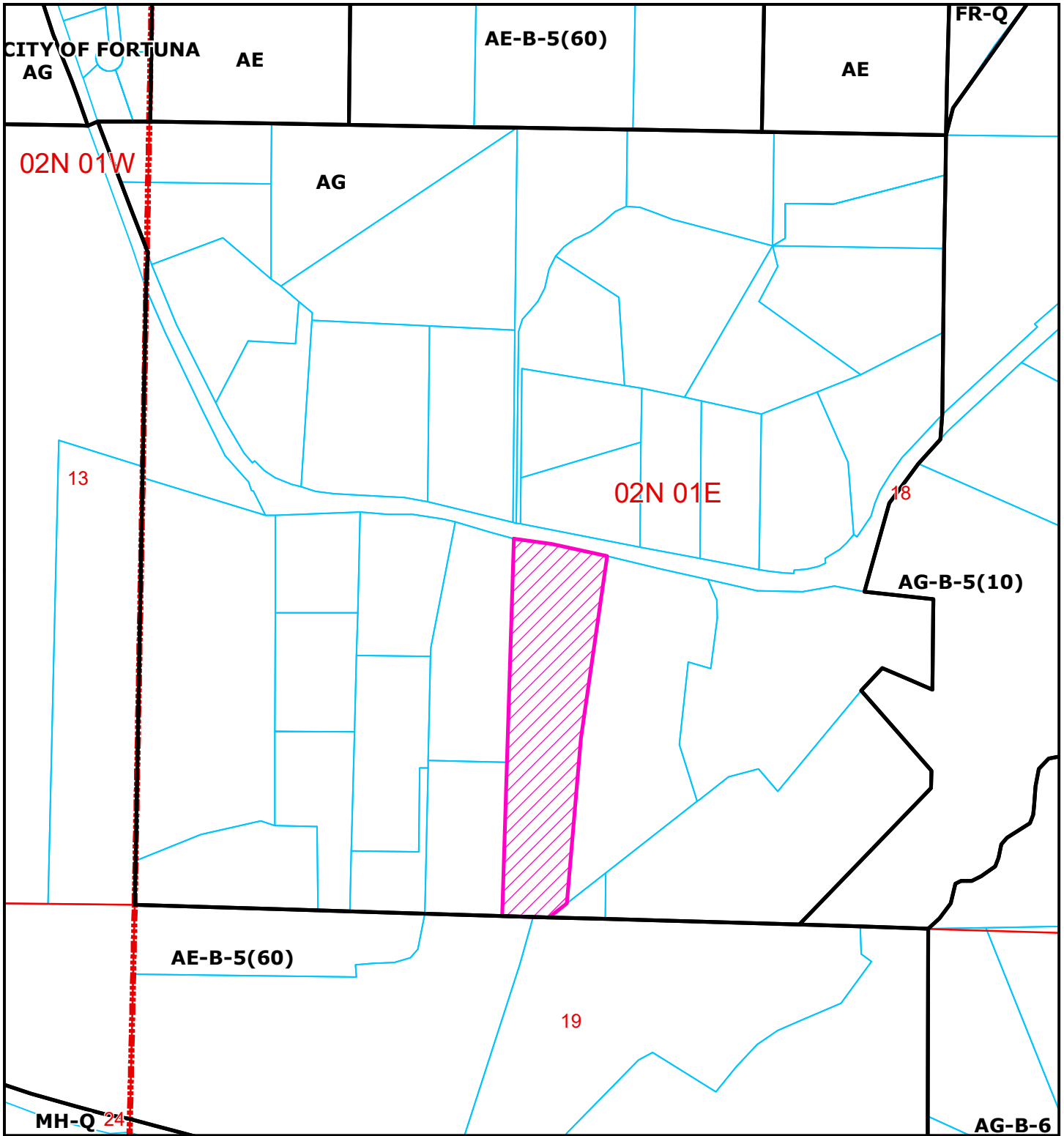
T02N R01E S18 HB&M (Hydesville)

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.



0 250 500 750
Feet



ZONING MAP

**PROPOSED DORRIS
MINOR SUBDIVISION**

FORTUNA AREA

PLN-2019-15407

APN: 203-181-045

T02N R01E S18 HB&M (Hydesville)

Project Area = 

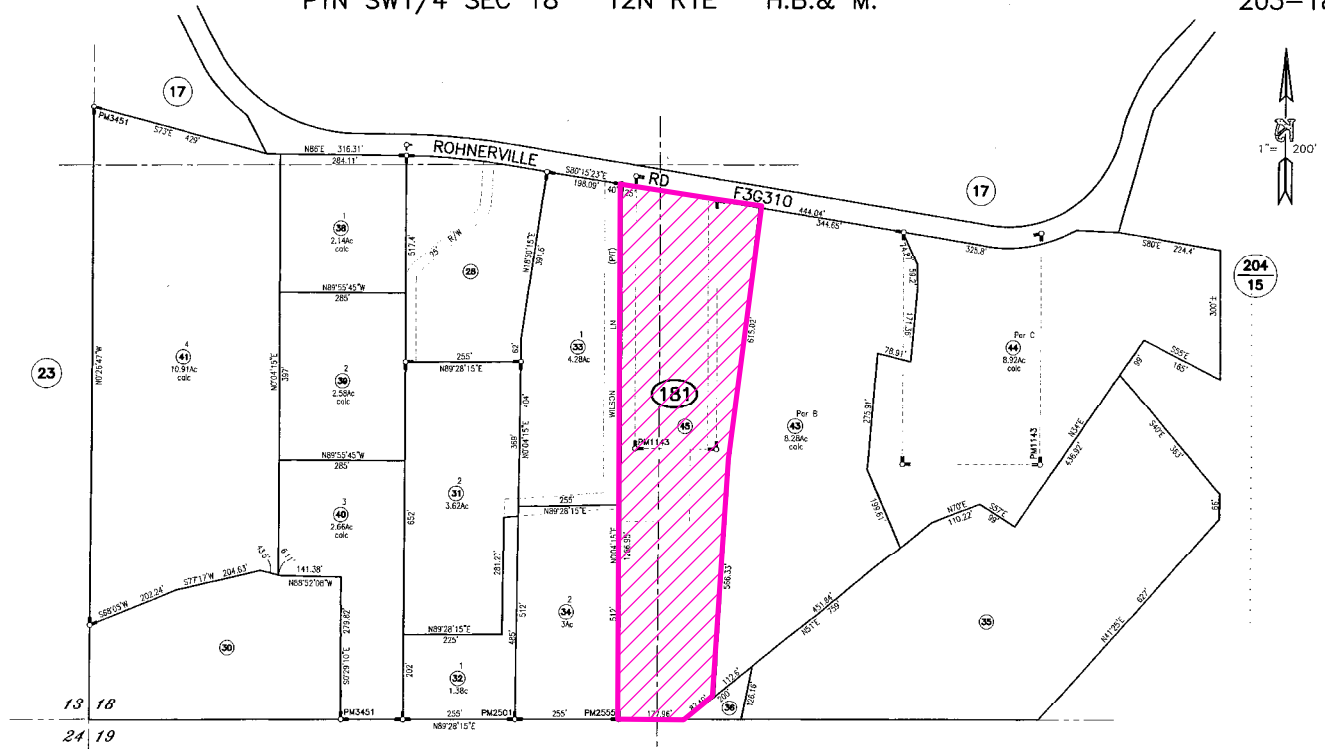
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500
Feet

PTN SW1/4 SEC 18 T2N R1E H.B.& M.

203-18

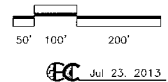


ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
 2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
 3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING DTC ORDINANCES.

PM1143 of PM Bk 10, Pg 48
 PM2501 of PM Bk 22, Pgs 74-76
 PM2555 of PM Bk 23, Pgs 10-11
 PM3451 of PM Bk 33, Pgs 98-101
 RS, Bk 65 of surveys, Pg 13

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

Assessor's Map Bk. 203, Pg.18
 County of Humboldt, CA.



