



**COUNTY OF HUMBOLDT**  
PLANNING AND BUILDING DEPARTMENT

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

Hearing Date: September 2, 2021

To: Humboldt County Planning Commission

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

Subject: **Beth Rynearson Parcel Map Subdivision**  
Application Number PLN-2020-16308  
Assessor Parcel Number 510-041-019  
1837 Babler Road, McKinleyville

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Please contact Steven Lazar at (707) 268-3741, or by email at [slazar@co.humboldt.ca.us](mailto:slazar@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Meeting Date</b> September 2, 2021	<b>Subject</b> Parcel Map Subdivision and Special Permit	<b>Contact</b> Steven Lazar
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**Project Description:** A minor subdivision of an approximately 1.3 acre parcel into two (2) parcels of 0.64 acres and 0.66 acres. The parcel is currently developed with an existing 1,658 square foot single-family residence with a 576 square foot attached garage as well as a 2,052 square foot detached garage and shop building. The home and attached garage will be located on proposed parcel 2 (0.66 acres) while the detached garage/shop will be located on proposed parcel 1 (0.64 acres). Separate water and sewer service is currently provided to both the residence and detached accessory structures by the McKinleyville Community Services District. The property is located within the State Responsibility Area for fire protection (SRA) and an exception to the State Firesafe Regulations is being sought to allow for use of a road (Babler) not meeting the minimum road width and secondary access requirements of the State Firesafe Regulations (1273.01 & 1273.08). An exception is being sought pursuant to section 325-9 of county code, to permit use of a right-of-way less than 40 feet in width. A Special Permit is also being requested to pre-authorize conversion of the garage/shop on proposed parcel 1 into an Accessory Dwelling Unit (ADU) exceeding 1,200 square feet, prior to completion of the subdivision.

**Project Location:** The project is located in Humboldt County, in the McKinleyville area, on the north side of Babler Road, approximately 1,500 feet east from the intersection of Central Avenue and Babler Road, on the property known as 1837 Babler Road.

**Present Plan Land Use Designation:** Residential Low Density (RL1-7), Density: 1-7 dwelling units per acre, McKinleyville Community Plan (MCCP), Airport Land Use Compatibility Zone (AP) Safety Zone 6; Slope Stability: Relatively Stable (0)

**Present Zoning:** Residential One-Family with combining zones for Manufactured Homes and Airport Safety Review (R-1-T-AP).

**Application Number:** PLN-2020-16308

**Assessor Parcel Number:** 510-041-019

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
Beth Ryneerson 1803 Central Avenue McKinleyville, CA 95519	Same as Applicant	Mark Ryneerson / Bella Vista Realty 1803 Central Avenue McKinleyville, CA 95519

**Environmental Review:** The project is exempt from environmental review pursuant to Section 15183 of the State CEQA Guidelines (Projects Consistent with a Community Plan or Zoning)

**Major Issues:** None.

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

## RYNEARSON PARCEL MAP SUBDIVISION

Application Number PLN-2020-16308

Assessor Parcel Number 510-041-019

### Recommended Planning Commission Action

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

*Find the project exempt from environmental review pursuant to Section 15183 of the State CEQA Guidelines, make all of the required findings for approval of the Parcel Map Subdivision, including the exception request to allow a reduced right-of-way and waiver of a 10-foot utility easement dedication, and the Special Permit authorizing construction of an Accessory Dwelling Unit exceeding 1,200 square feet, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Rynearson project subject to the recommended conditions.*

**Executive Summary:** The applicant is proposing the subdivision of an approximately 1.3-acre parcel into two parcels of approximately 0.64 acres and 0.66 acres. The parcel being divided was created as part of a 3-lot minor subdivision by Mildred Emerson in 1984 (PM 2309). The property is developed with an existing 1,658 square foot single-family residence with a 576 square foot attached garage as well as a 2,052 square foot detached garage and shop building. The existing home and attached garage will be located on proposed parcel 2 (0.66 acres) while the detached garage/shop will be located on proposed parcel 1 (0.64 acres). A Special Permit is requested to pre-authorize conversion of the garage/shop on proposed parcel 1 into an Accessory Dwelling Unit (ADU) exceeding 1,200 square feet, prior to completion of the subdivision.

The property is located in a developed part of McKinleyville with a mix of newer single-family homes to a south, and larger parcels to the west featuring a mix of lower density residential parcels and higher density mobile home park development. The site is moderately flat, with an approximately 7% slope.

The project must comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." Given the developed nature of the site, exacerbation or creation of localized drainage issues or increases in runoff are unlikely. A preliminary drainage plan has been prepared showing site drainage patterns as well areas for current and future stormwater detention features. Subdivision related stormwater runoff is ultimately directed to low lying areas at the north end of the property. Remnants of a historic elevated railroad grade isolate drainage conditions west and east of the former railroad right of way. Preparation and submittal of a final drainage report is required under the recommended Conditions of Approval for the project. The report is subject to review and approval by the Land Use Division of Public Works.

Mapped biological resources in the vicinity primarily include Widow White Creek and several areas of mapped wetlands. On February 10, 2021 staff visited the project site with a representative from the California Department of Fish & Wildlife to investigate and verify the true course of Widow White Creek and determine the proximity to the parcel targeted for subdivision. It was observed that the creek alignment was approximately 400 feet north of the location shown on topographic and hydrological mapping. Staff also observed swampy conditions and hydrophytic vegetation in northern portions of the property beyond the existing fenceline. For this reason, the project includes a Condition of Approval requiring that a Development Plan be prepared and Notice of Development Plan recorded, with the purpose being to document and disclose the location and

extent of the wet area and applicable development setbacks. As the proposed parcels host an existing development footprint that is extensive and unlikely to change, impacts are avoided.

Access to the proposed parcels occurs through one of two ways: from the west via Babler Road and from the south via Pickett Road and Grace Avenue. Pickett Road and Grace Avenue are both paved and improved to a width of at least 40 feet. Western portions of Babler Road are of varying widths and surface, with dedicated and private right of way ranging from 20 to 40 feet in width. The road serves approximately 17 parcels, not all of which are currently developed.

The property is located within the State Responsibility Area for fire protection (SRA). An exception to the State Firesafe Regulations was requested (Attachment 3) to allow for access via a road (Babler) not meeting the minimum road width and secondary access requirements of the State Firesafe Regulations (1273.01 & 1273.08). The exception request was approved by Cal-FIRE based on the availability of potential roadway turnouts and generally low fire risk in the area.

Pursuant to County Code Section 325-9, the applicant has submitted an exception request for a reduced right of way width (Attachment 3) to allow the subdivision to be served by a 40-foot wide easement for road access. The applicant has also requested an exception to forgo providing an additional 10-foot easement for public utility purposes. The applicant notes that granting of additional easement would reduce the useable front yards of the proposed parcels and be positioned too close to existing structures. The applicant instead requests permission to use the existing 40-foot right of way for future utility siting. In their revised memo dated August 25, 2021 (Attachment 1) the Land use Division of Public Works has indicated that they can support both of these requests. The applicant has also requested an additional exception to eliminate the standard requirement to install sidewalks along the property frontage, pointing out that there are no other current or proposed sidewalks along Babler Road. The Department of Public Works has indicated that they do not support this request. Your Commission may choose to accept, modify or reject these exception requests. The Department of Public Works has included two versions of alternate condition language allowing either for elimination of the sidewalk requirement or substitution of five (5) feet of additional paving instead of sidewalk construction.

Attachment 5 includes written comments recently received from neighboring property owners Georgette Cito and James and Earlene Birnie. Ms. Cito opposes the project. In her letter she expresses concern about the number of exceptions being requested, the narrowness of Babler road, and potential impacts of additional traffic on local use of Babler Road and access by emergency vehicles. The CEQA exemption determination is also questioned. The Birnie's similarly question the absence of improvements to Babler Road, citing the narrowness, volume of traffic, and historic maintenance costs. Mr. and Mrs. Birnie also raise concerns about existing stormwater runoff asking whether this will be addressed.

Staff believes that the proposed improvements to Babler will help alleviate much of the concerns raised by the neighboring property owners. It is important to note that Babler is not the exclusive access to the proposed parcels as ingress and egress are also provided through Pickett Road and Grace Avenue, which are both fully improved. The project involves infill development within a community planned and zoned for residential densities of the sort proposed. EIR's prepared and adopted in conjunction the McKinleyville Community Plan and 2017 Humboldt County General Plan included analysis and discussion of potential significant effects. The Planning Division completed an initial study checklist for the current project and determined that there are no environmental effects that were not previously analyzed or are peculiar to the proposal or the parcel on which the project is located. Exemption from further environmental review is therefore appropriate and remains consistent with section 15183 of the CEQA Guidelines.

Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action. If your Commission chooses to grant the exception request to remove the sidewalk requirement, Alternative 1 should be chosen. If your Commission would prefer that 5-feet of additional paving be provided in lieu of a cement sidewalk, Alternative 2 should be chosen.

**Alternative 1:** The Planning Commission could elect to approve the exception request submitted by the applicant to eliminate the sidewalk requirement. This alternative should be implemented if your Commission is able to make all of the required findings to support the exception.

**Alternative 2:** The Planning Commission could elect to approve a modified version of the exception request submitted by the applicant and require paving of an additional five feet in lieu of constructing a cement sidewalk. This alternative should be implemented if your Commission is able to make all of the required findings to support the exception.

**Alternative 3:** The Planning Commission could approve the proposed subdivision but deny the Special Permit request to permit conversion of the garage/shop on proposed parcel 1 into an Accessory Dwelling Unit (ADU) exceeding 1,200 square feet, prior to completion of the subdivision. This alternative should be implemented if your Commission is unable to make all of the required findings for approval of the Special Permit. Planning Division staff has found that the required findings can be made. It is also worth noting that denial of the Special Permit would not prevent a residence of similar size from being constructed on Parcel 1 following completion of the subdivision. Consequently, planning staff does not recommend further consideration of this alternative.

**Alternative 4:** 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 21-**

**Case Number PLN-2020-16308  
Assessor Parcel Number 510-041-019**

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

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

**WHEREAS**, the application has been supplemented to add a Special Permit to allow an accessory dwelling unit greater than 1,200 square feet to be sited on future lot 1 in advance of map recordation; 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 determined that impacts of the project were analyzed and addressed during preparation of Environmental Impact Reports (EIR's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

**WHEREAS**, as lead agency, the Planning Division completed an initial study checklist for the project and has determined that:

1. there are no environmental effects that are peculiar to the project or the parcel on which the project is located;
2. there are no potential environmental effects which were not analyzed in the above referenced EIR's;
3. there are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above reference EIR's;
4. there are no previously identified significant effects which are determined to have a more severe adverse impact than discussed in the above EIR's, due to new information not known at the time the EIR's were certified; 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 (Project Number: PLN-2020-16308); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on September 2, 2021.

