



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

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

Hearing Date: April 1, 2021

To: Humboldt County Planning Commission

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

Subject: **Alan and Sharon Parks Final Map Subdivision Modification and Extension**  
Case Number PLN-2020-16880  
Assessor Parcel Numbers (APNs) 510-193-022, 510-193-023  
2416 and 2422 McKinleyville Avenue

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 1, 2021	Final Map Subdivision Modification and Extension	Trevor Estlow

**Project:** A two-year extension and a Modification to a previously approved subdivision. The original project included a Major Subdivision of two parcels totaling approximately 1.75 acres into ten lots between 5,002 square feet (net) and 7,728 square feet (net). The site is developed with two single family residences that will remain on proposed Lots 1 and 2, respectively. Pursuant to Section 325-9 of the Subdivision Regulations, an exception request has been submitted to allow a reduced right of way width. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District. The Modification will add a Lot Line Adjustment between the two parcels resulting in two parcels of 9,243 square feet and 67,115 square feet. The larger parcel will then be divided into nine lots in three phases - Lot 1, Lots 2-4, and Lots 5-9. No other changes to the approved subdivision are proposed. **This is the first extension requested and if approved, the extension will expire on August 21, 2024.**

**Project Location:** The project site is located in the McKinleyville area, on the west side of McKinleyville Avenue, approximately 130 feet north from the intersection of West Bates Road and McKinleyville Avenue, on the property known as 2416 and 2422 McKinleyville Avenue.

**Present Plan Designation:** Residential Low Density (RL). Humboldt County General Plan; McKinleyville Community Plan (MCCP). Density: one to eight dwelling units per acre. Slope Stability: Relatively Stable.

**Present Zoning:** Residential One-Family with a combining zone for Noise Impacts (R-1-N).

**Case Number:** PLN-2020-16880

**Assessor Parcel Numbers:** 510-193-022, 510-193-023

**Applicant**

Alan and Sharon Parks  
2422 McKinleyville Ave.  
McKinleyville, CA 95519

**Owner(s)**

same as applicant

**Agent**

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

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

**Major Issues:** None

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

## PARKS FINAL MAP SUBDIVISION MODIFICATION AND EXTENSION

Case Number PLN-2020-16880

Assessor Parcel Numbers 510-193-022, 510-193-023

### RECOMMENDED COMMISSION ACTION:

1. Describe the application as a public hearing.
2. Allow the staff to present the project.
3. Open the public hearing; and
4. After receiving testimony, close the hearing and make a motion to:

*Adopt the Addendum to the Mitigated Negative Declaration and make all of the required findings for approval of the Final Map Subdivision Modification and Extension, including the exception request to allow a reduced right-of-way, based on evidence in the staff report, and adopt the resolution approving the Parks project subject to the recommended conditions.*

**Executive Summary:** The original project included a Major Subdivision of two parcels totaling approximately 1.75 acres into ten lots between 5,002 square feet (net) and 7,728 square feet (net). The site is developed with two single family residences that will remain on proposed Lots 1 and 2, respectively. Pursuant to Section 325-9 of the Subdivision Regulations, an exception request has been submitted to allow a reduced right of way width. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District. The Modification will add a Lot Line Adjustment between the two parcels resulting in two parcels of 9,243 square feet and 67,115 square feet. The larger parcel will then be divided into nine lots in three phases - Lot 1, Lots 2-4, and Lots 5-9. A two-year extension is also requested to extend the life of the map to August 21, 2024.

The parcel is currently served by McKinleyville Avenue and a new access road is proposed to serve the lots off of McKinleyville Ave. on the south side of the subdivision. Due to the location of an existing residence and in order to prevent a nonconforming setback, the road will need to be narrow at the entrance and widen east of Lot 1 (previously Lot 2). Therefore, Pursuant to County Code Section 325-9, the applicant has submitted an exception request (Attachment 3) to request a reduced right of way width for the interior road. The easement width is proposed to begin at 20-foot wide and then open up to 28-foot wide just east of Lot 1 (previously Lot 2). Public Works has reviewed this exception and can support the request. In addition, the applicant has secured a small easement (approximately 15 square feet) over APN 510-193-026 as recommended by Public Works in their July 19, 2019 memo (Attachment 5).

A preliminary drainage report was prepared and reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased."

This parcel is located within the Noise Impact combining zone due to the proximity to McKinleyville Ave. The EIR for the McKinleyville Community Plan established a distance of 20 feet from the noise source to be outside the area of concern. Given that all existing and proposed development on all parcels within the subdivision will be beyond 20 feet from McKinleyville Ave., no mitigation is required in order to comply with this combining zone.

The site is in a developed part of McKinleyville with single family homes on adjacent parcels. The site is relatively flat, with a slight slope to the east towards McKinleyville Ave. The geologic hazards map for this area shows the soils to be relatively stable. There are no flood hazards on the property, no mapped archaeological resources, and no mapped biological resources.

The applicant has prepared a Solar Shading Study and found that all new parcels will comply with the County's Solar Shading Ordinance of the Subdivision Regulations provided that the structures are limited to a 25-foot height limit. The average hourly shading between 10:00 am and 2:00 pm on December 21<sup>st</sup> of all proposed structures will not exceed 20% of wall area on the south side of the structures provided they do not exceed 25 feet in height.

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.

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



**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-**

**Case Number PLN-2020-16880  
Assessor Parcel Numbers 510-193-022, 510-193-023**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Parks Final Map Subdivision Modification and Extension.**

**WHEREAS**, Mike O'Hern, on behalf of the owner submitted an application and evidence in support of approving the Final Map Subdivision Modification and Extension; 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 agency, has prepared an Addendum to the previously adopted Mitigated Negative Declaration (SCH#2020060568) for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Case Number: PLN-2020-16880);

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

1. The Planning Commission adopts the proposed Addendum to the previously adopted Mitigated Negative Declaration in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. Makes the findings in Attachment 2 of the Planning Division staff report for a Major Subdivision Modification and Extension (Case Number: PLN-2020-16880) based on the submitted evidence; and
3. Approves the Final Map Subdivision Modification and Extension as recommended and conditioned in Attachment 1 for Case Number PLN-2020-16880.

Adopted after review and consideration of all the evidence on April 1, 2021.

The motion was made by Commissioner and seconded by Commissioner .

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

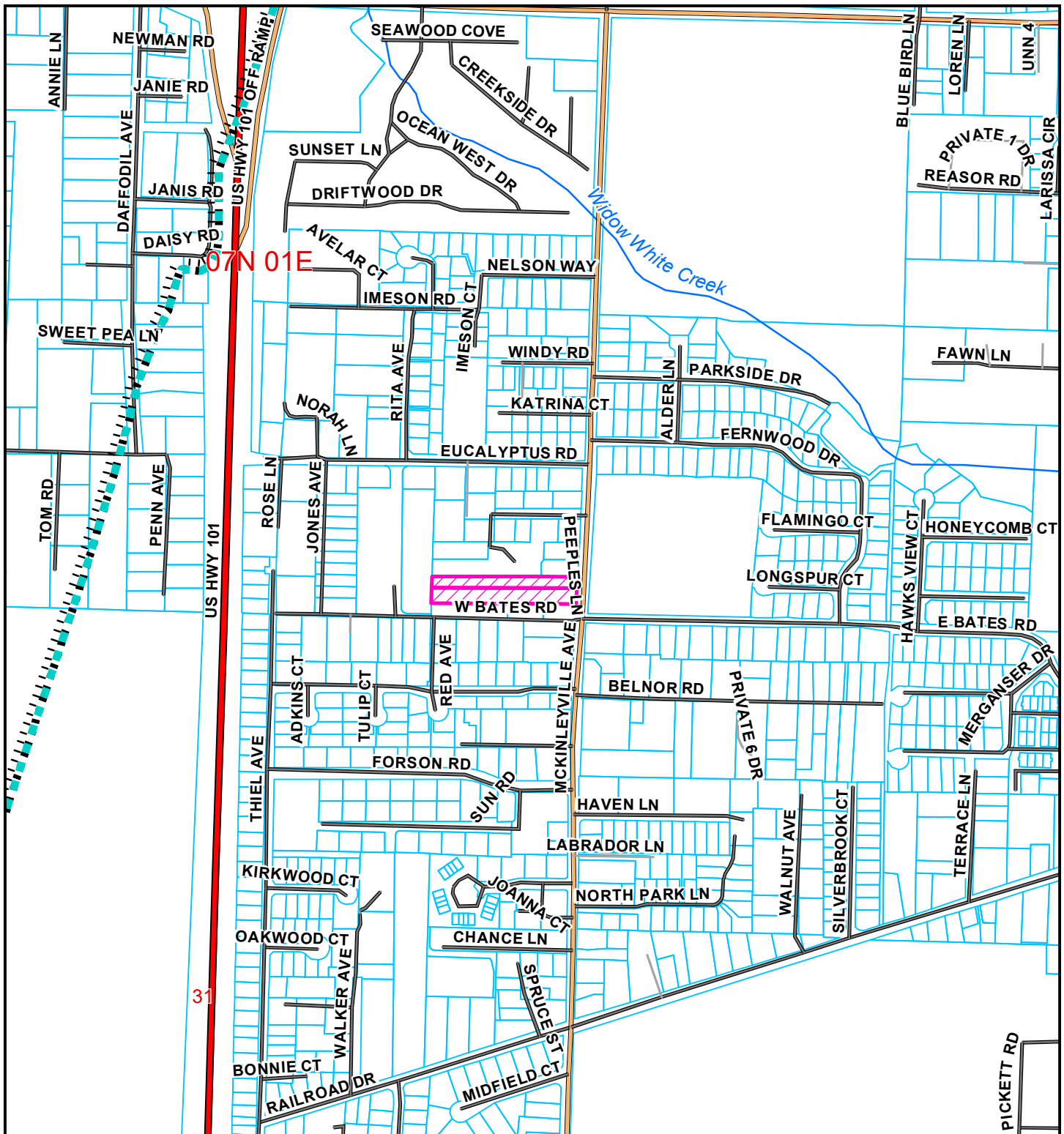
ABSENT: Commissioners:

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.