ASSESSOR PARCEL MAP

PROPOSED DORRIS MINOR SUBDIVISION

FORTUNA AREA

PLN-2019-15407

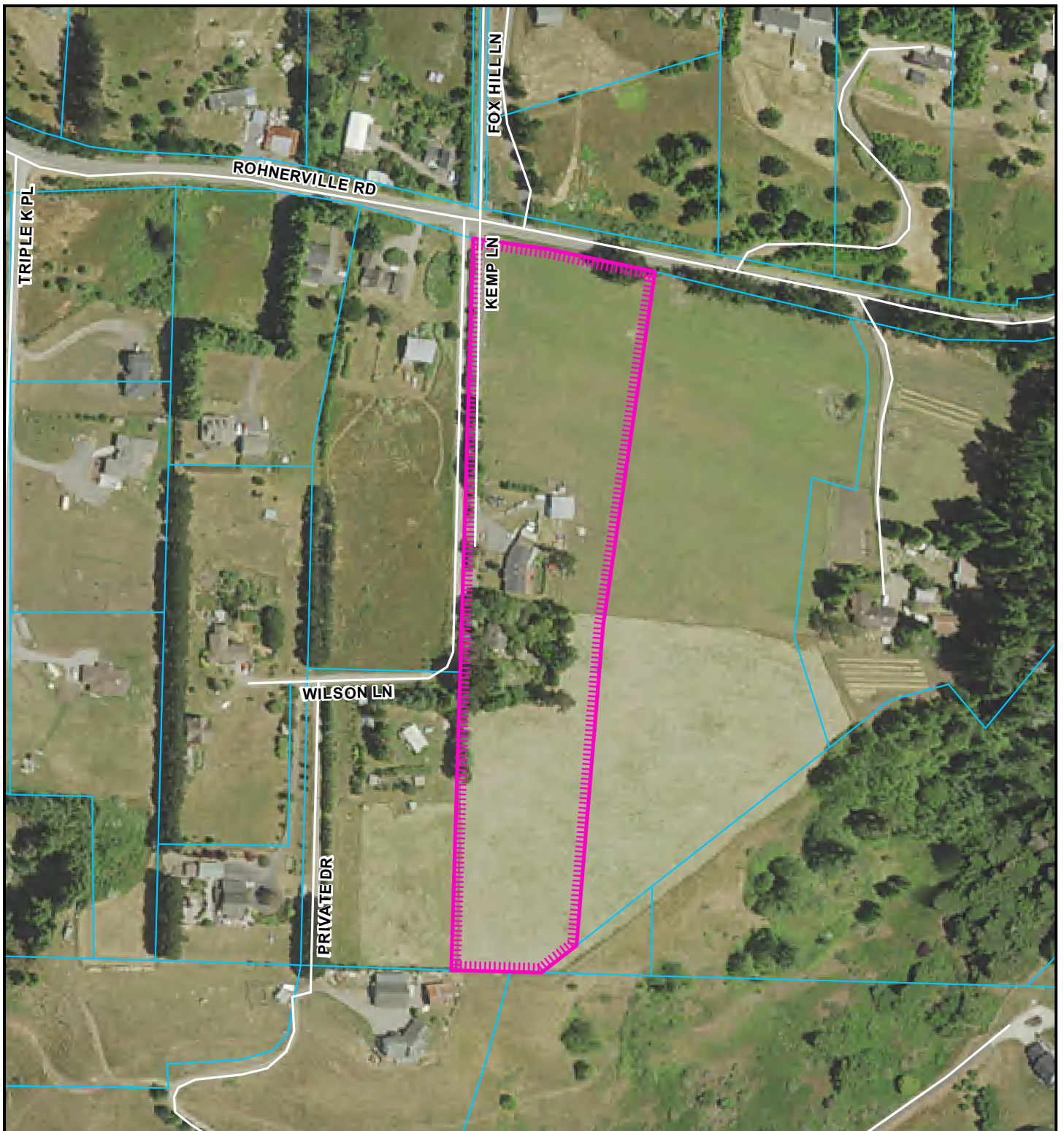
APN: 203-181-045

T02N R01E S18 HB&M (Hydesville)

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 DORRIS MINOR SUBDIVISION

FORTUNA AREA

PLN-2019-15407

APN: 203-181-045

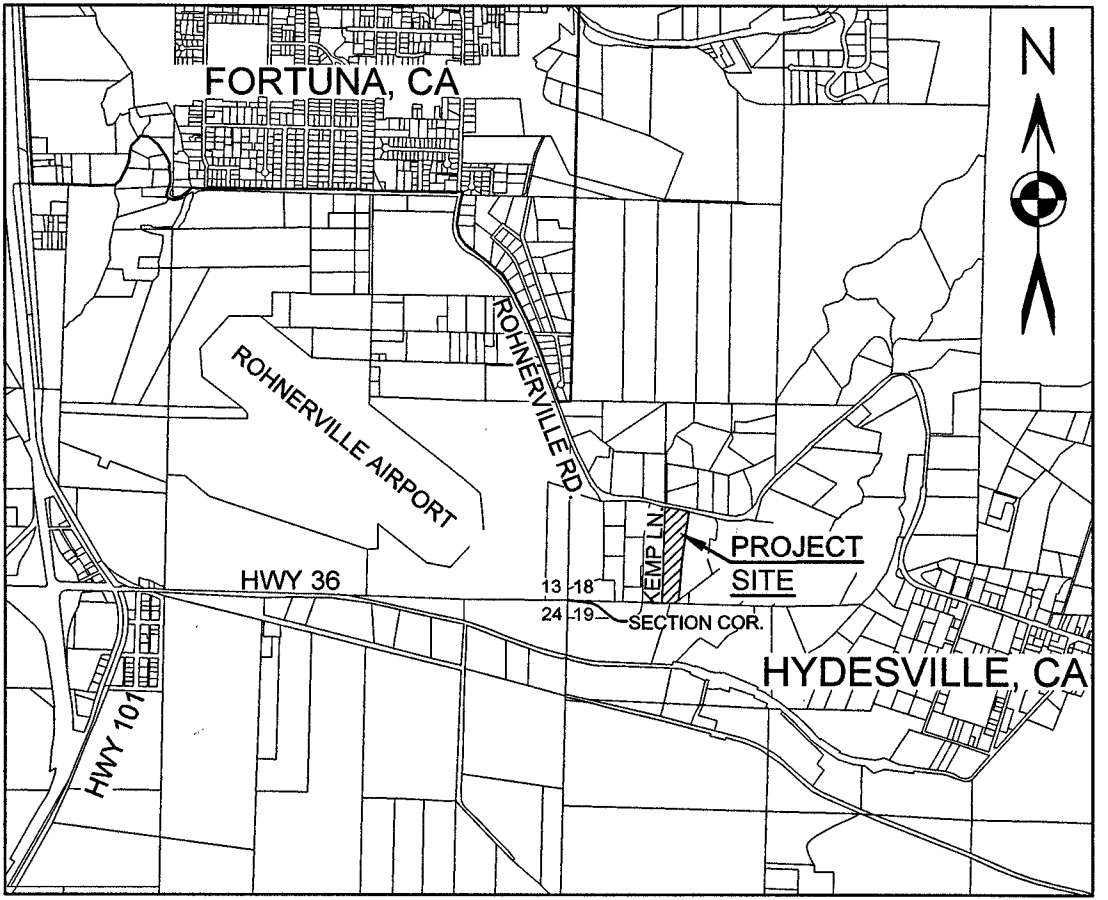
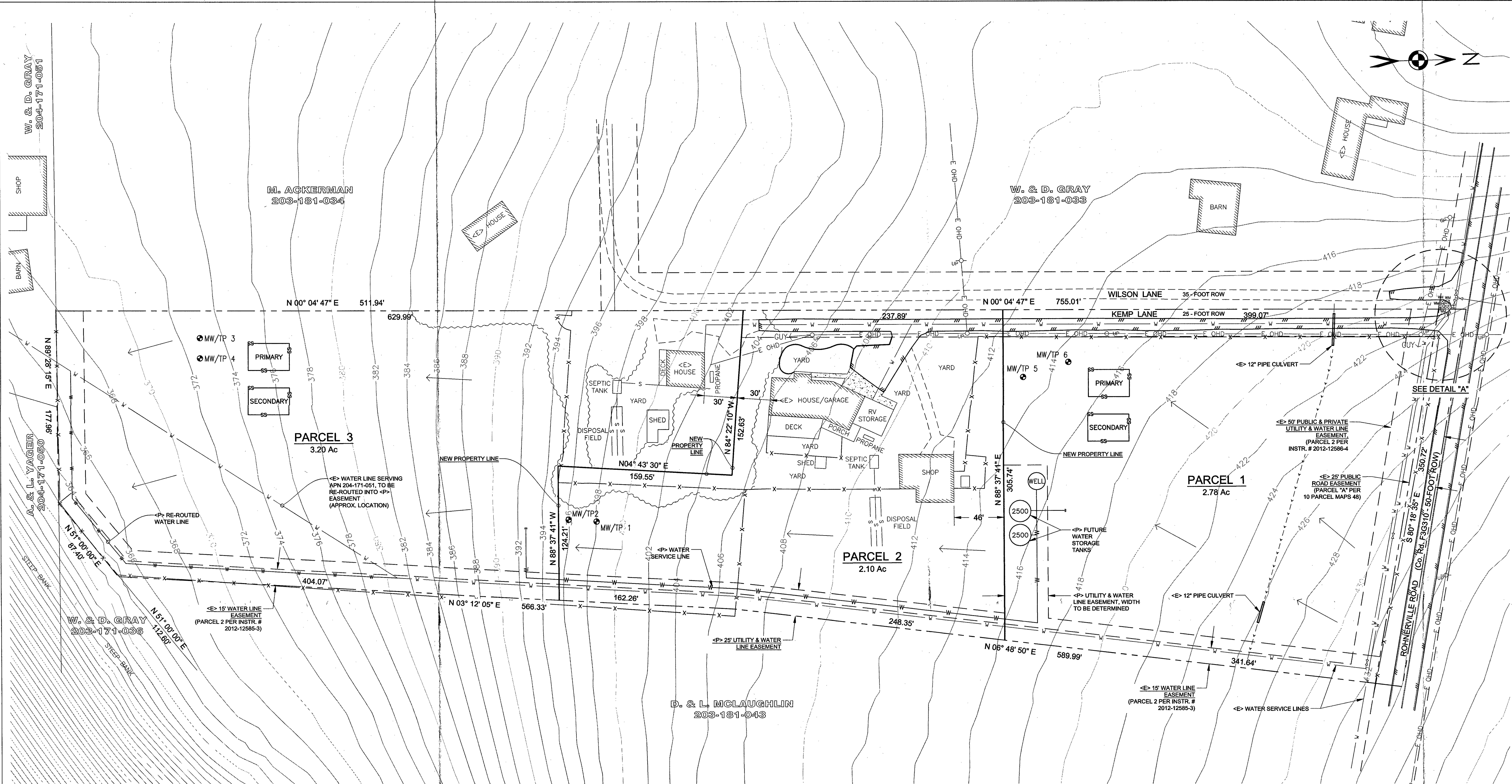
T02N R01E S18 HB&M (Hydesville)