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

1. The Planning Commission finds the project exempt from further environmental review noting that any potential impacts from the proposed project were analyzed and addressed during preparation of Environmental Impact Reports for the McKinleyville Community Plan and 2017 Humboldt County General Plan and that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Number PLN-2020-16308 based on the submitted evidence; and
3. The Planning Commission approves the proposed project applied for as recommended and conditioned in Attachment 1 for Application PLN-2020-16308.

Adopted after review and consideration of all the evidence on September 2, 2021.

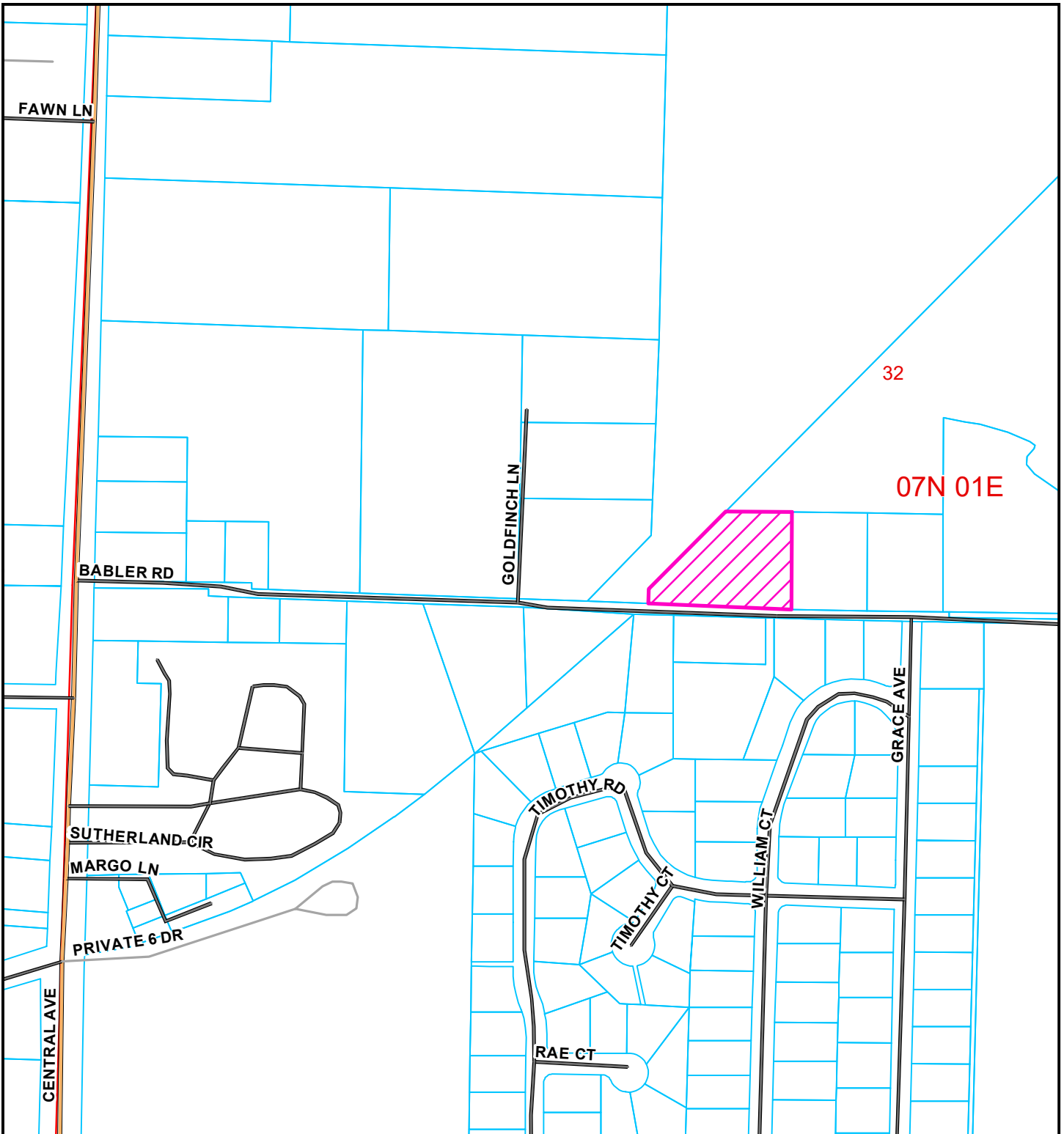
The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

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.

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John H. Ford  
Director, Planning and Building Department



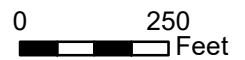
**LOCATION MAP**

**PROPOSED RYNEARSON  
PARCEL MAP SUBDIVISION &  
SPECIAL PERMIT  
MCKINLEYVILLE AREA  
PLN-2020-16308**

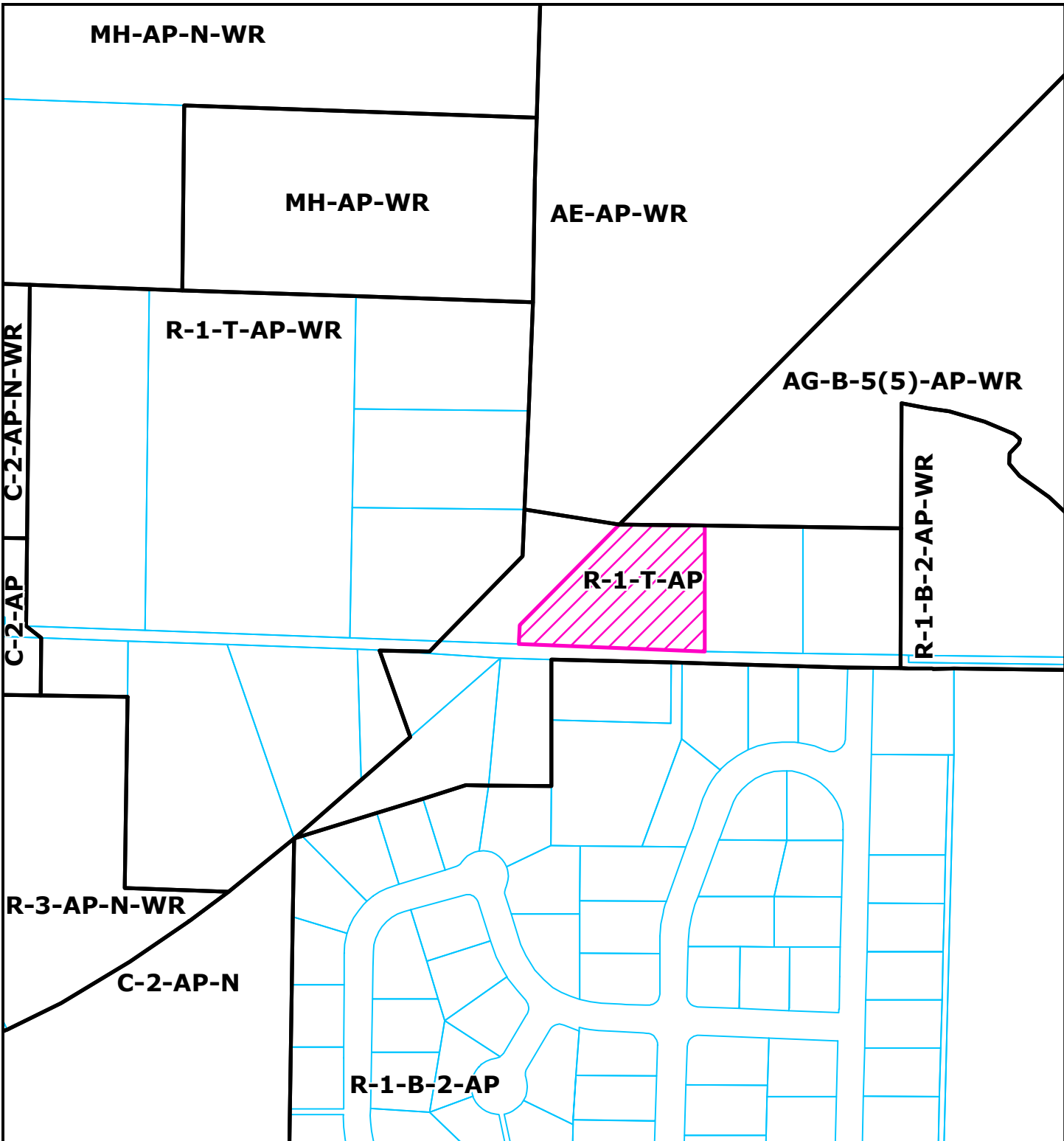
**APN: 510-041-019  
T7N R1E S32 HB&M (Arcata North)**

**Project Area =** 

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







**ZONING MAP**

**PROPOSED RYNEARSON  
 PARCEL MAP SUBDIVISION &  
 SPECIAL PERMIT  
 MCKINLEYVILLE AREA  
 PLN-2020-16308**

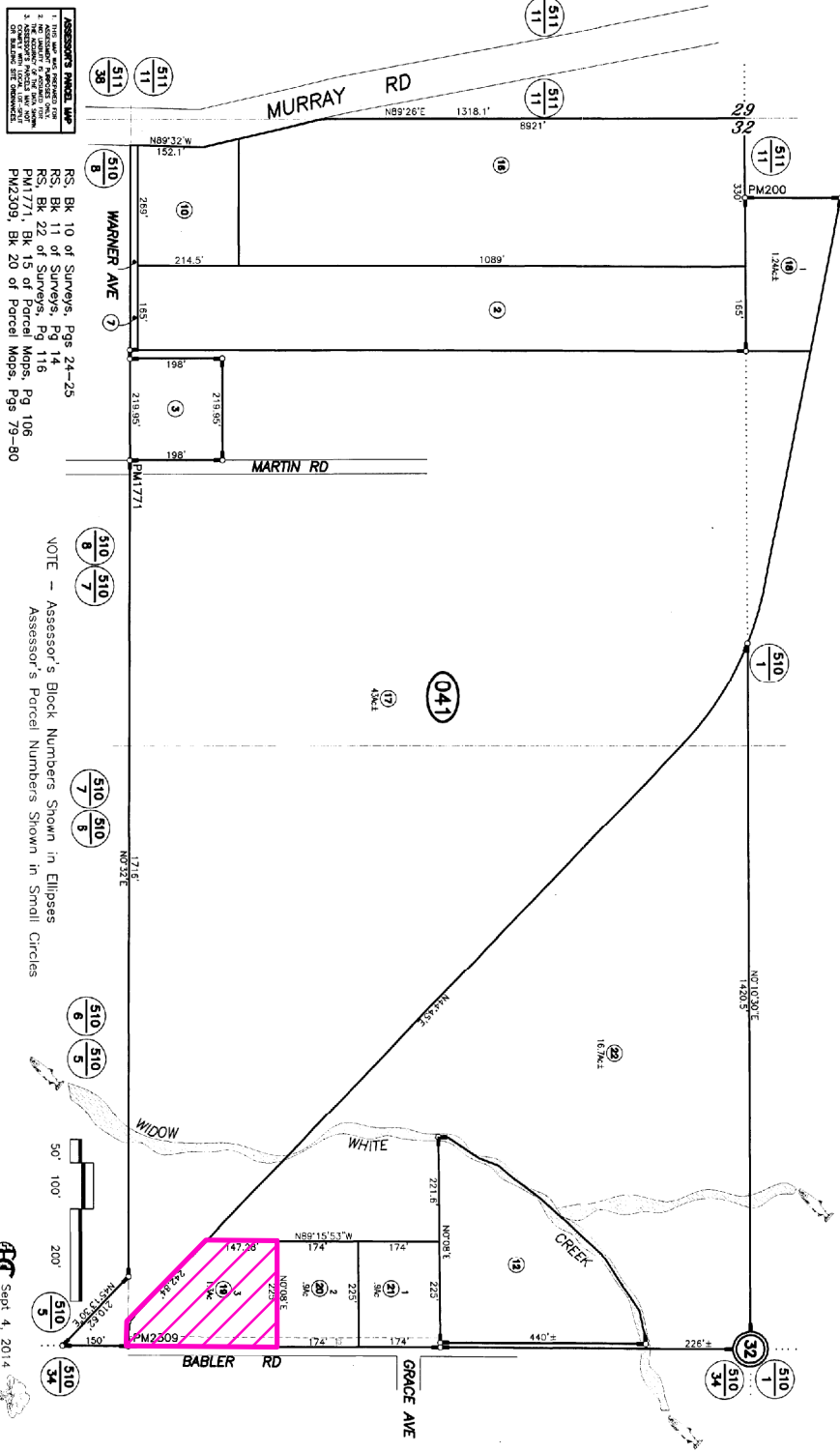
**APN: 510-041-019**

**T7N R1E S32 HB&M (Arcata North)**

Project Area = 



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



**ASSESSOR'S PARCEL MAP**  
 1. THIS MAP IS PREPARED FOR THE COUNTY OF HUMBOLDT, CALIFORNIA, BY THE ASSESSOR OF HUMBOLDT COUNTY, CALIFORNIA, AND IS SUBJECT TO THE APPROVAL OF THE COUNTY BOARD OF SUPERVISORS.  
 2. THIS MAP IS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, CALIFORNIA, AND THE ASSASSOR'S MAP ACT, CALIFORNIA.  
 3. THIS MAP IS NOT TO BE USED FOR PRECISE MEASUREMENT OR NAVIGATION. DATA HAS NOT BEEN COMPLETELY CHECKED FOR ACCURACY.

RS, Bk 10 of Surveys, Pgs 24-25  
 RS, Bk 11 of Surveys, Pg 14  
 RS, Bk 22 of Surveys, Pg 116  
 PM1771, Bk 13 of Parcel Maps, Pgs 79-80  
 PM2309, Bk 20 of Parcel Maps, Pgs 79-80

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

Sept 4, 2014  
 ERIC CARLSON

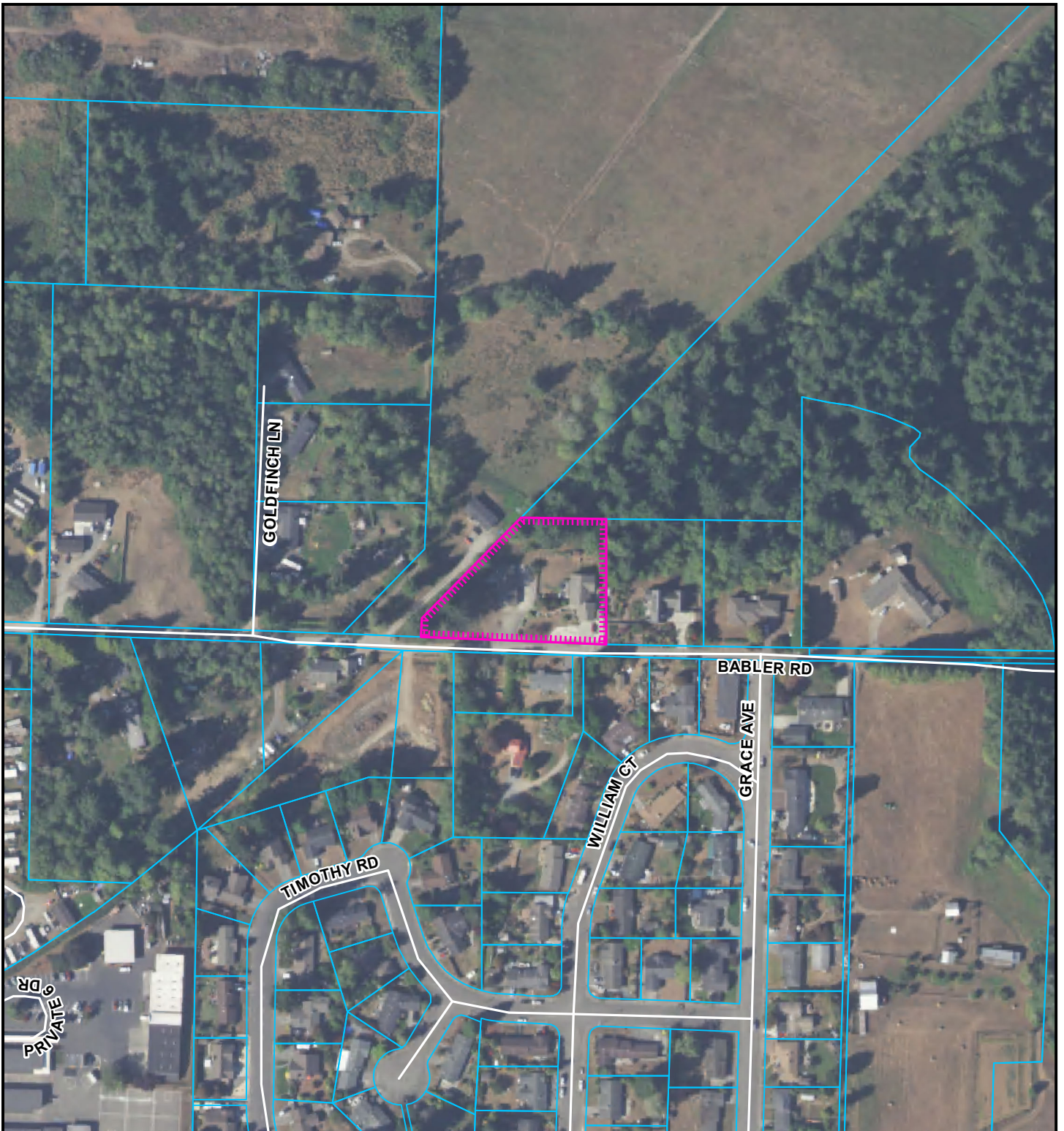
**ASSESSOR PARCEL MAP  
 PROPOSED RYNEARSON  
 PARCEL MAP SUBDIVISION &  
 SPECIAL PERMIT  
 MCKINLEYVILLE AREA  
 PLN-2020-16308  
 APN: 510-041-019  
 T7N R1E S32 HB&M (Arcata North)**

Project Area = 

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

MAP NOT TO SCALE





**AERIAL MAP**

**PROPOSED RYNEARSON  
PARCEL MAP SUBDIVISION &  
SPECIAL PERMIT  
MCKINLEYVILLE AREA  
PLN-2020-16308**

**APN: 510-041-019  
T7N R1E S32 HB&M (Arcata North)**

**Project Area =** 

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



APN 510-041-022  
Lands of Alto Trust  
Doc. 2011-26244-2

APN 510-041-017  
Lands of Martin/Cardoza Trust  
Doc. 2015-20571-5

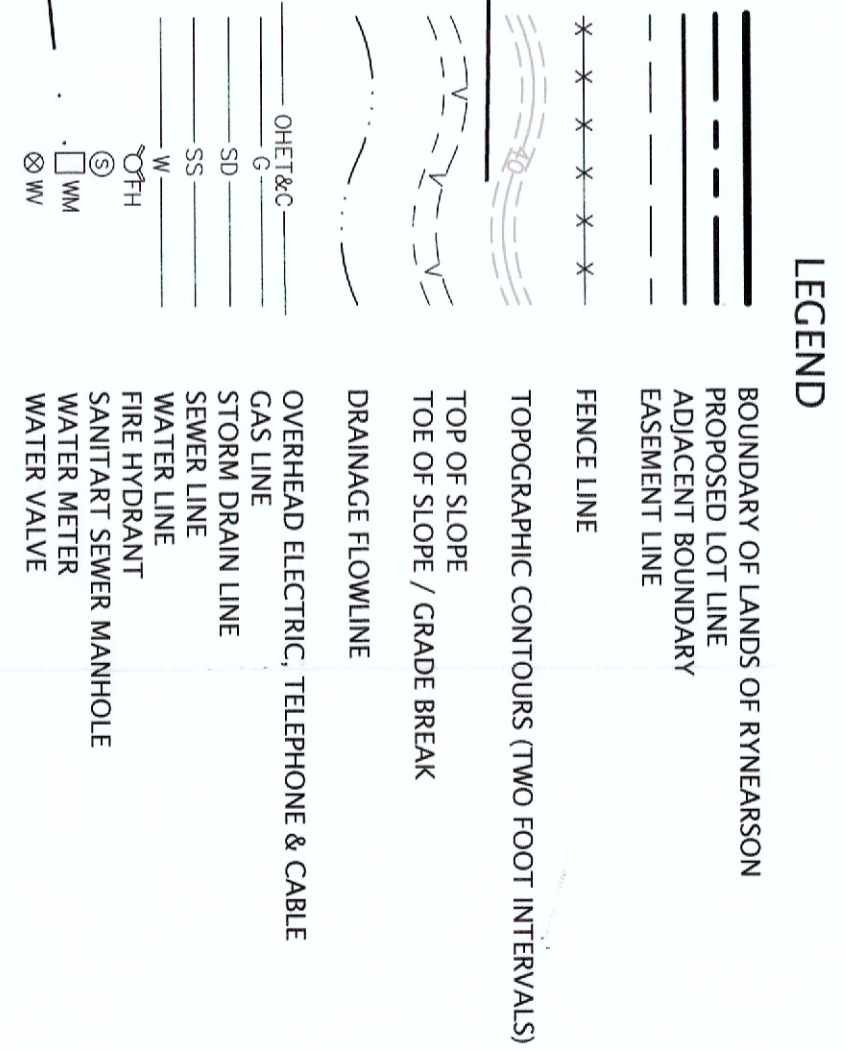
APN 510-341-031  
Lands of McKinleyville  
Community Services District  
1212 O.R. 491

APN 510-041-019  
Lands of Beth A.  
Rynearson Living Trust  
Doc. 2016-19072

APN 510-351-037  
Lands of Cito  
Doc. 2008-05907

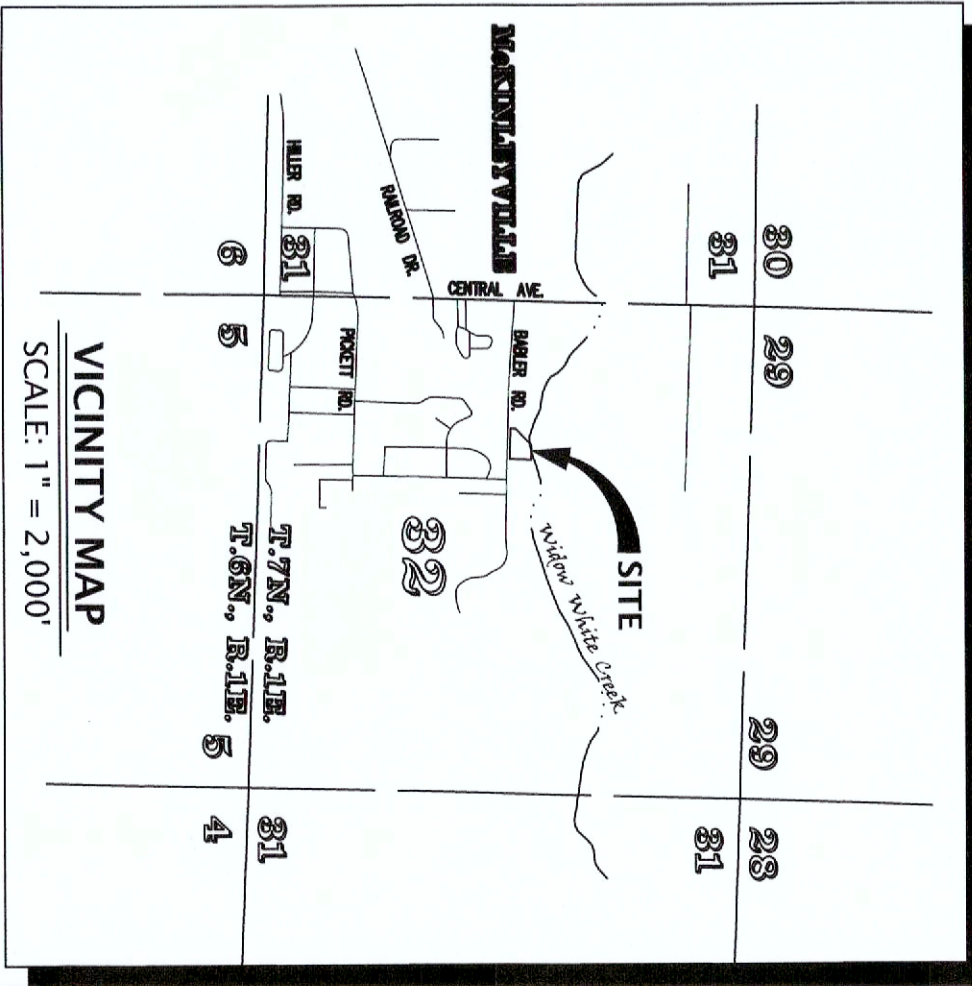
APN 510-351-038  
Lands of Miller  
Doc. 2005-9422

APN 510-351-002  
Lands of Egink  
Doc. 2003-38162



**PROJECT NOTES**

- 1) This map represents a subdivision of the lands described in Document No. 2016-19072 into two parcels. Proposed parcels are currently developed with a single family residence and garage/shop. The existing use on adjacent parcels is residential.
- 2) The existing boundary lines and easements are based on a Title Insurance Policy prepared by Humboldt Land Title Co., Order No. 00169319-003-AU-MM, dated November 15, 2019. All easements of record are shown on the Tentative Map and will appear on the Parcel Map. No new easements are proposed.
- 3) The property is in Flood Zone X and Zone A, as shown from Community Panel No. 06023 C 0680 G, dated June 21, 2017.
- 4) This property is to be served by the following utilities:  
Water and Sewer: McKinleyville C.S.D. Electric and Gas: Pacific Gas and Electric AT&T Sudden Link
- 5) Topography is shown at 2 foot contour intervals based on field survey performed by Points West Surveying in December 2019. Elevations are on MCHSD Datum based on the top of fire hydrant at the corner of Babler Road and Grace Ave. elevation=153.31 feet.
- 6) This property falls within the Arcata/Eureka Airport Land Use Compatibility Zone D as shown on the map approved January 27, 1998.



**PARCEL INFORMATION**

Current Parcel Area:	1.30 ± Acres 56,667 Square Feet 50,304 S.F. Net
Proposed Parcel One Area:	0.64 ± Acres 27,898 Square Feet 24,560 S.F. Net
Proposed Parcel Two Area:	0.66 ± Acres 28,769 Square Feet 25,744 S.F. Net

**PROJECT DATA**

**Owner / Applicant:** Beth Rynearson  
APN: 510-041-019  
Mailing Address: 1837 Babler Road McKinleyville, CA 95519

**Agent:** Mark Rynearson  
Bella Vista Realty  
1803 Central Ave.  
McKinleyville, CA. 95519  
Phone: 707-839-4105  
Email: bellavistarealty@sbcglobal.net

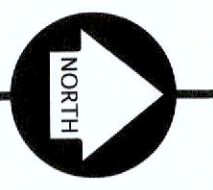
**Zoning:** R-1-T-AP  
Gen. Plan RL 1-7 AP

**Building Setbacks:** SRA (State Responsibility Area)  
Front: 30'  
Side: 30'  
Rear: 30'

**APN 510-041-019  
TENTATIVE MAP**

**BETH RYNEARSON**

FOR  
SW 1/4, NW 1/4, SECTION 32, T. 7N., R. 1E.,  
HUMBOLDT MERIDIAN  
INT THE UNINCORPORATED AREA  
OF HUMBOLDT COUNTY, STATE OF CALIFORNIA  
DECEMBER 2019



**SURVEYOR'S STATEMENT**

This map was prepared by me, or under my direction, and is based upon a field survey.

SIGNED *Beth Rynearson*

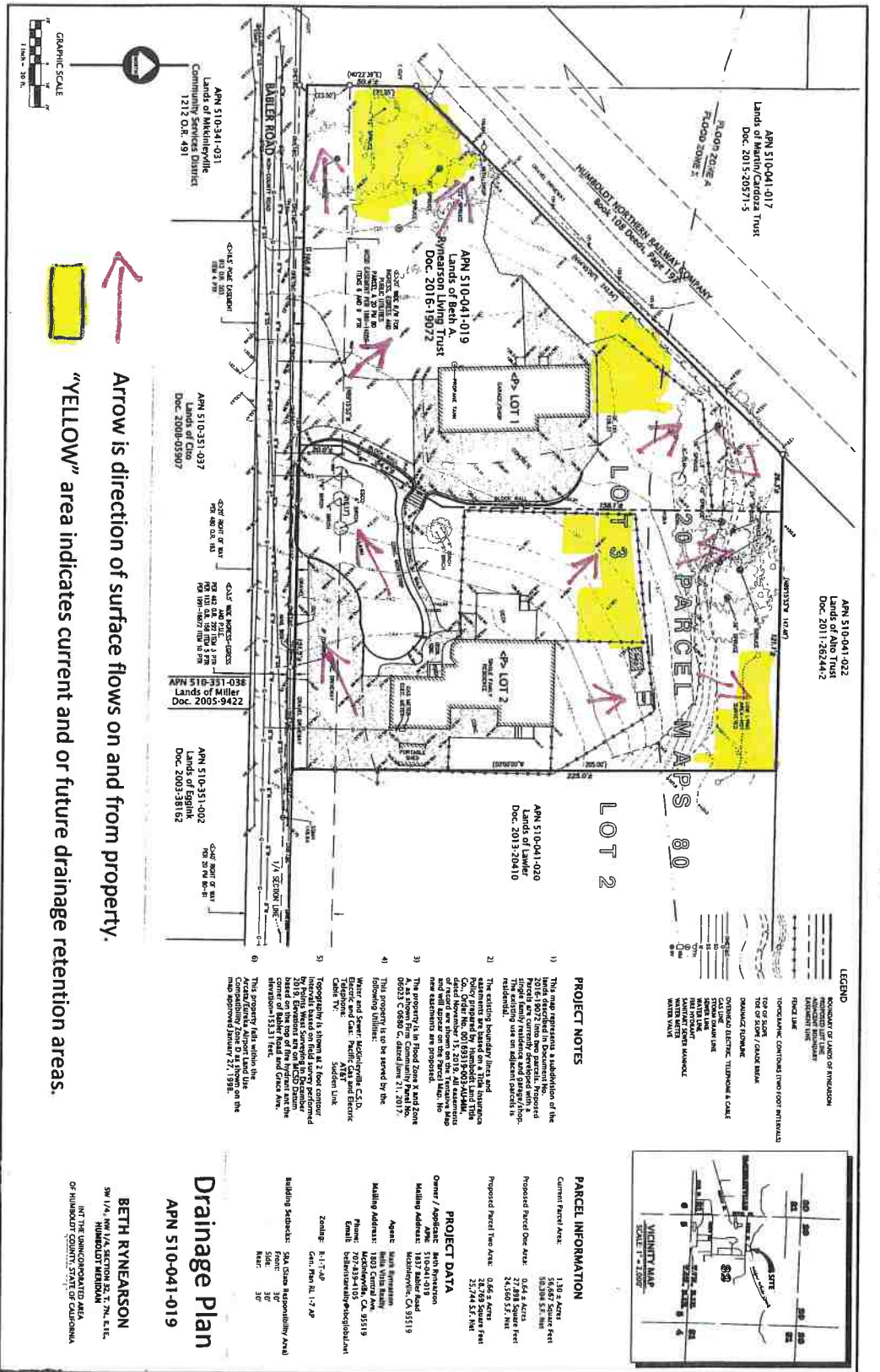
DATED 11/12/2020

David A. Crivelli  
L.S. No. 7015



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

# DRAINAGE PLAN



APN 510-041-022  
Lands of Aho Trust  
Doc. 2011-26244-2

APN 510-041-017  
Lands of Manly/Caroza Trust  
Doc. 2015-20571-3

APN 510-041-019  
Lands of Beth A.  
Ryerson Living Trust  
Doc. 2016-19072

APN 510-041-020  
Lands of Lawler  
Doc. 2013-20410

APN 510-341-031  
Lands of Sackleryville  
Commons  
1212 O.R. 491

APN 510-351-037  
Lands of Cito  
Doc. 2008-05907

APN 510-351-036  
Lands of Mills  
Doc. 2005-9422

APN 510-351-002  
Lands of Gagnik  
Doc. 2003-58162

**LEGEND**

- BOUNDARY OF LAND OR DIVISION
- PROPOSED LOT LINE
- EXISTING LOT LINE
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT
- EXISTING UTILITY
- EXISTING FENCE LINE
- TOP OF SLOPE / GRADE BREAK
- DRAINAGE FLOWLINE
- OVERHEAD ELECTRIC, TELEPHONE & CABLE
- PROPOSED DRAIN LINE
- EXISTING DRAIN LINE
- WATER LINE
- SEWER LINE
- SEWER TRENCH
- WATER VALVE



**PROJECT NOTES**

- This map represents a subdivision of the 2016-19072 into two parcels. Proposed single family residential use is shown. The existing use on adjacent parcels is residential.
- The existing landscaping, trees and structures are shown on this map. The new structures are shown in yellow. The new structures are shown in yellow. The new structures are shown in yellow.
- The property is in Flood Zone X and Zone 0002 C. CE80 C. (Special Flood Hazard Area) as shown on the map approved January 27, 1998.
- This property is to be served by the following utilities:  
Water and Sewer: Humboldt C.S.D.  
Electric: Pacific Gas and Electric  
Cable TV: Sudden Link

**PARCEL INFORMATION**

Current Parcel Area: 1.30 Acres  
56,687 Square Feet  
50,398 S.F. Net

Proposed Parcel One Area: 0.64 Acres  
27,669 S.F. Net

Proposed Parcel Two Area: 0.66 Acres  
28,769 Square Feet  
25,744 S.F. Net

**PROJECT DATA**

Agency: Beth Ryerson  
Address: 1803 Central Ave.  
Humboldt, CA 95519  
Phone: (708) 421-1111  
Email: beth@bethryerson.com

Building Schedule: 320 (State Responsibility Area)

Site: 30'  
Side: 30'  
Rear: 30'

**Drainage Plan**

APN 510-041-019

**BETH RYERSON**  
SW 1/4, NW 1/4, SECTION 26, T. 7N, E. 1E,  
HUMBOLDT MERRIDOWN  
IN THE UNINCORPORATED AREA  
OF HUMBOLDT COUNTY, CALIFORNIA

**Notes:**

- All improvements are existing and no additions are proposed.
- All drainage direction as shown is existing, no additional flow to be created by division.
- No surface flow is generated from the properties other than from rainfall.
- All surface flow is to existing ditches or open retention areas as shown.
- No surface flows are directly to creeks or streams.



Arrow is direction of surface flows on and from property.  
"YELLOW" area indicates current and or future drainage retention areas.



## ATTACHMENT 1

### CONDITIONS OF APPROVAL

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

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated **August 25, 2021 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. Gross and net lot area shall be shown for each parcel.
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 \$110.00 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. Parkland dedication fees of \$6,207.52 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$3,103.76 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Parcels 1, 2 and 3. Release from the Conveyance and Agreement may be pursued upon payment of the \$3,103.76 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a accessory dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$415.00) will be required.
6. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
  - A. Mapping
    - (1) Topography of the land in 1-foot contour intervals;

- (2) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program;
- (3) The location of low-lying wet areas and related vegetation immediately north of the existing fenceline.
- (4) The required development setback/buffer related to the wet areas.
- (5) Development standards including setbacks, maximum lot coverage, maximum height and four (4) parking spaces on Parcel 1 and Parcel 2 consistent with Section 314-109.1 Humboldt County Code;

B. Notes to be placed on the Development Plan:

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

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

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

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

- (2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:

- Prohibition of open fireplaces.
- Heating should be provided using clean fuels (electricity or natural gas), when feasible.
- If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."

(3) "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 5:00 p.m. on Saturday."

(4) If applicable "Development rights for accessory dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for a secondary dwelling unit 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."

(5) "The subdivision is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."

(6) "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."

(7) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."

9. 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 \$415.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.



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

### Informational Notes

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

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

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

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

If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, the Calfire project representative (if applicable) and the County Planning and Building Department; 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. 4. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the

project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

4. The term of the approved Tentative Map 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


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

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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

**TO:** Steve Lazar, Senior Planner

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

**FROM:** Kenneth Freed, Assistant Engineer

**RE:** SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE RYNEARSON, APPLICATION #PLN-2020-16308 PMS, APN 510-041-019, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 1.3 ACRES INTO 2 PARCELS

**DATE:** 12/07/2020  
02/26/2021 revised  
08/25/2021 revised

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

**These recommendations are based on the tentative map prepared by Points West Surveying Co. dated December 2019 and dated as received by the Humboldt County Building Division on March 20, 2020.**

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

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

**1.0 MAPPING**

**1.1 EXPIRATION OF TENTATIVE MAP:** Applicant is advised to contact the Planning & Building Department to determine the expiration date of the tentative map and what time

extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to the Planning & Building Department.

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

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

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

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

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

- 1.3 DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 PROOF OF LEGAL ACCESS:** Applicant shall provide, to the satisfaction of this Department, proof of recorded access from a publicly maintained road to the subject property. The width of the access shall be a minimum of 40 feet and shall be shown on the subdivision map. [Reference: Roadway design standards/classification plats in Section 4.2 of Appendix A of the County Subdivision Ordinance]
- 1.5 EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.6 FURTHER SUBDIVISION:** At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.
- 1.7 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."

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

(a) **AVIGATION EASEMENT / OVERFLIGHT EASEMENT / DEED NOTICE:** The subject property is located within compatibility "D" zone of the California Redwood Coast - Humboldt County 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.

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

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

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

## **2.0 IMPROVEMENTS**

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

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

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

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

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

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

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

**2.4 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) When the road is paved, a "stop" pavement marking and limit line shall be installed.
- (b) Pursuant to County Code Section 324-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation. (last paragraph for private roads)
- (c) 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.
- (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....

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

- (a) All intersections (including driveways) must conform to Humboldt County Code Section 341 regarding visibility.
- (b) Along the frontage of the subdivision, **Babler Road** shall be constructed having a width of 20 feet. If parking will not all be provided onsite, an 8 foot wide parking lane shall be constructed along the frontage of the subdivision. In addition, a 5 foot wide (4.5 foot

useable) landscape strip and 5 foot wide pedestrian sidewalk with Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter shall be constructed. Within the landscape strip, install one (1) street tree per lot.

The widening of the road shall be done in such a manner so that existing utility poles do not need to be relocated.

- (c) The widening of **Babler Road** may require the reconstruction of the existing road to provide a uniform centerline grade compatible with the proposed curb grade. This is necessary in order to provide an adequate cross slope to the proposed gutter. Engineering plans showing existing and proposed conditions for both the centerline grade and roadway cross sections will be necessary to ensure proper drainage. In addition, existing utilities may need to be adjusted and/or relocated at the expense of the applicant.
- (d) The **Babler Road** shall be constructed to the minimum standards in the Fire Safe Regulations (and any approved exception) and the Subdivision Ordinance based upon the total number of parcels using the road, both within and outside of the subject property.

Total number of parcels to use the road	Fire Safe Regulations Minimum Road Requirements
up to 2	Category 2: 12' wide gravel road with inter-visible turnouts
up to 8	Category 3: 16' wide gravel road with 2' wide bladed shoulders on each side
up to 80	Category 4: 20' wide gravel road with 2' wide bladed shoulders on each side
up to 120	Category 4: 20' wide gravel road with 5' wide bladed shoulders on each side (18' wide gravel with 2' bladed shoulders may be permitted on local roads in mountainous terrain)
dup to 300	Category 4: 20' wide gravel road with 5' bladed shoulders on each side
up to 400	Category 4: 22' wide gravel road with 6' bladed shoulders on each side
no limit	Category 4: 24' wide gravel road with 8' bladed shoulders on each side
<p>Note: Recommendations are based upon County Fire Safe Regulations (Humboldt County Code Section 3111-1, et seq), the 1973 County Road Design Manual and supplemented by 2004 AASHTO "Green Book" Exhibits 5-5 &amp; 6-5. Both the County Road Design Manual and AASHTO "Green Book" use ADT. County Subdivision Ordinance (Humboldt County Code Section 321-1, et seq.), Appendix 4-2 states that each rural parcel has an ADT of 5 trips per day. For uniformity, ADTs were converted to parcels to match County Fire Safe Regulations.</p>	

- (e) 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.

- (f) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (g) 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.
- (h) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

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

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

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

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

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

**2.8 UTILITIES:** The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities,

relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

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

**2.9 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 Postmaster. 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 COMPLETION OF IMPROVEMENTS ON PARCEL MAP SUBDIVISION:** When improvements are not constructed before the subdivision map is filed with the County Recorder, the following apply:

(a) 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*. The subdivision improvements shall be completed within twenty-four months of the date that the building permit was issued.

(b) The following note shall be placed 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 subdivision improvements must be completed within the timelines specified in the *Notice of Construction Requirements*. Building permits or other development permits cannot be obtained until the required improvements are constructed to the satisfaction of the County. The improvements required in the *Notice of Construction Requirements* 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."

### **3.0 DRAINAGE**

- 3.1 DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.
- 3.2 DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. The report and plan must be prepared by a Civil Engineer registered by the State of California. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department. In the preparation of drainage plans, applicant shall comply with the Community of McKinleyville County Storm Water Management Program.
- 3.3 STORM WATER QUALITY:** Applicant shall include within the project site the implementation of Best Management Practices (BMPs) to prevent storm water pollution. BMPs include, but are not limited to, stenciling drainage inlets.
- 3.4 DETENTION FACILITIES:** Pursuant to McKinleyville Community Plan Policy 3310 (5), this project is required to construct detention facilities in a manner and location approved by this Department. In general, storm flows from the 100-year ( $Q_{100}$ ) storm shall be detained so as to release water from the site at a rate no greater than the predevelopment 2-year ( $Q_2$ ) storm flows. Contact this Department regarding any questions. This will need to address the increased runoff from any development constructed on the property since 12/10/2002.
- 3.5 DRAINAGE FEES:** Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.

**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 Babler Road.

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.

If a storm water detention basin is required, a maintenance plan for projects that contain detention facilities shall include, but is not limited to, the following:

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

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

**6.0 DEVELOPMENT PLAN**

<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

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

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

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

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**LAND USE DIVISION INTER OFFICE MEMORANDUM**

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TO: Steve Lazar, Senior Planner

VIA: Robert W. Bronkall, Deputy Director 

FROM: Kenneth Freed, Assistant Engineer

DATE: 12/07/2020  
02/26/2021 revised  
08/25/2021 revised

RE: **RYNEARSON SUBDIVISION PLN-2020-16308**

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

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

**BABLER ROAD: The Department of Public Works does not support the subdivision of parcels which use County or private roads to access their parcels until the road is improved to the County's minimum standards.**

The subject property is located on Babler Road (a non-county maintained road) approximately 1,325 feet from Central Avenue (County Road No. A4L800) and 275 feet from Grace Avenue. Babler Road is constructed as a paved Category 3 road from the subject property to Grace Avenue (County Road No. 4M050). There are no sidewalks constructed along the road. There are approximately 17 parcels that appear to take access from Babler Road. Not all of these parcels appear to be developed.

Per the subdivision ordinance, a category 4 road is needed to serve the properties along the road as well as the proposed subdivision.

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

**LOW IMPACT DEVELOPMENT:** Both properties are already developed with residential units. Further development on these parcels will require compliance with LID standards.

**COUNTY CODE SECTION 325-9 EXCEPTION REQUEST No. 1 (ELIMINATE PUE):** The Department can support the elimination of the PUE as a PUE is not necessary to serve the proposed lots.

**COUNTY CODE SECTION 325-9 EXCEPTION REQUEST No. 2 (40 FOOT RIGHT OF WAY):** The Department can support a reduced right of way of 40 feet in lieu of 50 feet as required by Appendix A of the subdivision ordinance. The roadway improvements for the project can be constructed with a 40 foot right of way.

**COUNTY CODE SECTION 325-9 EXCEPTION REQUEST No. 3 (SIDEWALKS):** The applicant is requesting that sidewalks not be required for the project. If the exception request is approved by the Planning Commission Item 2.5(b) will be as follows:

- 2.5(b) Along the frontage of the subdivision, **Babler Road** shall be constructed having a width of 20 feet. If parking will not all be provided onsite, an 8 foot wide parking lane shall be constructed along the frontage of the subdivision. ~~In addition, a 5 foot wide (4.5 foot useable) sidewalk and 5 foot wide pedestrian sidewalk with Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter shall be constructed. Within the landscape strip, install one (1) street tree per lot.~~

The widening of the road shall be done in such a manner so that existing utility poles do not need to be relocated.

As an alternative, a 5 foot wide paved shoulder could be provided.

- 2.5(b) Along the frontage of the subdivision, **Babler Road** shall be constructed having a width of 20 feet. If parking will not all be provided onsite, an 8 foot wide parking lane shall be constructed along the frontage of the subdivision. In addition, a 5 foot wide paved shoulder shall be constructed along the frontage of the subdivision. ~~In addition, a 5 foot wide (4.5 foot useable) sidewalk and 5 foot wide pedestrian sidewalk with Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter shall be constructed. Within the landscape strip, install one (1) street tree per lot.~~

The widening of the road shall be done in such a manner so that existing utility poles do not need to be relocated.

// END //

## ATTACHMENT 2

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

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

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

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

**1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Humboldt County General Plan and the McKinleyville Community Plan (MCCP).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Low Density (RL) Primary and compatible uses include single family residential use. Density Range – 1 - 7 dwelling units per acre.</p>	<p>The property is developed with an existing 1,658 square foot single-family residence with a 576 square foot attached garage as well as a 2,052 square foot detached garage and shop building. The existing home and attached garage will be located on proposed parcel 2 (0.66 acres) while the detached garage/shop will be located on proposed parcel 1 (0.64 acres). Both parcels will be served with community water and sewer provided by the McKinleyville Community Services District.</p>
<p>Urban Limits: §2600 (MCCP)</p>	<p>New development shall be located within existing developed areas or in areas with adequate public services.</p>	<p>All proposed parcels are within the Urban Limit line and are served by public water and sewer. Access to the proposed parcels from the west occurs via Babler Road and from the south via Pickett Road and Grace Avenue. The southern access is primarily composed of county-maintained roads.</p>
<p>Housing: §2400 (MCCP)</p>	<p>Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.</p>	<p>The proposal results in two additional building sites for residential development. The site was not utilized by the Department of Housing and Community Development in determining compliance with housing element law. Therefore, the parcels created by this subdivision are in addition to those identified in the latest Housing Element.</p>
<p>Hazards: §3200 (MCCP)</p>	<p>New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.</p>	<p>The area of the proposed building site is within Geologic Hazard Rating 0 - "Relatively Stable" and is not within the Alquist-Priolo Fault Hazard Area. The proposed subdivision site is in an area of low fire hazard. Both Arcata Fire Department and Cal-FIRE have reviewed the subdivision design and recommended approval. Undeveloped northern portions of the parcel show up as being located within Flood Zone A as shown on FIRM Map 06023C. Existing development is located outside of the mapped area.</p>



<p>Airport Safety §14.4 (General Plan)</p>	<p>Regulate and plan land use around airports according to the Airport/Land Use Safety Compatibility Criteria (Table 14-a), which shall be consistent with the ALUCP.</p>	<p>The parcel is located within Safety Zone 6 pursuant to the Humboldt County Airport Land Use Compatibility Plan. Residential development is an allowed use within this zone. There are no density limitations, however, the Department of Public Works is requiring an that the owner grant an avigation easement as a condition of approval. This is consistent with the general plan policy and ALUCP requirements.</p>
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<p><b>Plan Section &amp; Summary of Applicable Goal, Policy, or Standard</b></p>	<p><b>Evidence Which Supports Making the General Plan Conformance Finding</b></p>
<p>Sensitive and Critical Habitats: §3420 (MCCP)</p> <p>To protect designated sensitive and critical resource habitats.</p>	<p>The parcel is located near the northern edge of a developed residential area comprised of ¼-acre parcels. The only sensitive plant or animal species identified for this area in the California Natural Diversity Database (CNDDDB) is coastal cutthroat trout habitat associated with a nearby segment of Widow White Creek. National and local wetland mapping reveals the presence of several wetlands on neighboring properties in the vicinity of the parcel being divided.</p> <p>On February 10, 2021 staff visited the project site with a representative from the California Department of Fish &amp; Wildlife to investigate and verify the true course of Widow White Creek and determine the proximity to the parcel targeted for subdivision. It was observed that the creek alignment was approximately 400 feet north of the location shown on topographic and hydrological mapping. Staff also observed swampy conditions and hydrophytic vegetation in northern portions of the property beyond the existing fenceline. The observed wet conditions likely stem from manipulation of local drainage patterns during construction of the historic railroad grade which abuts the western boundary of the parcel being divided. Approximately 300 feet northwest of the parcel, the railroad grade crosses Widow White Creek. For this reason, the project includes a Condition of Approval requiring that a Development Plan be prepared and Notice of Development Plan recorded, with the purpose being to document and disclose the location and extent of the wet areas and watercourses, and applicable development setbacks. As the proposed parcels currently host an existing development footprint that is extensive and unlikely to change, impacts to biological resources are avoided.</p>

Cultural Resource Protection: §3500 (FP)	New development shall protect cultural, archeological and paleontological resources.	The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the recorded Development Plan. This is included in the Conditions of Approval.
Parkland: §4420 (MCCP)	To establish recreational facilities to meet the needs of Eureka residents.	<u>Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$100,000/acre or: <math>2(2(130 \times 2.57/43,560)) \times \\$100,000 = \\$4,601.88</math> without the conveyance of secondary dwelling unit rights; or \$3,067.95 with the conveyance of secondary dwelling unit rights on all parcels.</u>

Parkland Dedication Fee Calculations

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	<u>2.6</u>	Persons per average McKinleyville household (Source: 2020 U.S. Census)
	338	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	2	Number of parcels being created by the subdivision,
X	2	Number of dwellings per legal parcel or lot, including potential second units
X	100%	Percentage of these parcels within the McKinleyville Community Planning Area
X	<u>\$100,000</u>	Value of one acre of land in the vicinity of the subdivision project
	\$3,103.76	<b>Parkland Dedication In-lieu Fee for the Rynearson Subdivision</b>

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

<b>Section(s)</b>	<b>Applicable Subdivision Requirements</b>	<b>Evidence Supporting Subdivision Requirement Finding</b>
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The project will result in two parcels of 0.64 acres and 0.66 acres. Both of the proposed parcels will host existing structures with individualized water and sewer connections. Lot 1 is being approved for development of an accessory dwelling unit that will become the primary following completion of the subdivision. All parcels are therefore suitable for single-family residential development.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	Both parcels will have frontage on Babler Road. Access to the proposed parcels occurs through one of two ways: from the west via Babler Road and from the south via Pickett Road and Grace Avenue. Pickett Road and Grace Avenue are both paved and improved to a width of at least 40 feet. Babler road lies within a combination of public and private rights of way easements. Between Central Avenue and the property, the Babler Road right of way occurs within 20-foot-wide private easements. Along the frontage of the property, the right of way is 40 feet in width, and includes an offer of dedication for public use from the preceding subdivision. The applicant will be required to widen the Babler road to a minimum of 20 feet along the entire property frontage except for two areas where existing utility poles are located. The applicant has submitted an exception to the right of way width pursuant to Section 325-9 (see Attachment 3). Public Works supports the majority of the exceptions being requested but does not support the request to waive the sidewalk requirements. Alternate condition language providing for elimination of the sidewalk requirement or substitution of five (5) feet of additional paving (instead of sidewalk construction) has been provided (Attachment 1, Exhibit A). Given the already developed nature of the site, exacerbation or creation of localized drainage issues or increases in runoff are unlikely.

<p>Sewer &amp; Water 324-1 (d)</p>	<p>Sewer and water systems shall be constructed to appropriate standards.</p>	<p>The resultant parcels are served by community water and sewer provided by the McKinleyville Community Services District (MCSD). MCSD has stated that they have the capacity to serve the subdivision.</p>
<p>322-3.1 Housing Element Densities The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, 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 proposed subdivision creates the potential for two additional residences to be developed. Since the parcel is already developed with a residence, it was not identified as providing any additional dwelling units in the most recent Housing Inventory. Therefore, the two parcels created by this subdivision will provide additional units above and beyond those identified in the Housing Element.</p>
<p>Government Code § 66411.1 Improvement Timing</p>	<p>Unless the subdivider voluntarily enters into an agreement with the County establishing the timing of the work, fulfillment of reasonable on- and off-site construction requirements are deferred until issuance of a permit or other grant for development of the created lot, except where found to be necessary for the public health and safety or for orderly development of the surrounding area. If not completed prior to parcel map recordation or under agreement with the County, a Notice of Construction Requirements shall be filed concurrently with the parcel map.</p>	<p>Because one of the parcels being created by this division is currently developed with an occupied residential structure, and the subdivider has not indicated that it is their intent to enter into a Subdivision Agreement, the Public Works Department is recommending that the construction of the road and pedestrian improvements along Babler Road fronting the subject parcel as set forth in Exhibit A to Attachment 1 be completed within 24 months of the filing of the parcel map, or upon issuance of development permit (or building permit) on either Parcel 1 or 2, whichever occurs first, for the orderly development of the area. A Notice of Construction Requirements shall be filed concurrently with the parcel map to inform the owner and their successors in interest of their development obligations.</p>

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

<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
That there are special circumstances or conditions affecting said property.	As stated in the applicant's request for exception, the physical configuration of the property and the minimal number of homes to be served warrants granting an exception to permit reduced right of way. The existing development footprint and alignment and location of existing electrical poles frustrates the potential for widening of certain nearby segments. Furthermore, the applicant notes that granting of additional easement would reduce the useable front yards of the proposed parcels and be positioned too close to existing structures. The exceptions requested allow for division of the parcel such that (1) the maximum number of lots can be created, (2) suitable building sites are provided on each, and (3) the build out promoted by the Plan and Zoning may be achieved.
That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	Based on the number of parcels served, it is unnecessary to provide a 50-foot right of way to serve one additional parcel. The proposed subdivision creates two (2) parcels consistent with the General Plan and the R-1 zoning. The lots will be similar in size to other lots within the neighborhood, and the subdivision is in keeping with the existing pattern of development, and the character of the immediate area.
That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.	The exception would allow subdivision of the subject parcel similar to others in the immediate vicinity. A prior subdivision with a similar configuration was created with the same right of way width. There is no indication that the development of the surrounding lands will be adversely impacted by this exception. All referral agencies have recommended approval of the subdivision.

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

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Zoning Finding</b>
Residential One-Family (R-1)	One-family dwellings are compatible uses.	The subdivision results in two parcels suitable for residential development.
Minimum Parcel Size	5,000 square feet	The subdivision results in two parcels of 0.64 acres and 0.66 acres.
Minimum Yard Setbacks per Zoning:	Front: 20 feet Side: 5 feet Rear: 10 feet	Development on both parcels currently complies. Future development must also comply with standards of the zone.
Minimum Lot Width	50 feet (measured at front yard setback line)	Parcel 1: 96 feet (avg.) Parcel 2: 136 feet (avg.)
Maximum Lot Depth	3 time lot width	Parcel 1: 225 feet Parcel 2: 225 feet
Maximum Ground Coverage	35%	Development on Parcel 1 (7%) and Parcel 2 (9%) complies. Future development must comply with standards of the zone.
Maximum Structure Height	35 feet (primary) 26 feet (accessory)	Development on proposed Parcel 1 and Parcel 2 complies. Future development must comply with standards of the zone.
<b>Combining Zones</b>		
314-16.1 <b>AP</b> – AIRPORT SAFETY REVIEW	The purpose of these provisions is to establish regulations to maintain compatibility between proposed land uses and development and Humboldt County airports.	The parcel is located within Safety Zone 6 of the Humboldt County Airport. Residential development is an allowed use within this zone. There are no density limitations, however, the Department of Public Works will require an avigation easement as a condition of approval. Therefore, the project complies with this combining zone.

<b>ACCESSORY DWELLING UNITS (ADU)</b>		
<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Zoning Finding</b>
314-69.05.4.3.1 Total Floor Area	(Detached) ADUs that exceed one thousand two hundred (1,200) square feet or attached ADUs that exceed fifty percent (50%) of the area of the existing primary residence may be permitted with a Special Permit.	The applicant is requesting permission to allow conversion of the existing 2,052 ft. <sup>2</sup> shop into an Accessory Dwelling Unit prior to completion of the subdivision. Minimal impacts are expected as ground disturbance and changes to the massing and bulk of the structure would be largely avoided. The ADU would become the primary residence on Parcel 1 following completion of the subdivision.
314-69.05.4.2 Building Site	The building site shall be shared in common with the proposed or existing primary residence.	The shop to be converted into the ADU is located less than 100 feet from the existing primary residence on the parcel.
314-69.05.4.6 Parking	Each ADU requires one (1) parking space; no additional parking required where ADU is located within ½-mile of public transit	Parking for over eight (8) vehicles is currently provided on the parcel being divided.

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

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

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

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

§15183 Exempt from State environmental review. The proposed subdivision is exempt from the provisions of CEQA per Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines. Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review. Subsequent environmental review is only necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

Per the state CEQA Guidelines, in approving a project meeting the requirements of this section, the examination of environmental effects shall be limited to those which the agency determines, in an initial study or other analysis: 1) are peculiar to the project or the parcel on which the project would be located, 2) were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, 3) are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared, and 4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

No further analysis of the conditions set forth in 1-4 above apply because the subject site is in an area served by full urban services, is planned Residential Low Density which supports the density of development proposed, is zoned Residential One-Family, and in an area without enumerated hazards. The project does not raise any new significant impacts. Further, the project is consistent with the General Plan standards for traffic, noise, open space protection and provision of community services. All responding referral agencies have recommended approval or conditional approval, including Environmental Health, County Public Works, McKinleyville CSD, Arcata Fire District, and PG&E, California Department of Fish & Wildlife, California Department of Forestry and Fire Protection, and Tribal Historic Preservation Officers for Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department 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 initial study checklist on file in the Department includes a detailed discussion of all relevant environmental issues.



### ATTACHMENT 3

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

<b>Document</b>	<b>Location</b>
Tentative Subdivision Map	Attached in Maps Section
Application Form	On file with Planning
Preliminary Title Report	On file with Planning
Grant Deed	On file with Planning
Firesafe Exception Request dated November 3, 2020	Attached
Preliminary Drainage Plan	Attached in Maps Section
Subdivision Exception Request dated November 4, 2020	Attached
Subdivision Exception Request dated November 11, 2020	Attached
Subdivision Exception Request dated March 1, 2021	Attached



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: February 2, 2021

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

RE: Project/Owner: Ryneanson    APN: 510-041-019    Area: McKinleyville

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

1273.01 Setback for structure defensible space; 1273.08 Dead-end Roads

The permit application proposes a minor subdivision of an existing parcel with 2 existing residential structures. No additional building construction is proposed. The parcel is served by an existing road with adequate turnouts and turnaround locations. No mitigations were proposed for setback requirements. However, no mitigation options are foreseeable due to existing conditions.

After a site inspection and considering the site conditions, 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

11/03/2020

Steve Lazar, Senior Planner  
County of Humboldt Planning & Building Department  
3015 H Street  
Eureka, CA 95501



Re: PLN-2020-16038 PMS – 1837 Babler Road McKinleyville, CA 95519

Steve,

This is an Exception Request for total floor square footage of a primary and secondary unit on the above project. As proposed the total parcel. APN 510-041-019 is a 1.30 acre parcel that currently has a primary structure of 1,658 square feet with a 24'X28' foot attached garage (Lot 2). The secondary structure is a 1,380 square foot shop with a 24'X24' attached garage (Lot 1). Both structures are serviced with separate utilities and have sewer and water from McKinleyville Community Services District. Both structures front on Babler Road a paved roadway with direct access to Grace Avenue, a County maintained roadways and to Central Avenue, a County maintained roadway.

It is planned in the future to convert the 1,380 square foot structure into a secondary living unit. There is no residential occupancy at this time of this structure.

Please let me know what else you will need to process this exemption request and any fees that are due? Thank you for your help.



Mark Rynearson  
Agent

1803 Central Ave.  
McKinleyville, CA 95519

707-839-4105  
707-498-1298 – cell  
707-839-1595 – Fax

[bellavistarealty@sbcglobal.net](mailto:bellavistarealty@sbcglobal.net)

11/04/2020

Email – Slazar@co.humboldt.ca.us

Steve Lazar, Senior Planner  
County of Humboldt Planning & Building Department  
3015 H Street  
Eureka, CA 95501

Re: Exception Request, PLN-2020-16038 PMS – 1837 Babler Road McKinleyville, CA 95519

Steve,

This is an additional Exception Request per Humboldt County Code 325-9 to eliminate Public Works requirements to install curbs, gutters and sidewalks along the frontage of the proposed parcel map subdivision and to eliminate road width increase requirements east of the guy support wire on utility pole located approximate 75 feet south of the south east corner and 50 feet east of the pole at the southwest corner of the subject Property. Increased road width and paved area will be blended around the utility poles to limit traffic conflict. Paving will be installed at the driveway for Lot 2 and pavement will be installed from Babler Road to the existing driveway on Lot 1.

Please let me know what else you will need to process this exemption request and any fees that are due? Thank you for your help.



Mark Rynearson  
Broker 00424900

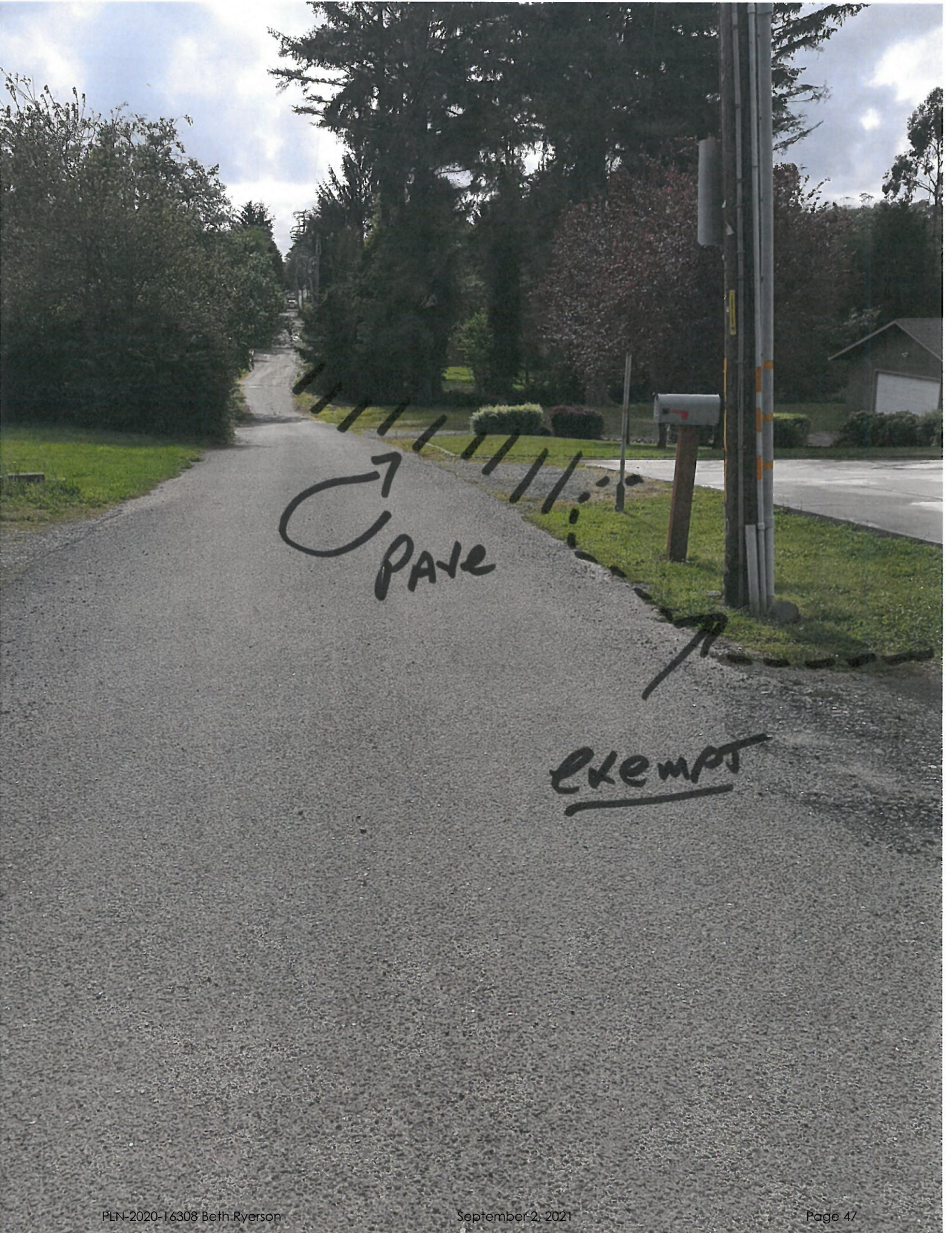
Bella Vista Realty  
1803 Central Ave.  
McKinleyville, CA 95519

707-839-4105  
707-498-1298 – cell  
707-839-1595 – Fax

[bellavistarealty@sbcglobal.net](mailto:bellavistarealty@sbcglobal.net)







PAVE

EXEMPT

11/11/2020

Email – Slazar@co.humboldt.ca.us;bbronkal@co.humboldt.ca.us

Steve Lazar, Senior Planner  
County of Humboldt Planning & Building Department  
3015 H Street  
Eureka, CA 95501

Re: Exception Request, PLN-2020-16038 PMS – 1837 Babler Road McKinleyville, CA 95519 per Humboldt County Code Section 325.9


Steve,

This is an additional Exception Request per Humboldt County Code 325-9 to eliminate Public Works requirements to grant an additional 10 foot PUE, 10 feet north of the north edge of Babler Road. As of now we cannot use the majority of the north twenty (20) feet of the existing easement as proposed for dedication to the County of Humboldt in the Emmerson Parcel Map No. 2309. After additional paving is completed the partial road width will be twenty feet (20). That leaves an additional twenty feet north of the paved section which is currently encumbered with public utilities and can be used for any other public utilities. The total easement width existing per the Emmerson Parcel Map is fourth (40) feet total.

Any additional easement created north of this fourth (40) foot easement will be within the front setbacks of the existing residence and two close to existing structures.

The granting of this Exception Request will not be detrimental to the public welfare or injurious to other property in the territory in which said Property is situated.

Please let me know what else you will need to process this exemption request and any fees that are due? Thank you for your help.



Mark Rynearson  
Broker 00424900, Bella Vista Realty  
1803 Central Ave.  
McKinleyville, CA 95519

707-839-4105  
707-498-1298 – cell  
707-839-1595 – Fax

bellavistarealty@sbcglobal.net



Email - Slazar@co.humboldt.ca.us

03/01/2021

Steve Lazar  
Humboldt County Planning Department  
3015 H Street  
Eureka, Ca 95501

Re: PLN-2020-16038 PMS - 1837 Babler Road McKinleyville, Ca. 95519

Dear Steve,

Pursuant to Humboldt Country Code Section 325-9, the applicant requests an exception to the following:

1. Proposed Department of Public Works requirement for installation of a sidewalk along the access road for this parcel, (2.5 (b) ).
2. Reduction in the overall easement width of the roadway to 40 feet total, and a paved section as approved by Public Works, (2.5 (b) ).
3. Elimination of the requirement for an additional 10 foot PUE over and above the current 40 foot easement, (1.8 (a) ).

The referenced section of the Humboldt County Code lists three (3) conditions that must be met in order to consider an exception. These conditions and the specific information for this request are as follows:

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

This parcel proposed access road will only serve one additional parcel as proposed. No additional construction is proposed as all structures on the parcels are existing. Minimal additional foot traffic will be generated by the subdivision and the sidewalk will not tie to other current or proposed sidewalks in the area.

2. That this exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner:

This is an infill project that divides existing structures on one (1) lot into two (2) lots. The land used for sidewalks will be better used for open space and yard area for the lots. As no sidewalks are present within 200 plus feet of the project and elevations have not been or may not be able to be established to install sidewalks to tie into current or future

development, and as future development is doubtful or extremely limited on Babler Road.

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

Sidewalks are not present on most rural roadways in McKinleyville and placement of a sidewalk in the easement as currently exists would be extremely hard and would result in unsafe road conditions and conflict with public utility poles. A 40 foot road easement is already in place from a previous map and no allowance was made for additional PUE or wider road section but allows for additional paving to be fitted within the 40 foot easement as approved by Public Works. These exceptions as requested will not have a detrimental effect on adjacent property owners. This development will allow for safer road conditions in the form of turnouts and pavement improvements. No further subdivision of the parcel is anticipated.

Please review this request and let me know if you need additional information or mapping.

Sincerely,



Mark Rynearson  
Agent  
Bella Vista realty  
1803 Central Ave.  
McKinleyville, CA 95519  
707-839-4105  
707-498-1298 - cell  
707-839-1595 - FAX

**ATTACHMENT 4**

**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Attached</b>	<b>On File</b>
County Building Inspection	X	Approval		X
County Public Works, the Land Use Division Attachment 1 – Exhibit A	X	Conditional approval	X	
County Division of Environmental Health	X	Approval		
Northwest Information Center	X	Comments		X
Arcata Fire Protection District	X	Approval		
McKinleyville Community Services District				
California Department of Fish and Wildlife	X	Conditional Approval		X
Wiyot Tribe	X	Conditional Approval		X
Blue Lake Rancheria	X	Conditional Approval		X
Bear River Band of the Rohnerville Rancheria				
PG&E	X			X
Cal-FIRE	X	Comments		X

**ATTACHMENT 5**  
**PUBLIC COMMENTS RECEIVED**

**From:** Annamaria Iannacito <[iannacitoannamaria@gmail.com](mailto:iannacitoannamaria@gmail.com)>  
**Sent:** Monday, August 23, 2021 6:12 PM  
**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>  
**Subject:** Subdivision proposal

Project title: Ryneerson Parcel Map Subdivision  
Record number: PLN-2020-16308  
Date: September 02, 2021

In consideration of the above proposal, I am opposed due to the following;

- (1) The party asking for and being granted an exception to the Firesafe Regulations by Cal-FIRE,
- (2) The party seeking an additional exception pursuant to County Code 325-9,
- (3) The party requesting a "special permit" involving regulations of A.D.U.,
- (4) The party acquiring an exemption from C.E.Q.A.

A project entitled to two exceptions, a special permit and an exemption is questionable.

My address is across the road from the existing residence on Babler Road, which is a narrow roadway making it necessary for vehicles to pull off the road to pass. One consequence of additional traffic on Babler, would add to the hinderance of personal and emergency vehicles utilizing the road.

Seeking to ignore and be officially exempt from County Code 325-9 is with total disregard for the safety and well-being of other people.

Signed, Georgette Cito, 1830 Babler Road, McKinleyville, CA 95519

-----Original Message-----

From: jebirnie@suddenlink.net <jebirnie@suddenlink.net>

Sent: Tuesday, August 24, 2021 5:00 PM

To: Planning Clerk <planningclerk@co.humboldt.ca.us>

Subject: Record number PLN-2020-16308

August 24, 2021

Humboldt County Planning Commission

Record Number PLN-2020-16308 filed 03/24/2020 Assessor's Parcel Number 510-041-019 Property address 1837 Babler Road, Mckinleyville,CA

We are responding to the notice of public hearing for the above listed property.

We would like to address the issue of not enlarging and or making any improvements to Babler Road in order to split the property. Babler road is a gravel road and not very wide there is a lot of traffic on it already. For the past 35 plus years the road has been maintained by a couple of the neighbors at their experience. The Rynearson family has not contributed to the road over the years.

For several years the portion of land to be known as parcel 2, has been operating as a business. There is a lot of rain water runoff on the properties to the west of it. We would like to know what will be done about that.

If the split is approved our hope is that every one of the properties owners on Babler Raod would be granted the waiver with or without any possibly of enlarging the road.

Thank you

James and Earlene Birnie

2441 Goldfinch Lane

McKinleyville, CA 95519

707-839-3012

Parcel number 510-051-015