---

John H. Ford  
Director, Planning and Building Department



# LOCATION MAP

## PROPOSED PARKS FINAL MAP SUBDIVISION & EXTENSION

MCKINLEYVILLE AREA

PLN-2020-16880

APN: 510-193-022 & 510-193-023

T07N R01E S31 HB&M (Arcata North)

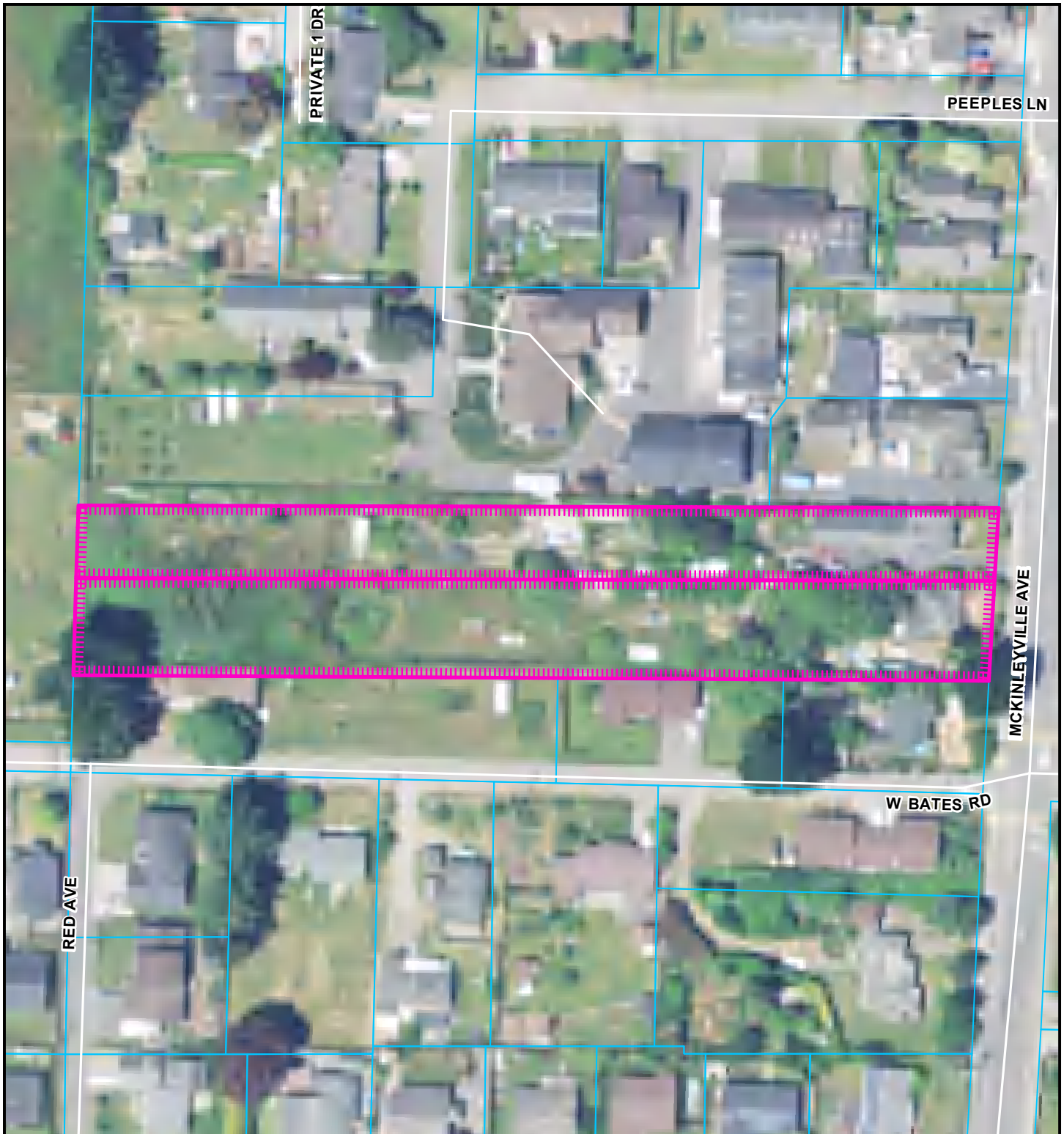
Project Area = 

Coastal Zone Boundary 

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



0 250 500 750  
Feet



# **AERIAL MAP**

## **PROPOSED PARKS FINAL MAP SUBDIVISION & EXTENSION**

**MCKINLEYVILLE AREA  
PLN-2020-16880**


**APN: 510-193-022 & 510-193-023  
T07N R01E S31 HB&M (Arcata North)**

**Project Area =** 

**Coastal Zone Boundary** 

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

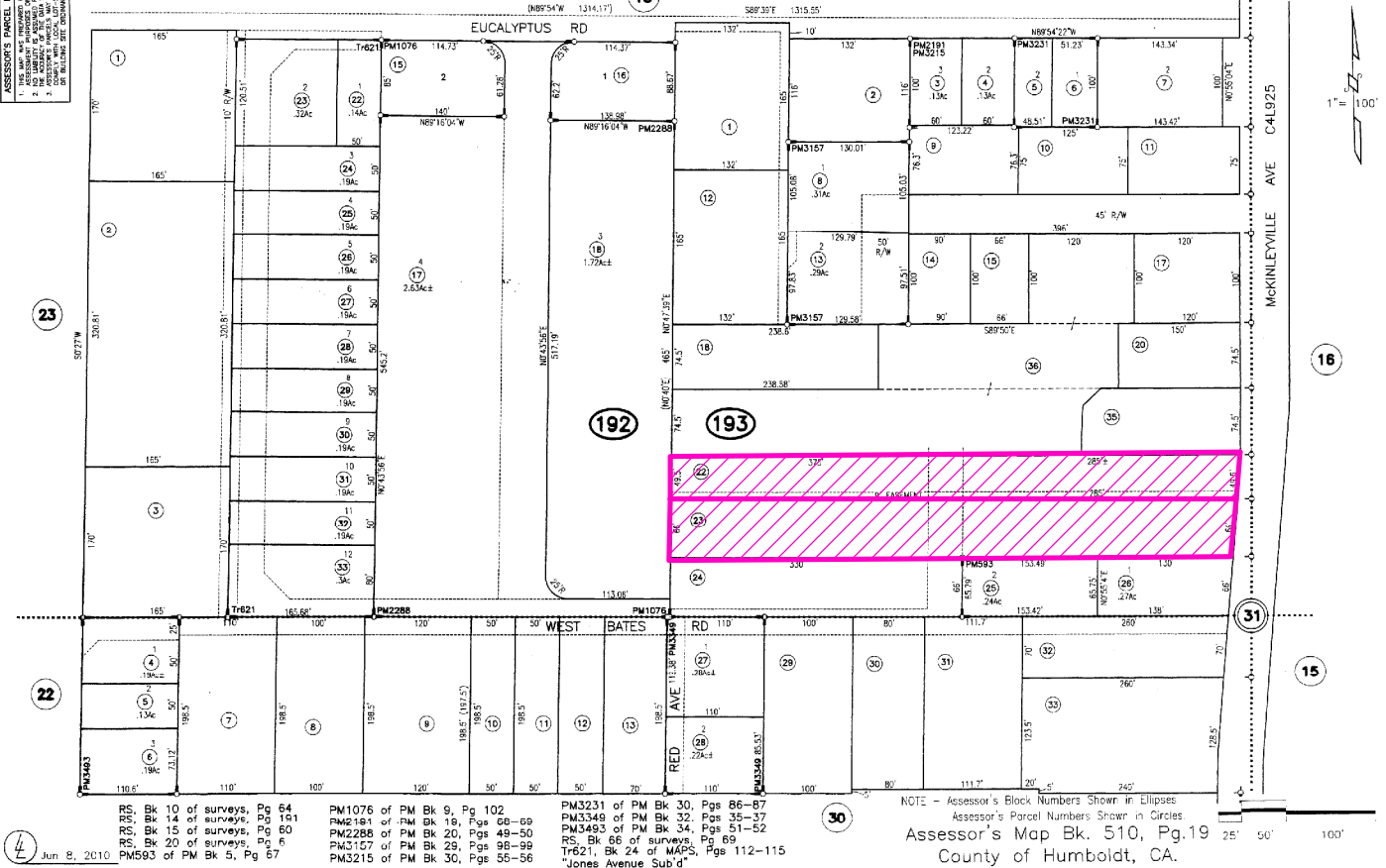


0 25 50 75 100 125  
 Feet

**ASSESSOR'S PARCEL MAP**  
 1. THE LAND IS PRESENTLY USED FOR AGRICULTURE.  
 2. THE LAND IS NOT A RECREATION AREA.  
 3. THE LAND IS NOT A PUBLIC UTILITY OR A PUBLIC WORKS PROJECT.  
 4. THE LAND IS NOT A PUBLIC OR PRIVATE TRAIL OR PATH.  
 5. THE LAND IS NOT A PUBLIC OR PRIVATE ROAD OR HIGHWAY.

PTN W1/4 SEC 31 T7N, R1E H.B.& M.