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.



0 250
Feet

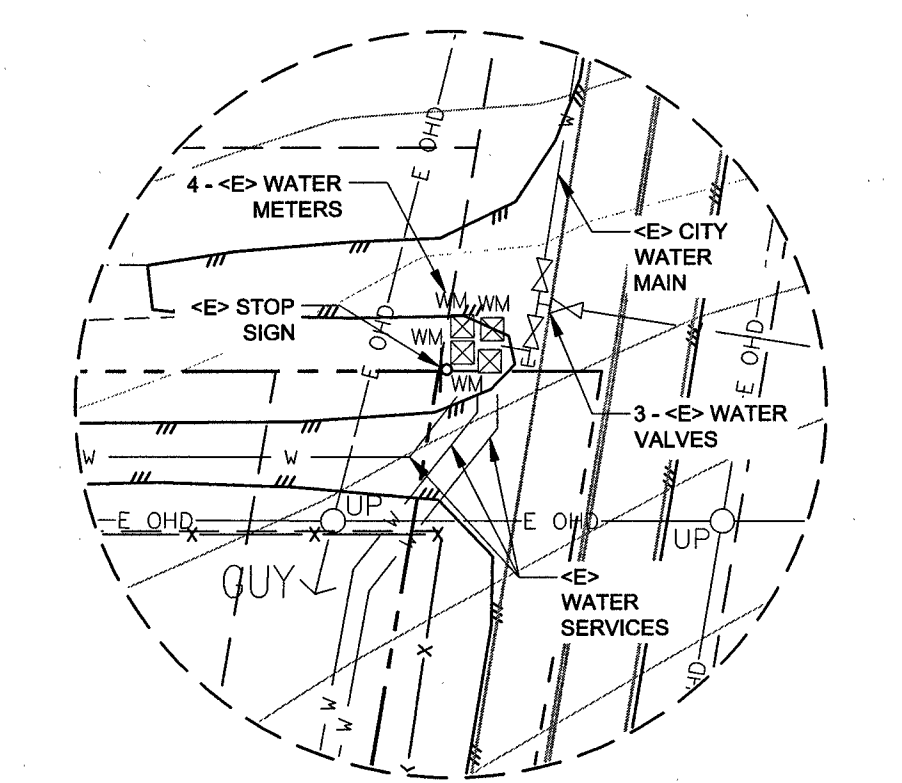


VICINITY MAP

PROJECT DATA	
OWNER / APPLICANT:	JEANNE & DAVID DORRIS
APN:	203-181-045
ADDRESS:	111 KEMP LANE FORTUNA, CA 95540
ENGINEER / AGENT:	JAKOB SCHILLINGER
SURVEYOR:	MAX SCHILLINGER
TOTAL PARCEL AREA:	8.08 ACRES
GENERAL PLAN:	RE 2.5-5, AP (FACP)
ZONING:	AG

- NOTES
- THIS TENTATIVE MAP REPRESENTS A SUBDIVISION OF THE LANDS DESCRIBED IN DOCUMENT #2012-12583-3, AND AS SHOWN AS PARCEL 'A' IN BOOK 65 OF SURVEYS PAGE 13, HUMBOLDT COUNTY RECORDS, INTO 3 SEPARATE PARCELS.
 - ALL EASEMENTS OF RECORD AND NEW EASEMENTS SHOWN ON THE TENTATIVE MAP WILL BE SHOWN ON THE PARCEL MAP.
 - CONTOUR INTERVAL SHOWN IS AT 2'-FOOT CONTOUR INTERVALS BASED ON PUBLIC SOURCED DATA.
 - PROPERTIES SHOWN ARE ARE NOT SUBJECT TO FLOODING PER FEMA FIRM PANEL 06023 C1240F.
 - EXISTING UTILITIES & OWNER:
 - WATER - CITY OF FORTUNA
 - SEWER - PRIVATE ONSITE DISPOSAL SYSTEM
 - CABLE TV - SUDDENLINK
 - ELECTRIC - PG & E / ABOVE GROUND
 - GAS - NONE
 - TELEPHONE - AT&T
 - STORM DRAIN - NONE
 - EXISTING PUBLIC WATER SERVICES BY THE CITY OF FORTUNA SHOWN ARE "GRANDFATHERED" IN AND WILL CONTINUE SERVING FUTURE PARCEL 2, PROPOSED PARCELS 1 & 3 WILL BE SERVED VIA A NEW SINGLE ON-SITE WATER WELL SYSTEM.

LEGEND	
—S—	EXISTING ON-SITE SEWAGE DISPOSAL SYSTEM
—SS—	PROPOSED ON-SITE DISPOSAL SYSTEM
—W—	EXISTING WATER LINE (PUBLIC OR PRIVATE)
—w—	PROPOSED WATER LINE
⊠ WM	EXISTING WATER METERS
⊠	EXISTING WATER VALVES
---	LOT LINES OF SUBJECT PROPERTY
---	PROPOSED (NEW) PROPERTY LINES
---	LOT LINES OF ADJACENT PROPERTIES
---	EXISTING OR PROPOSED EASEMENTS AS NOTED
-x-	EXISTING FENCE
→	DRAINAGE FLOW ARROW
--->---	STORM DRAIN CULVERT
--->---	DRAINAGE CHANNEL FLOW PATH
○ _{UP} → GUY	UTILITY POLE / GUY WIRE
⊠	EXISTING SIGN
⊠ MW/TP 3	MONITORING WELL / TEST PIT #
==	EXISTING PAVEMENT
~~~~~	LIMITS OF VEGETATION (TREES / BRUSH)



DETAIL "A"

## TENTATIVE MAP

FOR

## DORRIS SUBDIVISION

In the Unincorporated Area of the County of Humboldt  
Within the SW 1/4 of Sec. 18, T2N, R1E, H.M.

HUMBOLDT COUNTY  
STATE OF CALIFORNIA

 **SCHILLINGER  
ENGINEERING**

15467

09/22/2019 SCALE: 1" = 50' SHEET 1 OF 1

## Attachment 1

### Conditions of Approval for the Dorris Parcel Map Subdivision and Special Permit

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 conditions on the Department of Public Works referral dated May 8, 2020 Revised included herein as Exhibit A shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$100.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
  - A. Mapping
    - (1) Topography of the land in 2-foot contour intervals;
    - (2) Details showing conformance with provisions of the State SRA Fire Safe Regulations, 2020 (Title 14, Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5), including but not limited to:
      - a. Road and driveway access standards including emergency access road (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)
      - b. Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
      - c. Emergency water standards (i.e., placement of fire hydrants, 2,500-gallon individual emergency water supply, etc.)
      - d. Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.).

- (3) The location of all necessary easements, including water line and other utility easements as necessary;
- (4) Four (4) off-street parking spaces on both parcels consistent with Section 314-109.1 Humboldt County Code;
- (5) The area below the break in slope on proposed Parcel 1 as identified in the referral comments from the California Department of Fish and Wildlife (approximately 120 feet from drainage ditch) labeled "development within this area will require a wetland delineation to determine appropriate setbacks."

B. Notes to be placed on the Development Plan:

- (1) "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the Calfire project representative, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant, Tribes and Calfire 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. 5. 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.

The applicant is ultimately responsible for ensuring compliance with this condition."

- (2) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A (2) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
- (3) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
  - Prohibition of open fireplaces.
  - Heating should be provided using clean fuels (electricity or natural gas), when feasible.

- If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."

- (4) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Table 13-C of the General Plan."
- (5) "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid '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 work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."
- (6) "The use of rodenticides and the planting, seeding or otherwise introducing invasive species is prohibited."
- (7) "Notice is given pursuant to Government Code Section 66411.1 that the improvement requirements in Exhibit A to Attachment 1 for the subdivision shall be completed to the satisfaction of the Department of Public Works pursuant to Section 2.11 of the above-mentioned Subdivision Requirements."
- (8) "Development rights for accessory dwelling units and further subdivision of the parcels created by this subdivision have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied for the County to accept an application for an accessory dwelling unit or subdivision on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."
- (9) "The parcel size for Parcel 2 created by this subdivision has been established through a modification of development standard for a 2.5-acre minimum parcel size approved by a Special Permit issued concurrently with the subdivision. Any change to the parcel size or configuration will require modification of the Special Permit."
- (10) "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."

6. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as

set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$424.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map

7. **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 \$2,456.75. 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, 2020 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 \$2,406.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
8. The applicant 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. The Department will provide a bill to the applicant after the Planning Commission and/or Board decision. 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. Unless subdivision improvements in Attachment 1, Exhibit A, are completed or a Subdivision Agreement is entered into prior to filing of the Parcel Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.
10. Parcel 1 and Parcel 3 will share the existing well on Parcel 1. Easements shall be provided to each parcel as necessary to allow conveyance of water from the well to each parcel.
11. The applicant shall enter into a Conveyance and Agreement of development rights with the County of Humboldt for the construction of accessory dwelling units or further subdivision of Parcels 1 – 3. Release from the Conveyance and Agreement may be pursued upon the improvements to the access road to a Category 4 road standard. Legal document review fees as set forth in the schedule of fees and charges as adopted by Ordinance by the Humboldt County Board of Supervisors (currently \$424.00) will be required.

#### Informational Notes:

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

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

Assessor's Parcel No. _____, Exhibit "A", Condition _____.

(Specify)

(Specify)

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

If cultural resources are encountered, 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 §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."

3. The term of the approved Tentative Map and Special Permit shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

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





## EXHIBIT A

### DEPARTMENT OF PUBLIC WORKS COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

#### LAND USE DIVISION INTEROFFICE MEMORANDUM

**TO:** Trevor Estlow, Senior Planner

**FROM:** Jim P. Tomkins, Associate Civil Engineer 

**RE:** SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE  
APPLICATION DORRIS SUBDIVISION, APPLICATION # 2019-15407, APN  
203-181-045- PMS FOR APPROVAL OF A TENTATIVE MAP, CONSISTING  
OF APPROX. 8 ACRES INTO 3 PARCELS

**DATE:** 03/27/2019

*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 Schillinger Engineering dated September 22, 2019 and dated as received by the Humboldt County Planning Division on February 22, 2019.**

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

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

#### 1.0 MAPPING

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

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

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

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

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

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

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

- 1.4 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:** Pursuant to County Code Section 324-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 324-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

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

- 1.6 LINES OF OCCUPATION:** Applicant shall provide prospective buyers with notice of any fences that are not on the property lines.

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

**(a) PUBLIC ROAD (ROHNERVILLE ROAD):**

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

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

**(b) SUBDIVISION RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to further subdivide the parcels created by this subdivision until such time as Kemp Lane is improved to minimum standards outlined in the fire safe regulations. Per Fire Safe Regulations, a Category 3 road is required for roads serving 3 to 8 parcels. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.

**(c) AVIGATION EASEMENT / OVERFLIGHT EASEMENT / DEED NOTICE:** The subject property is located within compatibility "D" zone of the Rohnerville Airport as defined in the Airport Land Use Compatibility Plan (ALUCP).

Pursuant to Section 3.4.1 and Table 2A of the ALUCP, the applicant shall cause a Deed Notice to be recorded in the office of the County Recorder.

[Source: Sections 3291(6)(C) and 3291(6)(E) Humboldt County General Plan, Volume I, Framework Plan, Adopted December 10, 1984; Section 3.3 Airspace Protection, Airport Land Use Compatibility Plan Humboldt County Airports, dated March 1993, adopted January 27, 1998; Section 3252(1) McKinleyville Community Plan, adopted December 2002 {for Arcata-Eureka Airport Only}]

**(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.

## **2.0 IMPROVEMENTS**

### **2.1 CONSTRUCTION PLANS**

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

- (a) A stop sign shall be installed on Kemp Lane at its intersection with Rohnerville Road. When the road is paved, a "stop" pavement marking and limit line shall be installed.
- (b) 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.
- (c) Street name signs shall be provided at all road intersections. In State Responsibility Areas, street name signs shall also comply with County Code Section 3113-11.

For streets that will not be named, address signs shall be posted at the intersection. In State Responsibility Areas, the address signs shall comply with County Code Section 3113-11. In the event that addresses are not available at the time that the subdivision map is filed with the County Recorder, then a note shall be added to the development plan indicating that street address signs shall be posted prior to issuance of a building permit.

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

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

- (a) **WILSON LANE** shall be widened to 20 feet wide for the first 50 feet; then 16 foot wide with 2 foot bladed shoulders to the driveway for Parcel 3.

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

When the County road is paved, the access road shall be paved for a minimum of 50 feet from the edge of the County road.

- (b) The access road(s) from a County maintained road to the subject property; and all access road(s) (including driveways) within the subject property shall be certified by a Civil Engineer registered by the State of California to be in conformance with SRA Fire Safe