510-19



## ASSESSOR PARCEL MAP

### PROPOSED PARKS FINAL MAP SUBDIVISION & EXTENSION

Project Area =

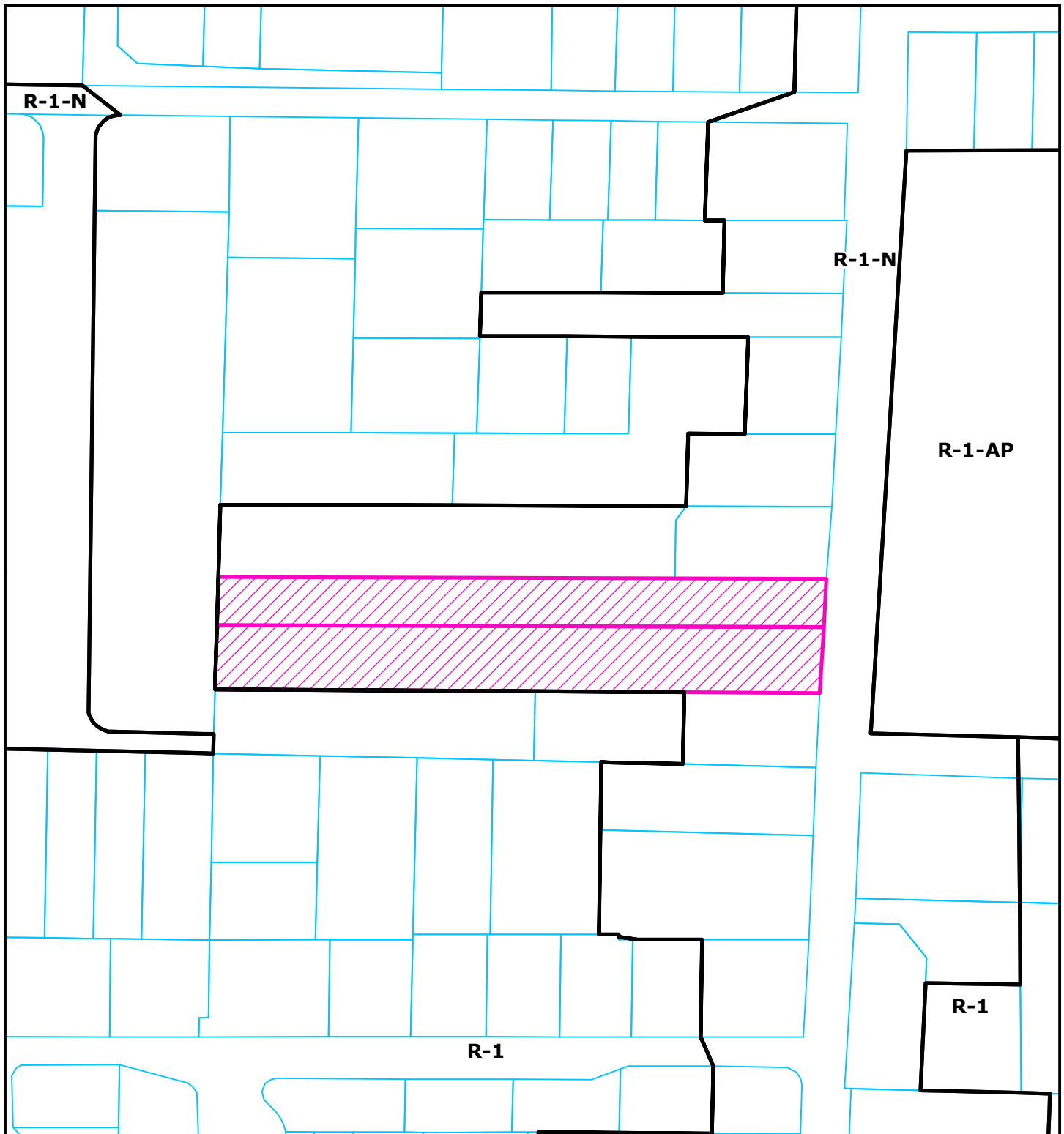
Coastal Zone Boundary

MCKINLEYVILLE AREA  
PLN-2020-16880

APN: 510-193-022 & 510-193-023  
T07N R01E S31 HB&M (Arcata North)

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



# **ZONING MAP**

## **PROPOSED PARKS FINAL MAP SUBDIVISION & EXTENSION**

**MCKINLEYVILLE AREA**

**PLN-2020-16880**

**APN: 510-193-022 & 510-193-023**


**T07N R01E S31 HB&M (Arcata North)**

**Project Area =** 

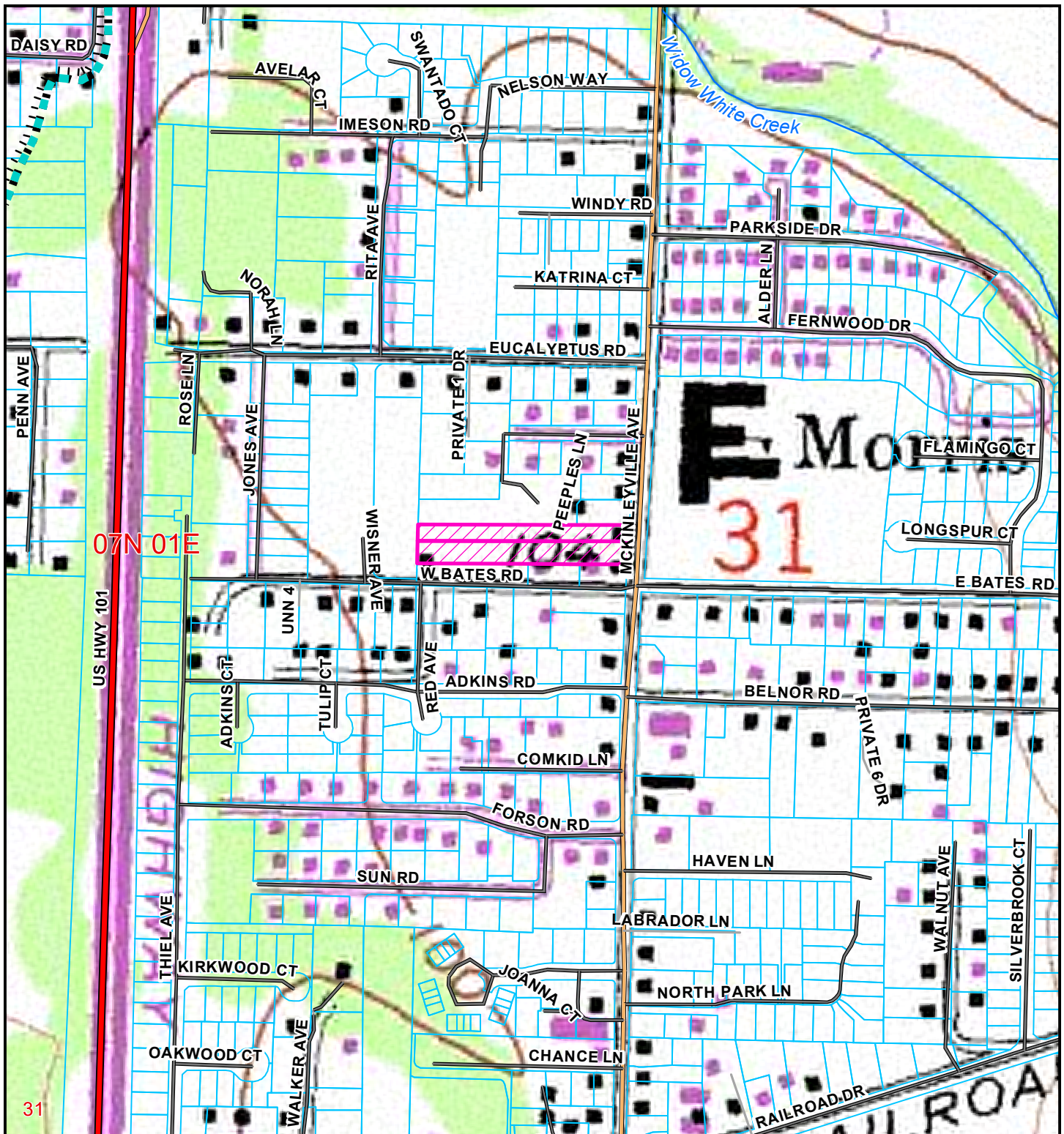
**Coastal Zone Boundary** 

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



0 50 100 150 200  
 Feet





# TOPO MAP

## PROPOSED PARKS FINAL MAP SUBDIVISION & EXTENSION

MCKINLEYVILLE AREA

PLN-2020-16880

APN: 510-193-022 & 510-193-023


T07N R01E S31 HB&M (Arcata North)