Regulations as adopted by the County of Humboldt; in conformance with any exceptions approved by the Director of Planning & Building of the County of Humboldt; and in conformance with any exceptions approved by Cal Fire. Conformance shall include but is not limited to: width of traveled way; roadway grade; curve radius; roadway surface; turnouts; turnaround areas; and maximum length of dead-end road. Certification shall be made in a manner approved by this Department.

In the event that the Civil Engineer is unable to certify that the road(s) are in conformance, the applicant shall cause construction plans to be prepared by a Civil Engineer that show what improvements need to be constructed to bring the road(s) into conformance. The plans shall be submitted for review by this Department. Once the construction plans are authorized for construction by this Department and the applicant constructs the improvements, the engineer shall certify that the road(s) are in conformance.

Note: Off-site improvements to access roads (such as curve realignments, grade realignments, and turnouts) may require acquisition of easement(s) to construct the proposed road improvements. The applicant is responsible for acquiring any easements and permits that may be necessary to construct the improvements.

- (c) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (d) 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.
- (e) All road intersections shall conform to Humboldt County Code Section 341 regarding visibility.
- (f) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

**2.5 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 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.
- (c) **For unpaved road surfaces**, the structural section shall include a minimum of 0.5 foot of Caltrans Class 2 aggregate base. Paved surfaces are required for grades in excess of 16%.

**2.6 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.

**2.7 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.

**2.8 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.

**2.9 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.

**2.10 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.

**2.11 PARCEL MAP SUBDIVISION AGREEMENT:** When a parcel map is to be filed with the County Recorder and the construction of improvements will be deferred to a later date, the following shall apply:

- (a) For parcel map subdivisions projects with a subdivision agreement, include the following note on the development plan: "This subdivision was approved with requirements to construct improvements. At the time the parcel 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 subdivision 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."
- (b) For parcel map subdivisions without a subdivision agreement and improvements have not been constructed prior to the filing of the map, include the following note on the development plan: "This subdivision was approved with requirements to construct improvements. At the time the parcel map was filed, the improvements were not completed. The developer has elected to not enter into a subdivision agreement with the County that would specify the timing of when the deferred improvements must be constructed. **Building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision 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."
- (c) The Department shall cause to be recorded at the time of filing of the parcel map with the County Recorder a *Notice of Construction Requirements*.

### **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.

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

### **4.0 GRADING**

<NONE>

## **5.0 MAINTENANCE**

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

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

A maintenance plan for the non-county maintained road known as Wilson Lane.

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.

## **6.0 DEVELOPMENT PLAN**

<NONE>

## **7.0 LANDSCAPING**

<NONE>

// END //





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

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

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**LAND USE DIVISION INTER OFFICE MEMORANDUM**

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TO: Trevor Estlow, Senior Planner

FROM: Jim P. Tomkins, Associate Civil Engineer *J.P.T.*

DATE: 03/27/2019

RE: **DORRIS SUBDIVISION**

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

**EXCEPTION REQUEST FOR RIGHT OF WAY WIDTH:** The tentative map proposes a 25 foot right of way for Kemp Lane. The subdivision ordinance specifies a 40 foot wide right of way for a category 3 road. The applicant has applied for an exception request under County Code Section 325-9 to allow for a 25 foot wide right of way. The Department does not support the exception request as inadequate justification has been provided. The right of way can be forty feet in width without the need to relocate the utility poles as the roadway improvements for the subdivision do not impact the poles. Because it is a private right of way, the Department does not require that the fences be relocated.

Lastly, the exception request indicates that there is an "existing paved access easement 25 feet in width". There is no record of this easement in the submitted title report dated 01/22/2019.

**EXISTING PARALLEL ROADS (KEMP LANE & WILSON LANE):** Currently Kemp Lane functions as a driveway for the subject property. It does not serve any other properties and there is no easement for it. Kemp Lane is east of another non-County maintained road known as Wilson Lane. If Kemp Road is utilized for access, there will be two parallel roads where the two right of ways share a common border with each other. From a land planning and traffic safety perspective, the Department does not support parallel roads in this configuration.

Prior to the project being presented to the Planning Commission, the Department recommends that the applicant attempt to acquire a right of way to use Wilson Lane to serve Parcels 2 and 3. The existing Kemp Lane would then serve as a driveway exclusively for Parcel 1. If the applicant is not successful at acquiring the right of way to use Wilson Lane, the Department is willing to allow Kemp Lane to be used for access to Parcels 2 and 3.



*Above: Google street view image showing the parallel roads.  
Kemp Lane is on the left side; Wilson Lane is on the right side*

The project has been conditioned to take access from Wilson Lane. If access is to be taken from Kemp Lane, the following conditions would apply:

Item 1.7(e) is added:

**1.7(e) PRIVATE ROAD (KEMP LANE)**

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

A turn-around area shall be provided at the end of road.

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.

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

Item 2.4(a) is replaced with the following:

**2.4(a) KEMP LANE** shall be widened to 20 feet wide for the first 50 feet; then 16 foot wide with 2 foot bladed shoulders to Parcel 2; then 12 feet wide with 2 foot bladed shoulders and inter-visible turnouts to the driveway for Parcel 3.

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

When the County road is paved, the access road shall be paved for a minimum of 50 feet from the edge of the County road.

Item 5.1 is replaced with the following:

**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 324-2 (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be required.

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

A maintenance plan for the non-county maintained road known as Kemp Lane.

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.

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## ATTACHMENT 2

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

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

B. *Special Permit Findings:* Section 312-17 of the Zoning Regulations of the Humboldt County Code (Required Findings for All Permits and Variances) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County's General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;

3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and the conditions under which it may be operated or maintained, will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity; and
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.

**Staff Analysis:**

**A.1./B.1. General Plan Consistency:** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Humboldt County General Plan.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Designations Section 4.8	Residential Estates (RE) Applies to lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. Density: one unit per 2.5 – 5 acres.	The project consists of a subdivision of the approximately 8-acre parcel into three parcels of 2.78 acres (Parcel 1), 2.10 acres (Parcel 2) and 3.2 acres (Parcel 3). The parcel is currently developed with a single-family residence and small cabin that will remain on proposed Parcels 2 and 3, respectively. Proposed Parcel 2 will continue to be served with water provided by the City of Fortuna and proposed Parcels 1 and 3 will be served by an on-site well located on proposed Parcel 1. Single-family residential development is principally permitted under the RE land use designation.
Land Use Chapter 4  Rural Lands Subdivision Standards	Rural subdivision standards contained in this Chapter require adequate water for domestic use, adequate sewage disposal capability, adequate building site free from hazards and adequate recorded access to a publicly maintained road. Standard RL-S4.	The applicant has submitted volumetric testing results from the existing well proposed to serve two of the three parcels. The third parcel (Parcel 3) is currently served with water provided by the City of Fortuna. The Division of Environmental Health reviewed this information and found that each parcel will have adequate water availability. In addition, on-site sewage disposal designs for all resultant parcels were submitted. This information was also reviewed by the Division of Environmental Health they recommended approval of the on-site sewage disposal plans. A Soils Report was not required due to the low geologic Instability rating and the Building Division did not identify any issues that would preclude the ability to develop homesites. All parcels will have access to Rohnerville Road, a County maintained road.

<p>Safety Element Chapter 14</p> <p>Geologic and Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The subject property is located within an area of low geologic instability (Humboldt County General Plan Geology, General Plan Map) and is not within the Alquist-Priolo Fault Hazard Zone. A Soils Report was not required due to the low geologic Instability rating and the Building Division did not identify any issues that would preclude the ability to develop homesites.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The property is not within a mapped flood zone. The property sits between approximately 370 to 430 feet in elevation and is not subject to tsunami run-up hazards or levee or dam inundation.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. The property is also within the Fortuna Fire Protection District, who provides structural fire protection as well as responding to medical emergencies.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC recommended a cultural resource study and consultation with the local Tribes. Upon further consultation with the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, it was recommended that the project be approved 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>According to comments received from the California Department of Fish and Wildlife (CDFW), the site may contain suitable habitat for Siskiyou checkerbloom in the pastures and along the fence line. Additionally, the drainage ditch crossing the property may contain wetland features. A site visit was conducted with staff from CDFW to assess the site. During the site visit, wetland soils were found in the drainage ditch and adjacent to it. A break in slope was identified that would be considered upland and outside any wetland buffer area. Therefore, any development proposed below this break in slope would require further wetland delineation to determine appropriate setbacks. Provided all development occurs above the break in slope, no impacts to potential wetlands will occur and no further studies are required. This will be further noted on the Development Plan. Finally, although suitable habitat for Siskiyou checkerbloom does occur on the parcel, it was not detected during the site visit and further botanical surveys are not recommended at this time. The standard condition restricting brush and tree removal during the bird breeding season has been added as a condition of approval in addition to the prohibition of the use of rodenticides and the planting, seeding or otherwise introducing invasive species.</p>



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

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The subdivision will divide the parcel, creating three parcels suitable for residential development. Adequate building sites have been demonstrated for all parcels. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the proposed lots will be suitable for residential use.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	<p>The parcel is accessed by Rohnerville Road, a County maintained road. The parcels will take access off of Kemp Lane, a private road. Adequate easements will be created for the access road. In addition, an exception request was submitted to Calfire to allow a reduced road width. Calfire has reviewed and approved this exception. Public Works Subdivision Requirements reflect these road improvements.</p> <p>Due to the size of the parcel, a preliminary drainage study was not required as the parcels are large enough to accommodate stormwater runoff on-site. The Department of Public Works has provided Subdivision Requirements that require a complete hydraulic and drainage report.</p>
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	Proposed Parcel 2 will continue to be served with water provided by the City of Fortuna and proposed Parcels 1 and 3 will be served by an on-site well located on proposed Parcel 1. The parcels will be served by on-site wastewater treatment systems. The County Division of Environmental Health (DEH) has reviewed the well testing and sewage disposal plans and recommended approval of the project (Attachment 5).
Access Road Appendix 4-1	Roadway design must incorporate a 40-foot right of way unless an exception is granted.	See above.

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Government Code § 66411.1 Improvement Timing	Unless the subdivider voluntarily enters into an agreement with the County establishing the timing of the work, fulfillment of reasonable on- and off-site construction requirements are deferred until issuance of a permit or other grant for development of the created lot, except where found to be necessary for the public health and safety or for orderly development of the surrounding area. If not completed prior to parcel map recordation or under agreement with the County, a Notice of deferred construction of subdivision improvements shall be filed concurrently with the parcel map.	Section 2.11 of the Public Works Subdivision Requirements (Attachment 1, Exhibit A), provides options for the subdivider should they enter into a Subdivision Agreement or not.
Structural Fire Protection Government Code § 66474.02 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.		The site of the proposed subdivision is in the State Responsibility Area (SRA) for fire protection, within an area of moderate fire hazard severity. The site is also within the Fortuna Fire Protection District, who provide structural fire protection and suppression services to the area, consistent with the standards for eligibility entities found in §66474.02(a)(2)(A) of the Government Code. The project complies with the standards found within the local Fire Safe Regulations (FSR).

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
<p>314-17.1.5 and 322-3.1 Housing Element Densities</p> <p>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, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>		<p>The project will divide the parcel to create three parcels suitable for residential development. The parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law, therefore, the project is consistent with this requirement.</p>

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
<p>Lot Size Modification §314-99.1, HCC</p> <p><i>In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size...in all zones may be modified subject to securing an SP.</i></p> <p>Furthermore, §325-11 HCC specifies the nine findings that must be made to support Lot Size Modification (LSM). These findings are specific to the review of Subdivision design to ensure that the change to the parcel size standard does not adversely affect surrounding uses and the environment.</p>	<p>Minimum lot size may be reduced by 50%, but cannot create a parcel greater than 1.8 times the allowed minimum.</p> <p>Findings of Section 325-11: (a) the lots are in harmony with the topography; (b) soil conditions will not be adversely affected; (c) hydrologic conditions will not be adversely affected; (d) traffic patterns and emergency vehicle access will not be adversely affected; (e) the subdivision design with the LSM is in the interest of the public welfare; (f) the existing character of the area will not be adversely affected; (g) wetlands will not be adversely affected; (h) the subdivision conforms to the General Plan, and (i) the resultant parcels are greater than 6,000 square feet.</p>	<p>The subject parcel is currently approximately 8 acres in size. The parcel is currently developed with an existing single-family residence and a small cabin. The lot size modification will allow the applicant to create three parcels that would better conform to the existing development on the property. The minimum lot size required by zoning is 2.5 acres. Proposed Parcel 1 would be approximately 2.78 acres, proposed Parcel 2 would be approximately 2.10 acres and proposed Parcel 3 would be approximately 3.20 acres. The parcel size range is within the allowance for LSM.</p> <p>The LSM is consistent with the findings of Section 325-11 because: (a) the lots are in harmony with the topography, i.e., roads and existing structures (Parcels 2 and 3); (b) effects on soil conditions are minimized in that subdivision design limits development further down the private road and thereby minimizes grading; (c) hydrologic conditions will not be adversely affected because the subdivision design with the LSM creates parcels large enough to accommodate drainage on-site; (d) by utilizing existing road improvements the impact to traffic patterns and emergency vehicle access is minimized; (e) the subdivision design with the LSM is in the interest of the public welfare in that it considers the physical constraints and allows for optimum use of the site; (f) the existing character of the area will not be adversely affected in that the subdivision design with the LSM is consistent with residential development pattern of the area; (g) wetlands will not be adversely affected because the subdivision design uses the existing road access to serve all parcels; (h) the subdivision conforms to the General Plan, and (i) the resultant parcels are greater than 6,000 square feet.</p> <p>A condition of approval requires the Development Plan to include a notation as to the creation of these parcels using the lot size modification exception.</p>

**A.3./B.2./B.3. Zoning Compliance and Development Standards:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Agriculture General (AG) §314-7.2	Single family dwellings and general agriculture are principally permitted uses.	The project consists of a subdivision of the approximately 8-acre parcel into three parcels. The parcel is currently developed with two residences which will each be sited on separate parcels, leaving one vacant and suitable for residential development. Water for Parcels 1 and 3 will be provided by a well on Parcel 1 and water for Parcel 2 will continue to be served by the City of Fortuna. All parcels will utilize on-site wastewater treatment systems. Single-family residential development is principally permitted under the AG zone classification.
<b>Development Standards</b>		
Minimum Parcel Size:	2.5 acres	Parcel 1: 2.78 acres Parcel 2: 2.10 acres (lot size modification) Parcel 3: 3.20 acres
Minimum Yard Setbacks per Zoning: SRA Setbacks apply	Front: 30' Side: 30' Rear: 30'	All existing development complies. Setbacks for future development will be required to meet standards at time of Building Permit.
Maximum Ground Coverage	35%	Currently complies. Lot coverage for future development will be required to meet standards at time of Building Permit.
Maximum Structure Height	35 feet	Currently complies. Height limits for future development will be required to meet standards at time of Building Permit.

**A.4/B.4. Public Health, Safety and Welfare:**

<b>The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:</b>	<b>Evidence supporting the finding:</b>
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 5 – Agency Recommendations
The proposed project is consistent with the general plan.	See previous discussion
The proposed project is consistent with the zoning.	See previous discussion
The proposed project will not cause environmental damage.	See following discussion

**A.5./B.5. Impact on Residential Density Target:** See discussion under Section 2 above.

**A.6. Environmental Impact:**

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

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project.** The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,456.75. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2020 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.dfg.ca.gov](http://www.dfg.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 \$2,406.75 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 #7 of Attachment 1.

### ATTACHMENT 3

#### Applicants' Evidence In Support of the Required Findings

Document	Date Received by Planning	Location
Tentative Subdivision Map	February 22, 2019	Attached
Application Form	February 22, 2019	On file with Planning
Current Deed	February 22, 2019	On file with Planning
Preliminary Title Report	February 22, 2019	On file with Planning
On-Site Sewage Disposal Calculations	February 22, 2019	On file with Planning