Project Area = 

Coastal Zone Boundary 

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

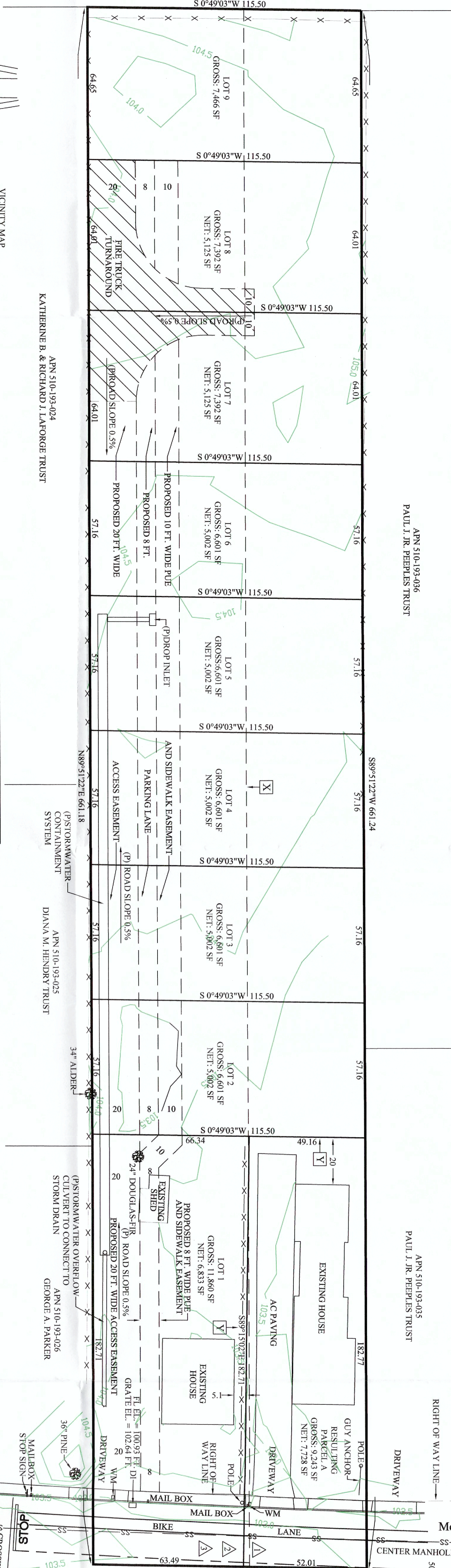


0 125 250 375 500  
 Feet





APN 510-192-018  
ALLEN B. & NORMA L. TEGARDEN



APN 510-193-024  
KATHERINE B. & RICHARD J. LAPORGE TRUST

APN 510-193-036  
PAUL J. JR. PEEPLES TRUST

APN 510-193-035  
PAUL J. JR. PEEPLES TRUST

APN 510-193-025  
DIANA M. HENDRY TRUST

APN 510-193-026  
GEORGE A. PARKER

NOTES

1. THIS TENTATIVE MAP PROPOSES A LOT LINE ADJUSTMENT BETWEEN TWO EXISTING PARCELS, AND THE SUBDIVISION OF ONE OF THE RESULTING PARCELS INTO TWO PARCELS, CONSISTING OF THREE PHASES:  
PHASE ONE: LOT 1  
PHASE TWO: LOTS 2 THROUGH 4  
PHASE THREE: LOTS 5 THROUGH 9
2. WATER AND SEWER SERVICES ARE AVAILABLE FROM MCKINLEYVILLE COMMUNITY SERVICES DISTRICT (MCS).
3. CONTOUR INTERVAL: 0.5 FOOT CONTOURS ARE BASED ON A FIELD SURVEY BENCHMARK - TOP OF ROCKS - IN CONCRETE IN MCKINLEYVILLE AVENUE AND MCKINLEYVILLE AVENUE AND NORTH PARK LANE - ELEVATION = 106.60 FEET.
4. PROPERTY LINE INFORMATION, CALCULATED PROPERTY LINES ARE SHOWN.
5. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:  
BOOK 99 DEEDS, PAGE 326 AND BOOK 107 DEEDS, PAGE 369 - EASEMENT FOR PUBLIC ROAD PURPOSES GRANTED TO THE COUNTY OF HUMBOLDT - SHOWN HEREON.  
BOOK 528 O.R., PAGE 563 - EASEMENT FOR PUBLIC HIGHWAY GRANTED TO THE COUNTY OF HUMBOLDT - SHOWN HEREON.  
BOOK 528 O.R., PAGE 623 AND BOOK 528 O.R., PAGE 633 - EASEMENT FOR PUBLIC HIGHWAY GRANTED TO THE COUNTY OF HUMBOLDT - SHOWN HEREON.
6. ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.
7. SEWER MAIN LOCATION IS PER PHYSICAL FEATURES SHOWN HEREON. FOR ACCURATE UTILITY LOCATION CONTACT UNDERGROUND SERVICES ALERT (USA).
8. GROSS AREA IS ENTIRE PARCEL AREA, NET AREA EXCLUDES ACCESS EASEMENT AREA AND PARKING LANE AREA.

LOT LINE ADJUSTMENT SUMMARY

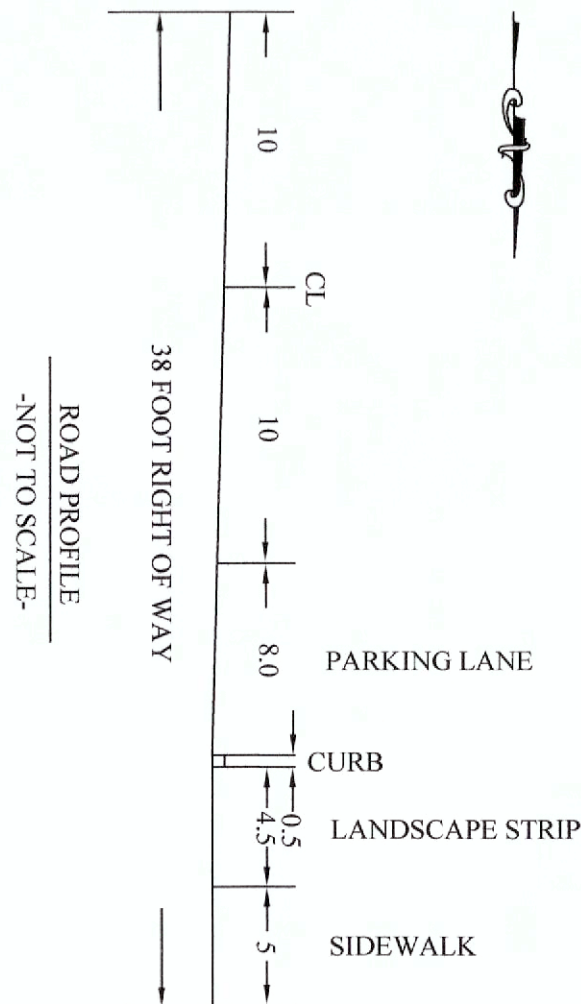
- ☒ LINE TO BE DELETED BY LOT LINE ADJUSTMENT  
☐ LINE TO BE ADDED BY LOT LINE ADJUSTMENT

PARCEL	AREA	PARCEL	AREA
APN 510-193-022	32,719 SF +/- (GROSS)	A	9,243 SF +/- (GROSS)
APN 510-193-023	43,639 SF +/- (GROSS)	B	67,115 SF +/- (GROSS)

PARCEL B WILL BE SUBDIVIDED INTO NINE PARCELS

LEGEND

- AC ASPHALT-CONCRETE
- DI DROP INLET
- EL. ELEVATION
- FH FIRE HYDRANT
- FL FLOWLINE
- FT. FEET
- SDMH STORM DRAIN MANHOLE
- SSMH SANITARY SEWER MANHOLE
- WM WATER METER
- WV WATER VALVE
- EXISTING FENCE
- SS- SANITARY SEWER MAIN



ROAD PROFILE  
-NOT TO SCALE-

APN 510-193-022, -023  
LOT LINE ADJUSTMENT  
AND  
TENTATIVE SUBDIVISION MAP  
FOR  
ALAN AND SHARON PARKS  
IN  
HUMBOLDT COUNTY  
STATE OF CALIFORNIA  
KELLY O'HERN ASSOCIATES  
EUREKA, CALIFORNIA  
NW 1/4 SECTION 31 T7N, R1E, HUMBOLDT MERIDIAN  
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
NOVEMBER 2020 SCALE 1" = 25'

AGENT/SURVEYOR:  
MICHAEL J. O'HERN  
KELLY O'HERN ASSOCIATES  
3240 MOORE AVENUE  
EUREKA, CA 95501  
442-7283  
OWNER/APPLICANT:  
ALAN PARKS  
SHARON PARKS  
3240 MOORE AVENUE  
EUREKA, CA 95501  
EUREKA, CA 95503





## Attachment 1A

### Revised Conditions of Approval for Subdivision

Approval of the Tentative Map Permit is conditioned on the following terms and requirements which must be satisfied before the Final Map may be recorded.

#### Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated **January 29, 2021 revised**, included herein as Exhibit A, as may be modified by the decision maker, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final 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 \$100.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. Parkland dedication fees of \$13,805.78 shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$6,902.89 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for accessory dwelling units on Lots 1 - 9. Release from the Conveyance and Agreement may be pursued upon payment of the \$6,902.89 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Final Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct an 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 \$424.00) 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) Proposed access, parking lanes and pedestrian ways;



- (3) Building envelopes and easements consistent with the submitted tentative map;
- (4) 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;
- (5) Two (2) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;
- (6) Height limits, plan-, sectional-view and/or elevation details to demonstrate conformance with the Solar Access requirements of HCC Section 322.5. The Solar Shade Study dated March 21, 2019 illustrates that adequate solar access can be provided by limiting the height of the residences to 25 feet. Development, including accessory dwelling units, additions at a greater height or different footprint, other than that specified in the Solar Shade Study, requires a site-specific solar shading analysis to show conformance; and

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 cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
  - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
- (2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
  - Prohibition of open fireplaces.
  - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
  - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- (3) "Hours of construction activity shall be limited to Monday through Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."
- (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 an accessory 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) "One- and two-story residential structures up to a maximum height of 35 feet are normally permitted in the R-1 zone. However, State and local subdivision requirements require that, to the greatest extent feasible, adequate solar access be provided to new building sites. Specifically, sunlight must reach at least 80% of the south-facing wall of a primary building between the hours of 10:00 am and 2:00 pm on December 21st. A Solar Shading Plat dated March 21, 2019 was submitted to illustrate solar exposure. The Solar Shade Study illustrates that adequate solar access consistent with HCC Section 322.5 is possible by limiting these residences to a ridge height of 25 feet. Development, including accessory dwelling units, detached accessory buildings and/or additions, at a height, different footprint or location other than that specified in the Solar Shade Plat, shall require a site-specific solar shading 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) "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."
- (8) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."

- 7. The applicant shall cause to be recorded a "Notice of Development Plan and Geologic Report" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$424.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.

8. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00.

*Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).*

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

#### **Informational Notes:**

1. To reduce costs the applicant is encouraged to bring in written evidence\* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Condition(s) 3-9). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Copies of all required forms and written instructions are included in the final approval packet.

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

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

2. If cultural 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 is ultimately responsible for ensuring compliance with this condition.

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

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Tentative Map shall be effective for 24 months. Extensions of this term may be requested in conformance with provisions of the Humboldt County Code.

## EXHIBIT A



### DEPARTMENT OF PUBLIC WORKS COUNTY OF HUMBOLDT

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

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

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

ON-LINE  
WEB CO HUMBOLDT CA US

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MANAGEMENT

445-7491  
445-7652  
445-7377  
445-7493

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS


445-7741  
267-9540  
445-7651  
445-7421

LAND USE 445-7205

#### LAND USE DIVISION INTEROFFICE MEMORANDUM

**TO:** Trevor Estlow, Senior Planner

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

**FROM:** Kenneth M. Freed, Assistant Engineer 

**RE:** SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE PARKS  
FINAL MAP SUBDIVISION, APPLICATION #2019-15467, APN 510-193-022,  
FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 1.75 ACRES  
INTO 10 LOTS

**DATE:** 07/19/2019

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

**These recommendations are based on the tentative map prepared by Kelly-O'Hern Associates dated February 2019 and dated as received by the Humboldt County Planning Division on March 21, 2019.**

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

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

#### 1.0 MAPPING

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

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

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

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

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

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

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

- 1.3 DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.5 PRIVATE ROADS:** Pursuant to County Code Section 324-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 324-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

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

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

**(a) PUBLIC ROAD: MCKINLEYVILLE AVENUE (A4L925)**

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

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

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

**(b) PRIVATE ROAD: UNNAMED ACCESS ROAD**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the lots within the subdivision in a manner approved by this Department. The easement shall be 28 feet in width along Lots 3 through 9; and 20 feet wide along Lot 2.

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

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department. The PUE shall be 8 feet in width along Lot 2.

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

Sidewalks: Applicant shall cause to be dedicated on the subdivision map a non-exclusive 10 foot wide easement for sidewalk purposes lying adjacent to the right of way of the access roads within the subdivision. Said easement shall be for the benefit of the lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department. This easement may overlap a public utility easement. The sidewalk easement shall be 8 feet in width along Lot 2.

**(c) 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.

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

## **2.0 IMPROVEMENTS**

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

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

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

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

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

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

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

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

- 2.4 ROAD NAMES:** The access road/street shall be named as approved by the Planning & Building Department - Planning Division.

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



- (a) A stop sign shall be installed on Unnamed access road at its intersection with McKinleyville Avenue. When the road is paved, a "stop" pavement marking and limit line shall be installed.
- (b) Pursuant to County Code Section 323-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation.
- (c) No parking signs shall be installed along south side of the unnamed access road for its entire length; and along the north side along Lot 2.
- (d) Street name signs shall be provided at all road intersections.
- (e) 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.
- (f) Additional signing and striping may be required by the Department upon review of the improvement plans. This includes, but is not limited to, centerline striping, two way left turn lane striping, bicycle lane striping, edge lines, dead end road signs, no outlet signs, speed limit signs, warning signs, etc....

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

- (a) All intersections (including driveways) must conform to Humboldt County Code Section 341 regarding visibility.
- (b) **McKinleyville Avenue** (Public) shall be improved as follows:

The residential driveway arpon at Lot 1 shall be retrofitted to comply with ADA requirements.

The intersection of the Unnamed Access Road and McKinleyville Avenue shall be constructed to meet County Urban Driveway No. 1 standard.

The existing drainage inlet shall be relocated to the north of the intersection of the Unnamed Access Road and McKinleyville Avenue.

- (c) **Unnamed Access Road** (Private) shall be improved as follows:

Along Lot 2, the unnamed access road shall be constructed with a 20 foot wide road with Caltrans Type A2-6 curb and gutter and a 5 foot wide curb adjacent sidewalk.

Along Lots 3 through 9, the unnamed access road shall be constructed with a 20 foot wide road with Caltrans Type A2-6 curb and gutter, a 5 foot wide (4.5 foot useable) landscape strip and a 5 foot wide curb sidewalk.

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

- (d) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (e) 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.
- (f) Applicant shall remove and replace any public curb, gutter, sidewalk, flowline drain, or pavement found by this Department to be broken, uplifted, or damaged that fronts or is within the subdivision.
- (g) The surface of the access road shall conform to the *Structural Section* requirements within this document.

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

All access openings (existing and proposed) shall be paved with surfaced with Portland cement concrete or hot mix ("asphalt") for the width of the driveway and a distance of 25 feet from the edge of the County road. Existing driveways serving developed parcels need to be surfaced prior to filing of the subdivision map. The width of the driveway shall be as approved by this Department.

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

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

**2.8 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.

**2.9 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.

**2.10 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.

**2.11 PERMITS:** An encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.

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

**2.13 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.

**2.14 COMPLETION OF SIDEWALK IMPROVEMENTS:** Sidewalk improvements on Lots 3 through 10 may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the "final" of the building

permit. Any sidewalk damaged during construction will need to be replaced prior to the “final” of the building permit.

### **3.0 DRAINAGE**

**3.1 DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.

**3.2 DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department. In the preparation of drainage plans, applicant shall comply with the Community of **McKinleyville** County Storm Water Management Program. [available from Environmental Services Division – note document name to change in near future with new MS4 permit].

**3.3 STORM WATER QUALITY:** Applicant shall include within the project site the implementation of Best Management Practices (BMPs) to prevent storm water pollution. BMPs include, but are not limited to, stenciling drainage inlets.

**3.4 DETENTION FACILITIES:** Pursuant to McKinleyville Community Plan Policy 3310 (5), this project is required to construct detention facilities in a manner and location approved by this Department. In general, storm flows from the 100-year ( $Q_{100}$ ) storm shall be detained so as to release water from the site at a rate no greater than the predevelopment 2-year ( $Q_2$ ) storm flows. Contact this Department regarding any questions.

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

**3.5 DRAINAGE FEES:** Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.

**3.6 DRAINAGE RIGHTS:** Applicant shall provide evidence acceptable to this Department of rights to discharge storm water runoff from the subdivision onto APN 510-193-024.

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

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

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

Each lot in the subdivision is considered a regulated project.

#### **4.0 GRADING**

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

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

- 4.2 ENGINEERING GEOLOGY REPORT:** Pursuant to Humboldt County Code Section 331-14 (E)(6), applicant shall provide an engineering geology report that addresses the entire subdivision. The report shall include sufficient detail to enable the Building Official to issue building permits for each lot within the subdivision.

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

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

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

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

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

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

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

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

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

## **5.0 MAINTENANCE**

**5.1 MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 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 storm water detention system.
- A maintenance plan for the non-county maintained road known as Unnamed Access 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 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**

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

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

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

- (a) When roads or drainage facilities are not to be maintained by the County, then clearly state next to the facility "NOT COUNTY MAINTAINED".
- (b) When minimum finished floor elevations must be adhered to, the plan shall state the minimum elevation and the referenced benchmark.
- (c) If prepared for the project, reference the soils report; including a statement substantially similar to: "See soils report prepared by \_\_\_\_\_, Project No. \_\_\_\_\_, dated \_\_\_\_\_, for recommendations, inspections, and special requirements required for development of this subdivision."
- (d) A statement substantially similar to: "All pedestrian facilities must be ADA compliant."
- (e) When improvement plans have been prepared in conjunction with proposed subdivision, include a statement substantially similar to: "Improvement plans for roads, driveways, and drainage, etc. are on file with the Department of Public Works".
- (f) For parcels that could be further subdivided: Provide information on the development plan to assist future owners in developing the parcels in a manner that preserves the maximum, future subdivision potential. This may include showing "potential" building setbacks for ultimate development. It is the intent of this condition that any "potential" setbacks are for information only and are not actual setback requirements to be adhered to.
- (g) Show a minimum setback of 20 feet from garage entrances for vehicles from easements created as a condition of tentative map approval or existing for the purpose of moving automotive vehicles, bicycles, pedestrians, or animals. Typically, this is 29 feet from the curb.

- (h) Provide a note identifying the maximum finished floor elevations for garage slabs based upon holding minimum setback of 20 feet to the garage door from back of sidewalk. The slab elevation should be relative to the flowline of the street at the centerline of the driveway. The maximum elevation is typically around 2.5 feet.
- (i) A typical section showing the location of the curbs and sidewalks with respect to the right of way lines.
- (j) Place the following note when landscaping is required along the frontage of lots within street rights of way: "Landscaping within the street right of way along the frontage of a lot shall be the maintenance responsibility of the individual lot owner. The landscaping was required as a condition of the approval of the subdivision and must not be removed without approval of the Planning & Building Department of the County of Humboldt or their successor."
- (k) Typical precise grading/lot drainage details for the lots shall be shown or a reference shall be made to the approved grading plan on file with the Department of Public Works.
- (l) The following note shall be placed on the development plan: "**LOW IMPACT DEVELOPMENT (LID) NOTE:** This subdivision is approved as a regulated project and is required to comply with County Code Section 337-13. Each lot within the subdivision is considered a regulated project. The improvement plans prepared for this subdivision show a conceptual plan to address LID for the lots. It is intended that the LID strategies shown on the improvement plans are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for."
- (m) Pursuant to County Code Section 323-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation.

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

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

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

## 7.0 LANDSCAPING

<NONE>

// END //



## Attachment 1B

### Conditions of Approval for the Lot Line Adjustment

APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT:

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
  - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$424.00 per notice plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. 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 \$75.00) as required by the County Assessor shall be paid to the County Community Development Services, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been 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 Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to*

*develop the subject properties.*

**Informational Notes:**

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.

## 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 Required Findings:

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

B. Lot Line Adjustment Findings: Title III, Division 2 of the Humboldt County Code, Section 325.5-6 specifies the findings that must be made to approve a Lot Line Adjustment. Basically, the Hearing Officer may approve a Lot Line Adjustment if the applicants have submitted evidence that supports making all of the following findings:

1. The application is complete;
2. The project is consistent with the Subdivision Map Act;
3. The project proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations and that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances;
4. The project is in conformance with all applicable policies and standards of the General Plan; and
4. The project will not adversely impact the environment.

Furthermore, the California Environmental Quality Act requires that the required CEQA findings be made for any development that is subject to the regulations of CEQA.

**Staff Analysis:**

**A.1./B.4. 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).

<b>Plan Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
Land Use Chapter 4  Land Use Designations Section 4.8	Residential Low Density (RL) Primary and compatible uses include single family residential use. Density Range – 1 - 8 dwelling units per acre.	The existing parcel is currently developed with two dwellings. The proposal will adjust the boundary between the two parcels and then divide the larger resultant parcel into nine residential lots suitable for residential development and consistent with the prescribed density for the Residential Low Density plan designation. The two existing residences will be sited on Parcel A and Lot 1, respectively.
Urban Limits: §2600 (MCCP)	New development shall be located within existing developed areas or in areas with adequate public services.	All proposed parcels are within the Urban Limit line and are served by public water and sewer. The parcels will be served by a private road off of McKinleyville Avenue, a County maintained road. The applicant has submitted an exception request to allow a reduced right of way width. DPW has reviewed and approved this request to allow a right of way width of between 20 and 28 feet.
Housing: §2400 (MCCP)	Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.	The proposal results in ten lots (parcels) for residential development. This parcel was not utilized for the last Housing Element, therefore, the dwellings developed as part of this subdivision will be in addition to those identified in the Housing Element.
Hazards: §3200 (MCCP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.  Geologic Fire Flood Hazards	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. A Soils Report was prepared for this subdivision and was reviewed and approved by the Building Division.  The proposed subdivision site is in an area of low fire hazard. The Arcata Fire Protection District has approved the design of the subdivision.  According to FIRM Map #680, the parcel is within Flood Zone C, areas outside the 100-year flood.

Sensitive and Critical Habitats: §3420 (MCCP)	To protect designated sensitive and critical resource habitats.	Based on the California Natural Diversity Database, the site is listed as potential habitat for the western snowy plover. Given that the site is over a half mile from the coast and surrounded by residential development, it is unlikely to provide any type of habitat for the species. Additionally, the California Department of Fish and Wildlife (CDFW) did not respond with any concerns.
Cultural Resource Protection: §3500 (FP)	New development shall protect cultural, archeological and paleontological resources.	The Northwest Information Center identified no historical resources and recommended consultation with the local Native American Tribe(s). The local Tribal Historic Preservation Officers (THPOs) recommended no further study provided the standard inadvertent discovery protocol is followed. This has been 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>9(2(130 \times 2.57/43,560)) \times \\$100,000 = \\$13,805.78</math> without the conveyance of secondary dwelling unit rights; or \$6,902.89 with the conveyance of accessory 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>2.57</u>	Persons per average McKinleyville household (Source: 2000 U.S. Census)
	334.10	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	9	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
	\$13,805.78	<b>Parkland Dedication In-lieu Fee for the Parks Subdivision</b>

**A.2./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 applicant has submitted information demonstrating that the ten proposed lots will be 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.	<p>The applicant has submitted an exception request to allow the parcels to be served by a reduced right of way. The right of way that will serve the parcels will come off of McKinleyville Avenue, a County maintained road. The private road will have a right of way width between 20 and 28 feet. The Department of Public Works has reviewed this request and supports it.</p> <p>A preliminary drainage study as well as a MS4 worksheet were submitted to address drainage impacts associated with the subdivision. The Department of Public Works has provided Subdivision Requirements that require a complete hydraulic and drainage report as well as Low Impact Development techniques to comply with the County's MS4 permit.</p>
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	The parcels will be served by community water and sewer. Upon the development of the proposed parcel, the owner will be required to contact the McKinleyville Community Services District for hook-up upon the payment of fees.
Access Road Appendix 4-1	Roadway design must incorporate a 40-foot right of way unless an exception is granted.	See above.
Adequate Solar Access 322.5-5	Subdivision to provide adequate solar access.	The applicant has prepared a Solar Shading Study and found that all new parcels will comply with the County's Solar Shading Ordinance of the Subdivision Regulations. The average hourly shading between 10:00 am and 2:00 pm on December 21 <sup>st</sup> of all proposed structures will not exceed 20% of wall area on the south side of the structures provided they do not exceed 25 feet in height. This will be further identified on the Development Plan.

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
314-17.1.5 and 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.	The project will result in ten lots on an approximately 1.75-acre parcel. This parcel was not utilized in the most recent Housing Element, therefore, the units created by this subdivision are in addition to those identified in the Housing Element.

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

Summary of Applicable Requirement	Evidence
That there are special circumstances or conditions affecting said property.	The proposed subdivision gains access off of McKinleyville Avenue. The location of existing homes prevents the ability to provide a 40-foot right of way through the parcel. In addition, the interior access road will not serve parcels beyond the subdivision. The exception will allow for division of the parcel such that the buildout promoted by the Plan and Zoning may be achieved.
That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	The proposed subdivision will result in ten parcels consistent with the General Plan and the R-1 zoning. Furthermore, the resultant parcel sizes will not be atypical for the neighborhood, will facilitate in-filling an established development pattern in support of the densities established by the Plan and Zoning, and will provide more housing opportunities.
That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.	There is no indication that the development of the surrounding lands will be adversely impacted by this exception. All referral agencies have recommended approval. Furthermore, the resultant parcel sizes are not atypical for the neighborhood, as the parcel is surrounded by various lot sizes. The lots will be similar to other lots within the neighborhood, and the subdivision is in keeping with the configuration of the site and the character of the immediate area.

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

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Zoning Finding</b>
§312-1.1.2 Legal Lot Requirement	Development Permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcels have been determined to be two separate, legal parcels. APN 510-193-022 was created by a Grant Deed from Werner to Covi, recorded in Book 18 Official Records, page 425 on October 3, 1947. APN 510-193-023 was created by a Grant Deed from Moffat to Chown, recorded in Book 63 Official Records, page 499 on September 15, 1948.
§314-6.2 Residential Single Family (R-1)	One family dwellings and secondary dwelling units are principally permitted.	As shown on the Tentative Map, the applicant is proposing a Lot Line Adjustment and subsequent subdivision to result in ten parcels – all suitable for residential development.
Minimum Parcel Size	5,000 square feet	All parcels comply
Minimum Yard Setbacks per Zoning:	Front: 20 feet Side: 5 feet Rear: 10 feet	Developed parcels comply. Future development will be required to comply with the required setbacks.
Minimum Lot Width	50 feet	All parcels comply
Maximum Lot Depth	3 time lot width	All parcels comply
Maximum Ground Coverage	35%	Developed parcels comply. Future development will be required to comply with the required lot coverage.
Maximum Structure Height	35 feet	Developed parcels comply. Future development will be required to comply with the required height limits.
§313-109.1 Parking	One (1) space for each dwelling unit containing one (1) bedroom and two (2) parking spaces for each dwelling unit containing two or more bedrooms.	Two (2) spaces are available on each parcel outside of the front yard setback.



<p>§314-29.1 <b>N</b> – NOISE IMPACT</p>	<p>The purpose of these provisions is to establish regulations to maintain, within single family and multi-family structures and within structures designed for transient habitation, low exposure levels to noise associated with airports and major roads.</p>	<p>The parcel is within the Noise Impact combining zone due to the proximity to McKinleyville Ave. The EIR for the McKinleyville Community Plan established a distance of 20 feet from the noise source to be outside the area of concern. Given that all existing and proposed development on all parcels within the subdivision will be beyond 20 feet from McKinleyville Ave., no mitigation is required in order to comply with this combining zone.</p>
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**Public Health, Safety and Welfare:**

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

**A5. Impact on Residential Density Target:** See discussion under Section 2 above.

**A4/B. Environmental Impact:**

Please see the attached addendum to a previously adopted Initial Study and Mitigated Negative Declaration.

As lead agency, the Department prepared an addendum to a previously adopted Initial Study and Mitigated Negative Declaration. The initial study evaluated the project for any adverse effects on fish and wildlife resources. Based on the 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 fish and wildlife resources or the habitat upon which wildlife depends. The environmental document on file includes a detailed discussion of all relevant environmental issues.

The project was found subject to CEQA and an Addendum to the previously adopted Mitigated Negative Declaration was prepared. Because an Addendum was prepared and no changes were required to the Mitigated Negative Declaration, the provisions of Section 711.4 of the California Fish and Wildlife Code do not apply to this project. Within five (5) days of the effective date of the approval of this project, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. This requirement appears as Condition 8 of Attachment 1A.

### ATTACHMENT 3

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

Document	Date Received by Planning	Location
Tentative Subdivision Map	December 15, 2020	Attached
Application Form	December 15, 2020	On file with Planning
Preliminary Title Report	December 15, 2020	On file with Planning
Preliminary Drainage Report	December 15, 2020	On file with Planning
Exception Requests for Right of Way Width	December 15, 2020	Attached
Soils Report	December 15, 2020	On file with Planning
Solar Shading Analysis	December 15, 2020	On file with Planning

# Kelly – O'Hern Associates

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

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

March 18, 2019

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



RE: Tentative Map for Alan Parks - APN 510-193-022, -023

Dear Trevor:

Pursuant to Humboldt County Code Section 325-9, the applicant requests an exception from the requirement for a 40 foot wide right of way for this subdivision. A 38 foot wide right of way is proposed.

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

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

The proposed access road will only serve nine lots proposed by this subdivision. A parking lane and sidewalk on one side are proposed.

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

This is an infill project. There is no need for this road to connect to other roads in the area. The lands south of this property have frontage on West Bates Road. The lands west of this property have frontage on West Bates Road also.

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

This road will only provide access to the lots within this subdivision. No other parcels will use this road for access or for access to future

developments. Since the access road will not be used by other parcels in the area there will be no effect on other property in the area.

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

Sincerely,  
Kelly-O'Hern Associates



Mike O'Hern (agent)

# Kelly – O'Hern Associates

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

Professional Land Surveyors

Phone and fax: 707-442-7283

August 19, 2019

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



RE: Tentative Map for Alan Parks - APN 510-193-022, -023

Dear Trevor:

Pursuant to Humboldt County Code Section 325-9, the applicant requests an exception from the requirement for a 40-foot-wide right of way for this subdivision. This exception request is in addition to the previous request for this subdivision for the access road within the subdivision along the frontage of Lots 3 through 10. This exception is for the first portion of the access road, along the South line of Lot 2. A 28-foot-wide right of way is proposed.

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

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

The proposed access road will only serve nine lots proposed by this subdivision. A sidewalk on one side is proposed.

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

This is an infill project. There is no need for this road to connect to other roads in the area. The lands south of this property have frontage on West Bates Road. The lands west of this property have frontage on West Bates Road also.

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

This road will only provide access to the lots within this subdivision. No other parcels will use this road for access or for access to future developments. Since the access road will not be used by other parcels in the area there will be no effect on other property in the area.

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

Sincerely,  
Kelly-O'Hern Associates



Mike O'Hern (agent)

## **ATTACHMENT 4**

### **Addendum to Previously Adopted Mitigated Negative Declaration**



**ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION**  
**ALAN PARKS FINAL MAP SUBDIVISION MODIFICATION AND EXTENSION**  
**PROJECT**

**SCH NO. 2020060568**

**APNs 510-193-022, 510-193-023, McKinleyville area, Humboldt County**

**Prepared By**  
**Humboldt County Planning and Building Department**  
**3015 H Street, Eureka, CA 95501**

**February 2021**

## Background

**Modified Project Description and Project History** - A two-year extension and a Modification to a previously approved subdivision. The original project included a Major Subdivision of two parcels totaling approximately 1.75 acres into ten lots between 5,002 square feet (net) and 7,728 square feet (net). The site is developed with two single family residences that will remain on proposed Lots 1 and 2, respectively. Pursuant to Section 325-9 of the Subdivision Regulations, an exception request has been submitted to allow a reduced right of way width. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District. The Modification will add a Lot Line Adjustment between the two parcels resulting in two parcels of 9,243 square feet and 67,115 square feet. The larger parcel will then be divided into nine lots in three phases - Lot 1, Lots 2-4 and Lots 5-9.

The original project reviewed under the Mitigated Negative Declaration (MND) did not include the Lot Line Adjustment or the phasing component, however, all other components remained the same. The MND reviewed the proposal and required specific mitigation measures to mitigate impacts to a less than significant level. The impacts associated with the current proposal will be the same as identified in the original MND.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent MND have occurred. Section 15162 states that when a MND has been adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original project's recommended mitigations.

## **Other CEQA Considerations**

Staff suggests no changes for the revised project.

## **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project adds a Lot Line Adjustment and phasing component to a previously approved Final Map Subdivision, resulting in the same 10 lots previously approved. These changes are minor in nature and do not require additional mitigation measures not included in the original MND.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete. It is concluded that: the current project will not have one or more significant effects not discussed in the previous MND. Also, significant effects previously examined will not be substantially more severe than shown in the previous MND. There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the adopted MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND are applicable to the current project proposal.

## **APPENDICES**

### **PARKS FINAL MAP SUBDIVISION MODIFICATION AND EXTENSION PROJECT**

- Appendix A. Humboldt County Planning Commission Resolution 20-50 adopting the Mitigated Negative Declaration
- Appendix B. Mitigated Negative Declaration

## **APPENDIX A**

Humboldt County Planning Commission Resolution 20-50 adopting the Mitigated Negative Declaration

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-50**

**Case Number PLN-2019-15467  
Assessor Parcel Numbers 510-193-022, 510-193-023**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Parks Final Map Subdivision.**

**WHEREAS**, Mike O'Hern, on behalf of the owner submitted an application and evidence in support of approving the Final Map Subdivision; and

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

**WHEREAS**, the Planning Division, the lead agency, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed subdivision (Case Number: PLN-2019-15467);

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. Makes the findings in Attachment 2 of the Planning Division staff report for a Major Subdivision (Case Number: PLN-2019-15467) based on the submitted evidence; and
3. Approves the Final Map Subdivision as recommended and conditioned in Attachment 1 for Case Number PLN-2019-15467.

Adopted after review and consideration of all the evidence on August 6, 2020.

The motion was made by Commissioner Levy and seconded by Commissioner McCavour.

AYES: Commissioners: 7: Bongio, Pellegrini, Levy, Newman, O'Neill, Mitchell, McCavour.

DECISION: Motion carries 7/0.

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

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

## **APPENDIX B**

### Mitigated Negative Declaration

## **Project Information**

**Project Title:** Parks Final Map Subdivision

### **Lead Agency**

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

### **Property Owner**

Alan and Sharon Parks  
2422 McKinleyville Ave.  
McKinleyville, CA 95519

### **Project Applicant**

Same as owner

### **Project Location**

The project site is located in the McKinleyville area, on the west side of McKinleyville Avenue, approximately 130 feet north from the intersection of W. Bates Road and McKinleyville Avenue, on the property known as 2416 and 2422 McKinleyville Avenue.

### **General Plan Designation**

Residential Low Density (RL); Humboldt County General Plan, McKinleyville Community Plan (MCCP); density one to eight dwelling units per acre.

### **Zoning**

Residential One-Family with a combining zone for Noise Impacts (R-1-N).

### **Project Description**

A Major Subdivision of two parcels totaling approximately 1.75 acres into ten lots between 5,002 square feet (net) and 7,728 square feet (net). The site is developed with two single family residences that will remain on proposed Lots 1 and 2, respectively. Pursuant to Section 325-9 of the Subdivision Regulations, an exception request has been submitted to allow a reduced right of way width. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District.

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

The project site is located along McKinleyville Ave., just north of West Bates Rd., approximately 1.5 miles south of the California Redwood Coast – Humboldt County Airport. It is in a developed neighborhood and surrounded by other similarly sized residential parcels.

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



**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?** No. If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? n/a

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*

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

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

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

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



Signature

June 25, 2020

Date

Trevor Estlow, Senior Planner

Printed Name

Humboldt County Planning  
and Building Department  
For

## Evaluation of Environmental Impacts

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

## Environmental Checklist

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

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

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

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

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

I. <b>Aesthetics.</b> Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

### Discussion:

**(a-d) Less Than Significant Impact:** The project site is not within an area mapped or designated with scenic vistas or resources nor is it in the Coastal Zone where specified areas of scenic values are mapped and certified by the state. The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The parcels will be served by a private road off of McKinleyville Avenue, a County maintained road. The Department finds no evidence that the creation of ten parcels within an area characterized as urban residential will have a substantial adverse aesthetic impact. There is no indication that the future development likely to occur on the site will significantly increase light or glare or effect nighttime views in the vicinity.

<p><b>II. Agriculture and Forestry Resources.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<p><b>Discussion:</b></p> <p><b>(a-e) No Impact:</b> Neither the subject property nor adjacent lands are within a Williamson Act contract. Although the site is mapped as agricultural soils, the lands were converted to residential uses with prior General Plans decades ago. The site does not contain unique farmland and is not used for agricultural purposes. The neighborhood is characterized by urban residential development with services provided by the McKinleyville Community Services District. The proposed subdivision infills an established development pattern. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. General agriculture is not a use allowed in the R-1 zone, nor are there any intensive agricultural uses in the immediate vicinity. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.</p>				

III. <b>Air Quality.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	
<p><b>Discussion:</b></p> <p><b>(a-e) Less than Significant:</b> The project site is located within the North Coast Air Basin and the jurisdiction of the North Coast Unified Air Quality Management District (NCUAQMD). The North Coast Air Basin generally enjoys good air quality, but has been designated non-attainment (does not meet federal minimum ambient air quality standards) for particulate matter less than ten microns in size (PM<sub>10</sub>). To address this, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM<sub>10</sub> standard exceedance, and identifies cost-effective control measures to reduce PM<sub>10</sub> emissions, to levels necessary to meet California Ambient Air Quality Standards. These include transportation measures (e.g., public transit, ridesharing, vehicle buy-back programs, traffic flow improvements, bicycle incentives, etc.), land use measures (infill development, concentration of higher density adjacent to highways, etc.), and combustion measures (open burning limitations, hearth/wood burning stove limitations; NCUAQMD 1995).</p> <p>The proposed subdivision results in ten parcels suitable for residential development and would not: (1) obstruct implementation of the applicable air quality plan; (2) violate air quality standards; (3) contribute substantially to an existing or projected air quality violation; (4) expose sensitive receptors to substantial pollutant concentrations; or (5) create objectionable odors.</p>				

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

**Discussion:**

**(b, c, e, f) Less Than Significant:** Per County resource maps, there are no sensitive biological resources on, or in the vicinity of, the project site. Based on the California Natural Diversity Database, the site is listed as potential habitat for the western snowy plover. Given that the site is over a half mile from the coast and surrounded by residential development, it is unlikely to provide any type of habitat for the species. There are no wetlands or wetland habitat present on the site. The project does not involve any development within a streamside management area. The project site is not within an adopted or proposed habitat conservation plan. The project was referred to the Eureka office of the California Department of Fish and Wildlife which did not respond with concerns. The area is developed to urban residential levels. The Department finds no evidence that the project will result in a significant adverse impact on biological resources.

**(a, d) Less Than Significant with Mitigation Incorporated:** There are some small trees and brush on the property that may need to be removed to facilitate development. In order to comply with the Migratory Bird Treaty Act and Fish and Game Code, tree removal and brush clearing must be conducted outside of the nesting season. This measure is included in Mitigation Measure No. 1.

**Mitigation Measure No.1.** The Development Plan shall include the following language: "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."

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

**Discussion:**

**(a) No Impact:** No historical resources have been documented on site. The site is currently developed with a two single family residences and accessory buildings that show no evidence of being considered a historical resource, therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) §15064.5.

**(b,c) Less Than Significant with Mitigation Incorporated:** The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. 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 project. If archaeological resources are encountered during construction activities, the contractor will execute Mitigation Measure No. 2. by halting construction and coordinating with a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines and appropriate tribes so resources can be evaluated so that there is not a substantial adverse change in the significance of an archaeological resource. The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 2 has been included in the event that human remains are accidentally discovered during construction.

**Mitigation Measure No. 2.** The following note shall be place on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the Calfire project representative, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant, Tribes and Calfire



officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

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

VI. Energy. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** The project will result in short-term energy consumption during the construction phase, with long-term energy consumption associated with the ongoing occupancy of the homes. The construction phase is not anticipated to utilize excessive energy and the homes will be constructed compliant with the energy requirements of Title 24 of the Building Code. Therefore, a less than significant impact will occur.

<b>VII. Geology and Soils.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

**Discussion:**

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

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

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

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

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

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

**(f) No Impact:** There are no known paleontological resources or unique geologic features on site.

VIII. Greenhouse Gas Emissions. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** In 2002 the California legislature declared that global climate change was a matter of increasing concern for the state's public health and environment, and enacted law requiring the California Air Resources Board (CARB) to control GHG emissions from motor vehicles (Health & Safety Code §32018.5 et seq.). In 2006, the California Global Warming Solutions Act (Assembly Bill 32) definitively established the state's climate change policy and set GHG reduction targets (Health & Safety Code §38500 et seq.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. While methodologies to inventory and quantify local GHG emissions are still being developed, recommendations to reduce residential GHG emissions include promoting energy efficiency in new development.

The proposed project involves creation of ten parcels, all suitable for residential development. The eventual residential construction on the vacant lots would contribute temporary, short-term increases in air pollution from equipment usage. Because of the temporary nature of the greenhouse gas contributions, coupled with the modest quantity of emission, the proposed project would not have a significant impact on the environment, nor conflict with applicable plan, policy, or regulation for the purposes of reducing greenhouse gas emissions. Future residential use would emit limited greenhouse gases.

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

**Discussion:**

**(a-g) Less Than Significant impact:** The project site is not included on a list of hazardous material sites, nor does the proposed subdivision involve routine transport, use or disposal of hazardous materials. The project site is approximately 1.5 miles from the nearest airport and outside of any compatibility zone. There are no private airstrips within the vicinity of the project site. The site will not result in unanticipated risk to the occupants of the site. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan. The site is within the Arcata Fire Protection District. Future development of the site will require compliance with the Uniform Fire Code and UBC. According to the Fire Hazard map, the parcel is located in a low fire hazard area. Arcata Fire Protection District approved the proposed project. For these reasons, the Planning Division expects that the subdivision will not result in significant impacts in terms of hazardous materials.

<b>X. Hydrology and Water Quality.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:				
(i) result in substantial erosion or siltation on- or off-site;			X	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

#### **Discussion:**

**(a-e) Less than significant Impact:** The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area, in terms of both the County's Housing Element, the McKinleyville Community Plan (MCCP) adopted in 2002 and the recently adopted Humboldt County General Plan 2017. The project site is an area served by community water and sewer. The McKinleyville Community Services District (MCSD) has indicated that it is able to provide water and sewer service to the proposed subdivision upon the payment of the appropriate fees. MCSD has not identified any concerns with regard to the project interfering with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 100 feet.

A preliminary drainage report was prepared and reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant has proposed Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which

states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

<b>XI. Land Use and Planning.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** The project site is designated Residential Low Density (RL) by the Humboldt County General Plan 2017, and is zoned Residential One-Family with a 5,000 square foot minimum parcel size. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. The neighborhood is characterized as urban residential. The creation of ten parcels for residential development is consistent with the zoning and land use density (one to eight dwelling units per acre). The proposed subdivision infills an established development pattern, is consistent with the planned build-out of the area, and is consistent with the policies and regulations specified in the McKinleyville Community Plan and Humboldt County General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.

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

**Discussion:**

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

XIII. Noise. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
<p><b>Discussion:</b></p> <p><b>(a) Less Than Significant Impact:</b> This parcel is located within the Noise Impact combining zone due to the proximity to McKinleyville Avenue. The EIR for the McKinleyville Community Plan established a distance of 20 feet from the noise source to be outside the area of concern. Given that all existing and proposed development on all parcels within the subdivision will be beyond 20 feet from McKinleyville Ave., no mitigation is required in order to comply with this combining zone.</p> <p><b>(b) Less Than Significant Impact:</b> Noises generated by the proposed project will result in a temporary increase during construction because the proposed project may require the use of heavy equipment (excavator, grader, loader and backhoe). The construction does not include equipment that would result in groundborne vibration. These activities are consistent with the current uses at the site and no permanent change in noise from the existing conditions would result from this project.</p> <p><b>(c) Less Than Significant Impact:</b> The project area is approximately 1.5 miles from the California Redwood Coast – Humboldt County Airport and outside of the area governed by the Airport Land Use Compatibility Plan. The noise impacts associated with the airport are not anticipated to be excessive. Therefore, noise impacts will remain less than significant.</p>				

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

**Discussion:**

**(a, b) Less Than Significant Impact.** The proposed project divides two parcels into ten parcels, two that will be developed and eight suitable for future residential development. One-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area, one to eight units per acre. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

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

**Discussion:**

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



<b>XVI. Recreation.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
<b>Discussion:</b>  <b>(a-b) Less Than Significant Impact:</b> The project does not include recreational facilities. The project has been conditioned upon payment of parkland dedication fees in lieu of creating a neighborhood park on the site. The Department finds no evidence that the project will require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				

<b>XVII. Transportation.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	
<b>Discussion:</b>  <b>(a-d) Less Than Significant Impact:</b> The property is accessed by McKinleyville Avenue, a public road. The Land Use Division of Public Works has recommended standard conditions of approval including the improvement of the encroachment and improvement of the access road. The new road will provide two travel lanes and a parking lane within the subdivision. CEQA Guidelines Section 15064.3(b) requires land use projects to analyze traffic impacts based on vehicle miles traveled (VMT). While no thresholds of significance have been adopted by the County, the Office of Planning and Research (OPR) uses household VMT per capita as a recommended threshold with a threshold of 15% less than existing city household VMT per capita or regional household VMT per capita. Given the proposed project's geographic location in the center of McKinleyville, it would likely have a VMT per capita similar to the town average. However, in a regional context, the proposed project site is closer to the urbanized portion of the town than most areas of the region. Therefore, the proposed project would likely have a lower than average VMT per capita in comparison to the regional average. Based on this qualitative analysis, VMT impacts are expected to be less than significant.				

XVIII. Tribal Cultural Resources.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	
<p><b>Discussion:</b></p> <p><b>(a-b) Less Than Significant Impact:</b> The project was referred to the Northwest Information Center at Sonoma State University, the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria. 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 project. The standard condition of inadvertent discovery has been included as Mitigation Measure No. 2.</p>				

XIX. Utilities and Service Systems. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	
<p><b>Discussion:</b></p> <p><b>(a-e) Less than significant:</b> The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses. The lots will be served by community water and sewer provided by the McKinleyville Community Services District. The Department of Environmental Health has recommended approval of the project. The parcel currently drains easterly towards McKinleyville Avenue. Stormwater detention as well as Low Impact Development (LID) techniques will be utilized as part of the improvement plans submitted to Public Works in order to comply with the McKinleyville Community Plan requirement of no increase in downstream flows and the Regional Water Board's MS4 program. The Division of Public Works reviewed the project and did not identify any drainage issues. The applicant will be required to provide a complete hydraulic report and drainage plan. The Department finds the project impact to be less than significant.</p>				

<b>XX. Wildfire.</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	
<b>Discussion:</b>  <b>(a-d) Less than significant:</b> The project is located within the Local Responsibility Area (LRA) for fire protection and served by the Arcata Fire Protection District. State responsibility lands are located approximately one mile to the west with the majority of these lands owned and managed by Green Diamond Resource Company. The project is within an urbanized area of McKinleyville and not subject to substantial wildfire risk. The Department finds the project impact to be less than significant.				

XXI. Mandatory Findings of Significance.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).			X	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
<p><b>Discussion:</b></p> <p><b>(a through c) Less Than Significant Impact:</b> The proposed project divides two parcels into ten – two developed and eight vacant and suitable for future residential development. Staff finds no evidence that the proposed project will significantly degrade the quality of the environment, nor will it have impacts that are individually limited but cumulatively considerable. Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

## Biological Resources

**Mitigation Measure No. 1.** The Development Plan shall include the following language: "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."

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## Cultural Resources

**Mitigation Measure No. 2.** The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the Calfire project representative, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant, Tribes and Calfire officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

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

*Timing for Implementation/Compliance:* Throughout project construction

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

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

## ATTACHMENT 5

### Referral Agency Comments and Recommendation

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

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection	X	Approval		X
County Public Works, the Land Use Division	X	Conditional approval (Exhibit A of Attachment 1)	X	
County Public Works, the Land Use Division	X	Memo dated July 19, 2019	X	
County Division of Environmental Health	X	Approval		X
Northwest Information Center	X	Comments		X
Arcata Fire Protection District	X	Conditional Approval	X	
McKinleyville Community Services District	X	Conditional Approval	X	
California Department of Fish and Wildlife				
Wiyot Tribe	X	Conditional Approval		X
Blue Lake Rancheria	X	Conditional Approval		X
Bear River Band of the Rohnerville Rancheria				
PG&E	X	Comments		X



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

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

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

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

LAND USE 445-7205

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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Trevor Estlow, Senior Planner

VIA: Robert W. Bronkall, Deputy Director

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/19/2019

RE: **PARKS, APN 510-193-022, APPS# PLN-2019-15467**

**DRAINAGE:** The subject property drains away from the County Road. The applicant has not shown where storm water runoff from the project will go once the storm water retention system is full (in an overflow condition). An easement to discharge storm water may be needed from APN 510-193-025. The project should not be presented to Planning Commission until such time that easement is acquired.

**PROPOSED UNNAMED ACCESS ROAD:** An exception request is needed for a reduced with right of way (38 and 20 feet) for the unnamed access road. Based upon the development potential of the unnamed access road, and the physical constraints that prohibit a wider right of way from being established, the Department can support the proposed exception request

**INTERSECTION OF UNNAMED ACCESS ROAD WITH MCKINLEYVILLE AVENUE:** Additional right of way (less than 15 square feet) is needed from APN 510-193-026 to allow the intersection to be constructed. The Department recommends that this easement be acquired prior to the project being presented to the Planning Commission. The easement should be granted to the County for public sidewalk purposes.

**PRELIMINARY SUBDIVISION REPORT:** A *preliminary report* was submitted in lieu of a *preliminary subdivision report* as specified in County Code Section 323-6(c). Item No. 10 refers to a 9 foot wide easement that is not shown on the tentative map. It appears to affect the development potential of the subdivision. The subdivision should not be presented to the Planning Commission until such time as the easement is removed from the preliminary subdivision report.

// END //





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

3/26/2019

**Project Referred To The Following Agencies:**

County Counsel, Environmental Health, PW Land Use, Supervising Planner, CSD, FPD, Cal Fish & Wildlife, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, PGE

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**Applicant Name** Alan and Sharon Parks **Key Parcel Number** 510-193-022-000

**Application (APPS#)** PLN-2019-15467 Planning Application **Assigned Planner** Trevor Estlow

---

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

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

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

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

**Return Response No Later Than:** 4/10/2019

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

---

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

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

Other Comments:

Provide details - Fire Department access, road width, Turnaround.

DATE

April 2, 2019

PRINT NAME:

Ed Lardlaw



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

RECEIVED  
MAR 27 2019  
McK. C.S.D.

3/26/2019

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County Counsel, Environmental Health, PW Land Use, Supervising Planner, CSD, FPD, Cal Fish & Wildlife, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, PGE

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Other Comments:

WILL REQUIRE APPROVED PLAN & PROFILE  
FOR MCSD FACILITIES

DATE: 2 MAY 2019 PRINT NAME: Gregory P. Orsini General Manager