Well Testing Results	February 22, 2019	On file with Planning
Geologic Soils Report	February 22, 2019	On file with Planning
Lot Size Modification Request	February 22, 2019	Attached
Calfire Exception Request	February 24, 2020	Attached



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

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

Date: 2-24-2020

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

From: Trevor Estlow, [testlow@co.humboldt.ca.us](mailto:testlow@co.humboldt.ca.us)

Subject: Exception Request from Humboldt County Fire Safe Regulation

Section(s): 1270.06

APN: 203-181-045

Property Owners Name: Jeanne & David Dorris

Situs Address: 111 Kemp Lane

Building Permit Application Number: (if applicable) _____

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

ATTACHMENTS:

- ☒ Exception Request Form
- ☒ SRA Standard Exception for Small Parcels with Fuel Modification Mitigations Checklist
- ☒ March 29, 2019 letter from CDF Re: Basic Project Review Input on all Development Projects
- ☒ Plot Plan
- ☒ Other: Email from Lon Winburn with Fortuna Fire Protection District _____

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*Staff Use Only*

Receipt # PLR19-0317 (\$55.00 fee) Date Accepted: 2/22/19 By: TE Date Mailed to CDF: 2-24-2020

Zoning: AG Standard Setbacks: 30 Front; 30 Rear; 30 Side

Date Parcel Created: 2007 Approximate Size of Parcel in Acres: 8

**Packet MUST contain all 9 pages to be considered complete**



**EXCEPTION REQUEST FORM****Humboldt County Fire Safe Regulations**

**Exceptions to standards within the Humboldt County Fire Safe Regulations and mitigated practices will be allowed by the County where it can be shown that the exception provides the same overall practical effect as these regulations towards providing defensible space ¹ (Section 3111-8 Humboldt County Code).**

1. *This request is for an exception from Section(s) 1273.01 Width of the SRA Fire Safe Regulations which requires that all roads shall to be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping.* _____  
_____  
_____  
_____
2. *This request will provide the same overall practical effect as the Fire Safe Regulations because (specify the material facts that support the granting of the exception) The road will serve only three parcels. The road is straight with excellent visibility. The road will be improved as outlined in Section 3 below.* _____  
_____  
_____

(Attach additional sheet(s) if necessary)

3. *The following specific mitigation measures are proposed as part of this exception request (list any measure(s) to be used to meet the intent of the fire safe standard or practice (e.g. use of fire resistive building construction (Class A Roof, etc.) to achieve equivalent of a 30 foot building setback)) The proposed access road will begin as a Category 4 road for the first 50-feet, then will narrow to a Category 3 road for the next approximately 500 feet to the driveway to Parcel 2 where a turnaround will be installed. Beyond this driveway, the road will be Category 2 for the next approximately 120 feet to the property line of Parcel 3. A turnout 10-feet wide, 30-feet long with 25-foot tapers will be installed approximately midway between Rohnerville Road and the turnaround on Parcel 2. The road improvements, turnout and turnaround will be comprised of suitable road base to supplement the existing paved road. No additional shoulders are proposed beyond the road widths. Please see attached diagram and email from Lon Winburn with Fortuna Fire Protection District.* _____  
_____
4. *Attached is a plot plan showing the proposed location and sitting of the exception and / or mitigation measures described above.*

¹ Defensible Space is defined as the area within the perimeter of the parcel where basic wild land fire protection practices are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter used is the area encompassing the parcel excluding the physical structure itself. The establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification and fuel modification measures characterize the area.

# SRA Standard Exception for Small Parcels

PROPERTY OWNER: Jeanne & David Dorris

APN: 203- 181- 045- 000

CHECKLIST FOR PROVIDING FUEL MODIFICATION MITIGATION ON SMALL PARCELS EXISTING PRIOR TO JANUARY 1, 1992, TITLE III, DIV. 11, CHAPTER 5 SECTION 115-2(B)(3)

Note: If you cannot meet the Fire safe 30' setback requirement and your parcel is less than one (1) acre in size (and created prior to January 1, 1992), then you can agree to meet the following fuel modification and building construction standard. Your compliance with these standards will achieve the same practical effect as a 30' setback.

Parcel is conditioned to initially provide, and annually maintain the following Fuel Modification and Building Construction Mitigations.

## FUEL MODIFICATION:

1. Remove flammable vegetation: See page 4 of this exemption for list.
2. Mow grasses to less than six inches tall within 30 feet of any structure.
3. Cut off limbs of remaining large trees up from ground level at least six feet; and cut those within 10 feet of a structure.
4. Thin small trees so that outer branches are no closer than 10 feet from the next tree's branches.
5. Plant or cultivate only lawns and / or succulents and / or herbaceous perennials and / or plants not on the very flammable vegetation list.
6. Irrigate to maintain the parcel's allowed vegetation green and healthy; or remove them.
7. Remove dead vegetation accumulations; and flammable natural debris; and flammable man-made storage items and debris.

## BUILDING CONSTRUCTION:

1. Class A Roofing
2. Firebrand resistant siding: no shakes, shingles or other material that provides cracks for capturing burning embers or that will produce firebrands. Use of at least Class B roof assemblies as siding is suggested where this style is demanded. Chapter 43 UBC CA Amended Volume 1 – one hour rated wall standard meets the intent fully, but is not specifically required.
3. Eaves, balconies, unenclosed roofs and floors, exposed support members used in stilt / cantilevered designs, and other similar structures are either one-hour rated (Chapter 43 UBC CA Amended Volume 1) on the exposed undersides and support members; or skirt protected from firebrand exposure and capture; or heavier timber construction. No flammable material storage (firewood, etc.) is to be allowed under or within 30 feet.

### Exception:

- a. Cantilevered Decks or balconies not exceeding six (6) feet in depth.
- b. Decks less than five (5) feet off the ground and built over slopes of less than ten (10) percent and less than 400 square feet in area.

Framing members for Heavier Timber Construction shall comply with the following dimensions:

Columns or posts shall not be less than six (6) inches in any dimension. Beams and girders shall be not less than six (6) inches in width and not less than eight (8) inches in depth. Joists shall be not less than four (4) inches in width. Flooring shall be not less than three (3) inches in thickness.

### Exception:

Width of joist and thickness of flooring can be reduced to two (2) inches in dimension, provided joists are spaced no further than sixteen (16) inches on center.

---

I agree to meet all of the above FUEL MODIFICATION and BUILDING CONSTRUCTION STANDARDS:

Please sign here:

*Jeanne Dorris*  
*David Dorris*

Date: *2-24-20*

# FUEL MODIFICATION MITIGATIONS CHECKLIST

## HIGHLY FLAMMABLE PLANTS:

P = A Pryophyte Plant: The worst possible plant to allow in and around subdivisions.

GENUS SPECIES	COMMON NAME
---------------	-------------

### TREES:

	Abies spp.	Fir
	Acacia spp.	Acacia
	Cedrus spp.	Cedar
	Chamaecyparis spp. Except dwarf	Cypress, Cedar
	Cupressocyparis spp.	Cypress
	Cupressocyparis	Cypress
P	Eucalyptus Cladocalyx	Sugar Gum
P	Eucalyptus globules	Blue Gum
P	Eucalyptus viminalis	Manna Gum
	Larix spp.	Larch
	Palms (if fronds left untrimmed)	Plum
	Picea spp.	Spruce
P	Pinus spp. (including Dwarf mugo)	Pine
	Schinus spp.	Pepper Tree
	Tamarix spp.	Tamarisk
	Taxodium spp.	Bald Cypress
	Taxus spp. Except dwarf	Yew
	Thuja spp.	Arbor-Vitae
	Tsuga spp.	Hemlock

### SHRUBS:

P	Adenostoma fasciculatum	Chamis, Greasewood
P	Adenostoma sparsifolium	Red Schank
	Artemesia californica	California Sagebrush
P	Baccharis pilularis consanguinea	Coyote Brush
	Cytisus, Genista, Spartium	Brooms
	Dodonaea Viscosa	Hopseed Bush
	Erigonum spp.	Buckwheat
P	Juniperus spp.	Juniper (bush/tree)

### GROUND COVERS:

P	Baccharis spp. (when overgrown)	Coyote Bush
	Hedera canariensis	Algerian Ivy
P	Juniperus spp.	Juniper

### PERENNIALS:

	Bamboo spp.	Bamboo
	Coraderia selloana	Pampas Grass
	Miscanthus spp.	Grasses
	Muehlenbergia spp.	Deer Grasses
	Pennisetum setaceum	Fountain Grasses
	Salvia melilifera	Black Sage

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
Date: March 29th, 2019

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

**RE: BASIC PROJECT REVIEW INPUT ON ALL DEVELOPMENT PROJECTS**

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on all projects for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Kurt McCray**, Unit Chief

**FIRE SAFE****General:**

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However, CAL FIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

**Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CAL FIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CAL FIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

**State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance

*"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."*

provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.

2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
  - a) During the declared fire season CAL FIRE increases its preparedness level for the purpose of suppressing wildland fires in the SRA. Response to non-fire incidents in the SRA or to areas outside of the SRA are usually predetermined through Cooperative Fire Protection Agreements with the agency having fiscal responsibility for fire protection. When cooling weather, rain, and snow are sufficient to reduce the fire threat, CAL FIRE then reduces its preparedness level by reducing seasonal staff, and closing outlying stations.
  - b) It is not CAL FIRE's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.
  - c) Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

## **RESOURCE MANAGEMENT**

CAL FIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CAL FIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health & Safety Code 11379.6 states that oil extraction with flammable or volatile solvents is prohibited within 300 feet of a residential occupancy. HSC 11362.769 Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with California Fire Code. Specifically, Chapter 38 Plant Processing and Extraction Facilities and Chapter 53 Compressed Gases.
4. All materials hazardous and non-hazardous associated with oil extraction and plant process shall be utilized in conformance Chapter 38 of the California Fire Code. Manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance.
5. Humboldt County Ordinance 55.4.11(u) (a) states; "Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise." Failure to shield artificial light during the night creates a light pollution that is easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.

## Estlow, Trevor

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**From:** lwinburn@fortunafire.com  
**Sent:** Thursday, January 23, 2020 4:28 PM  
**To:** Estlow, Trevor  
**Subject:** RE: Dorris Minor Subdivision | APN: 203-181-045

Trevor, I think we could support the road proposal as follows;

The 16 foot width (category 3) would need two foot shoulders on each side, a possible option for that could be a turnout – although wider (10' wide, 30' long with 25' taper on each end) – might be more cost effective than 500 foot shoulders on each side.

The designated turnout would need to be improved over what it currently is.

Thanks;

*Lon Winburn*  
Fire Chief  
Fortuna Fire Protection District  
707-725-5021

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**From:** Estlow, Trevor [mailto:TEstlow@co.humboldt.ca.us]  
**Sent:** Thursday, January 16, 2020 4:33 PM  
**To:** Fortuna FPD (lwinburn@fortunafire.com)  
**Subject:** Dorris Minor Subdivision | APN: 203-181-045

Hi Lon-

I wanted to check in with you regarding a the proposed subdivision mentioned above. The site is on the south side of Rohnerville Road, southeast of the City limits. Your comments (attached) specified a 20-foot wide road, exclusive of shoulders for the entire length into Parcel 3. As this site is within the State Responsibility Area (SRA), that would also dictate a 20-foot wide road (Category 4) with a turnaround at the terminus.

The applicant has reviewed the requirements and inquired if Fortuna FPD could support a road as follows: 20-feet wide for the first 50 feet, then taper to 16-feet to the driveway on Parcel 2 (about 500 feet) where a turnaround would be installed. From there, the road would be 12-feet wide to Parcel 3, a distance of approximately 120 feet. I attached a sketch of what this would look like. This would of course, require an exception to the Fire Safe Regulations approved by Calfire, but before we went there, I thought I'd check with you first. Any thoughts or recommendations would be much appreciated.

Thanks.



Trevor Estlow  
Senior Planner  
[Planning and Building Department](#)  
707.268.3740



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
Date: March 3, 2020

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

RE: Project/Owner: Dorris APN: 203-181-045 Area: 111 Kemp Lane

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

**1270.06 Road Width**

The permit application proposes to subdivide one 8 acre parcel into 3 parcels. The project proponent would like to construct the interior road to Category 4 standards for 50 ft, then taper to a Category 3 road for 500 ft where a turnaround will be installed, then taper to a Category 2 road for 120 ft to a proposed property line.

After a site inspection and considering the site conditions, mitigations proposed, and generally low fire risk area, CAL FIRE recommends approval of this exception request.

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

## **ATTACHMENT 4**

### **Draft Initial Study and Mitigated Negative Declaration**

## ATTACHMENT 5

### Referral Agency Comments and Recommendation

All referral agencies that the proposed project was sent to for review and comment are listed below. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection	X	Approval		X
County Public Works, Land Use Division Subdivision Requirements	X	Conditional Approval	(Exhibit A of Attachment 1)	
County Division of Environmental Health	X	Approval	X	
Fortuna Fire Protection District	X	Conditional Approval	X	
Calfire	X	Conditional Approval	X	
NWIC	X	Conditional Approval		X
California Dept. of Fish and Wildlife	X	Conditional Approval	X	
Wiyot Tribe	X	Conditional Approval		X
Bear River Band of the Rohnerville Rancheria	X	Conditional Approval		X
PG&E	X	Comments		X

**PLN-2019-15407**

Dorris Minor Subdivision  
A Minor Subdivision to divide an approximat...

**STATUS**  
> In Referrals  
02/25/2019 by Leslie DeBeri

**LOCATION**  
> 111 Kemp Ln  
Fortuna, CA 95540

**CONTACT**  
> Jeanne Dorris

**WORKFLOW**  
> 16 total Task  
● 7 completed ○ 4 active

**Code Enforcement**  
0 0.0h

**ASSIGNED**  
**STARTED** by

**COMPLETED**  
**DUE**

**Summary**

**Project Description**

**Workflow**

**1 Referral Assignments**

**2 Planning Information**

**3 GP / Zoning Information**

**4 CEQA**

**5 Cannabis**

**Project Tracking**

**6 Referral Task Log (2)**

**Fee (*10)**

**Payment**

**PW Land Use**  
0 0.0h

**ASSIGNED** Ken Freed  
**STARTED** 3/27/2019 by Ken Freed

**APPROVED WITH CONDITIONS**  
**DUE** 4/6/2019

**Environmental Health**  
0 0.0h

**ASSIGNED** LandUse1 DEH  
**STARTED** 3/4/2019 by Ben Doll  
**Task Details** SUD tasks (U)

**APPROVED**  
**DUE** 3/14/2019

**CANCEL** **HELP**

**Task Details** Environmental Health  
**Current Status** Approved

**Due Date**  
03/14/2019

**Action By**  
Ben Doll

**Action by Department**  
Environmental Health

**Assigned Date**  
03/01/2019

**Assigned to Department**  
Environmental Health

**Assigned to**  
LandUse1 DEH

**Comments**  
Septic evaluation demonstrates suitability. Complete system designs were not completed. Further investigation may be required at time of development.



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

3/1/2019

Project Referred To The Following Agencies:

Fortuna, County Counsel, Environmental Health, PW Land Use, Supervising Planner, Building Inspections, FPD, Cal Fish & Wildlife, CalFire, Bear River Band, NWIC, Wiyot Tribe, PGE

Applicant Name Jeanne Dorris Key Parcel Number 203-181-045-000

Application (APPS#) PLN-2019-15407 Planning Application Assigned Planner Steve Lazar

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: 3/16/2019

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
Email: 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.

*see below -*

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

☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments:

DATE: 4-3-19 PRINT NAME: Lon Winburn

1) maintain minimum 20 foot width exclusive of shoulders for entire length of lane into parcel 3

2) Provide turn-arounds - parcel 1 and end of lane in parcel 3

PLN-2019-15407 Dorris

July 23, 2020

Page 53

Fortuna Fire Protection District

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**

## Estlow, Trevor

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**From:** O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>  
**Sent:** Friday, July 10, 2020 11:26 AM  
**To:** Estlow, Trevor  
**Cc:** Jakob Schillinger; Van Hattem, Michael@Wildlife  
**Subject:** RE: CDFW comments for PLN-2019-15407; APN 203-181-045; CEQA-2020-0154-R1

Trevor,

Thanks for coordinating the site visit today at APN 203-181-045 for the Dorris minor subdivision. We observed strong wetland characteristics, including soils, in the northern portion of parcel 1 (north 1/3 of proposed subdivision; not parcel 3 as stated in my prior email). I recommend avoiding development north of the red line in the image below. If development is proposed north of the red line, a protocol wetland delineation should be performed by a qualified professional and development setbacks should be consistent with County code. Suitable habitat for Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*) does occur on the parcel, but it was not detected during the site visit and further botanical surveys are not recommended at this time.

Thanks for ensuring my comments were addressed. - Greg



**From:** Estlow, Trevor <TEstlow@co.humboldt.ca.us>

**Sent:** Thursday, July 2, 2020 10:13 AM

**To:** O'connell, Gregory@Wildlife <Gregory.OConnell@Wildlife.ca.gov>

**Cc:** Jakob Schillinger <jakob@schillingerengineering.com>

**Subject:** RE: CDFW comments for PLN-2019-15407; APN 203-181-045; CEQA-2020-0154-R1

**Warning:** This email originated from outside of CDFW and should be treated with extra caution.

Hi Greg-

Thanks for the comments. I think 1.b. and 3 we can accommodate with additional conditions of approval. As far as 1.a., would this be something we could do a site visit to determine the need for the survey? I could do something next week. I reached out to Jen Olson back in January to try and coordinate a site visit (see attached) but received no response. Now I



understand she has taken on another role. Finally, regarding 2., I don't see a stream feature on Parcel 3, but it does drop off steeply to the southeast. Is that what you are referring to?

Will you be our new contact at CDFW, now that Jen has moved on? Also, I have cc'd the applicant's agent to keep him in this loop.

Thanks again.



Trevor Estlow  
Senior Planner  
[Planning and Building Department](mailto:TEstlow@co.humboldt.ca.us)  
707.268.3740

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**From:** O'connell, Gregory@Wildlife <[Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov)>  
**Sent:** Wednesday, July 1, 2020 4:03 PM  
**To:** Estlow, Trevor <[TEstlow@co.humboldt.ca.us](mailto:TEstlow@co.humboldt.ca.us)>  
**Subject:** CDFW comments for PLN-2019-15407; APN 203-181-045; CEQA-2020-0154-R1

County Project: PLN-2019-15407  
APN: 203-181-045  
CDFW tracking #:CEQA-2020-0154-R1

Hi Trevor,

Regarding the project listed above, the California Department of Fish and Wildlife offers the following comments:

1. MND Biological Resources Environmental Checklist Section IV (a): CDFW maintains [lists](#) of special status plants and animals. Has the potential for impacts to special status species been evaluated?
  - a. There may be suitable habitat for Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*) in the pastures or along fence lines. CDFW's [botanical survey protocol](#) can provide further guidance.
  - b. This vicinity is a high use area for raptors including, Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), American peregrine falcon (*Falco peregrinus anatum*), and other species. New residential development has the potential to increase rodent populations, which are sometimes treated by land owners with rodenticides. Rodents laced with these toxins have the potential to be consumed by raptors and other birds of prey, resulting in harm or mortality to these birds. Can the County include a mitigation measure or condition of approval to prohibit the use of rodenticides on the parcels?
  - c. Thank you for including the nesting bird avoidance measure in the MND.
2. MND Biological Resources Environmental Checklist Section IV (b and C): The Tentative Map shows a stream feature mapped on parcel 3. Aerial imagery suggests there may be wetland habitat within 150ft of this feature.
  - a. CDFW recommends a [wetland delineation](#) prior to any development or other ground disturbance that may occur within 150-ft of the stream.
  - b. Additionally, any work within the stream (e.g. upgrading culverts to meet current standards) should not occur without submitting a [Lake or Streambed Alteration Notification](#).
3. Lastly, [invasive plant species](#) are known to result in habitat loss for native species and may result in an overall loss of biodiversity within and effected area. Can the County include a mitigation measure or condition of approval to prohibit planting, seeding or otherwise introducing invasive species on the parcels?

Thank you,

Greg O'Connell  
Environmental Scientist  
Coastal Conservation Planning  
California Department of Fish and Wildlife  
619 Second Street  
Eureka, CA 95501  
[Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov)