



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Hearing Date: January 6, 2022

To: Humboldt County Planning Commission

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

Subject: **North McKay Ranch Subdivision Project**
Case Number PLN-9902-GPA
Assessor's Parcel Numbers 017-032-003, 017-071-004, 017-071-009,
017-072-002, 017-072-003, 017-073-007, 017-073-009 and 303-012-
020

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Please contact Desmond Johnston at (707) 441-2622, or by email at djohnston@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 6, 2022	North McKay Ranch Subdivision Project	Des Johnston

Project: The project is a General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Development Agreement and Special Permit for a mixed-use development with 320 residential units and approximately 22,000 square feet of commercial development. The Tentative Subdivision Map would create 146 single-family lots, 6 lots to support construction of up to 174 multi-family residential units, 2 commercial parcels supporting up to approximately 22,000 square feet of commercial space and 6 parcels totaling 21.73 acres to be dedicated to the County for future trail management and open space. The proposed project would be developed in nine phases over a period of 20 years or as market conditions allow. The proposed project would require annexation into HCSD for the provision of utilities. The project includes an amendment to the Eureka Community Plan land use map to change the land use designation from Residential Low Density (1-7) to Commercial General (CG) and Residential Medium Density (RM) and to reclassify the zoning district from One Family Residential (R-1) with overlays for Planned Development, Recreation and Greenway and Open Space to Neighborhood Commercial (C-1) and Apartment-Professional (R-4) zoning. The project will be a Planned Development. A Special Permit is required for work within Streamside Management Areas for two isolated wetlands in the northern part of the project, a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street.

An Environmental Impact Report (SCH#2019049166) has been prepared for the project finding potentially significant and unavoidable impacts related to greenhouse gases and wildfire. The EIR evaluated the need for an off-site sewer line, and an off-site water storage tank (APN 303-012-020) in support of the project. The off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development.

Project Location: The project site is located immediately south of the City of Eureka and surrounding the Cutten Ballfields at the eastern terminus of Redwood Street and Arbutus Street, with an additional access at the eastern terminus of Manzanita Avenue. The proposed water storage tank would be located approximately 2.5 miles south, near Ridgewood, in proximity to HCSD’s existing water storage tank.

Present Plan Designation: Residential Low Density (RL), Density: Range is 1 to 7 units per acre, Eureka Community Plan (ECP), 2017 General Plan; Timberland (T) 2017 General Plan

Slope Stability: Slope Stability: Low Instability (1), Moderate Instability (2)

Present Zoning: Residential One-Family, Planned Unit Development, Recreation and Greenway and Open Space Combining District s(R-1-P,R,GO); TPZ (Timberland Production Zone)

Case Number: PLN-9902-GPA

Assessor’s Parcel Number: 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, 017-073-009 and 303-012-020

Applicant	Owner(s)	Agent
Kramer Properties Inc. 1589 Myrtle Ave, Suite B Eureka, CA 95501	Same	Same

Environmental Review: An Environmental Impact Report (EIR) was prepared for the for the project (SCH #2019049166).

Major Issues: Significant and unavoidable Impacts to Greenhouse Gas Emissions and Wildfire

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

NORTH MCKAY RANCH SUBDIVISION PROJECT

Case Number PLN-9902-GPA

Assessor Parcel Number 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, 017-073-009 and 303-012-020

RECOMMENDED COMMISSION ACTION:

1. Describe the application as a Public Hearing;
2. Request staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing and adopt the two resolutions to take the following actions:
 - a) Recommend that the Board of Supervisors certify the Environmental Impact Report for the North McKay Ranch Subdivision project; and
 - b) Recommend that the Board of Supervisors adopt the Statement of Overriding Considerations; and
 - c) c) Recommend that the Board of Supervisors adopt the Mitigation Monitoring and Reporting Program;
 - d) Make all required findings for approval of the General Plan Amendment, Zone Reclassification, Tentative Subdivision Map Subdivision and Planned Unit Development, Special Permit and Development Agreement; and
 - e) (e) Approve the North McKay Ranch Subdivision project as recommended by staff and subject to the recommended conditions.

Staff Analysis of the Evidence Supporting the Required Findings

The proposed project involves the development of an approximately 81-acre parcel and would involve a mixed-use development with 320 residential units, approximately 22,000 square feet of commercial development, an off-site sewer line, and an off-site water storage tank. The proposed development would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. The proposed project would require annexation into HCSD for the provision of utilities. The project includes an amendment to the Eureka Community Plan land use maps and a zone reclassification to designate land for Commercial General (CG) and Residential Medium Density (RM) use and to apply corresponding Neighborhood Commercial (C-1) and Apartment-Professional (R-4) zoning. The project will be a Planned Development. A Special Permit is required for work within Streamside Management Areas for two isolated wetlands in the northern part of the project, a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street. A total of 0.168 acres of wetlands would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project. Development of the proposed project would require removal of approximately 59.27 acres of timberland.

The proposed project includes annexing to the Humboldt Community Services District and will be extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project. An off-site water tank will be constructed on land currently planned Timberlands and Zoned Timberland production Zone. The water storage tank will be located on land that is already owned by a public utility and managed for water

distribution purposes. The installation of an additional water storage tank on this site already utilized for public services will not have a significant adverse impact on the production of timber..

The project includes a General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Special Permit, and Development Agreement. There are findings required by Humboldt County Code and California Government Code for all these actions. These findings are addressed in in the attached resolutions however in general the project must be found:

- a) to be in the public interest,
- b) to be consistent with the applicable goals of the General Plan.
- c) to be consistent with the applicable zoning and subdivision regulations.
- d) not detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity; and
- c) to 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 (the midpoint of the density range specified in the plan designation) unless certain site-specific findings are made.
- d) that an environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Staff Analysis

The project meets various objectives of the Humboldt County General Plan.

- Comply with the Humboldt County Local Agency Formation Commission (LAFCo) policy to create a more logical service boundary and provide more effective delivery of municipal services by annexing all existing unincorporated islands zoned for development in the HCSD.
- Ensure new residents receive the same level of service as current residents.
- Ensure existing service levels to current County residents are not reduced in order to provide services to the HCSD service area.
- Promote economic vitality by maintaining and expanding small businesses and local services for residents.
- Assist County in meeting housing needs to accommodate forecasted population growth.
- Incorporate parks and open space, including trails, into the project design in a manner that would provide community connectivity and is aesthetically pleasing.
- Promote economic growth through new capital investment for an expanded population and increased tax base.
- Provide a diversity of housing choices in one development that would cater to various segments of the community, including low-cost, single-family homes

The property is planned Residential Low Density and is zoned Residential Single Family with combining zones for Planned Unit Developments, Recreation, and Greenway and Open Space areas. In order to accommodate the additional density and meet the goal for self-sustainable walkable neighborhoods a general plan amendment and zone reclassification are needed to change the proposed development pattern from residential low-density to multi-family and commercial.

The GPA and zone reclassification do not increase the total number of units which could be placed on the site but allow for a range of residential densities which allow housing at differing levels of affordability. The existing land use allows up to 7 units per acre which on paper could allow up to 561 parcels. The 320 units proposed are well below this number.

It is important to consider the 2019 County Housing Element identified that up to 323 units would be constructed on this property in meeting the Regional Housing Needs Allocation. The County is significantly behind in providing housing to its share of regional housing obligations. The county's projected housing needs for the current period (2019-2027) is 1,413 units spread across all housing income categories. This project providing 320 units, providing housing to a variety of different housing income categories is a priority under the County Housing Element.

Further, the amendment results in a portion of the property designated for neighborhood commercial facilities which will serve the needs of the residents of the development and reduce the need for people to travel by motorized vehicle to shop for convenience items. A supermarket is also within convenient walking distance of the site. Lastly, the amendment facilitates the transfer of approximately 21.73 acres to the County for future trails and open space which will serve the public.

The project is a planned development which will allow for flexibility in the development standards, most specifically for the minimum lot size standards of the proposed R-4 zone and the setback requirements of the proposed lots. The purpose of the planned development regulations is to allow flexibility in the administration of the development standards for the purpose of providing clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services. This project is planned around a variety of housing types and commercial and recreational development that benefits from the flexibility in design standards.

Proposed Land Uses

Residential

Up to 320 residential units would be constructed on 81 acres, including approximately 174 multi-family units on 19 acres, 50 small-lot single-family units (includes 18 affordable single-family units) on approximately 6 acres, and 96 single-family lots on approximately 32 acres. The multi-family buildings are anticipated to be two stories and no more than three stories in height. The single-family homes would not exceed 35 feet in height. As shown in Figure 2-4, the multi-family units would be located on the western portion of the project site, closer to Redwood Fields Park. The large-lot, single-family homes would be located farther away to the east bordering the community forest and at least 300 feet away from Ryan Creek Slough. All development is proposed to occur on the flat upper terrace portion of the property.

Commercial

The proposed neighborhood commercial land use could include professional and business offices and other neighborhood-serving retail, such as bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and

laundries, dry cleaning and laundry services, drug stores, restaurants and licensed premises appurtenant thereto, automobile service stations, and other uses as principally permitted under the C-1 zoning designation. The commercial buildings would be up to 45 feet in height. The commercial uses would be located at the intersection of proposed new internal roadways, Redwood Street and Arbutus Street, and centrally accessible from other proposed land uses and existing land uses to the west.

Open Space and Recreational Amenities

The proposed project would include the designation of approximately 21.73 acres as permanent open space (areas of steep slopes and drainages) to be preserved through a permanent easement and would be dedicated to the County or conveyed in fee to the County. This would include the northern portion of the project site south of Phase 9. The proposed project would provide 20-foot-wide trail easements and construct trail connections to the future public trails accessing the McKay Community Forest.

These easements and trail connections would be developed in phases. For the purposes of this EIR, tentative locations are identified; final trail alignments would be subject to the approval of the Public Works Director. A temporary trail would be provided from Fern Street, Arbutus Street, or Redwood Street to the McKay Community Forest as part of the project's first phase, and would be abandoned as each subsequent phase and accompanying trails are developed. Phase 3 would include two trail connections. One would provide access from Arbutus Street/Oakview Drive and could be from Lot 52 proposed for multi-family development. A second trail connection and parking lot would be provided between lots 57 and 58, to connect Canyon Lane to the McKay Community Forest. Phase 8 or 9 would include a trail connection to the adjacent McKay Community Forest from Oakview Drive on the southern portion of the project site. The development of future trails outside the project site are not part of the proposed project and are not evaluated in this EIR. Redwood Fields Park would remain in place and would be accessible to the residents of the new subdivision. Landscaping for the proposed project would include a mix of trees, shrubbery, and grass for the residential units and commercial spaces.

Natural Resource Impacts

Biological Impacts

Numerous biological resource surveys have been prepared. Based on the results of the literature, and database review and field surveys, an inventory of sensitive and critical habitat within the project site has been mapped. This inventory is found in the Draft EIR and refined in the Final EIR. The project is anticipated to require federal permits. A Clean Water Act Section 404 Nationwide Permit for wetland fill and work within riparian areas may likely be required. No critical habitat for sensitive species will be impacted. Development within the stream channels and wetland areas have been minimized through project refinements and mitigation measures. The project as designed will not be inconsistent with adopted habitat recovery plans or interim recovery strategies. Approximately 0.338 acres (14,723 square feet) of wetlands exist within the project area. An estimated 0.168 acres (7,318 square feet) of the wetlands (50%) will be temporarily (0.017 acres) and permanently (0.151 acres) impacted by the extension of Redwood Street and Arbutus Street in Phase 2. The two ephemeral (headwater) streams that cross the proposed Redwood Street extension would be culverted during roadway construction. All riparian and wetland areas will be required to be mitigated at a 1:1 ratio.

The property is in a Greenway and Open Space (GO) Combining Zone per the Eureka Community Plan. The Greenspace and Open Space zone is applied in sensitive habitat areas historically known as gulches. Greenway and Open Space areas are mapped to contain Streamside Management Areas, measured from the centerline of the stream and all slopes of 30% or greater on lands adjacent to streams and all streams and level areas below those slopes. Road, street and utility crossing and trails and parks are compatible

uses within the GO areas upon approval of a Special Permit. All subdivisions within areas which have the GO combining zone must submit a detailed development map prepared by a licensed engineer or surveyor that shows the SMA areas and the greenway and open space areas. The Applicant has submitted a detailed map (see preliminary grading and drainage plan) prepared by Brian Ontiveros, a licensed engineer, which shows these areas and demonstrates that all areas are outside of the greenway and open space areas with the exception of the road crossings, for which a Special Permit is requested.

Timberland Impacts

While the property is currently heavily timbered, it was immediately rezoned out of Timberland Production Zone as part of the adoption of the Eureka Community Plan in 1995. As required by the immediate rezone the property owner at the time, Louisiana Pacific Corporation, paid a tax recoupment fee of \$290,874 and obtained approval of a timberland conversion permit from the Department of Forestry and Fire Protection. The timberland conversion permit was approved by the Director of the Department of Forestry and Fire Protection on August 21, 1995. The conversion permit included the finding that the conversion of these lands to non-timbered uses would not have a substantial affect on the continued timber growing use or open space use of other land zoned TPZ within one mile of the project site. The conversion of these lands were analyzed and approved as part of the rezone of the land to residential.

Circulation

General Plan Policy C-P5: Level of Service Criteria states:

The County shall strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.

A Traffic Study for the McKay Ranch Subdivision was prepared in May 2018 by TJKM found 12 intersections had the potential to be impacted and needed to be analyzed for level of service conditions to determine consistency with this Humboldt County General Plan policy. The study found 9 of these intersections would be functioning below LOS C under both Future (2040) with no project and Future (2040) plus Project conditions. The traffic study identified improvements to all intersections operating at LOS D or worse in the future condition with Project, with the exception of the Harris and Harrison intersection where a traffic signal is already in place. The study also calculated the project's contribution to LOS delay at these intersections as a percentage of the Future plus Project conditions.

The project is not responsible for mitigating existing LOS delay conditions but is responsible for its proportionate share of the traffic contributed to the intersection. (Dolan v. City of Tigard, 512 U.S. 374). The project's cumulative fair share is 197%, which is roughly two intersections. County Public Works identified two intersections that are priority needs for signalization based on circulation patterns, and which may serve an equivalent share of the total of improvement costs for intersections that fall below LOS C. Signalization of these intersections is a condition of approval of the subdivision map. The various intersection improvements would help minimize traffic congestion in the vicinity of the proposed project. Additional traffic calming facilities such as roundabouts, chicanes and traffic circles would necessitate a reduction in off-street parking for existing residents and a reduction in available space for the proposed residential development and is not feasible for this project. SB 743 became effective in July of 2020 and LOS may no longer be used for determining the significance of environmental impacts. LOS may be evaluated as part of a General Plan policy which is what is presented here.

Tribal Consultation

The following Tribes were contacted regarding the project:

- Wiyot Tribe
- Bear River Band of the Rohnerville Rancheria
- Blue Lake Rancheria

These Tribes were contacted as part of the referral process as soon as the project was submitted to the County. Additionally, formal consultation pursuant to SB 18 and AB 52 occurred. Representatives of all three tribes responded that no further consultation was desired.

Environmental Review

An Environmental Impact Report (EIR) has been prepared and circulated for public review pursuant to sections 15080 through 15097 of the CEQA Guidelines.

The Draft EIR was released for public and agency review on May 15, 2020, with a 45-day review period ending on June 29, 2020. The Draft EIR contains a description of the proposed project, description of the environmental setting, identification of proposed project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of proposed project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review on the County's website.

There are 14 impact areas identified as potentially significant but has been reduced to an impact level of Less than Significant through the implementation of Mitigation Measures. One of the impact areas that had mitigation was traffic. The mitigation requirements to install signal at 7 intersections. This was clearly beyond the proportional traffic contribution of the project and so this chapter needed to be rewritten. Subsequent to release of the DEIR, the law for determining traffic effects changed, and so the traffic analysis needed to be completely rewritten.

On July 1, 2020, the provisions of CEQA Guidelines Section 15064.3 "Determining the Significance of Transportation Impacts" became effective. Before July 1, 2020, traffic congestion levels (known as level of service, or LOS) were the main measurement to determine the negative environmental impacts of development and transportation projects. Under SB 743, these effects are now measured according to the number of miles the project would require people to drive (known as vehicle-miles traveled, or VMT). Because of this shift in determining the significance of transportation impacts, Humboldt County decided to recirculate two environmental impact analysis sections that have been impacted by this shift from LOS to VMT: the Land Use and Planning section and the Transportation section of the Draft EIR were recirculated to the public for comment between October 18, 2021, and December 1, 2021 in the Partial Recirculation Draft EIR.

The Draft EIR and Partial Recirculation Draft EIR identified potential significant impacts that can be mitigated to less than significant levels on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions and climate change, hydrology/ water quality, noise, public services, recreation, utilities and service systems, transportation and traffic, and wildfire.

The Draft EIR and Partial Recirculation Draft EIR identified significant impacts on greenhouse gas emissions and climate change, and wildfire, that cannot be mitigated to less than significant levels.

Public and Agency Comments on DEIR

Comments on both the original and partially recirculated Draft EIR were received from various agencies and individuals including from Cal-Fire, Cal-Trans, the Coalition for Responsible Transportation, Environmental protection Center, Humboldt Baykeeper, Humboldt trails Council, Humboldt County Association of Governments, California Water Quality Control Board and the Humboldt Local Agency Formation Commission.

Comments have generally been related to traffic, wildfires and safety, natural resources, noise, and affordability. Numerous comments covered similar issues, particularly with regards to greenhouse gases, and transportation. All these comments are identified and addressed in the FEIR included as Attachment 4 to this staff report.

Alternatives

The EIR identified project alternatives for review and consideration. These include a No Project alternative, a Project Redesign alternative, and a Reduced Density Alternative, as well as three alternative locations for the proposed project.

The Environmentally Superior Alternative was identified to be the Reduced Density alternative. This alternative would result in a smaller overall development footprint and would accommodate 150 multi-family units and 130 single family homes, which is a reduction of 36 units. This alternative would have incrementally less environmental impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and traffic and transportation. Although there may be incremental reduction to many impacts only significant impacts to Wildfire would be fully avoided. All other impacts would still require the proposed mitigation. This alternative would fail to meet the project objective to facilitate the creation of affordable housing across all income levels and to assist the county in meeting its regional housing needs. Accordingly, staff is not recommending approval of the Environmentally Superior Alternative.

Statement of Overriding Consideration

Pursuant to Section 15093 of the CEQA Guidelines, the County may only approve a project with unavoidable significant impacts if specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the project outweigh its unavoidable, adverse environmental impacts. The project provides significant economic and public benefits as identified below.

1. Housing Needs

The Regional Housing Needs Allocation (RHNA) indicates that the County is expected to accommodate 3,390 new housing units within the four income levels between December 31, 2018, and August 31, 2027. RHNA shows that forty percent of the total housing units will need to be within the unincorporated areas of the County. This project would develop 320 units over a 15–20-year period and over the 8.7 year period the first six phases of this project would generate approximately 16 percent of the County's RHNA allocation. Approval of the project is important for meeting the County's housing needs and for complying with state housing law.

2. Economic Benefits

Potential economic impacts that could be generated from the project would extend into numerous areas of the economy, including significant employment gains in the immediate term from construction, increased income generated and spent in the local economy and increased tax revenue directed towards local and state entities. Approval of the project would provide important economic growth.

3. Recreational Benefits

The project would function as an extension of the Cutten community to the east and would provide substantial additional open space to the County's residents.

Approximately 21.3 acres of forest lands would be preserved and dedicated to the County and access points will be provided within the development to connect to the existing McKay Community Forest. Approval of this project will contribute to a logical and orderly expansion of public recreational purposes to serve the surrounding community.

Development Agreement

The applicant is seeking approval of a Development Agreement to allow for the extension of the Subdivision to a maximum of 20 years over 9 individual phases. Given the amount of infrastructure investment and the need to develop the project consistent with market conditions the phasing and extension is appropriate. Given that the subdivision project will provide a significant benefit to the county's housing inventory over the lifetime of the project the Development Agreement is in the public interest.

Staff Recommendation

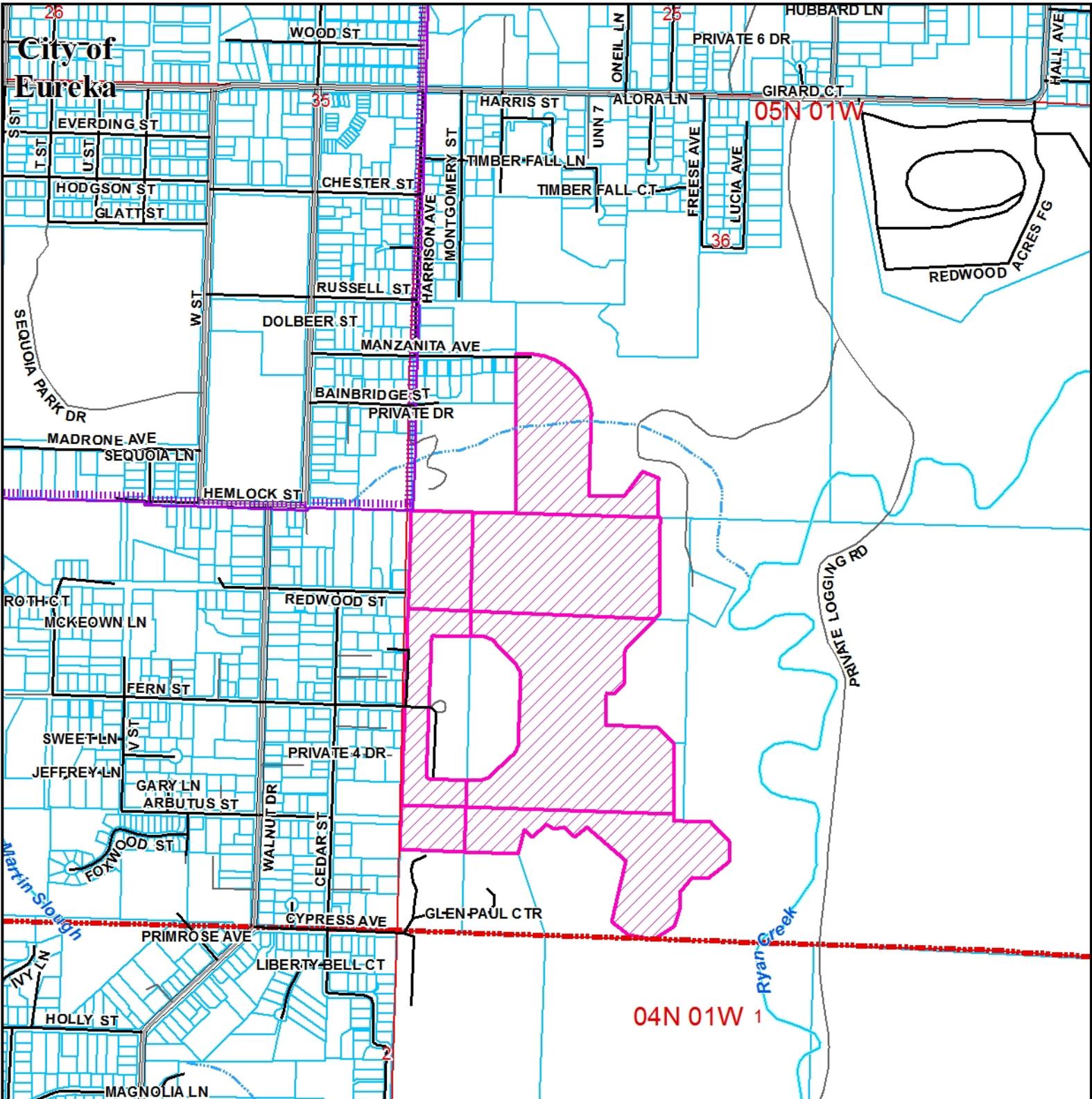
Because the project involves a General Plan Amendment and Zone Reclassification, the Planning Commission must make a recommendation to the Board of Supervisors who will make the final decision on the project. Staff recommends that the Planning Commission recommend that the Board of Supervisors certify the EIR, adopt a Statement of Overriding Considerations, Adopt the MMRP, make the findings for approval and approve the project and development agreement as recommended by staff and subject the recommended conditions of approval.

ALTERNATIVES:

Several alternatives to the recommended action have been identified:

1. The Planning Commission could elect not to recommend certification of the EIR and approval of the project. This is not recommended as this is a well designed project with multiple types of housing which will meet critical housing needs in the County.
2. The Planning Commission could elect to recommend approval of one of the identified project alternatives. This is not recommended as this is a well designed project with multiple types of housing which will meet critical housing needs in the County. A reduction in density will not achieve the objectives of the County.
3. The Planning Commission could elect to recommend that the applicant make amendments to the project not currently considered in the EIR. If this alternative is chosen staff recommends a continuance of this project to a date uncertain to enable the County to complete any additional environmental review necessary.

City of
Eureka

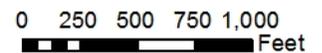


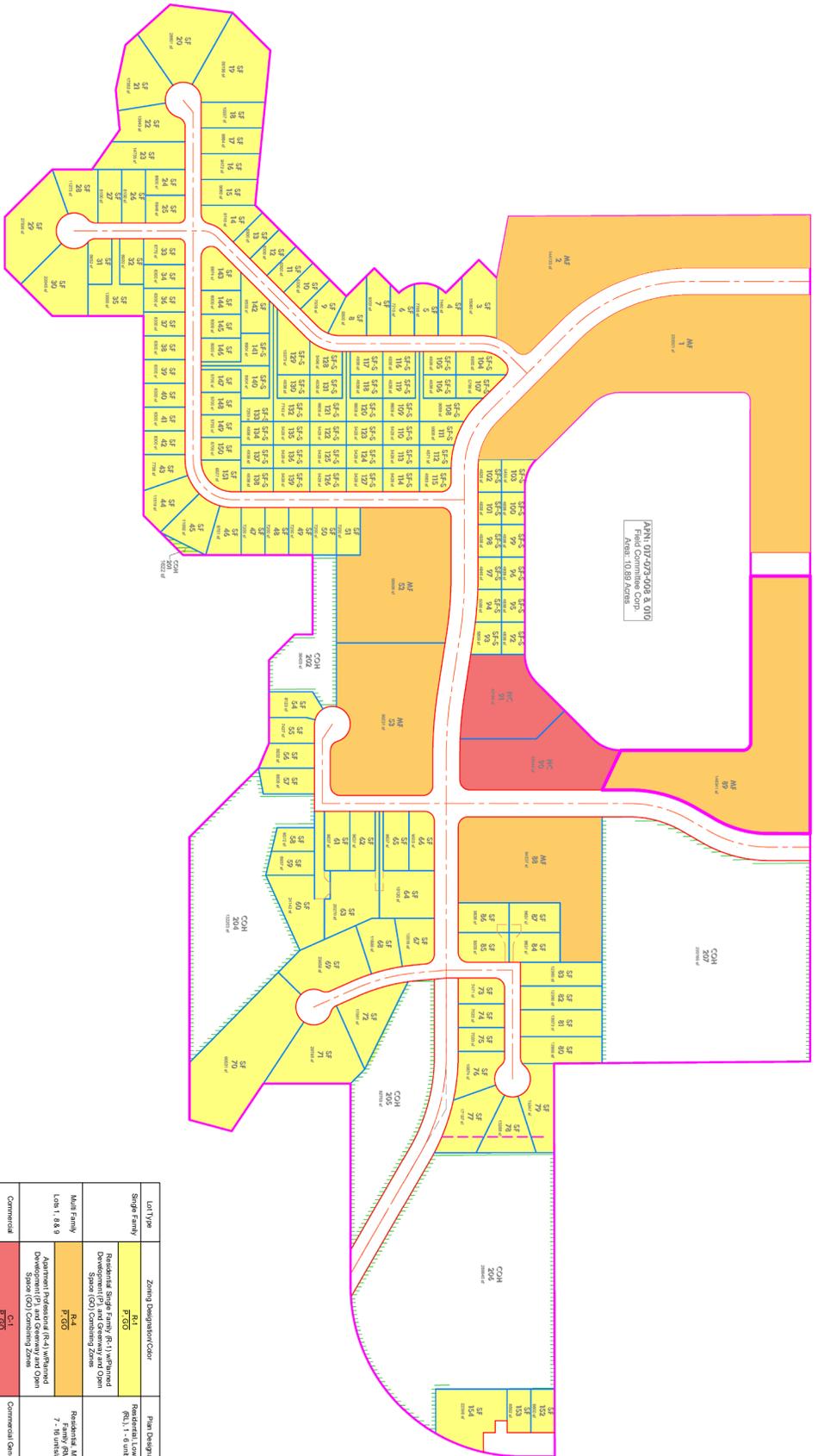
Project Area = 

LOCATION MAP

**PROPOSED KRAMER PROPERTIES INC
 GENERAL PLAN AMENDMENT, FINAL MAP SUBDIVISION,
 ZONE RECLASSIFICATION & PLANNED DEVELOPMENT PERMIT
 CUTTEN/EUREKA AREA
 FMS-15-004/ZR-15-008/GPA-15-005/PDP-15-001
 APN:017-032-003 et seq
 T05N R01W S36 HB&M (Eureka)**

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.





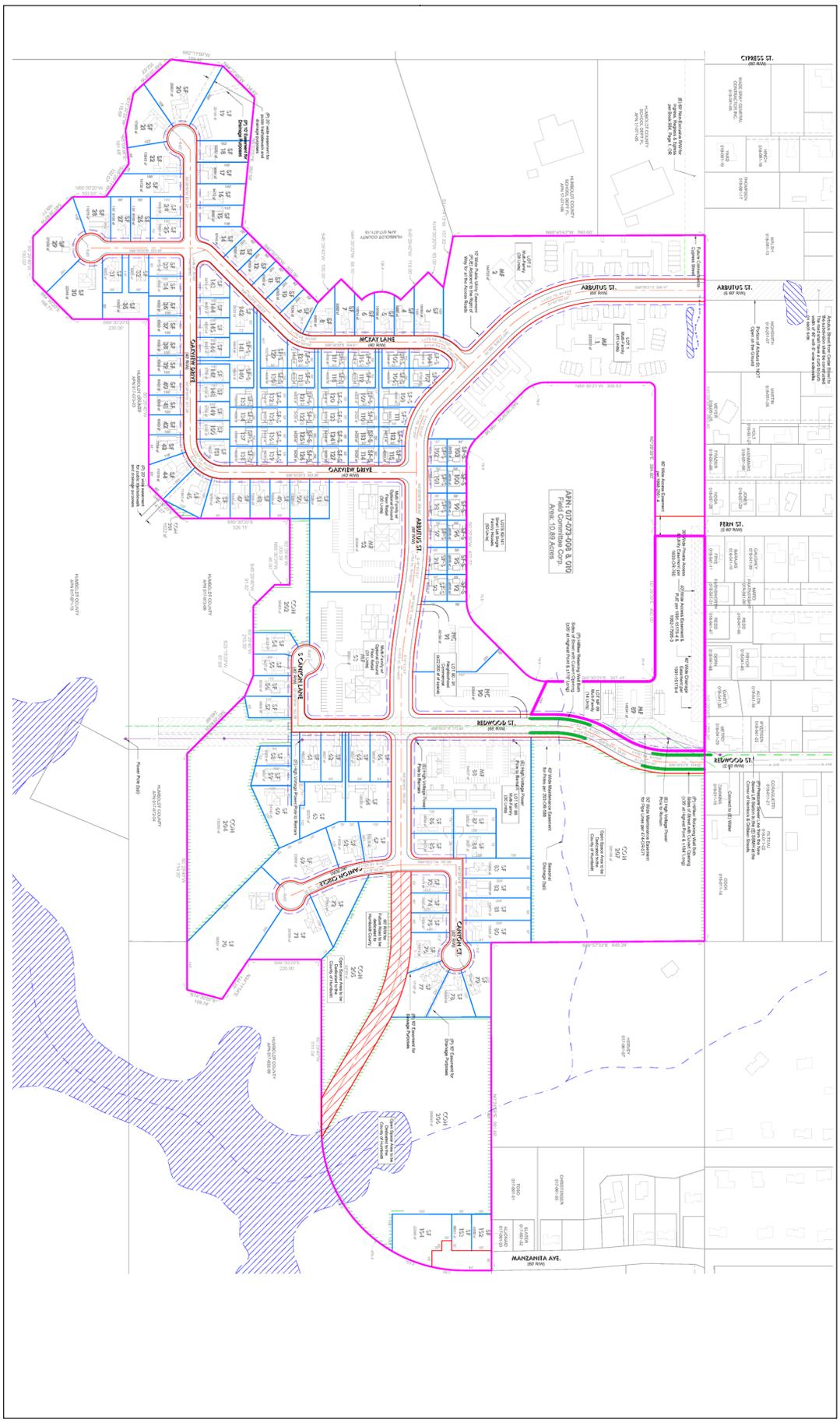
Source: Ontiveros & Associates, May 2019



Project Location: Humboldt County, CA Prepared by: KI on 2020/04/28
 Client/Project: North McKay Ranch Subdivision Project IR by: GS on 2020/04/28

Figure No. 2-3

Title: Proposed Land Use Designations



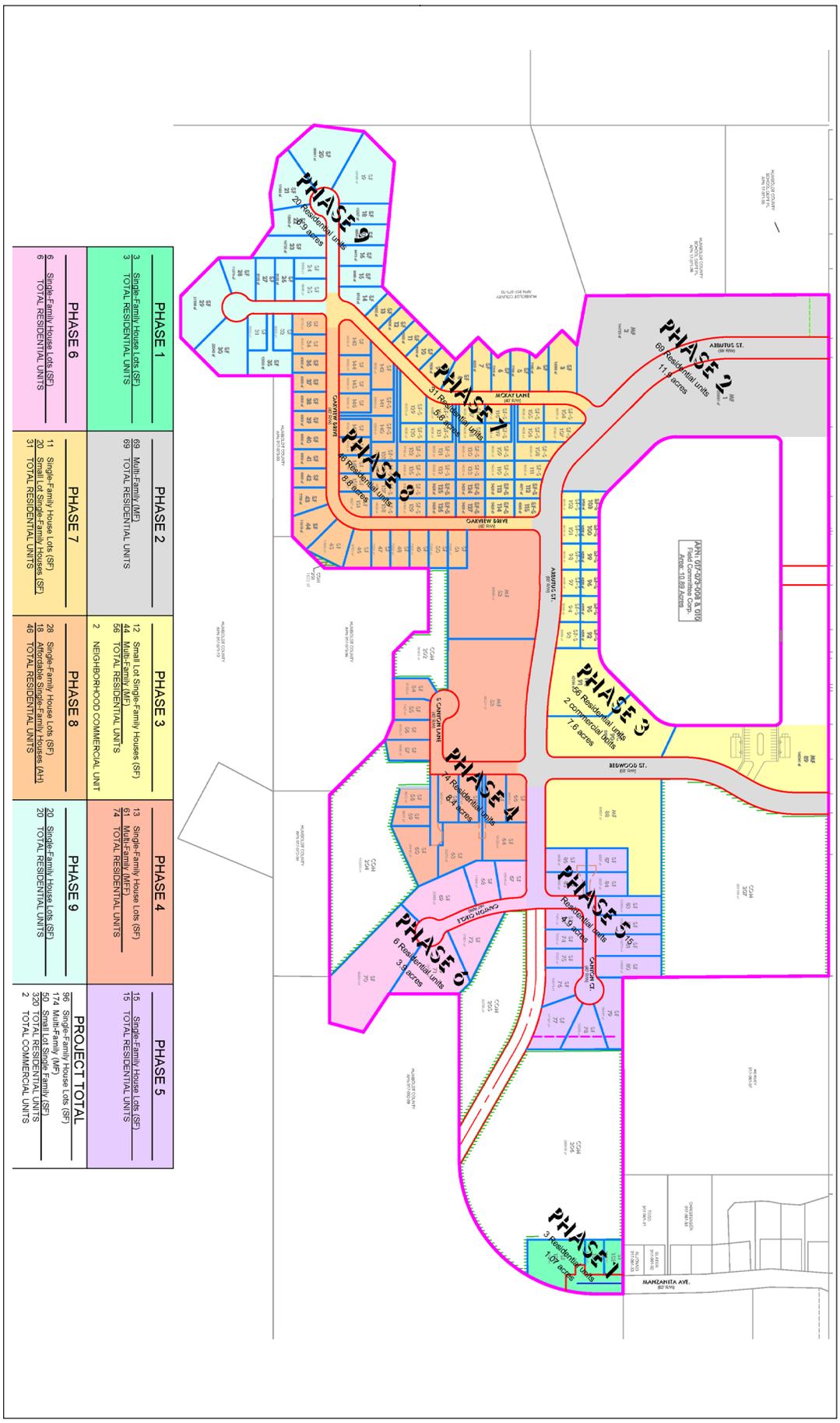
Source: Ontiveros & Associates, May 2019



Project Location
 Humboldt County, CA
 Client/Project
 North McKay Ranch Subdivision Project

Figure No.
 2-4

Title
 Preliminary Site Plan



Source: Ontiveros & Associates, May 2019



Project Location:
Humboldt County, CA

Prepared by: KJ on 2020-04-28
 IR by: GS on 2020-04-28

Client/Project:
North McKay Ranch Subdivision Project

Figure No.
2-5

Title
Proposed Phasing Plan

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-
RECORD NUMBER PLN-9902-GPA
ASSESSOR PARCEL NUMBERS: 017-032-003, 017-071-004, 017-071-009, 017-072-
002, 017-072-003, 017-073-007, 017-073-009 and 303-012-020**

**FINDINGS FOR CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF
STATEMENTS OF OVERIDING CONSIDERATIONS**

1. FINDING: **CEQA (EIR)** - The County of Humboldt has completed an Environmental Impact Report (EIR) in compliance with CEQA.

- EVIDENCE:**
- a) The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
 - b) A Notice of Preparation (NOP) was prepared on March 28, 2019, in accordance with CEQA Guidelines Section 15082 to inform interested parties of the County's determination that an EIR would be required for the project, solicit input about the desired content and scope of the DEIR, announce the date and time of a public scoping meeting, and provide information on where documents about the project were available for review and where comments could be sent on the project. The NOP was posted at the County Recorder's office; mailed to property owners and tenants of parcels within project area and parcels adjacent to/just outside of the project area boundary, and to relevant agencies within the region; circulated through State Clearinghouse (SCH#2019049166); and published in the Times Standard on May 23, 2019. The NOP was circulated for a period of 30 days, ending on June 22,2019.
 - c) Pursuant to CEQA Guidelines Section 15083, prior to completing the Draft EIR, the County of Humboldt held a scoping meeting on June 13, 2019 at Cutten Elementary School to solicit input from the regulatory agencies and public. Appendix A of the Draft EIR includes the NOP, written comments in response to the NOP, and a summary of the comments received in writing and during the scoping meetings.

Areas of potential controversy known to the County include the following:

- Concern about low-income housing in the Cutten neighborhood possibly increasing crime and drug use;
- Traffic on Walnut;
- Parking on Fern Street during large events;
- Traffic on Hemlock and Dolbeer;
- Access to the McKay Community Forest;
- Proximity of the development to Ryan Creek and potential impacts to natural resources there;
- Increased draw on public services;

- Impact of high-density housing adjacent to Winship School;
- Need for stand of trees to be preserved to protect the viewshed.

These issues were considered during preparation of the Draft EIR and the Partial Recirculation Draft EIR and, where appropriate, are addressed in the environmental impact analyses of the Draft EIR and/or the Partial Recirculation Draft EIR.

- d) The Draft Environmental Impact Report ("DEIR") for North McKay Ranch Subdivision Project was prepared in accordance with CEQA and circulated for public review from May 15, 2020 through June 29, 2020 (SCH#: 2019049166), a 45-day review period, in compliance with CEQA Guidelines Section 15105; a Notice of Availability of the Draft EIR was posted at the County Recorder's office; mailed to property owners and tenants of parcels within the project area and parcels adjacent to/just outside of the project boundary, and to relevant agencies within the region, and published in the Times Standard on May 15, 2020.
- e) On July 1, 2020, the provisions of new CEQA Guidelines Section 15064.3 Determining the Significance of Transportation Impacts became effective, which required that impacts of development projects be measured according to the overall distance that people drive, known as vehicle miles travelled (VMT) and no longer measured by level-of-service (LOS).
- f) A VMT analysis of the North McKay Ranch Subdivision Project was prepared, and two Draft EIR sections that were affected by CEQA's change from LOS to VMT, the Transportation Section and the Land Use and Planning Section, were revised, as well as an update to the project description.
- g) In accordance with CEQA Guidelines Section 15088.5 for recirculating portions of an EIR, the North McKay Ranch Subdivision Project Partial Recirculation Draft EIR was prepared which included only the sections that were changed, and circulated to the State Clearinghouse (SCH#2019049166) for a 45-day review period from October 18, 2021 through December 1, 2021. A Notice of Availability of the Partially Recirculated Draft EIR was posted at the County Recorder's office; mailed to property owners and tenants of parcels within the project area and parcels adjacent to/just outside of the project boundary, and to relevant agencies within the region, published in the Times Standard, and a copy of the Partially Recirculated Draft EIR placed at the Planning Division front counter, on October 18, 2021.
- h) Issues that were analyzed in the Draft EIR and Partial Recirculation Draft EIR include aesthetic resources, agricultural and forestry resources, air quality, biological resources, cultural and tribal resources, geology and soils, energy, greenhouse gas emissions and climate change, hazards hazardous materials, land use and planning, mineral resources, hydrology/water quality, noise, paleontological resources, population and housing, public services, recreation, transportation and traffic, utilities and service systems, wildfire and cumulative impacts.
- i) The Draft EIR and Partial Recirculation Draft EIR found that the following areas would not have significant impacts: Agricultural Resources (Farmland to Non-Agricultural Use), Agricultural Resources

- (Agricultural Zoning or Williamson Act Contract), Agricultural Resources (Pressures to Convert Farmland to Non-Agricultural Use), Geology, Soils, Seismicity (Septic or Alternative Wastewater Disposal Systems), Hazards and Hazardous Materials (Airports), Hydrology and Water Quality (Seiches, Tsunamis, or Mudflows), Mineral Resources (Mineral Resources of Statewide or Local Importance), Noise (Aviation Noise), Population and Housing (Displacement of Persons or Housing), Transportation (Air Traffic Patterns).
- j) The Draft EIR and Partial Recirculation Draft EIR identified potential significant impacts that can be mitigated to less than significant levels on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions and climate change, hydrology/ water quality, noise, public services, recreation, utilities and service systems, transportation and traffic, and wildfire.
 - k) The Draft EIR and Partial Recirculation Draft EIR identified significant impacts on greenhouse gas emissions and climate change, and wildfire, that cannot be mitigated to less than significant levels.
 - l) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Mitigation Monitoring and Reporting Plan has been prepared in accordance with Humboldt County regulations and is designed to ensure compliance during project implementation and is recommended to be adopted in conjunction with project approval. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Plan as a condition of project approval (Condition of Approval No. 2)
 - m) Evidence that has been received and considered includes: the application, technical studies/reports that have been peer reviewed and reflect the County's independent judgment and the FEIR, and information and testimony presented during public hearings before the Planning Commission. These documents are on file in the Planning and Building Department (PLN-9902-GPA) and are hereby incorporated herein by reference.
- l) The County received comments from 36 agencies, organizations, and individual on the Draft EIR and the Partial Recirculation Draft EIR. The FEIR considered the comments received during the public review periods for the Draft EIR and Partial Recirculation Draft EIR and provided appropriate responses. In order to better address repetitive comments, the FEIR used Master Responses to address different topics. The Master Comment allows a more complete response to the comments made rather than individually responding to all the comments. The FEIR also included a refined project description to clearly identify where changes had been made to more clearly demonstrate how impacts were being addressed. Together, the Draft EIR, the Partial Recirculated Draft EIR, the Responses to Comments, the Revisions to the DEIR, the References, the FEIR Errata, and the Appendices constitute the Final EIR on the project.
 - m) FINAL EIR -- RESPONSES TO COMMENTS.
The County prepared a Final EIR including responses to comments on the North McKay Ranch Subdivision Project Draft EIR and the Partial Recirculation Draft EIR. The Responses to Comments respond

to comments that were received during the circulation periods for both documents. The Responses to Comments document (FEIR) was released to the public on December 20, 2021 and responded to all environmental points raised by persons and organizations that commented on the Draft EIR and the Partial Recirculation Draft EIR.

- n) FINAL EIR - The County responded to all comments on the Draft EIR and on the Partial Recirculation Draft EIR. The County received comments on the Draft EIR and the partially recirculated Draft EIR from public agencies, organizations, and individuals, and provided responses to all of the comments in the Final EIR.
- o) Electronic copies of the FEIR were provided to all agencies that provided comments on either the Draft EIR or the Partial Recirculation Draft EIR, and were provided a minimum of 10 days to review the document (December 21, 2021 to December 30, 2021) prior to action by the Planning Commission.
- p) The Humboldt County Planning and Building Department, located at 3015 H Street, Eureka, CA 95501 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the EIR is based.

2. FINDING:

The EIR was presented to the Planning Commission in its entirety and the Planning Commission reviewed and considered it before recommending that the Board of Supervisors certify the Final EIR and approve the project.

EVIDENCE

- a) The Planning Commission considered the entire EIR at a public hearing on January 6, 2022 where the Planning Commission considered the contents of the EIR and received public and by public agency comments prior to making a recommendation on the FEIR.

3. FINDING

The Final EIR reflects the County of Humboldt's independent judgment and analysis.

EVIDENCE

- a) The EIR (DEIR/FEIR) was prepared by Stantec under contract to the County of Humboldt. Technical studies were provided by the applicant and by Stantec which were incorporated into the environmental analysis.
- b) The Planning Commission considered the information presented in the record relative to the FEIR and considered the public comment on the FEIR prior to making its recommendation. The Planning Commission considered all public comments, including those made by subject matter experts. Based on the evidence in the public record, the Planning Commission finds that the FEIR adequately addresses all potential environmental impacts and presents adequate feasible mitigation to reduce impacts to a less than significant level.

4. FINDING:

EIR – ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT. The Draft EIR and Partial Recirculation Draft EIR identified potential significant impacts that can be mitigated to less than significant levels on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions and climate change, hydrology/ water quality, noise, public services, recreation, transportation, utilities and service systems, and wildfire.

EVIDENCE

- a) Potentially significant impacts to aesthetics have been mitigated to a less than significant level with incorporation of mitigation measures that require final design and lighting plan approval by the County prior to filing of each phase of the subdivision map.
- b) Potentially significant impacts to air quality have been mitigated to a less than significant level with incorporation of mitigation measures that require implementation of construction emissions minimization measures.
- c) Potentially significant impacts to biological resources have been mitigated to a less than significant level with incorporation of mitigation measures that require nesting bird and amphibian surveys prior to any clearing activities, replanting of riparian vegetation and creation of wetlands, enhancement of existing wetlands, utilizing appropriate culverts and recontouring an existing logging road.
- d) Potentially significant impacts to cultural resources have been mitigated to a less than significant level with incorporation of mitigation measures that require pre-construction worker awareness training and requirements in the event of inadvertent discovery of potential resources.
- e) Potentially significant impacts to geology and soils have been mitigated to a less than significant level with incorporation of mitigation measures that require site specific geotechnical investigations prior to filing each map, pre-construction worker awareness training for paleontological resources and requirements in the event of inadvertent discovery of potential resources.
- f) Potentially significant impacts to hydrology and water quality have been mitigated to a less than significant level with incorporation of mitigation measures that require stormwater pollution and prevention plans, drainage and stormwater quality management plans and a low impact development plan.
- g) Potentially significant impacts from noise have been mitigated to a less than significant level with incorporation of mitigation measures that require compliance with specific maximum noise limits for all mechanical equipment, measures to reduce noise from construction activity and traffic and construction vibration.
- h) Potentially significant impacts on public services have been mitigated to a less than significant level with incorporation of a mitigation measure that requires applicable school development fees to be paid prior to issuance of building permits.
- i) Potentially significant impacts on recreation have been mitigated to a less than significant level with incorporation of a mitigation measure that requires preparation of trail and open space plans and recordation in permanent easements prior to approval of the final improvement plans for each phase of the subdivision map.
- j) Potentially significant impacts on transportation have been mitigated to a less than significant level with incorporation of mitigation measures that require a specific traffic management plan to be submitted and approved prior to construction for each phase and the construction of adequate ADA sidewalks, curb ramps and crosswalks.
- k) Potentially significant impacts on utilities and service systems have been mitigated to a less than significant level with incorporation of mitigation measures that require the applicant to prepare and submit an approved Water Supply, Pressure, and Storage Study to

the Humboldt County Public Works to demonstrate that adequate water supplies are available for the proposed development including water for fire suppression and the installation of on-site recycling collection facilities.

5. FINDING: **EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The proposed project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval, as further described in the evidence below. There are specific economic, legal, social, technological or other considerations which make infeasible mitigating these impacts to a less than significant level. (15091(a)(3))

EVIDENCE:

- a) The DEIR found that project which have potentially significant impacts to greenhouse gas emissions and climate change that cannot be avoided. Because there are no CEQA significance thresholds developed by the local air quality district, the North Coast Air Quality Management District, the significance thresholds from the Sacramento Metro Air Quality Management District were utilized. The project would contribute annual greenhouse gas emissions that exceed these levels of significance and would therefore generate greenhouse gases that may have a significant impact on the environment. Mitigation measures have been included which require a carbon offset agreement with the City of Arcata which has verified forest carbon offsets from the Arcata Community Forest and EPA certified woodburning fireplaces, as well as a prohibition on woodburning devices in the multi-family units. However, these measures do not fully mitigate for the impact and no other feasible mitigation is available to reduce the emissions below this significance threshold. Therefore, this impact was found to be significant and unavoidable.
- b) The DEIR found that project which have potentially significant impacts from wildfires that cannot be avoided. Because the project as currently designed would not provide for the 100 foot defensible space required by Cal-Fire and the Humboldt Bay Fire Protection District the project would potential expose project occupants to pollutant concentrations from a wildfire, would require the installation of infrastructure that may exacerbate fire risk and would expose people or structures to significant risks associated with post-fire impacts. Mitigation measures have been included which a fire safety management plan to be implemented throughout the lifetime of the project and that the applicant either 1) revise the site plan to provide a 100 foot defensible space buffer on-site or 2) enter into a Memorandum of Agreement (MOA) with the County for provision of 70 feet of defensible space off-site (or as determined by the County but minimum of 100-foot total) on the County owned McKay Community Forest. Either of these measures would reduce the level of significance however as there is uncertainty over the actual implementation of the measure requiring 100 feet of defensible space this is identified as a significant and unavoidable impact.

6. FINDING: **EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT** - In compliance with CEQA Guidelines section 15126.6, the DEIR considered several alternatives to the 320 unit subdivision project originally proposed. The EIR considered the alternatives described below which are more fully

described in the DEIR. There are specific economic, legal, social, technological or other considerations which make infeasible the project alternatives identified in the EIR for reasons discussed below

EVIDENCE: a) Alternative No. 1: No Project Alternative.

The No Project Alternative assumes that the proposed project would not be implemented and that the project site would remain in its existing condition and used primarily for timber production. If Alternative 1 were selected, no change from existing conditions would occur.

The No Project Alternative would not meet any of the basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.
- Support the County's economic development strategy and other efforts to retain and create living-wage job opportunities.
- Support individual rights to live in urban, suburban, rural or remote areas of the County while using a balanced approach to protect natural resources, especially open space, water resources, fisheries habitat and water quality in cooperation with state and federal agencies.
- Facilitate a more walkable and sustainable community and reduces traffic to major commercial centers.

The no project alternative would not support Humboldt County General Plan policies which encourage increased housing opportunities and walkable communities.

b) Alternative 2- Site Redesign.

The site redesign alternative would increase the size of lots located along the boundary adjacent to the North McKay Forest to provide 100 feet of defensible space for wildfire protection. This alternative would result in reduction of 10 single family dwelling units and 14 small lot single family dwelling units, for a total reduction of 24 single family lots.

The Site Redesign Alternative would not meet important basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.

The removal of 24 single family homes from the project would reduce the number of units would result in a significant increase in the purchase price of the smaller lots which would reduce affordable housing opportunities and would also reduce the housing options provided by the proposed project and would therefore not support the County General Plan goals and policies.

c) Alternative 3- Reduced Density Alternative

The reduced density alternative would eliminate specific lots and result in a smaller overall development footprint. While the 22,000 square feet of commercial development could remain, the reduction would accommodate 150 multi-family units and 130 single family homes.

The reduced density alternative would not meet important basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.
- Assist the County in meeting its required housing inventory per State requirements.

Given the significant investment costs associated with bringing utilities and other infrastructure to the site, the reduced density alternative would potentially render the project economically infeasible. Were the project with a reduced density to remain economically viable it would reduce affordable housing opportunities reduce the housing options provided by the proposed project and would therefore not support the County General Plan goals and policies.

Additionally, as this project site is identified in the county's certified housing element as critical for meeting the County's regional housing needs, reducing the density would render the County out of compliance with its certified Housing Element.

- d) Alternative Location CEQA Guidelines section 15126.6(2)(A) discusses that the key question in an alternative location analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by placing it in an alternative location need be considered for inclusion in the EIR. If the lead agency concludes that no feasible alternative location exists it must disclose the reasons for this conclusion. Three specific alternative locations were analyzed in the DEIR, all three southwest of the project site with similar zoning. Two of the sites were 320 to 360 acres and one site 72 acres and all theoretically large enough to accommodate the proposed project. All of these sites however are heavily timbered and significantly constrained with streams and gulch areas. Development of these alternative sites would result in similar or more significant impacts on air quality, biological resources, hydrology, aesthetics, transportation and greenhouse gases and would therefore not meet CEQA's objective of avoiding or substantially lessening a project's significant impacts and were therefore rejected from further consideration.
- e) Environmentally Superior Alternative. Each of the alternatives either avoided or minimized to a greater extent the impacts associated with the proposed project. When all the alternatives were considered, Alternative 3-Reduced Density- is considered to be the Environmentally Superior Alternative in the EIR. As noted above this alternative is not feasible.

The Environmentally Superior Alternative would have incrementally less environmental impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and traffic and transportation. Although there may be incremental reduction to many impacts only significant impacts to Wildfire would be fully avoided. All other impacts would still require the proposed mitigation.

This alternative would fail to meet the project objective to facilitate the creation of affordable housing across all income levels and to assist the county in meeting its regional housing needs.

7. FINDING

EIR-STATEMENT OF OVERRIDING CONSIDERATIONS

In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the project against its unavoidable environmental risks in determining whether to approve the project, and has determined that the specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the project outweigh its unavoidable, adverse environmental impacts so that the identified significant unavoidable impact(s) may be considered acceptable. The proposed project will provide benefits described herein to the surrounding community and the County as a whole. Each benefit set forth below constitutes a separate, independent, and severable overriding consideration warranting approval of the project, despite the unavoidable impacts. Substantial evidence in the record demonstrates that the County would derive the following benefits from the project:

EVIDENCE

a) HOUSING NEEDS

There is a critical need for new housing opportunities in Humboldt County. The County has not seen housing developed at the rate needed to meet its regional housing obligation. The Regional Housing Needs Allocation (RHNA) indicates that the County is expected to accommodate 3,390 new housing units within the four income levels between December 31, 2018, and August 31, 2027. RHNA shows that forty percent of the total housing units will need to be within the unincorporated areas of the County. This project would develop 320 units over a 15–20-year period and over the 8.7 year period the first six phases of this project would generate approximately 16 percent of the County's RHNA obligation. Approval of the project is important for meeting the County's housing needs and for complying with state housing law.

b) ECONOMIC BENEFITS

Potential economic impacts that could be generated from the project would extend into numerous areas of the economy, including significant employment gains in the immediate term from construction, increased income generated and spent in the local economy and increased tax revenue directed towards local and state entities. Approval of the project would provide important economic growth.

c) RECREATIONAL BENEFITS

The project would function as an extension of the Cutten community to the east and would provide substantial additional open space to the County's residents. Approximately 21.3 acres of forest lands would be preserved and dedicated to the County and access points will be provided within the development to connect to the existing McKay Community Forest. Approval of this project will contribute to a logical and orderly expansion of public recreational purposes to serve the surrounding community.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby recommend that the Board of Supervisors:

1. Adopt the finding set forth in this resolution; and
2. Certify that the Final Environmental Impact Report for the North McKay Ranch Subdivision Project (SCH#: 2019049166) has been completed in compliance with CEQA, that the Final EIR was presented to the Planning Commission and the Planning Commission has reviewed and considered the information contained in the FEIR before recommending approval of the project to the Board of Supervisors, and that the FEIR reflects the County's independent judgment and analysis; and
3. Adopt the Statement of Overriding Considerations; and
4. Adopt the Mitigation Monitoring and Reporting Program.

Adopted after review and consideration of all the evidence on January 6, 2022.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:
 DECISION:

 Alan Bongio, Chair of the Planning Commission

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

 John H. Ford, Director of Planning and Building



**North McKay Ranch Subdivision
Project**

Mitigation Monitoring and Reporting
Program

December 9, 2021

Prepared for:

County of Humboldt
Planning and Building Department
3015 "H" Street
Eureka, CA 95501

Technical Assistance:

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Abbreviations

ADA	Americans with Disabilities Act
Applicant	Kramer Properties Inc.
BFM	Bonded Fiber Matric
BMP	Best Management Practice
CAL FIRE	California Department of Forestry and Fire Protection
CARB	California Air Resources Board
CASQA	California Stormwater Quality Association
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
County	Humboldt County
CRHR	California Register of Historical Resources
DPR	State Department of Parks and Recreation
EIR	Environmental Impact Report
FTA	Federal Transit Administration
FPD	Fire Protection District
FRI	Forest land-Residential Interface
HCSD	Humboldt Community Services District
LID	Low Impact Development
LOS	Level of Service
MLD	Most Likely Descendant
MOA	Memorandum of Agreement
MMRP	Mitigation, Monitoring, and Reporting Program
NAHC	Native American Heritage Commission
NALs	Numeric Action Levels
NWIC	Northwest Information Center
PRC	Public Resources Code
proposed project	North McKay Ranch Subdivision Project
RWQCB	Regional Water Quality Control Board
SAA	CDFW 1602 Lake and Streambed Alteration Agreement
SRA	State Responsibility Area
SVP	Society of Vertebrate Paleontology
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
WEAP	Worker Environment Awareness Program

1.0 PROCEDURES FOR MONITORING AND REPORTING

The purpose of the Mitigation, Monitoring, and Reporting Program (MMRP) is to provide Humboldt County (County) and Kramer Properties Inc. (the Applicant) with a comprehensive list of the mitigation measures identified in the Draft Environmental Impact Report (EIR) and the Partial Recirculation Draft EIR for the North McKay Ranch Subdivision Project (proposed project).

1.1 INTRODUCTION

The County is acting as the Lead Agency, as defined by the California Environmental Quality Act (CEQA). In accordance with Public Resources Code section 21081.6, a Lead Agency that approves or carries out a project with potentially significant environmental effects shall adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

The CEQA Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they consider any of the activities identified in the environmental document.

This MMRP is a working guide to facilitate both the implementation of the mitigation measures and the monitoring, compliance, and reporting activities by the County and any monitors it may designate. If the County Certifies the EIR for the proposed project, it will adopt the MMRP.

1.2 OVERVIEW OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The Applicant is responsible for implementing and completing all mitigation measures without prompting by the County. The County will be responsible for mitigation measure oversight and compliance documentation. Under the oversight of County staff, mitigation actions required prior to and during construction will be performed by the Applicant and/or the Applicants’ Consultants, the Construction Contractors, and/or County and/or Applicant staff.

Monitoring and reporting procedures will conform to the following steps prior to and during proposed project construction and operations:

Step 1 Action: This step will be executed by the County and may be designated by the County and/or Applicant Project Manager to a Consultant and/or Contractor. All actions taken as part of this MMRP will be documented monthly by the Applicants and reported quarterly to the County, as described in Steps 2 and 3 below. The designee responsible for implementation of mitigation measures will:

- Review mitigation status reports and any other information generated during construction and submit them to the County for review and acceptance;
- Ensure that the mitigation measures in the MMRP are undertaken, either by the Applicant, Applicant's Contractors, or Applicant's Consultants; and
- Verify monthly that mitigation actions are properly undertaken.

Step 2 Monitoring: This step will be executed by the Monitor. The Monitor will be designated by the County and/or Applicant Project Manager and may be County and/or Applicant staff or a consultant to the County and/or the Applicants, at the County Planning Director's discretion. The Monitor will investigate noncompliance allegations and identify how County and/or Applicant Staff, or its designees should correct implementation of the measure. If a measure is under control of the Contractor, the Monitor will inform the Contractor of the Monitor's determination and request improved implementation.

The Monitor will have the following responsibilities:

- Be knowledgeable in the mitigation that is to be monitored; and
- Verify implementation of mitigation by:
 - Verifying in the field that required implementation has been properly executed during and after construction; and
 - Contacting the Project Manager and requesting that the situation be remedied if mitigation is not being implemented or executed properly.

Step 3 Reporting: This step will be executed by the Monitor. The Monitor will have the following responsibilities:

- Compile all mitigation status reports into a Report of Compliance. Recommendations may include updating the frequency of monitoring, changing the type of monitoring, and suggesting better ways to implement mitigation;
- Assist the County and/or Applicant Project Manager reviewing Contractor's implementation of mitigation requirements, detailing corrective action and time of completion to resolve any issues that are raised; and
- Provide all completed reports and statements to the County, and ensure they are on file and available at Applicant offices.

2.0 CEQA MITIGATION MEASURES

Table 2-1 below describes the mitigation measures included in the proposed project. For each mitigation measure the required action, responsible party, implementation timing, and reporting requirements are described.

Table 2-1 Summary of the North McKay Ranch Subdivision Project Mitigation Measures

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
Section 3.1 Aesthetics				
<p>MM AES-1: Prepare and Submit Design Guidelines: Prior to filing a map for each phase, the Applicant shall submit the final development plan and development standards to the County for review and approval. The County shall review the final development plan and development standards to ensure that the Applicant has incorporated the design guidelines established in Section 314-31.1.6 of the Humboldt County Code for Planned Unit Developments. At a minimum, the final development plan and development standards shall consider the County's design guidelines related to the maintenance of the natural features of the site, circulation and parking considerations, architectural considerations, landscaping, placement of utilities, site access, and setbacks from adjacent land uses.</p>	The Applicant	Prior to construction	Prior to construction, the County will review the development plan submitted by the Applicant to ensure County design guidelines and development standards have been incorporated.	<ul style="list-style-type: none"> County design guidelines and standards have been incorporated into the final development plans.
<p>MM AES-2: Submit Lighting Plan: Prior to filing a map for each phase, the Applicant shall prepare and submit an outdoor lighting plan (which includes a photometric analysis) to Humboldt County for review and approval that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors. The lighting map shall comply with the General Plan policies and shall include minimal levels of street; parking, building, site, and public area lighting to meet safety standards and provide direction; directional shielding for all exterior lighting; and automatic shutoff or motion sensors and/or additional standards as determined by the Director of Planning and Building.</p>	The Applicant	Prior to construction	Prior to construction, the County will review the lighting plan to ensure County lighting standards have been incorporated into the development plans.	<ul style="list-style-type: none"> Project lighting plan is compliant with County lighting standards.
Section 3.3 Air Quality				
<p>MM AIR-1: Off-Road Construction Equipment Emissions Minimization: The project shall demonstrate compliance with the following Construction Emissions Minimization Measures prior to issuance of building or grading permits:</p> <ol style="list-style-type: none"> All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: <ol style="list-style-type: none"> Where access to alternative sources of power are available, portable diesel engines shall be prohibited; All off-road equipment shall have: <ol style="list-style-type: none"> Engines that meet or exceed either U.S. 	The Applicant and Contractor	Prior to issuance of building and grading permit and throughout construction as required	Prior to construction, the Applicant or Contractor shall demonstrate the project's compliance with identified Construction Emissions Minimization Measures.	<ul style="list-style-type: none"> Construction equipment shall meet the CARB Tier 3 off-road emissions standards. All construction equipment include ARB Level 3 Verified Diesel Emissions Control Strategy. Construction

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>Environmental Protection Agency (USEPA) or California Air Resources Board (CARB) Tier 3 off-road emission standards, and</p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy.</p>				<p>emissions are minimized to meet CARB's standards.</p>
Section 3.4 Biological Resources				
<p>MM BIO-1: Nesting Bird Surveys: In order to avoid Take of any nesting species, any clearing associated with the proposed project shall occur outside of the nesting period for migratory birds, typically from March 1 through August 15 (California Department of Fish and Wildlife [CDFW]/Fish and Game Code 3503, 3503.5, and 3513, and Federal Migratory Bird Act 16 United States Code [U.S.C.] 703 et seq.). If clearing is to occur within the nesting window of migratory birds, CDFW and the U.S. Fish and Wildlife Service (USFWS) shall be consulted to assess the potential for Take of active nests, or a focused nesting bird survey would need to take place immediately prior to and within the area of the proposed clearing. Pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. Focused survey for spotted owls within the nesting season shall be conducted prior to site clearing. If active nests are encountered, species specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.</p>	The Applicant	Prior to and during construction	The survey(s) shall be conducted by a qualified biologist in consultation with USFWS and CDFW.	<ul style="list-style-type: none"> No disturbance of special status species or nesting birds covered by CDFW and USFWS. Species specific measures shall be implemented as required.
<p>MM BIO-2: Amphibian Surveys: Project activities in areas near riparian and seasonally wet areas that provide amphibian habitat shall occur from July 15 through October 31 to minimize potential impacts to northern red-legged frog and southern torrent salamander. Focused surveys for northern red-legged frog and southern torrent salamander shall be conducted during appropriate weather conditions. To mitigate potential impacts to these species, the proposed project shall remediate degraded areas from past use of the proposed project area within slopes above Ryan Creek (where feasible), and within forested open space areas proposed within the proposed project area (where feasible).</p>	The Applicant	Prior to and during construction	The survey(s) shall be conducted by a qualified biologist.	<ul style="list-style-type: none"> No disturbance of amphibian habitats. Remediation of degraded areas if required.
<p>MM BIO-3: Permit Requirements: Prior to filing a map, the Applicant shall consult with the California Department of Fish</p>	The Applicant	Prior to construction	The Applicant shall obtain all required	<ul style="list-style-type: none"> Requirements for state and federal

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (USACE) regarding requirements for state and federal permit applications, including a 1602 Lake and Streambed Alteration Agreement (SAA) from the CDFW, a 401 Water Quality Certification from the RWQCB and/or a 404 Nationwide Permit from the USACE. If any permits are required, the Applicant shall submit the permit application to the respective agency and shall abide by all permit conditions. For impacts to waters of the U.S. and/or waters of the State, a revegetation mitigation and monitoring plan shall also be prepared. It is anticipated that additional special-status species surveys and/or monitoring may also be implemented as part of some of these permit conditions.			state and federal permits prior to filing a map to the County. The Applicant shall develop a revegetation mitigation and monitoring plan for impacts to waters of the U.S. and waters of the State.	<ul style="list-style-type: none"> permit applications are followed. Additional special-status species surveys and monitoring are implemented if required.
MM BIO-4: Riparian Replanting: Riparian vegetation shall be mitigated at a 1:1 impact ratio. Local native riparian vegetation would be replanted along non-impacted creek segments within the proposed project site.	The Applicant	Prior to and during construction	Confirm applicant has included mitigation of riparian vegetation at a 1:1 impact ratio.	<ul style="list-style-type: none"> Impacted riparian vegetation are replaced at a 1:1 ratio and native riparian vegetation are replanted along creek segments.
MM BIO-5: Wetland Creation: Wetland creation shall replace wetlands impacted by the proposed project at a 1:1 ratio with wetlands of equal or better quality. Wetlands shall be designed to provide habitat within an urbanized setting. This shall include proper fencing, vegetation screening, and signage.	The Applicant	Prior to and during construction	Confirm Applicant has included wetland creation at a 1:1 ratio to replace impacted wetlands.	<ul style="list-style-type: none"> Impacted wetlands are replaced at a 1:1 ratio with wetlands of equal or better quality.
MM BIO-6: Wetland Enhancement: Existing wetlands currently have high levels of invasive species dominance, and in many places have historic fill placement. Part of the mitigation shall include restoration of the remaining wetlands onsite following installation of the Arbutus Street extension. This shall include invasive species removal, native plant installation, and where appropriate, removal of historic fill. In addition, existing wetlands shall be connected to the proposed mitigation wetlands for habitat connectivity. This shall include stormwater and wildlife crossing culverts in locations where the wetland would be crossed by the proposed Arbutus Street extension.	The Applicant	Prior to and during construction	Confirm wetland creation measures have been incorporated into project plans.	<ul style="list-style-type: none"> Wetland enhancement and habitat connectivity measures have been conducted to existing and mitigated wetlands.
MM BIO-7: Ryan Creek Tributaries: The 100-foot setback (where feasible) from the 30 percent break in slope designated as non-buildable to reduce erosion and removal of trees thereby reducing impacts to Ryan Creek and associated wetlands. The	The Applicant	Prior to and during construction	Confirm 100-foot setbacks and Ryan Creek impact minimization	<ul style="list-style-type: none"> Impacts to Ryan Creek and associated wetlands have been

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>Ryan Creek tributary crossing impacts shall be minimized by using large half-round culverts and mitigated by recontouring the deteriorating logging road within the norther portion of the proposed project.</p>			<p>measures have been incorporated into project plans.</p>	<p>minimized to the greatest extent possible.</p>
<p>MM BIO-8: Steam Stabilization: Two stream crossings are proposed as part of the proposed project. Crossings shall be designed to facilitate wildlife movement and shall be designed to minimize impacts to the streams. The crossings are anticipated to impact 68 linear feet of each stream, for a total of 136 linear feet of impacts. Crossings shall be mitigated by the recontouring and stabilization of a former logging road, which contains approximately 727 linear feet of highly eroded terrain. In addition, the former roadway shall be planted with native vegetation to facilitate habitat creation on the slope as mitigation for reduced wetland buffers along the Arbutus Street access.</p>	The Applicant	Prior to and during construction	<p>Confirm proposed stream crossings have been incorporated into site plans and mitigation such as recontouring and stabilization of road and native vegetation planting have been implemented.</p>	<ul style="list-style-type: none"> Impacts to streams are minimized and stream crossings adequately facilitate wildlife movement.
Section 3.5 Cultural Resources				
<p>MM CUL-1: Cultural Materials Discovered During Construction: If any cultural resource (e.g., projectile points, flakes, bottles, or cans) is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a Secretary of the Interior qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) 523 series forms. All forms and associated reports will be submitted to the Northwest Information Center of the California Historical Resources Information System (NWIC) of the California Historical Resources Information System (CHRIS). The archaeologist shall determine whether the resource requires further study. If after the qualified archaeologist conducts appropriate analyses, the resource is determined to be eligible for listing on the California Register of Historical Resources (CRHR) and/or unique, the archaeologist shall develop a plan for the treatment of the resource. This shall contain appropriate mitigation measures, including avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in Public Resources Code (PRC) Section 21083.2.</p>	The Applicant and Contractor	During construction	<p>If cultural resources are encountered during any project-related activity, the Applicant shall notify a qualified archaeologist to evaluate the resource and comply with the requirements of this mitigation measure and appropriate documentation provided to applicable agencies.</p>	<ul style="list-style-type: none"> The recording, evaluation, and treatment of any discovered cultural resources is applied in accordance with this mitigation measure.
<p>MM CUL-2: Pre-Construction Worker Environmental Awareness Program (Cultural Resources): Prior to the start of</p>	The Applicant and Contractor	Prior to and during construction	The training shall be conducted by a	<ul style="list-style-type: none"> Construction personnel are

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>construction, all field personnel shall receive a worker environmental awareness program (WEAP) on cultural resources. The training, which may be conducted with other environmental or safety trainings (i.e. see section 3.7, Geology), will provide a description of cultural resources that may be encountered during construction and outline the steps to follow in the event that a discovery is made.</p>			<p>qualified Applicant representative and documented (by sign-in or other method) by the Applicant's contractor for the dates the training occurred, and the staff trained.</p>	<p>trained in the key characteristics for identifying and avoiding impacts to cultural resources.</p>
<p>MM CUL-3: Procedures for Human Burials Encountered During Construction: If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:</p> <p>There shall be no further excavation or disturbance of the area where the human remains were found or within 100 feet of the find until the Humboldt County Coroner is contacted. Duly authorized representatives of the Coroner shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found and an area within 100 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the MLD's recommendations, the owner or the MLD may request mediation by NAHC.</p>	<p>The Applicant and Contractor</p>	<p>During construction</p>	<p>If human remains are encountered (or are suspected) during any project-related activity, the Applicant shall comply with the requirements of the California Health and Safety Code as outlined in this mitigation measure.</p>	<ul style="list-style-type: none"> The recording, evaluation, and treatment of any discovered human remains is applied in accordance with this mitigation measure.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>Section 3.7 Geology and Soils</p> <p>MM GEO-1: Conduct Site-Specific Geotechnical Investigation for Development: Prior to filing a map for each phase, the Applicant shall submit a design-level geotechnical study and building plans for each phase and the water tank location which would be prepared by a registered geologist or geotechnical engineer. The detailed, design-level geotechnical investigations shall include foundation design, criteria for placing proposed fills, as well as structures, deep foundation, subdrainage, and/ or retaining wall systems, setbacks for each lot, and specific engineering criteria for moderate to high slopes. The building plans shall demonstrate that they incorporate all applicable recommendations of the design-level geotechnical study and comply with all applicable requirements of the most recent version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project. All on-site soil engineering activities shall be conducted under the supervision of a licensed Geotechnical Engineer or Certified Engineering Geologist. A design-level geotechnical study shall be prepared for the water storage tank site in coordination with Humboldt Community Services District (HCSD).</p>	The Applicant	Prior to and during construction	Confirm a design-level geotechnical study, building plans, and water tank location has been prepared by a registered geologist or geotechnical engineer and has been submitted to the County prior to start of construction activities.	<ul style="list-style-type: none"> Recommendations from the design-level geotechnical studies has been incorporated into building plans and comply with requirements of the California Building Code. On-site soil engineering activities are supervised by a licensed Geotechnical Engineer or Certified Engineering Geologist.
<p>MM GEO-2: Pre-Construction Worker Environmental Awareness Program (Paleontological Resources): Prior to start of any construction activity, the Applicant and the contractor shall prepare and implement a Worker Environmental Awareness Program (WEAP). The purpose of the WEAP is to educate personnel (i.e., construction workers) about the existing on-site and surrounding resources and the measures required to protect these resources as well as avoidance and potential hazards within these sites. The WEAP shall include materials and information on potentially sensitive cultural and paleontological resources resulting from construction within the project area and applicable precautions personnel should take to reduce potential impacts. The WEAP shall be subject to review by the County Planning and Building Department.</p> <p>The WEAP presentation shall be given to all personnel who may harm sensitive environmental resources as identified within the WEAP mitigation measures (i.e., work in non-culturally cleared areas or equipment operators who may encounter sensitive species or resources). The WEAP presentation shall be given</p>	The Applicant and Contractor	Prior to construction	Confirm the Applicant and Contractor has prepared and implemented a WEAP and confirm the Applicant retained a qualified Geologist or Paleontologist to conduct the pre-construction paleontological resource and/or unique geologic feature portion of the construction worker awareness training.	<ul style="list-style-type: none"> Construction personnel are trained in the key characteristics for identifying and avoiding impacts to paleontological resources.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>prior to the start of construction and as necessary throughout construction as new personnel arrive on-site. The Applicant and the contractor shall be responsible for ensuring all on-site personnel attend the WEAP presentation, receive a summary handout, and sign a training attendance acknowledgement form to indicate that the contents of the program are understood and to provide proof of attendance. Each participant of the WEAP presentation shall be responsible for maintaining their copy of the WEAP reference materials and making sure other on-site personnel are complying with the recommended precautions. The contractor shall keep the sign in sheet on site and submit copies of the WEAP sign-in sheet to the Applicant's Project Manager who shall distribute to the County.</p> <p>Paleontological resources include any remains, traces, or imprints of a plant or animal that has been preserved in the Earth's crust since some past geologic time and may include fossil materials such as bones, leaf impressions and other carbonized remains and shells of invertebrates such as snails and clams. For the paleontological materials portion of the WEAP, presentation of the following information and implementation steps shall be prepared, presented, and executed prior to and during construction to prevent exposure and raise awareness of potential impacts to unknown paleontological resources:</p> <p>The Applicant shall retain a qualified Geologist or Paleontologist to conduct the pre-construction paleontological resource and/or unique geologic feature portion of the construction worker awareness training; and</p> <p>Construction personnel shall be informed of the possibility of such resources within the project area and the protocol to be followed if a resource is encountered as detailed in MM GEO-3.</p> <p>MM GEO-3: Proper Handling of the Unanticipated Discovery of Planctological Resources or Unique Geologic Features: If paleontological resources (i.e., fossils) and/or unique geologic features are encountered during construction, compliance with federal and state regulations and guidelines regarding the treatment of such resources shall be required. If paleontological</p>	<p>The Applicant and Contractor</p>	<p>During construction</p>	<p>If paleontological resources are encountered during any project-related activity, the Applicant shall notify a qualified</p>	<ul style="list-style-type: none"> The recording, evaluation, and treatment of any discovered paleontological resources is applied

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>resource or unique geologic features are encountered during ground disturbing activities, work within 100 feet of the discovery shall be halted until the Applicant notifies a qualified Geologist or Paleontologist to evaluate the significance of the find. If the find is determined to be significant and the landowner consents, the Applicant will determine the appropriate avoidance measures or other appropriate mitigation in consultation with a qualified archaeologist and landowner, such as site salvage. Significant paleontological resources recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified paleontologist according to current professional standards. The Society of Vertebrate Paleontology (SVP) provides guidelines on assessment and mitigation of adverse impacts to paleontological resources.</p>			<p>geologist or paleontologist to evaluate the resource and comply with the requirements of this mitigation measure and appropriate documentation provided to applicable agencies.</p>	<p>in accordance with this mitigation measure.</p>
<p>Section 3.8 Greenhouse Gas Emissions and Climate Change</p>				
<p>MM GHG-1: Carbon Offsets: The proposed project shall enter into a carbon offset agreement with the City of Arcata, which has a verified forest carbon offsets from the Arcata Community Forest (Climate Action Reserve 935 and 575), Climate Reserve Tonnes. Carbon offsets for this program are \$14/metric tonne (City of Arcata ND). The Applicant will receive proof of purchase prior to issuance of any building or grading permits for the proposed project.</p>	<p>The Applicant</p>	<p>Prior to issuance of building or grading permit</p>	<p>Confirm Applicant has entered into agreement with City of Arcata and has received a proof of purchase.</p>	<ul style="list-style-type: none"> Impacts have been reduced due to compliance with carbon offset agreement.
<p>MM GHG-2: Stoves and Woodburning Devices: If wood burning heating is used for the residential development, the project shall install wood burning stoves with catalytic converters and/or EPA-certified woodburning fireplaces. Woodburning devices shall be prohibited in the multifamily residential.</p>	<p>The Applicant</p>	<p>Prior to and during construction</p>	<p>Confirm wood burning heating installed for residential developments comply with this mitigation measure.</p>	<ul style="list-style-type: none"> Operation GHG emissions have been reduced with compliance with this mitigation measure.
<p>Section 3.10 Hydrology and Water Quality</p>				
<p>MM HYD-1: Prepare a Stormwater Pollution and Prevention Plan (SWPPP): Prior to the issuance of grading permits for each phase, the project Applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (RWQCB) electronically and a copy to the County of Humboldt that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, monitoring, and maintenance; site restoration; contingency measures;</p>	<p>The Applicant and Contractor</p>	<p>Prior to issuance of grading permit and throughout construction as needed</p>	<p>Confirm SWPPP has been prepared and submitted to the RWQCB and County of Humboldt. Confirm that the SWPPP is implemented throughout the construction phase.</p>	<ul style="list-style-type: none"> Stormwater pollution from construction activities has been minimized with implementation of the SWPPP and identified BMPs.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>responsible parties; and agency contacts. The SWPPP shall include but will not be limited to the following elements:</p> <ul style="list-style-type: none"> - Temporary erosion control measures shall be employed for disturbed areas. - Specific measures shall be identified to protect downstream drainage features during construction of the proposed project. - No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. - Sediment shall be retained on-site by a system of sediment basins, traps, or other appropriate measures. - Construction shall be staged in a manner that minimizes the amount of area disturbed at any one time. - Stockpiles and disturbed areas shall be managed by means of earth berms, diversion ditches, straw wattles, straw bales, silt fences, gravel filters, mulching, revegetation, and temporary covers as appropriate. - The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. - BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. - In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season. - During and after construction, reconstruction, and upgrading, there shall be no visible increase in turbidity in any drainage facility, construction/reconstruction site. 				

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<ul style="list-style-type: none"> - or road surface, any of which drains directly to Class I, II, or III waters (standing water on the road that does not drain to Class I, II, or III waters is not applicable). - During construction, reconstruction, and upgrading, erosion control material of sufficient quantity shall be stockpiled on-site and used to prevent an increase in turbidity in any drainage facility, construction site, or road surface; any of which drains directly to Class I, II, or III waters. - Exposed slopes greater than 3:1 shall be stabilized with erosion control matting installed in accordance with the current California Stormwater Quality Association (CASQA) Best Management Practices Handbook. Erosion control matting shall consist of 100 percent biodegradable materials. In lieu of erosion control matting, hydraulic Bonded Fiber Matrix (BFM) consisting of wood mulch with tackifier shall be applied at a minimum rate of 3,500 pounds per acre. A sterile erosion control seed mix or suitable native seed mix shall be applied with the hydraulic BFM. - To monitor the effectiveness of wet-season erosion control measures, the project Applicant shall implement a stormwater discharge sampling program in accordance with the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (General Permit). The project Applicant shall comply with the Numeric Action Levels (NALs) for turbidity and pH specified in the General Permit and shall adjust BMPs as necessary to maintain compliance with turbidity and pH NALs. The results of laboratory sampling will be provided to the Humboldt County Planning & Building Department at the time the results are uploaded to the state Stormwater Multiple Application and Report Tracking System database. - Should erosion and sedimentation devices fail, or should the NALs and/or pH NALs be exceeded, the County will have stop-work authority over project construction activities. The County will stop work on any portion of the project determined by the County to be 				

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>the source of erosion or sedimentation. Work will be suspended until the erosion and sedimentation control measures can be fortified or reestablished, or until the County determines that site conditions (e.g., weather, soil moisture content) have improved.</p> <ul style="list-style-type: none"> - The project Applicant shall inspect erosion and sedimentation control measures before any precipitation event (as defined by greater than 0.25 inch of rain forecasted for a 24-hour period) during the wet season, and shall report the inspection results to the County before conducting work during any precipitation event. Work shall be suspended if the County determines that erosion control measures are in disrepair, or would be ineffective in the prevention of erosion resulting from the forecasted precipitation event. At any time, work may be suspended at the discretion of the County if site conditions deteriorate to the point where erosion control measures would be ineffective. 	The Applicant	Prior to construction and throughout the construction phase as needed	Confirm a Stormwater Quality and Management Plan has been submitted to the County for review and approval and has been incorporated into project plans.	<ul style="list-style-type: none"> • Potential water pollutants are minimized and water quality is protected during operation of the project.
<p>MM HYD-2: Prepare a Stormwater Quality and Drainage Management Plan: Prior to the filing of the map for each phase, the project Applicant shall submit a stormwater quality control plan to the County of Humboldt for review and approval. The stormwater quality control plan shall include a detailed drainage plan and identify expected, site-specific pollutants and required measures to treat those pollutants before they reach the detention basins, storm drain systems, and ultimately Ryan Creek or other waterbodies. The approved measures shall be incorporated into the proposed project. The stormwater quality control plan shall also describe monitoring and performance measures and standards required in order to ensure water quality is adequately protected during operation of the project area. Examples of stormwater pollution prevention measures and practices to be incorporated into the stormwater quality control plan include but are not limited to:</p> <ul style="list-style-type: none"> - Strategically placed bioswales and landscaped areas that promote percolation of runoff - Pervious pavement - Roof drains that discharge to landscaped areas - Curb cuts in parking areas to allow runoff to enter 				

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<ul style="list-style-type: none"> - Landscaped areas - Rock-lined areas along landscaped areas in parking lots - Catch basins - Oil/water separators - Regular sweeping of parking areas and cleaning of storm drainage facilities - Readily posted information for maintenance personnel to implement or follow stormwater pollution prevention measures - Additionally, the facility shall be designed to evapotranspire, infiltrate, harvest/use, or bio-treat stormwater to meet at least one of the following hydraulic sizing design criteria: <ul style="list-style-type: none"> o <u>Volumetric Criteria:</u> <ul style="list-style-type: none"> • The maximized capture stormwater volume for the tributary area, on the basis of historical rainfall records, determined using the formula and volume capture coefficients in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (i.e., the 85th percentile 24-hour storm event runoff); or • The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology in Section 5 of the CASQA Stormwater Best Management Practices Handbook, New Development and Redevelopment (2003), using local rainfall data. o <u>Flow-based Criteria:</u> <ul style="list-style-type: none"> • The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or • The flow of runoff produced from a rain event equal to at least 2 times the 85th percentile hourly rainfall intensity as determined from 				

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
local rainfall records.				
MM HYD-3: Prepare a Low Impact Development Plan: Prior to the filing of the map for each phase, the project Applicant shall submit a Low Impact Development (LID) Plan for each single-family lot, commercial lots, and multi-family lots as applicable for approval of the Humboldt County Public Works Director. The Plan shall be part of the Improvement Plans and include a combination of LID features including infiltration galleries, bioswales, rain gardens, rain barrels, trees, etc. The plans may be modified based on the location, design, size and land use type; however, minimum requirements shall be adhered to as required by the Public Works Director.	The Applicant	Prior to construction	Confirm LID Plan has been submitted to the Humboldt County Public Works Director for review and approval and has been incorporated into site plans.	<ul style="list-style-type: none"> Potential impacts are minimized with implementation of LID features.
Section 3.12 Noise				
MM NOI-1: Project Fixed-Source Noise: The noise from all mechanical equipment associated with the projects shall comply with the maximum noise limits listed in Standard N-S7 in the Humboldt County General Plan.	The Applicant and Contractor	During construction	The Applicant shall verify that construction noise restrictions are being met throughout construction activities.	<ul style="list-style-type: none"> Compliance with construction noise limitations.
MM NOI-2: Construction Traffic: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 12.1.3 "Mitigation of Construction Noise" in the Transit Noise and Vibration Impact Assessment document (FTA-VA-90-1003-06 May 2006). This document recommends re-routing truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available.	The Applicant and Contractor	During construction	The Applicant shall verify the FTA construction mitigation measures are implemented throughout construction activities.	<ul style="list-style-type: none"> Compliance with FTA construction mitigation measures.
MM NOI-3: Construction Activity: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.1 "Construction Noise Assessment" in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018). Design Considerations and Project Layout: <ul style="list-style-type: none"> Construct noise barriers, such as temporary walls or piles of excavated material, between noisy activities and noise-sensitive receivers. Re-route truck traffic away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available. 	The Applicant and Contractor	Prior to and during construction	Verify that construction activities incorporate the measures listed under this mitigation and are in compliance with FTA construction mitigation measures relating to construction activity noise.	<ul style="list-style-type: none"> Noise throughout construction activities is minimized using methods described under this mitigation measures.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<ul style="list-style-type: none"> - Site equipment and construction materials on the construction lot as far away from noise-sensitive sites as possible. - Construct walled enclosures around especially noisy activities, or clusters of noisy equipment. For example, shields can be used around pavement breakers, loaded vinyl curtains can be draped under elevated structures. <p>Sequence of Operations:</p> <ul style="list-style-type: none"> - Combine noisy operations to occur in the same time period. The total noise level produced will not be significantly greater than the level produced if the operations were performed separately. - Avoid nighttime activities. Sensitivity to noise increases during the nighttime hours in residential neighborhoods. <p>Alternative Construction Methods:</p> <ul style="list-style-type: none"> - Use specially quieted equipment, such as quieted and enclosed air compressors, mufflers, on all engines. <p>Construction Mitigation Noise Plan</p> <ul style="list-style-type: none"> - Describe and commit to a mitigation plan that will be developed later when the information is available to make final decisions (not often available during the project development phase) on all specific mitigation measures. This may be the case for large, complex projects. The objective of the plan shall be to minimize construction noise using all reasonable (e.g., cost vs. benefit) and feasible (e.g., possible to construct) means available. Components of a mitigation plan may include some or all of the following provisions, including equipment noise emission limits, lot-line construction noise limits, operational or equipment restrictions, and a public information and complaint response procedure, including a construction site notice that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the Site, and County 				

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the County.</p> <ul style="list-style-type: none"> Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan. <p>MM NOI-4: Construction Vibration: Follow the Federal Transit Administration (FTA) construction mitigation measures listed in Section 7.2, Construction Vibration Assessment, in the Transit Noise and Vibration Impact Assessment Manual document (FTA Report No. 0123 September 2018) for Phase 1 and the Sewer Work Phase of the project only.</p> <p>Design Considerations and Project Layout</p> <ul style="list-style-type: none"> Route heavily loaded trucks away from residential streets. Select streets with the fewest homes if no alternatives are available. Operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible. <p>Sequence of Operations</p> <ul style="list-style-type: none"> Phase demolition, earth-moving, and ground-impacting operations so as not to occur in the same time period. Unlike noise, the total vibration level produced could be substantially less when each vibration source operates separately. Avoid nighttime activities. Sensitivity to vibration increases during the nighttime hours in residential neighborhoods. <p>Alternate Construction Methods</p> <ul style="list-style-type: none"> Avoid vibratory rollers and packers near sensitive areas. <p><u>Vibration Mitigation Plan</u></p>	The Applicant	Prior to and during construction	Verify that construction activities incorporate the measures listed under this mitigation and are in compliance with FTA construction mitigation measures relating to construction vibration.	<ul style="list-style-type: none"> Vibration throughout construction activities is minimized using methods described under this mitigation measures.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>- Describe and commit to a mitigation plan that shall be developed and implemented during the engineering and construction phase when the information available during the project development phase will not be sufficient to define specific construction vibration mitigation measures. The objective of the plan shall be to minimize construction vibration damage using all reasonable and feasible means available. The plan shall include the following components:</p> <ul style="list-style-type: none"> o A procedure for establishing threshold and limiting vibration values for potentially affected structures, based on an assessment of each structure's ability to withstand the loads and displacements due to construction vibrations. o A commitment to develop a vibration monitoring plan during the engineering phase and to implement a compliance monitoring program during construction. 				
Section 3.14 Public Services				
<p>MM PS-1: Development Impact Fee-Schools: Prior to issuance of building permits, the project Applicant shall provide the Eureka City Unified School District with all applicable school development fees in accordance with the latest adopted fee schedule. The Applicant shall submit a receipt to the County of Humboldt prior to issuance of building permits verifying that all fees have been paid.</p>	The Applicant	Prior to issuance of building permits	Confirm the Applicant has paid all applicable school development fees and receipt has been submitted to the County for verification.	<ul style="list-style-type: none"> • Impacts to schools are minimized through payment of fees.
Section 3.15 Recreation				
<p>MM REC-1: Final Trail Map: Prior to approval of the final improvement plans for each phase, the Applicant shall prepare a final map showing the precise location and alignment of the trails on the project site and their connection points to the adjacent forest land. The final map for each phase shall be submitted for review and approval by the County of Humboldt Public Works Director. These trails will be recorded in permanent open space easements or in a manner that no future development on the trails shall occur and trail connections shall be maintained for the life of the project.</p>	The Applicant	Prior to approval of final improvement plans	Confirm final map has been submitted to the County of Humboldt Public Works Director for review and approval.	<ul style="list-style-type: none"> • New trails are provided in a manner that no future development shall occur on it.
Section 3.16 Transportation				

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>MM TRANS-1: Traffic Management Plan: Prior to the commencement of construction activities for each phase, the project Applicant shall prepare and submit a Construction Traffic Control Plan for review and approval by the Director of Public Works. The Traffic Management Plan shall identify routing for all delivery and haul trucks and, if necessary, limit deliveries to non-peak times. The Traffic Management Plan shall also identify suitable locations for construction worker parking and identify a safe access route to Redwood Fields Park and adjacent schools. The Traffic Management Plan shall ensure that access to adjacent land uses on Redwood Street and Walnut Drive is provided at all times. The Traffic Management Plan shall be maintained and updated for all phases of construction.</p>	The Applicant	Prior to and during construction	Confirm that the Construction Traffic Control Plan has been submitted to the County Director of Public Works for review and approval and is implemented throughout the construction phase.	<ul style="list-style-type: none"> Traffic flow remains at acceptable levels during construction. Emergency access is not restricted and remains reasonably possible at all times. The project area remains in compliance with all applicable transportation goals, policies, and requirements.
<p>MM TRANS-2: Accessibility: All newly constructed streets shall provide adequate sidewalks and Americans with Disabilities Act (ADA)-compliant curb ramps, with marked crosswalks as needed.</p>	The Applicant	Prior to construction	The County Public Works Department shall verify in site plans how all newly constructed streets meet ADA requirements.	<ul style="list-style-type: none"> Newly constructed streets are accessible to everyone including those who require ADA compliance.
Section 3.18 Utilities and Service Systems				
<p>MM UTIL-1: Water Supply Pressure and Storage Study: Prior to filing a map for the first phase of the subdivision, the Applicant shall prepare and submit an approved Water Supply, Pressure, and Storage Study to the Humboldt County Public Works to demonstrate that adequate water supplies are available for the proposed development including water for fire suppression. In addition, the study shall include information on adequate pressure flows to serve the project site including adequate firefighting flow.</p>	The Applicant	Prior to filing of first subdivision map	The County Planning Department shall confirm the Applicant has prepared and submitted a Water Supply, Pressure, and Storage Study to the Humboldt County Public Works for review and approval.	<ul style="list-style-type: none"> Adequate water supply is available for the project.
<p>MM UTIL-2: Recycling Bins: Prior to issuance of final certificate of occupancy for each multi-family residential building and commercial development, the project Applicant shall install on-site recycling collection facilities. Such facilities shall be provided in centralized locations within enclosed facilities. Signage shall clearly identify accepted materials, and recycling collection vessels (i.e., dumpsters, receptacles, bins, toters, etc.) shall be</p>	The Applicant	Prior to issuance of final certificate of occupancy	The County shall confirm on-site recycling collection facilities have been installed for each multi-family residential building	<ul style="list-style-type: none"> On-site recycling collection facilities are provided for new developments.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>distinctly different in appearance from solid waste collection vessels.</p> <p>Section 3.19 Wildfires</p> <p>MM WF-1: Prepare and Implement a Fire Safety Management Plan: Consistent with the Humboldt County General Plan Standard FR-S2, Forest Land-Residential Interface (FRI) and pursuant to Section 4142 of the Public Resources Code (PRC), the Applicant shall consult with California Department of Forestry and Fire Protection (CAL FIRE) prior to permit approval for the proposed project. The Applicant shall prepare a Fire Safety Management Plan that is subject to review and approval by the Humboldt County Planning & Building Department in consultation with CAL FIRE and shall be implemented throughout the lifetime of project operations. The scope of the plan shall apply to all property, buildings, structures, operations, and facilities associated with the project. The plan shall include, but is not limited, to the following:</p> <ul style="list-style-type: none"> - Specific evacuation routes through the proposed project area and through the larger community; - Specifications for fire resistant building materials and fire-resistant plants that are strategically planted to resist the spread of fire around residences and other structures; - Installation of address numbers that are displayed in contrasting colors (4 inches minimum in size) and readable from the street or access road, pursuant to California Fire Code Section 505.1; - Any identified helicopter landing zones if feasible; and - Suitable areas for the installation and maintenance of wildland fire control features such as fire hydrants. If streets end into a cul-de-sac, fire hydrants shall be installed at the beginning of the street. - Clearly identifiable street names. - Homeowner awareness program as to importance of annual maintenance of defensible space fuel modification measures. <p>Preparation of the Fire Safety Management Plan will ensure that structures built within the State Responsibility Area (SRA) will meet code requirements and adequate fire safety</p>	<p>The Applicant</p>	<p>Prior to issuance of building permits and throughout operation phase</p>	<p>The County shall confirm a Fire Safety Management Plan has been prepared and submitted to the Humboldt County Planning and Building Department for review and approval.</p>	<ul style="list-style-type: none"> • Structures built within the SRA meet all code requirements and provide adequate fire safety measures.

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>measures and project features are incorporated into project design. The building permit required for the proposed project shall not be issued until CAL FIRE and Humboldt Bay Fire Department approve the Fire Safety Management Plan.</p> <p>MM WF-2: Wildfire 100-foot Defensible Space: Prior to filing a map, the Applicant shall do either of the following:</p> <ul style="list-style-type: none"> - Option 1 - Revise the site plan prior to final tentative map submittal to demonstrate that a 100-foot buffer is provided on-site. The Applicant shall submit the revised site plan to the Humboldt Bay Fire Protection District (FPD) for approval and provide proof of approval to the County Planning Director. - Option 2 - The Applicant shall enter into a Memorandum of Agreement (MOA) with the County for provision of 70 feet of defensible space off-site (or as determined by the County but minimum of 100-foot total) on the County owned McKay Community Forest. The Applicant shall be subject to any entitlements or environmental review required for the off-site improvements prior to construction permit for the proposed project. The MOA shall clearly identify roles and responsibilities regarding maintenance of the defensible space. 	The Applicant	Prior to filing final map	<p>The Applicant shall identify which Option from the mitigation measure was selected. If Option 1 was selected, confirm site plans have been revised to demonstrate a 100-foot buffer is provided on-site and revised site plan have been submitted to Humboldt Bay FDP for review and approval and proof of approval has been submitted to County Planning Director.</p> <p>If Option 2 was selected, confirm the Applicant has entered into MOA with the County and completed requirements identified under Option 2 of this mitigation measure.</p>	<ul style="list-style-type: none"> • Adequate buffer for wildfires is provided and potential wildfire impacts are minimized.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-**

**Application Number PLN-9902-GPA
Assessor's Parcel Numbers: 017-032-003, 017-071-004, 017-071-009, 017-072-002, 017-072-003, 017-073-007, 017-073-009 and 303-012-020**

Resolution by the Planning Commission of the County of Humboldt conditionally approving the General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development and Special Permit for the North McKay Tract project.

The project proposed by Kramer Properties, Inc. came on for public hearing before the Humboldt County Planning Commission on January 6, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and approves as follows:

FINDINGS

The project is a General Plan Amendment, Zone Reclassification, Tentative Subdivision map, planned Unit Development, Special Permit and Development Agreement. The following findings are required to be made to approve the project:

A. General Plan Amendment

1. Section 65358(a) of the California Government Code requires amendments of the General Plan be in the public interest.

2. Policy G-P8 of the 2017 General Plan requires findings that General Plan Amendments are:
 - a) in the public interest,
 - b) consistent with the Guiding Principles in Section 1.4; and
 - c) consistent with the applicable goals of the Plan.

B. Amendment to the Zoning Map (Zone Reclassification)

Section 312-50.3 of the Zoning Ordinance requires all the following findings for approval of changes to the Zoning Map:

3. The amendment is in the public interest; and

4. The amendment is consistent with the County General Plan; and

5. The amendment 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 (the midpoint of the density range specified in the plan designation) unless certain site-specific findings are made.

C. Subdivision Findings:

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

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

D. Findings for Approval of the Planned Unit Development and Special Permit

Section 312-17.1 (Required Findings for All Discretionary Permits) of the Humboldt County Code specifies the findings that are required to grant a Conditional Use Permit and Special Permit:

11. The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program (CO-IM5);
12. The proposed development is consistent with the purposes of the existing zone in which the site is located;
13. The proposed development conforms with all applicable standards and requirements of these regulations;
14. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity; and
15. 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 (the mid point of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

- a. The reduction is consistent with the adopted general plan, including the housing element, and
- b. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Section [65584](#) of the Government Code, and
- c. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

E. Findings for Approval of a Development Agreement

Section 2171-14 of the Humboldt County Code specifies the findings required to approve a development agreement. The Board of Supervisors must find that the agreement:

- 16. is consistent with the objectives, policies, general land uses and programs specified in the County's general plan, any certified local coastal program, any applicable area plan, any applicable specific plan or such general plan amendments or changes in rules, regulations, ordinances, and official policies as are to be adopted concurrently with the adoption of the development agreement; and,
- 17. is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located; and,
- 18. is in conformity with the public interest, general welfare and county land use planning policies; and,
- 19. will not be detrimental to the public health, safety and welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the County as a whole; and,
- 20. will not adversely affect the orderly development of property; and,
- 21. is consistent with the provisions of Government Code Sections 65864 through 65869.5 , the State law governing development agreements.

F. CEQA

- 22. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:
 - a. The project is either categorically or statutorily exempt; or
 - b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or

- c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

The below information provides evidence in support of all the required findings:

FINDING:

PROJECT DESCRIPTION

The proposed project would be constructed on approximately 81 acres and would involve a mixed-use development with 320 residential units, approximately 22,000 square feet of commercial development, an off-site sewer line, and an off-site water storage tank. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. The proposed project would require annexation into HCSD for the provision of utilities. The project includes an amendment to the Eureka Community Plan land use maps and a zone reclassification to designate land for Commercial General (CG) and Residential Medium Density (RM) use and to apply corresponding Neighborhood Commercial (C-1) and Apartment-Professional (R-4) zoning. The project will be a Planned Development. A Special Permit is required for work within Streamside Management Areas for two isolated wetlands in the northern part of the project, a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street. A total of 0.168 acres of wetlands would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project.

EVIDENCE:

- a) Evidence in File (PLN-9902-GPA)
- b) The project description is based on the information submitted as part of the application package, and all subsequent technical documents and information used to evaluate the project.
- c) These documents are on file in the Planning Department and are hereby incorporated herein by reference.

FINDING:

THE GENERAL PLAN AND ZONING MAP AMENDMENT IS IN THE PUBLIC INTEREST

EVIDENCE:

- a) The General Plan Amendment and zone reclassification provide an increased range of densities which is needed to provide housing opportunities across a range of income ranges.
- b) The Humboldt County Housing Element identified that this project site could provide 323 units as part of the housing opportunity inventory. The County is significantly behind in providing housing to meet its regional housing obligations. The county's projected housing needs for the current period (2019-2027) is 1,413 units spread across all housing income categories. These amendments allow for the project to provide for 320 units over a variety of

- c) different housing income categories.
- d) As demonstrated by the significant deficit in available housing, there is a significant need for housing in Humboldt County and it is in the public interest to facilitate housing development.
- e) The project results in a portion of the property being developed for neighborhood commercial facilities which will serve the needs of the residents of the development and result in less vehicle miles traveled for convenience items.
- f) Lastly, the amendment facilitates the transfer of approximately 21.73 acres to the County for future trails and open space which will serve the public.

FINDING: **CONFORMANCE WITH 2017 HUMBOLDT COUNTY GENERAL PLAN, OPEN SPACE PLAN, AND THE OPEN SPACE ACTION PROGRAM (CO-IM5)** As conditioned, the project is in conformance with the Humboldt County General Plan, Open Space Plan, and the Open Space Action Program.

- EVIDENCE:**
- a) Approval of the General Plan Amendment is consistent with CHAPTER 1.4 – GUIDING PRINCIPLES
 1. *Ensure that public policy is reflective of the needs of the citizenry of a democratic society as expressed by the citizens themselves.* The General Plan Amendment will implement the policy focus of the Housing Element and provide a range of housing opportunities for a variety of household incomes.
 2. *Preserve and enhance the diverse character of Humboldt County and the quality of life it offers.* The General Plan Amendment will allow a range of housing types to meet the needs of many different income levels.
 3. *Promote and facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels.* The General Plan Amendment allows a higher density on some parcels which will provide housing that is more affordable by design.
 4. *Cooperate with service providers and promote efficient use of roads, water, and sewer services by encouraging development that is consistent with Land Use maps contained in the General Plan. Support home construction methods and alternative wastewater systems that are proven to minimize threats to human health and safety with a goal of reducing energy and water usage. The applicant and County have been coordinating with the Humboldt Community Services district and as identified in the EIR there is a need to install a new sewer line and install a new water tank which are requirements of this project.*
 5. *Support the County's economic development strategy and other efforts to retain and create living-wage job opportunities.* The provision of housing will create jobs to construct the housing and install the infrastructure.
 6. *Encourage, incentivize and support agriculture, timber ecosystem services and compatible uses on resource lands. As part of the dedication of the McKay Forest this property was set aside for development. This is no longer a resource land and so development this parcel is consistent with this provision.*
 7. *Support individual rights to live in urban, suburban, rural or remote areas of the County while using a balanced approach to protect natural resources, especially open space, water resources, fisheries habitat and*

water quality in cooperation with state and federal agencies. This parcel was identified as a non-resource land as part of setting aside the McKay Forest. The proposed development has been analyzed in an EIR prepared for the proposed project.

8. *Adhere to practical strategies that can be implemented utilizing constructive cooperation and common sense. This is a unique proposal on a unique property that has required sound reasoning in order to apply appropriate conditions and mitigation measures that balance the need for improvements with the impact which can be assigned to the project.*
9. *Provide a clear statement of land use values and policies to provide clarity in the County's permit processing system and simplify review of projects. Within the Housing Element this parcel is identified as a priority location for housing. The fact that the project proponent is proposing a range of housing types makes this even more of a priority from a County Policy standpoint.*
10. *Maximize the opportunities to educate the public about the planning process, in order to have meaningful participation in the development and maintenance of the Plan. In addition to the legal notices for the CEQA document review and public hearings there have been press releases to notify the public that they may participate in the review of this project.*
11. *Support a broad public participation program at all levels of the decision making process; including study, workshops, hearings, a citizens handbook and plan revisions. The Planning Commission consideration of this project occurred at a notices and advertised public hearing.*

FINDING:

The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Land Use Element of the General Plan.

EVIDENCE:

- a) The Residential Low Density (RL) Land Use Designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but the designation can accommodate a mix of housing types including townhouses and common-wall clustered units. The allowable density is 1-7 units per acre. A total of 146 single family lots will be developed within the areas planned RL, all to be connected to urban services and withing the density range of 1-7 units per acre.
- b) The Residential Medium Density designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character. The allowable density is 7-30 units per acre. The land use designation of approximately 18.5 acres of RL designated property will be redesignated as RM to accommodate 174 multi-family units, at an average of 9 units per acre which is within the range specified in the RM designation.
- c) The Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional

needs.

A total of 2.2 acres of RL designated land will be redesignated as CG to accommodate 22,000 square feet of office and neighborhood commercial space that will serve the development and surrounding community.

- d) In accordance with UL-P1 Urban Development Areas, the County shall plan Urban Development Areas and implement land use regulations to support business expansion, housing opportunities and investments in infrastructure. The project site is located within the Urban Development Area and within an adopted housing opportunity zone intended to facilitate additional housing development. The project will add 320 housing units, expansion of business through the additional 22,000 square feet of commercial space and will result in additional public infrastructure.
- e) The Timberland (T) Land Use Designation is utilized to classify land that is primarily suitable for the growing, harvesting, and production of timber. Prairie and grazing land may be intermixed. Density range is 40-160 acres/unit.

The new water tank to serve this site will be on land designated T. It is an existing tank site used by Humboldt Community Services District. As provided in the General Plan, Utilities, such as the water storage tank, is considered an allowable use type within the T land use designation

- f) Policy FR-P16. Public Utilities on TPZ Lands indicates where feasible avoid locating federal, state, or local public improvements and utilities in TPZ where the project or land acquisition will have a significant adverse effect on the production of timber or ecosystem services. The new water tank to serve this site will be on land zoned TPZ. The water storage tank will be located on land that is already owned by a public utility and managed for water distribution purposes. The installation of an additional water storage tank on this site that is already utilized for public services will not have a significant adverse impact on the production of timber or ecosystem services.
- g) Policy FR-P20: Fire Safety Hazards requires the County to continue to implement the State Responsibility Area Fire Safe Standards and Wildland-Urban Interface Building Codes for new development and support voluntary programs for fuels reduction, dwelling fire protection and creation of defensible space for existing development. The project site is within a High Fire Hazard area. The project site is within the jurisdiction of the Humboldt #1 Fire Protection District (with the exception of the water tank site) and within State Responsibility Areas (SRA), which are served by CAL FIRE. The project EIR examined the hazards of potential wildfire. The project will comply with all of the required measures in the state's Fire Safe regulations. Mitigation measures have been included to reduce the potential impacts of adding additional development within the high fire hazard area. MM-WF-1 requires the development of a fire safety management plan and MM-WF-2 requires revisions for 100 feet of defensible space as recommended by Cal-Fire and Humboldt #1 Fire Protection District to be included or an agreement in place with the County to ensure the same practical effect through management of the adjacent open space lands which are managed or proposed to be managed by Humboldt County after completion of this project.

FINDING:

The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Community Infrastructure and Services Element of the General Plan.

EVIDENCE:

- a) Policy IS-P3 – Requirements for Discretionary Development requires the adequacy of public infrastructure and services for discretionary development greater than a single-family residence and/or second unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. The

proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A new off-site water tank would be constructed as part of the proposed project, expanding HCSD's service capacities. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.

- b) Policy IS-P9: District Boundaries, Spheres of Influence, and Community Plans requires district boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services. The proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project
- c) Policy IS-P25: Fire Service Impacts from New Development. During review of discretionary permits within fire related district boundaries or identified response areas, utilize recommendations from the appropriate local fire chief as feasible mitigation measures to reduce impacts to emergency response and fire suppression services from new development.

The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. Consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM PS-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Telecommunications Element of the General Plan.

EVIDENCE: a) Policy T-P13: Subdivision Improvement Requirements requires new residential and commercial development projects to include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment and flexible telephone conduit to allow for easy retrofit for high-speed data systems. The proposed project would include adequate telecommunications and broadband service capability as a condition of approval.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Circulation Element of the General Plan.

EVIDENCE: a) Policy C-P5: Level of Service Criteria requires the County to strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.

- i. A Traffic Study for the McKay Ranch Subdivision was prepared in May 2018 by TJKM found Coordination between the Humboldt County Department of Public Works and the City of Eureka determined that 12 intersections had the potential to be impacted and needed to be analyzed for level of service conditions to determine consistency with this Humboldt County General Plan policy.
- ii. The Study found 9 of these intersections would be functioning below LOS C under both Future (2040) with no project and Future (2040) plus Project conditions. The traffic study identified improvements to all intersections

- operating at LOS D or worse in the future condition with Project, except for the Harris and Harrison intersection where a traffic signal is already in place.
- iii. The study calculated the project's contribution to LOS delay at these intersections as a percentage of the Future plus Project conditions.
 - iv. The project is not responsible for pre-existing conditions but is responsible for its proportionate share of the traffic contributed to the intersections. The county may only require development conditions which are proportional to the project's impacts (Dolan v. City of Tigard, 512 U.S. 374).
 - v. The project's cumulative fair share is 197%, which is roughly two intersections. County Public Works has identified two intersections that are priority needs for signalization based on circulation patterns, and which may serve an equivalent share of the total of improvement costs for intersections that fall below LOS C.
 - vi. Signalization of these intersections is a condition of approval of the subdivision map. The various intersection improvements would help minimize traffic congestion in the vicinity of the proposed project.
 - vii. Additional traffic calming facilities such as roundabouts, chicanes and traffic circles would necessitate a reduction in off-street parking for existing residents and a reduction in available space for the proposed residential development and is not feasible for this project.
- b) Policy C-P11: Transportation Demand Management Programs require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs. The project is conditioned to signalize two priority intersections identified by the County Public Works that will facilitate implementation of the County's transportation demand management program. The project is conditioned to provide a bus stop in the vicinity of the multi-family and commercial development and bicycle facilities
 - c) Policy C-P34: Traffic Calming requires use of traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles. The proposed project has been designed to incorporate intersection improvements. These intersection improvements would help minimize traffic congestion in the vicinity of the proposed project. Additional traffic calming facilities such as roundabouts, chicanes and traffic circles would necessitate a reduction in off-street parking for existing residents and a reduction in available space for the proposed residential development and is not feasible for this project.
 - d) Policy C-P38: Develop a Regional Trails System calls for support of efforts to establish and connect regional trails, particularly in the greater Humboldt Bay and lower Mad River areas, the Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible. The proposed project would include 20-foot-wide trail easements and would construct trail connection to the future public trails to access the McKay Community Forest, consistent with efforts to establish a regional trail system.
 - e) Policy C-P39: Encourage Bicycle and Pedestrian-Friendly Development incentives to be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational

opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary. The project is conditioned to provide for a bus stop in the vicinity of the commercial development, and to provide for bike racks and bike lockers adjacent to the bus stop and the commercial development. The proposed connector roads will provide for bike lanes within the public rights-of-way.

FINDING:

The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Housing Element of the General Plan.

EVIDENCE:

- a) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.

- b) Goal H-G3: Workforce Housing calls for an adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.
The proposed project consists of a mixed-use development that would place residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.

- c) Policy H-P21: Siting of Multifamily Housing Developments assures that the County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.
The proposed project includes a mixed-use development located approximately 0.3 mile from the neighborhood commercial area at Maple Avenue and Fern Avenue, and adjacent to existing recreational opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.

- d) Policy H-P22: Allowances for a Mixture of Housing Sizes and Types states the County shall allow a variety of housing types and sizes in all residential areas served by public sewer to encourage a mix of housing opportunities for all income categories.

The proposed project includes a variety of housing types, including 96 larger single-family lots (6,600 square feet or greater), 50 smaller single-family lots (less than 5,000 square feet), and 174 multi-family units; 18 housing units would be affordable. The residences would be served by public sewer through HCSD.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Economic Development Element of the General Plan.

EVIDENCE: a) Goal ED-G6: Competitive Quality of Life calls for maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.

The proposed project includes trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Conservation and Open Space Element of the General Plan.

EVIDENCE: a) Goal CO-G4: Parks and Recreation calls for maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system that meets future recreational and non-motorized transportation demands.

The proposed project includes designating and preserving 21.73 acres of permanent open space through a permanent easement dedicated to the County. In addition, 20-foot wide trail easements and trail connections would be provided on-site to connect to the future public trails to the McKay Community Forest.

- b) Goal CO-G5: Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.

The project site is currently zoned to allow 320 residential dwelling units. The project location is adjacent to developed lands, including community playfields at Redwood Fields Park, and would be provided with public water and sewer from HCSD, as outlined in the approved MSR. The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 APNs as available for residential development in the Residential Land Inventory. As noted earlier, 21.73 acres of permanent open space would be preserved and dedicated to the County through an easement or conveyed in fee. Additionally, 20-foot-wide trail easements and constructed trail connections would connect the future public trails to the McKay Community Forest.

- c) Goal BR-G2: Sensitive and Critical Habitat calls for mapped inventory of sensitive and critical habitat where biological resource protection policies apply. Numerous biological resource surveys have been prepared and utilized to support project planning. Based on the results of the literature and database review and field surveys, a thorough inventory of sensitive and critical habitat

within the project site has been mapped. This inventory is found in the Draft EIR and refined in the Final EIR.

- d) Goal BR-G3: Benefits of Biological Resources calls for Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits. Mitigation measures are included in the DEIR in order to minimize potential impacts on fish and wildlife habitats. These mitigation measures are primarily found in the biological resources section and hydrology and water quality section. No significant and unavoidable impacts to biological resources were identified in the environmental review.
- e) Policy BR-P1: Compatible Land Uses ensures areas containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.

The project site contains combining zones for the protection of habitat and open space through the Eureka "GO" Greenway and Open Space combining zone and is designed to comply with all of the provisions of this combining zone. Through mitigation measures the project is conditioned to prevent significant degradation of sensitive habitats. With implementation of Mitigation Measures MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7 and MM-BIO-8 impacts on sensitive natural communities and riparian habitat either would be avoided or would be compensated at a 1:1 ratio. Mitigation and conditions are also in place to prevent project related erosion and runoff to receiving waters and to protect and facilitate wildlife movement (MM-BIO-8). Through mitigation and conditions, the project will not degrade sensitive habitats.

- f) Policy BR-P2: Critical Habitat states discretionary projects which use federal permits or federal funds on private lands that have the potential to impact critical habitat shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies. The project is anticipated to require federal permits. A Clean Water Act Section 404 Nationwide Permit for wetland fill and work within riparian areas may likely be required. No critical habitat wildlife species will be impacted. Development within the stream channels and wetland areas have been minimized through project refinements and mitigation measures. The project as designed will not be inconsistent with adopted habitat recovery plans or interim recovery strategies.
- g) Policy BR-P4: Development within Stream Channels states Development within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects which include road crossings where erosion control measures are implemented. Development within stream channels will be limited to road crossings, a permitted development activity in stream channels. The crossings will be required to be designed to minimize impacts to the streams and to facilitate wildlife movement and to mitigate for all impacts to riparian habitat (Mitigation Measures MM-BIO-4 and MM-BIO-8)
- h) Policy BR-P5: Streamside Management Areas is to protect sensitive fish and

wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along streams including intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation. The EIR has identified a total of 0.168 acres of wetlands that would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project. Project construction activities occurring within riparian habitat would be limited to the stream crossings for public road extensions, and all riparian habitat will be mitigated at a 1:1 ratio (MM-BIO-4). Wetland impacts are limited to two small isolated wetlands and to a larger wetland required to be impacted for the extension of a public road. Wetland impacts will be mitigated at a 1:1 ratio (MM-BIO-5) and existing wetlands not impacted will be enhanced (MM-BIO-6). The project will adhere to the prescribed Streamside Management Areas (SMAs) buffers of 100 and 50-feet from the edge of riparian vegetation or top of bank for perennial and intermittent streams, whichever is greater for all other development related activities.

- i) Policy BR-P6: Development within Streamside Management Areas states that Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 – Required Mitigation Measures, BR-S9 – Erosion Control, and BR-S10 – Development Standards for Wetlands) have been provided to minimize any adverse environmental effects and shall be limited to uses as described in Standard BR-S7 – Development within Streamside Management Areas.

The EIR has identified a total of 0.168 acres of wetlands that would be impacted, and 0.050 acres of riparian habitat will be impacted as a result of the project. Project construction activities occurring within riparian habitat would be limited to the stream crossings for public road extensions, and all riparian habitats will be mitigated at a 1:1 ratio (MM-BIO-4). Wetland impacts are limited to two small isolated wetlands and to a larger wetland required to be impacted for the extension of a public road. Wetland impacts will be mitigated at a 1:1 ratio (MM-BIO-5) and existing wetlands not impacted will be enhanced (MM-BIO-6). The project will adhere to the prescribed Streamside Management Areas (SMAs) buffers of 100 and 50-feet from the edge of riparian vegetation or top of bank for perennial and intermittent streams, whichever is greater for all other development related activities.

- j) Policy BR-P7: Wetland Identification states that the presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified professional shall be required when wetland characterization and limits cannot be easily inventoried and identified by site inspection. A wetland delineation has been conducted by qualified individuals for the entire project area [Wetland Delineation prepared for Kramer Properties, Inc. (SHN Consulting Engineers March 2017) As identified in the DEIR a total of 0.168 acres of wetlands would be impacted by the project. However, mitigation measures have been identified in the DEIR to reduce potential impacts on wetlands to a less-than-significant level (see Mitigation Measures MM-BIO-5 and MM-BIO-6).
- k) Policy BR-P11: Biological Resources Maps states biological resource maps shall be consulted during the ministerial and discretionary permit review process in

order to identify habitat concerns and to guide mitigation for discretionary projects that will reduce biological resource impacts to below levels of significance, consistent with CEQA. SHN prepared biological resource surveys designed to support project planning. Prior to preparing these reports, available resource maps were consulted, including but not limited to the National Wetlands Inventory (NWI), California Natural Diversity Database (CNDDDB), and Humboldt County General Plan Resource Maps (publicly available on the County's GIS website). Based on the literature and database review and field surveys, a thorough inventory of sensitive and critical habitat within the project site has been mapped. This inventory is found in the Draft EIR. This information was used to refine the project and develop mitigation measures that reduce biological impacts to a level that is less than significant. Consistent with CEQA, all feasible mitigation to reduce impacts have been required.

- l) Policy BR-P12: Agency Review requires that the County shall request the California Department of Fish and Wildlife, as well as other appropriate trustee agencies and organizations, to review plans for development within Sensitive Habitat, including Streamside Management Areas. The County shall request NOAA Fisheries or U.S. Fish and Wildlife Service to review plans for development within critical habitat if the project includes federal permits or federal funding. Recommended mitigation measures to reduce impacts below levels of significance shall be considered during project approval, consistent with CEQA. The development of the project has included referrals to and consultation with the California Department of Fish and Wildlife (CDFW). CDFW has provided recommendations regarding project design and project mitigation measures and these recommendations have been considered and, where feasible, incorporated into the project. While CDFW recommended that a greater than 1:1 mitigation ratio be provided for the wetlands being impacted, this was not required in the project EIR as the wetlands being impacted were generally of lower quality and impacted from existing pedestrian and ATV traffic and road runoff. The mitigation measures in the EIR require the creation of wetlands of equal or greater habitat value and in areas that will provide greater habitat connectivity than the existing wetland areas.
- m) Policy CU-P1: Identification and Protection addresses the potential for impacts to significant cultural resources shall be identified during ministerial permit and discretionary project review, impacts assessed as to significance, and if found to be significant, protected from substantial adverse change per California Public Resources Code (PRC) Section 5020.1. The project's potential impacts on both cultural and tribal cultural resources were analyzed and addressed in the DEIR, with appropriate and feasible mitigation identified in order to reduce potential impacts as a result of inadvertent discovery of resources. A cultural resources Survey was prepared by Roscoe and Associates in February 2017 and an additional survey conducted by Archaeological Research and Supply Company in 2020 for the water tank location, both of which identified no artifacts, features, sites or other significant cultural resources on the project site.
- n) Policy CU-P2: Native American Tribal Consultation
Native American Tribes shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural

resources located in project areas within their respective tribal geographical area of concern.

The following Tribes were contacted regarding the project:

- Wiyot Tribe
- Bear River Band of the Rohnerville Rancheria
- Blue Lake Rancheria

The above Tribes were contacted as part of the referral process as soon as the project was submitted to the County. Additionally, formal consultation pursuant to SB 18 and AB 52 occurred. Representatives of all three tribes responded that no further consultation was desired.

- o) Policy CU-P4: Avoid Loss or Degradation ensures projects located in areas known, or suspected to be archeological sites or Native American burial sites shall be conditioned and designed to avoid significant impacts to significant sites, or disturbance or destruction to Indian burial grounds. Preserving Native American remains undisturbed and in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) are feasible. Conditions of approval shall include standard provisions for post-review inadvertent archaeological discoveries and discovery and respectful treatment and disposition of Native American remains with or without funerary objects in accordance with state law (Health and Safety Code (HSC) Section 7050.5 and PRC Section 5097.98). No known or suspected cultural resources were identified on the project site. However, in accordance with this policy, the DEIR includes measures to avoid potential impacts in the event cultural materials or human remains are inadvertently discovered.
- p) Standard SR-S4: Light and Glare ensures new outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant is required to prepare and submit an outdoor lighting plan to Humboldt County for review and approval prior to filing a map for each phase (MM-AES-2) to ensure that light and glare will not be a significant impact to sensitive receptors.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Water Resources Element of the General Plan.

- EVIDENCE:**
- a) Goal WR-G10: Storm Drainage requires utilizing onsite infiltration and natural drainage channels and watercourses, while minimizing erosion, peak runoff, and interference with surface and groundwater flows and storm water pollution. As identified in the DEIR, the project will comply with applicable storm drainage requirements and policies and mitigation is included to require stormwater control such as bioswales, pervious pavement, and catch basins (MM-HYD-2).
- b) Policy WR-P10: Erosion and Sediment Discharge requires Ministerial and discretionary projects requiring a grading permit shall comply with performance standards adopted by ordinance and/or conditioned to minimize erosion and discharge of sediments into surface runoff, drainage systems, and water bodies consistent with best management practices,

adopted Total Maximum Daily Loads (TMDLs), and non-point source regulatory standards.

As the project would disturb more than one acre of land, the project would require preparation of a SWPPP that identifies specific actions, specifications, and BMPs for pollution prevention and control. The project applicant must prepare and submit the appropriate notices of intent and prepare the SWPPP at the time final grading and engineering plans are completed and submitted to the County for review. The project would implement all measures contained in regulatory plans, programs, and policies adopted for protection of the environment. Nonetheless, the potential exists for construction-related spills of hazardous materials or fuels to reach receiving waters and degrade water quality and potentially violate a water quality standard or waste discharge requirement. Mitigation Measure MM-HYD-3 is required in the DEIR to implement require the preparation and submittal of a Low Impact Development plan prior to the filing of each phase of the map.

- c) Policy WR-P14: Groundwater Quality Protection
Commercial and industrial discretionary uses shall be evaluated for their potential to contaminate groundwater resources, and mitigated as necessary. The project's potential to contaminate groundwater resources was analyzed in the DEIR and found to not be significant after implementation of mitigation measures MM-HYD-1 and MM-HYD-2 (preparation of a Stormwater Pollution and Prevention Plan and stormwater quality and drainage management plan).
- d) Policy WR-P37: Downstream Stormwater Peak Flows states peak downstream stormwater discharge shall not exceed the capacity limits of off-site drainage systems or cause downstream impacts. New development shall demonstrate that post development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water. A Preliminary Hydrologic and Drainage Study was prepared for the McKay Ranch Project (Ontiveros & Associates, May 2017) which calculated the amount of stormwater runoff showing that this requirement can be met. Mitigation Measures require the preparation and submittal of appropriate stormwater plans for each phase of development prior to the filing of the map for that phase.
- e) Standard WR-S13: Storm Water Management requires all commercial, industrial, shall, whenever possible, provide stormwater treatment for parking lot runoff using bio-retention areas, filter strips, and/or other practices that be integrated into required landscaping areas and traffic islands. During construction stormwater shall be controlled.
The project will be required to control all stormwater and provide treatment for all parking lot areas. This includes the requirement for Low Impact Development features, a Stormwater Pollution and Prevention Plan, Stormwater Quality and Drainage Management Plan. MM-BIO-HYD-1, MM-HYD-2, MM-HYD-3 results in the requirement for a number of features including but not limited to the following features:
- Bioswales
 - Rain gardens
 - Catch-basins
 - Oil/water separators
 - Pervious pavement

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Energy Element of the General Plan.

EVIDENCE: a) Policy E-P13: Incentives for Using Alternative Energy encourages the use of renewable energy and environmentally preferable distributed energy generation systems in the county.
The project will comply with California Code of Regulations, including CalGreen at the time of issuance of building permits. This will include the requirements for solar panels to be installed on the residential units and the installation of electric vehicle charging stations.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Noise Element of the General Plan.

EVIDENCE: a) Policy N-P4: Protection from Excessive Noise protects persons from existing or future excessive levels of noise which interfere with sleep, communication, relaxation, health or legally permitted use of property.

The use of heavy equipment and power tools during construction of permitted structures when conforming to the terms of an approved permit is not subject to General Plan noise standards. After construction the primary noise source from project related activities will be the daily activities of residents and office-workers which is similar to the surrounding land uses.

b) Standard N-S5: Noise Standards for Habitable Rooms requires noise reduction shall be required as necessary in new development to achieve a maximum of 45 CNEL (Community Noise Equivalent Level) interior noise levels in all habitable rooms per California building standards.

There are no substantial operational noise generating features related to the project and standard construction techniques and requirements of the Building Code would reduce interior noise levels to 45 CNEL or below.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Safety Element of the General Plan.

EVIDENCE: a) Goal S-G4: Fire Risk and Loss
Development designed to reduce the risk of structural and wildland fires support by fire protection services that minimize the potential for loss of life, property, c natural resources.

The proposed project would be located adjacent to existing wooded areas and constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. Therefore, the proposed project would be consistent with this policy with MM WF-1 incorporated.

b) Policy S-P11: Site Suitability states that new development may be approved

only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.

The proposed project would not substantially increase or contribute to site geologic instability or place structures within a geologic hazard area. The proposed project would be designed and built in conformance with all applicable federal, state, and local building code requirements related to site stability.

- c) Policy S-P18: Subdivision Design in High and Very High Fire Hazard Zones states Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design, slope development constraints, fuel modification plans, and vegetation setbacks.

The proposed project is located in an SRA with a high fire severity classification. As discussed in Section 3.19, Wildfires, MM WF-1 and MM WF-2 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. However, the proposed project does not provide a 100-foot defensible space along the perimeter of the subdivision and is not consistent with this policy. However, Policy G-P31 of the General Plan requires a comprehensive view of all relevant policies and a balancing of the intent of the policies to result in a practical and workable manner. This project is consistent with a comprehensive view of the plan and provides a significant public need while mitigating for the potential impacts of this policy inconsistency. Policy G-P31 provides that this project should be approved despite an inconsistency with Policy S-P18.

- d) Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations requires development shall conform to Humboldt County SRA Fire Safe Regulations.

The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. MM WF-1 would be implemented in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations.

- e) Standard S-S9: Fire Safe Regulations require development within SRA shall conform to SRA Fire Safe Regulations (Humboldt County Code, Division 11 of Title III as amended).

The county's Fire Safe regulations have been superseded by the state Fire Safe Regulations. The project will comply with all the appropriate Fire Safe Regulations.

- f) Standard S-S11: The California Fire Code shall be applied to all applicable development as required, the project will be designed in accordance to the California Fire Code (CFC).

FINDING:

The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are in conformance with the Air Quality Element of the General Plan.

EVIDENCE:

- a) Goal AQ-G1: Improved Air Quality requires that air quality that meets state and federal ambient air quality standards.

The impacts to air quality have been analyzed in the DEIR. Based on modeling, emissions associated with construction of the proposed project would not exceed the NCUAQMD maximum daily thresholds of significance during construction or operation.

- b) Goal AQ-G2: Particulate Emissions require successful attainment of California Ambient Air Quality Standards for particulate matter.
The impacts to air quality have been analyzed in the EIR. Based on modeling, California Ambient Air Quality particulate matter thresholds will not be exceeded on the daily or annual basis. This is true for both construction and operations phases of the project.

- c) Goal AQ-G3: Other Criteria Pollutants maintain attainment of Ambient Air Quality Standards for ozone and other criteria pollutants which may be subject to tightening standards.
The impacts to air quality have been analyzed in the EIR. Based on modeling, the project would not exceed state or national thresholds, and would not result in significant health impacts.

- d) Policy AQ-P4: Construction and Grading Dust Control states, "Dust control practices on construction and grading sites shall achieve compliance with NCAQMD fugitive dust emission standards."
The project will comply with NCUAQMD's Rule 104 for fugitive dust control measures. Activities associated with decreased air quality from project activities are temporary.

- e) Policy AQ-P5: Air Quality Impacts from New Development
During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCAQMD.

The impacts to air quality have been analyzed in the DEIR. Based on modeling, emissions associated with construction of the proposed project would not exceed the NCUAQMD maximum daily thresholds of significance during construction or operation.

- f) Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions
The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.
The project would increase greenhouse gas emissions and that is identified as a significant and unavoidable impact. Mitigation measures are required in order to minimize project emissions and mitigate for project emissions. MM-GHG-1 and MM-GHG-2 provide for feasible mitigation measures to reduce the emissions associated with this project.

- g) Policy AQ-P17: Preservation and Replacement of On-site Trees
Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.

The project does require tree removal that would result in a loss of carbon sequestration and a release of carbon that is stored in trees. Because replacement on-site is not an option, the EIR requires mitigation in the form of a carbon off-set program related to the carbon storage losses associated with

the development of the project (MM-GHG-1).

- h) Standard AQ-S1: Construction and Grading Dust Control requires ground disturbing construction and grading shall employ fugitive dust control strategies to prevent visible emissions from exceeding NCAQMD regulations and prevent public nuisance.
Fugitive dust control strategies to prevent visible emissions from exceeding NCAQMD regulations, per Rule 104, will be implemented throughout project construction and would reduce construction-related emissions of PM10 and PM2.5 to levels that are below adopted thresholds.
- i) Standard AQ-S2: Evaluate Greenhouse Gas Emission Impacts requires that during environmental review of large scale residential, commercial and industrial projects, include an assessment of the project's GHG emissions and require feasible mitigation.
Short-term construction activities and long-term operations for the proposed project would emit GHGs. These GHG emissions were modeled using the California Emissions Estimator Model (CalEEMod). Feasible mitigation has been required for the project's GHG emissions (MM-GHG-1, MM-GHG-2).
- j) Standard AQ-S3: Evaluate Air Quality Impacts requires that during environmental review of discretionary projects, evaluate new commercial and industrial sources of emissions using analytical methods and significance criteria used, or recommended by, the NCAQMD.
Emissions from short-term construction activities and long-term operations of the proposed project were modeled using the California Emissions Estimator Model (CalEEMod) and then compared to the NCUAQMD daily and annual standards. As discussed above, construction and operation of the project would not exceed NCUAQMD thresholds of significance and no mitigation measures are required.
- k) Standard AQ-S6: Preservation and Replacement of On-Site Trees requires large scale residential, commercial and industrial projects which remove a significant number of large trees (for example, more than 50 trees of greater than 12 inches DBH) shall plant replacement trees on-site or provide offsetting carbon mitigations."
Replacement trees are not feasible on-site. The project includes mitigation for implementation of a carbon offset program tied to the loss of trees on-site.

FINDING:

The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are consistent with the Eureka Community Plan.

3. **EVIDENCE:**

- a) Goal 2510.1: To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.
Although the proposed project consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.
- b) Policy 2520.1: States subdivisions for residential purposes, including subdivisions developed in phases, shall not be approved unless the roads planned to serve such subdivision or individual phases are acceptable to Public Works for development at planned densities and for use by emergency vehicles. Costs of bringing new on-site roads up to standards shall be borne by the subdivider. The proposed project would require that the roads included in the development be constructed early in the process for each phase of development to provide adequate access for construction personnel and

equipment. Conditions of approval would require Public Works review and approval for each phase through the Final Map and improvement plans processes.

- c) Goal 2610.2: To protect the area's numerous drainage gulches (greenway/open space areas) while providing for development along hillside terrain.

The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages to be preserved through the establishment of permanent easements.

- d) Goal 2610.3: To provide opportunities for public recreation.

The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages, to be preserved through the establishment of permanent easements.

- e) **Policy 2620.1. Residential Density and Lot Sizes:**

- a. *The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.*

- b. *The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre.*

- c. *The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps.*

The proposed project would have an average density of 3.8 dwelling units per acre for the residential single-family designation (RL) with 96 larger (6,600-square-foot to 39,670-square-foot) lots and 50 smaller (4,758-square-foot) lots and 9 dwelling units per acre for the residential multiple family designation (RM) with 174 multi-family units. The smaller single-family residential lot sizes would be allowed through a Planned Unit Development.

- f) Policy 2620.8. North McKay Tract requires development of this area shall include at least three access points onto Walnut Drive (the extension of Redwood, Fern and Arbutus Streets). Development of this area should also include a through road and its northerly extension to the intersection of Manzanita and Harrison Avenue. Development of the property should occur with an approved plan and rights-of-way for the through road. The timing for extension of each street shall be determined by Public Works.

The project would have two primary access points, Redwood Street and Arbutus Street, which would be extended to access 320 units (all but three single-family residential lots), the commercial space, and the open space. Fern Street would provide secondary access to two lots because it currently terminates at the adjacent community ballfields at Redwood Fields Park and does not provide an opportunity for a connection. Manzanita Avenue would access three single-family residential lots. The project does not include a through-road and would not provide a future extension to the intersection of Manzanita and Harrison Avenues.

The North McKay Tract was previously rezoned from TPZ to Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), which is consistent with this policy. The project proposes a total of 320 units with a range of lot sizes, trails, and permanent open space.

The total Immediate Rezone area of the North McKay Tract is approximately 81 acres. The parcel has been given combining zones to facilitate

development of a 10-acre minimum youth sports field facility with a surrounding low density residential community.

The Planned Unit Development limits the number of dwelling units to 320. The Planned Unit Development should include a clustering of homesites with lot sizes ranging from 4,000 square feet (adjacent to the park) to 9,600 square feet (along the bluff), enabling a large portion of land to be preserved through a permanent easement as open space.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are consistent with the purposes of the existing zone in which the site is located.

EVIDENCE: a) Residential One Family (R-1) Zone District, the purpose of the R-1 zone is to allow for low-density residential development in areas where topography, access, utilities and public services are available.

The project will result in 146 single family lots available for single family dwellings and accessory uses. The site is relatively flat, has access to arterial and collector roads, and will be served by public utilities and services.

b) Apartment Professional (R-4) Zone District is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses.

Upon reclassification the project will result in approximately 18.5 acres of R-4 zoning which will support 174 units through a variety of multiple dwelling types and dwelling groups. The site has sufficient services and access to arterial roads, public transportation, public recreational areas and neighborhood commercial uses.

c) Neighborhood Commercial (C-1) Zone District is to provide for neighborhood shopping centers which will provide convenient sales and services facilities to residential areas without detracting from the residential desirability of such areas.

Upon reclassification the project results in two C-1 zoned parcels which will be developed with 22,000 square feet of commercial services to serve the 320 residential units associated with the project in addition to the surrounding existing residential community. The 22,000 square feet will be developed on approximately 2.2 acres of C-1 zoned area.

d) Timberland Production Zone (TPZ) is intended to provide standards and restrict for the preservation of timberlands for growing and harvesting timber. Public water facilities are specified as a compatible use with timber production.

The project includes the development of a water storage tank within TPZ lands that are currently owned and utilized for the provision of public water services and infrastructure.

FINDING: The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map are conform with all applicable standards and requirements of the Humboldt County Zoning Regulations.

EVIDENCE: a) Section 314-2.1: Neighborhood Commercial since project is proposing commercial space which will be principally permitted uses in the C-1 zone, such as professional business offices and stores and services of a light commercial nature. The two proposed commercial lots will be significantly larger than the minimum lot size in the C-1 zone of 2,000 square feet.

b) Section 314-6.2: Residential Single Family

The project will result in 146 single family lots ranging in size from 4,838 square feet to 60,531 square feet. One-family dwellings are a principally permitted use in the R-1 zone. While the minimum lot size in the R-1 zone district is 5,000 square feet, this may be modified through approval of a Planned Unit Development.

- c) Section 314-6.5: Apartment Professional
The project will result in 6 lots which will be zoned R-4 and developed with a variety of multiple-family housing units. The lots will range from 90,956 square feet to 233,551 square feet. Principally permitted uses in the R-4 zone include two-family dwellings and multiple dwellings and dwelling groups. The minimum lot size is 5,000 square feet.
- d) Section 314-7.4: Timberland Production Zone
The project includes the construction of a water storage tank for the adequate provision of water services to serve the project. The erection, construction and maintenance of water facilities is specifically identified as a principal permitted use within the TPZ zone.
- e) Section 314-22.2: Greenway and Open Space (GO) Combining Zone is intended to be applied within the urban limits of the Eureka Community Planning Area in sensitive habitat areas historically known as gulches. Greenway and Open Space areas are mapped to contain Streamside Management Areas, measured from the centerline of the stream and all slopes of 30% or greater on lands adjacent to streams and all streams and level areas below those slopes. Road, street and utility crossing and trails and parks are compatible uses within the GO areas upon approval of a Special Permit. All subdivisions within areas which have the GO combining zone must submit a detailed development map prepared by a licensed engineer or surveyor that shows the SMA areas and the greenway and open space areas. The Applicant has submitted a detailed map (see preliminary grading and drainage plan) prepared by Brian Ontiveros, a licensed engineer, which shows these areas and demonstrates that all areas are outside of the greenway and open space areas with the exception of the road crossings, for which a Special Permit is requested.
- f) Section 314-31.1: Planned Development
The project is a planned development which will allow for flexibility in the development standards, most specifically for the minimum lot size standards of the underlying R-1 zone and the setback provisions within the proposed lots. The purpose of the planned development regulations is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services. This project is planned around a variety of housing types and commercial and recreational development that benefits from the flexibility in design standards.
- g) Section 314-33.1: Recreation
The Recreation Combining Zone is intended to be combined with any principal zone in which the addition of recreational uses is desirable and will not be detrimental to the uses of the principal zone or of adjacent zones. All principally allowed uses in the primary underlying zone are principally permitted in the R combining zone. The R combining zone is applicable to these properties primarily as the area was identified in the Eureka Community Plan for

development of recreational facilities such as the baseball fields which have been constructed at the end of Fern Street and for trails within and adjacent to the McKay Community Forest. This project is consistent with the R zone in that principal uses of the underlying zone are proposed, and the project includes the dedication of recreational open space to the County.

- h) Section 314-61.1: Streamside Management Areas and Wetlands Ordinance
"All developed as defined in the General Plan within or affecting SMAs, wetlands or other wet areas not exempted under Section 314-61.1.4 shall require a permit pursuant to an application for development within SMAs, wetlands and other wet areas and processed as a special permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq.)."
Work is proposed within SMA areas for the filling of two isolated wetlands in the northern part of the project, development within a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street. A total of 0.168 acres of wetlands would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project. Work within riparian areas will require a Lake or Streambed Alteration Agreement (LSAA) from CDFW and replanting of impacted areas at a 1:1 ratio.
- i) Section 314-110.1: Parkland Dedication. This requires new subdivisions containing fifty-one (51) or more parcels: 1) an offer of dedication land to a public or private non-profit agency for public park or recreation use as identified in the Eureka Community Plan. Public parkland and/or recreation facilities shall be provided at the rate of three (3) acres for each 1,000 persons, equal to a standard of 130 square feet per person. According to the 2020 US Census the average household in the greater Eureka area is 2.21 people per household. The proposed project would have 170 multi-family housing units and 146 single family lots, which could have accessory or second dwelling units, for a total of 462 potential households or 1,021 persons. At 130 square feet per person the parkland required to be dedicated by this project is 132,730 square feet or 3.04 acres. The project is proposing to dedicate 21.7 acres of open space to be added to the McKay Community Forest for public recreational purposes which will be consistent with the parkland policies of the Eureka Community plan as the land is located adjacent to residential areas, is accessible by foot and bicycle, and contains area that is suitable for both passive and active recreational uses.
- j) Section 312-1: General Provisions states, "1.1.2: Legal Lot Requirement. Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations."

The property is a single legal parcel created through a lot line adjustment approved by Humboldt County and recorded as document 1997-28279-6 on November 12, 1997.

6. FINDING:

HEALTH, SAFETY, or WELFARE – The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) The project was referred to and reviewed by the Humboldt County Planning Division, County Building Inspection Division, County Department of Public Works, County Division of Environmental Health (DEH), County Department of Health and Human Services, California Department of Fish and Wildlife

(CDFW), California Department of Forestry and Fire Protection (CalFire), California Department of Transportation (Caltrans), City of Eureka, North Coast Unified Air Quality Management District (NCUAQMD), Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Regional Water Quality Control Board (RWQCB), United States Army Corp of Engineers, Humboldt Community Services District, Humboldt bay Fire protection District. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. No evidence has been submitted that the project as conditioned and mitigated will be detrimental to public health, convenience, safety, and welfare. Furthermore, no evidence has been submitted that indicates that properties within the vicinity will be physically damaged by the proposed development.

7. FINDING: **NO REDUCTION IN THE RESIDENTIAL DENSITY FOR ANY PROJECT PARCEL** - The General Plan Amendment, Rezone, Planned Development, Special Permit and Subdivision Map will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation).

EVIDENCE: a) This property was identified in the 2019 Humboldt County Regional Housing Needs Assessment (RHNA) Plan as critical to fulfill the County's mandated requirement to provide a "fair share" of the County's projected housing needs for the current RHNA cycle of December 31, 2018 through August 31, 2027. In this assessment the parcel was determined to be available for adding 323 residential units to the County's housing inventory. This assessment was based on an estimated parcel size of 87 acres however the actual assessed size of the property is at 81 acres. Accordingly, the project will provide a higher density than that which was utilized for the Regional Housing Needs Assessment.

8. FINDING: **COASTAL RESOURCES** – The project will not have a significant adverse effect on coastal resource, including wildlife qualities.

EVIDENCE: a) Other than the offloading location at Fields Landing and portions of the haul route, the project is not within the Coastal Zone. The project will not have an adverse effect on coastal resources. The applicant will apply for a consolidated CDP through the California Coastal Commission.

9. FINDING: **CEQA** – The County has complied with the California Environmental Quality Act.

EVIDENCE: a) An Environmental impact Report (EIR) has been prepared and circulated for public review pursuant to sections 15080 through 15097 of the CEQA Guidelines. As part of the review of this project the Humboldt County Planning Commission adopted Resolution No. 22- to recommend that the Board of Supervisors certify the Final Environmental Impact Report prepared for the project, adopt Statements of Overriding Considerations, make the required CEQA findings prior to approving the project, and adopt the Mitigation Monitoring and Reporting Plan for implementation of the mitigation measures contained in the EIR.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Recommend the Board of Supervisors Conditionally approve General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Special Permit and Development Agreement for the North McKay Tract Subdivision Project, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on January 6, 2022.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:
 DECISION:

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

 John H. Ford Director,
 Planning and Building Department

ATTACHMENT 2A

Recommended Conditions of Approval

RECOMMENDED CONDITIONS OF APPROVAL FOR THE FINAL SUBDIVISION AND PLANNED UNIT DEVELOPMENT PERMIT

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

- 1) All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
- 2) The conditions on the Department of Public Works referral dated December 27, 2020, herein as Exhibit A of Attachment 1, 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 for each phase, identifying both net and gross parcel areas, be submitted for review and approval.
- 4) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from the Humboldt Community Services District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- 5) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from the Humboldt Bay Fire Protection District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- 6) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements per their letter dated. This requirement shall be administered by the Department of Public Works.
- 7) The applicant shall cause to be dedicated on the Final Map for each phase easements as necessary for the establishment of telecommunications and broadband service.
- 8) Prior to the filing of the Final Map for Phase 2, the applicant shall provide the location of a minimum of 7 bicycle storage racks within the Phase 2 development. The location of bicycle storage racks shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units.
- 9) Prior to the filing of the Final Map for Phase 3, which involves 12 small lot single family residential lots, 44 multi-family units and 2 commercial lots, the applicants shall consult with the Department of Public Works and Humboldt Transit Authority on the appropriate placement for a transit stop. The Applicant shall cause to be dedicated on the subdivision map an easement and right-of-way as necessary to accommodate the transit stop.
- 10) Prior to the filing of the Final Map for Phase 3, the applicant shall provide the location of a minimum of 12 bicycle storage racks within the Phase 3 development and a minimum of 4 bicycle storage lockers. The location of bicycle storage racks and lockers shall be shown on

the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units and the installation of the bicycle storage lockers to be complete prior to the issuance of occupancy clearance for any of the commercial structures.

- 11) Prior to the filing of the Final Map for Phase 4, the applicant shall provide the location of a minimum of 6 bicycle storage racks within the Phase 4 development. The location of bicycle storage racks shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units.
- 12) The applicant shall cause to be dedicated on the Final Map for each phase the following open space and recreation areas to the County of Humboldt:
 - Phase 1: COH 206 as shown on the preliminary map.
 - Phase 3: COH 207 as shown on the preliminary map, subject to County acceptance. If this area is not accepted by the Director of Public Works this deduction shall not be required.
 - Phase 4: COH 202 and COH 204 as shown on the preliminary map.
 - Phase 6: COH 205 as shown on the preliminary map.
 - Phase 8: COH 201 as shown on the preliminary map.
- 13) New utilities for all units and developments shall be undergrounded. Above ground vaults and utility boxes shall be screened with vegetation or fencing.
- 14) For each map the applicant shall cause to be recorded a "Notice of Development Plan and Geological Report " 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 \$190.00 plus applicable recordation fees) will be required. The Planned Unit Development shall also be noticed on the Final Map.
- 15) For each map 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.
- 16) For each map a review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95 .00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County' s current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
- 17) **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 \$3,589.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) EIR filing fee plus a \$50 document handling fee.
- 18) A note shall be included on the Development Plan indicating units may not be rented for less than 30 days or used as short-term rentals.

- 19) The applicant must enter into an Agreement to Implement a Mitigation Monitoring and Reporting Plan prior to filing of the first phase or issuance of any grading or building permits for the development project.

Informational Notes:

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

Assessor's Parcel No . _____. Condition _____.

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

Exhibit 1 to Attachment A:
Public Works Department Memos dated November 24, 2020



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

On-line Web: humboldt.gov	Public Works Building Second & L St., Eureka Fax 445-7409		Clark Complex Harris & H St., Eureka Fax 445-7388	
Administration	445-7491	Natural Resources	445-7741	Land Use
Business	445-7652	Natural Resource Planning	267-9542	445-7205
Engineering	445-7377	Parks	445-7651	
Facility Management	445-7621	Roads	445-7421	

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Supervising Planner

FROM: Robert W. Bronkall, Deputy Director 

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE APPLICATION OF KRAMER PROPERTIES, APN 017-032-003, APPS 9902, FMS 15-004, PDP 15-001, GPA 15-005, AND ZR 15-008 FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 81 ACRES INTO 156 LOTS

DATE: 12/27/2021

- - - - -

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 Ontiveros, and Associates dated 05/23/2019 and revised 03/04/2020, and dated as received by the Humboldt County Planning Division on <NOT DATE STAMPED>, dated as received by Humboldt County Public Works on 03/23/2021

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

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

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

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

- 1.2 **MAP TYPE:** Applicant must cause to be filed a final map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code Section 326-15. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The 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 **FURTHER SUBDIVISION:** At least some of the lots may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), "Statements to Accompany a Tentative Subdivision Map".
- 1.6 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

(a) ARBUTUS STREET AND REDWOOD STREET (EXTENSION TO ARBUTUS STREET)

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt a 68 foot wide easement for public road purposes. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

The right of way for Arbutus Street shall be extended through Lots 205 and 206 to the subdivision boundary to serve the adjoining property (APN 017-032-009). The exact location to be based upon the most ideal location to construct a 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.

(b) HARRISON STREET (ARBUTUS STREET SOUTHERLY)

Public Road: Applicant shall cause to be irrevocably dedicated on the subdivision map to the County of Humboldt a 60 foot wide easement for public road purposes. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

(c) INTERNAL SUBDIVISION ROADS:

Street Name	Typical Right of Way Width	Cul-de-sac Right of Way Radius
McKay Lane	40'	45'
Oakview Drive	40'	45'
Canyon Court	40'	45'
Canyon Circle	40'	45'
South Canyon Lane	40'	45'
Redwood Street (Arbutus Street to S. Canyon Lane)	40'	45'
Manzanita Avenue (extension to Cul-de-Sac)	60'	45'
Unnamed Access Road serving Lots 132 through 139	26'	N/A
Unnamed Access Road serving Lots 120 through 127	26'	N/A
Unnamed Access Road serving Lots 108 through 115	26'	N/A
Unnamed Access Road serving Lots 104 through 107	26'	N/A
Unnamed Access Road serving Lots 116 through 119	26'	N/A
Unnamed Access Road serving Lots 128 through 131	26'	N/A
Unnamed Access Road serving Lots 84 through 87	26'	N/A
Unnamed Access Road serving Lots 100 through 103	26'	N/A
Unnamed Access Road serving Lots 96 through 99	26'	N/A

Street Name	Typical Right of Way Width	Cul-de-sac Right of Way Radius
Unnamed Access Road serving Lots 92 through 95	26'	N/A
Unnamed Access Road serving Lots 58 through 60	26'	N/A

Public (PRD) Road – Irrevocable Offer: Applicant shall cause to be irrevocably dedicated to the County of Humboldt on the subdivision map an easement for public road purposes over all streets located within the proposed subdivision, in a manner approved by this Department. These offers will be rejected at the time the map is filed with the County Recorder. Easements shall include additional right of way for curb returns and knuckles as determined by this Department.

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. Easements shall include additional right of way for curb returns and knuckles as determined by this Department.

Additional areas may be needed for knuckles and curb returns as determined by this Department.

Sidewalks (PRD): Applicant shall cause to be irrevocably dedicated to the County of Humboldt on the subdivision map a 10 foot wide easement for public sidewalk purposes lying adjacent to the right of way of the access roads within the subdivision. Said easement shall be dedicated in manner, width, and location as approved by this Department. The County will most likely reject the offer of dedication at this time. This easement may overlap a public utility easement.

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.

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 access roads, or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

Applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easements.

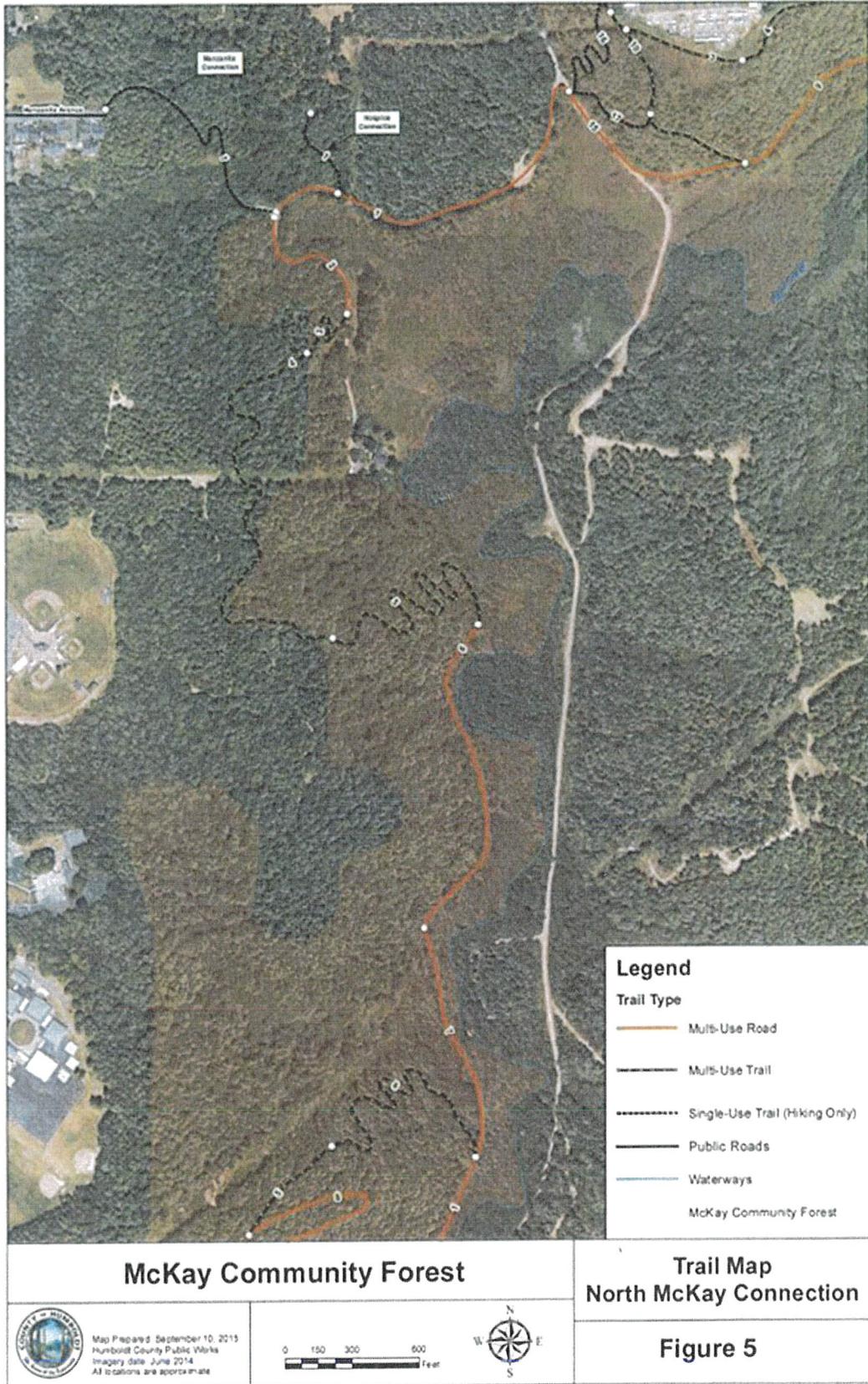
- (d) **COMMON DRIVEWAYS:** Applicant shall cause to be dedicated on the subdivision map a non-exclusive access, drainage and utility easement for the common driveways. Said easement shall be for the benefit of the appurtenant lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department. A minimum width of 20 feet is required.

Common Driveways
Lots 140 and 141
Lots 63 and 64

(e) **TRAILS:**

McKay Community Forest Trail: Applicant shall cause to be irrevocably dedicated to the County of Humboldt on the subdivision map a minimum 20 foot wide easement for public trail purposes over the McKay Community Forest trail that falls within the proposed subdivision as shown in the diagram below. This shall be dedicated in manner and location as approved by this Department. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Within six (6) months of the approval of the tentative map, Applicant shall dedicate the McKay Community Forest trail easement to the County.



Above: diagram of proposed McKay Community Forest Trail

Lot 52 Trail Connection: At that time that Lot 52 is developed applicant shall submit a trail connection plan to the County of Humboldt for review and approval. The plan shall show a connection from Arbutus Street and/or Oakview Drive to the McKay Community Forest Trail. The applicant shall construct the trail connection as part of the development of Lot 52 and shall dedicate to the County of Humboldt a 20 foot wide easement for public trail/sidewalk purposes. This shall be dedicated in manner and location as approved by this Department.

This shall be reflected on the development plan for the phase that includes Lot 52.

Lot 20 Trail Connection: The applicant shall dedicate to the County of Humboldt a 20 foot wide easement for public trail/sidewalk purposes between Lots 19 and 20 to connect Oakview Drive with the McKay Community Forest Trail.

It is intended that this easement would overlap the drainage easement. This shall be dedicated in manner and location as approved by this Department.

Lots 44/45 Trail Connection: The applicant shall dedicate to the County of Humboldt a 20 foot wide easement for public trail/sidewalk purposes between Lots 44 and 45 to connect Oakview Drive with the McKay Community Forest Trail.

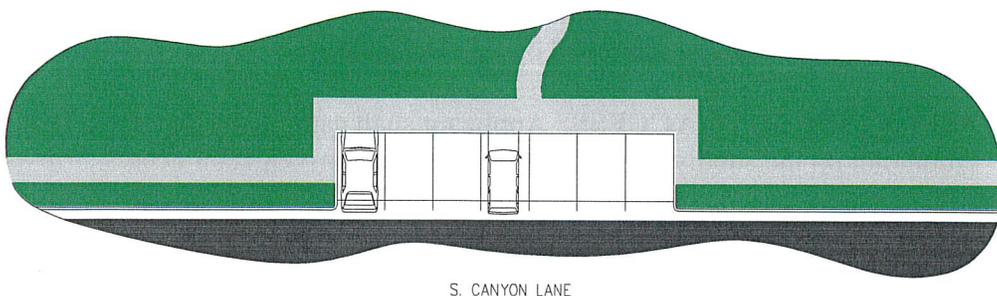
In the event that a trail connection between Lots 42/43 cannot be developed to the satisfaction of the Department, a trail connection on Lots 28/29/30 shall be provided. This shall be resolved at the time that Phase 4 or Phase 6 is developed, whichever occurs first.

It is intended that this easement would overlap the drainage easement. This shall be dedicated in manner and location as approved by this Department.

Lot 204 (open space lot) Trail Connection: The applicant shall dedicate to the County of Humboldt a 20 foot wide easement for public trail/sidewalk purposes across Lots 204 to connect S. Canyon Lane to the McKay Community Forest Trail.

In addition, the applicant shall also dedicate to the County of Humboldt an easement for a trailhead parking area on Lot 204, as shown below. The location for the parking area is on S. Canyon Lane between lots 57 and 58.

This shall be dedicated in manner and location as approved by this Department.



Above: example of parking bay on S. Canyon at the terminus of Redwood Street

Lot 150 (Manzanita Avenue Connection): The applicant shall dedicate to the County of Humboldt a 20 foot wide easement for public trail/sidewalk purposes for a future connection from Manzanita Avenue to the McKay Community Forest.

Temporary Trail Connection: As part of the first phase of the project, the applicant shall cause to be irrevocably dedicated to the County of Humboldt a temporary 20 foot wide public trail/sidewalk easement. This shall be dedicated in manner and location as approved by this Department. The easement shall connect from Fern Street, Arbutus Street or Redwood Street to the McKay Community Forest Trail. It is intended that the temporary trail will be abandoned and/or relocated as necessary as each subsequent phase is developed.

Within six (6) months of the approval of the tentative map, Applicant shall dedicate the initial temporary trail easement to the County. It is anticipated that subsequent temporary trail easements will be dedicated by separate document to be recorded concurrently with the filing of the subdivision map with the County Recorder.

As part of the initial phase of the subdivision that is developed, the applicant shall submit a temporary trail connection plan to the Department for review and approval. The plan shall show a connection from Fern Street, Arbutus Street or Redwood Street to the McKay Community Forest Trail. The applicant shall irrevocably dedicate to the County of Humboldt a 20 foot wide easement for public trail/sidewalk purposes. It is intended that the temporary trail will be abandoned and/or relocated as necessary as the project is built out.

- (f) **STORM DRAINS:** Storm drain easements shall be adjusted (as necessary) so that the storm drain and storm drain easement shall be entirely on one lot (not split down a common lot line). This may require reconfiguration of the lot lines.

Redwood Street and Arbutus Street Storm Drain Easements: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map an easement for storm drain purposes in a manner approved by this Department.

Irrevocable Offer: Applicant shall cause to be irrevocably dedicated to the County of Humboldt on the subdivision map an easement for storm drain purposes in a manner approved by this Department. This offer will be rejected at the time the map is filed with the County Recorder.

Private Storm Drain: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for storm drain purposes for the benefit of the lots within the subdivision in a manner approved by this Department.

- (g) **NON-VEHICULAR ACCESS:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip as follows:

Road	Lots
Redwood Street	<none>

Road	Lots
Arbutus Street	Lot 64, 66, 67, 73 through 77, 85, 86, 104, 107, 108, 111, 112, and 115. Lots 93, 94, 97, 98, 101, and 102, except at the unnamed access road.
Oakview Drive	<none>
McKay Lane	Lots 25 and 33
S Canyon Lane	<none>
Canyon Circle	<none>
Canyon Court	Lot 73. Lots 85 and 86 except at the unnamed access road.

*Note: Non-vehicular access strips are required to eliminate multiple lot frontages. The applicant may wish to flip which side of the lot that the non-vehicular access strip is applied to. The designations shown in this table are based upon the footprints shown on the tentative map.

The need for non-vehicular access strips on Lots 1, 2, 52, 53, 88, 89, 90, and 91 will be assessed at the time that the lots are developed. Based upon the proposed development, the Department may be able to support multiple access points to the roads; including access points on multiple roads. A note shall be placed on the development plan indicating this.

- (h) **RIGHT TO DISCHARGE:** Applicant shall cause to be dedicated to the County of Humboldt the right to discharge storm water runoff from County roads onto land included within the subdivision as well as through existing privately maintained drainage facilities.
- (i) **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 **PRIVATE ROADS:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

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

[Note: County Code Section 323-2 appears after Section 324-1 in County Code.]

1.8 **PHASING:** The project is proposed to include 9 phases:

- Phase 1 consisting of Lots 152 to 154
- Phase 2 consisting of Lots 1 and 2
- Phase 3 consisting of Lots 88 to 103

- Phase 4 consisting of Lots 52 to 66
- Phase 5 consisting of Lots 73 to 87
- Phase 6 consisting of Lots 67 to 72
- Phase 7 consisting of Lots 3 to 13, 104 to 119, and 128 to 131
- Phase 8 consisting of Lots 33, 34, 36 to 51, 120 to 127, and 132 to 151
- Phase 9 consisting of Lots 14 to 32, and 35

The sequence in which the phases are developed may require improvements to be constructed in another phase to the satisfaction of the Department.

As part of Phase 1, Arbutus Street shall be constructed to the southerly line of Lot 102. The remainder of Arbutus Street / Redwood Street loop shall be constructed prior to the issuance of a building permit within Phases 3, 4, 5, 6, 7, 8, or 9.

1.9 **OPEN SPACE LOTS:** When open space lots or other lots not designated for development are proposed and there is no entity (CSD, HOA, County, City, etc) willing to take ownership of the lot, the lot may be merged into one or more adjoining lots. The configuration of the merged lot(s) shall be to the satisfaction of the Public Works Department and the Planning and Building Department.

1.10 **LOT RECONFIGURATION:** Public Works may administratively approve the minor reconfiguration of lots, including but not limited to, the following:

- Aligning Lots 129, 130, 140 and 141 to take access from the Unnamed Access Road serving Lots 132 through 139
- Aligning Lots 117, 118, 128 and 131 to take access from the Unnamed Access Road serving Lots 120 through 127
- Aligning Lots 105, 106, 116, and 119 to take access from the Unnamed Access Road serving Lots 108 through 115

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 2 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.

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 **DESIGN TOPO:** Unless otherwise waived by this Department, improvement plans shall be based upon a topographic survey conducted after timber harvesting and clearing have been completed.
- 2.3 **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.
- 2.4 **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.

- 2.5 **ROAD NAMES:** The access roads and streets shall be named as approved by the Planning & Building Department - Planning Division.
- 2.6 **TRAFFIC CONTROL DEVICES:** Street name and traffic control devices shall be placed as required and approved by this Department.

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

- 2.7 **ACCESS ROADS:** The surface of the access road(s) shall conform to the *Structural Section* requirements within this document. The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:
- (a) **WALNUT DRIVE / HEMLOCK STREET (OFFSITE):** Construct a traffic signal at the intersection of Walnut/Hemlock prior to issuance of the building permit for the 57th residential unit. The traffic signal timing shall include a pedestrian lead interval.
- (b) **WALNUT DRIVE / FERN STREET (OFFSITE):** The applicant shall reimburse the Department for modifying the traffic signal timing to include a pedestrian lead interval. The pedestrian lead interval shall be activated around the same time as the Walnut Drive / Hemlock Street signal is activated. Reimbursement shall be made within 60 days after the Walnut Drive / Hemlock Street signal is activated.

- (c) **W STREET / HODGSON STREET / CHESTER STREET (OFFSITE):** Construct a traffic signal at the intersection of W /Hodgson / Chester prior to issuance of the building permit for the 152nd residential unit. This condition may be administratively waived if the City of Eureka will not issue an Encroachment Permit to construct the improvement.
- (d) **REDWOOD STREET (OFFSITE):** Applicant shall construct in-fill sidewalks along the north side of Redwood Street between Walnut Street and the subject property. Applicant shall construct Class 2 bike lanes on Redwood Street from Walnut Drive to the subdivision boundary. This shall be completed with the phase that connects to Redwood Street.

Prior to filing the subdivision map with the County Recorder for the last phase of the project, the applicant shall submit a speed hump petition to the Department of Public Works. If the speed hump petition is approved, the applicant shall construct speed humps prior to filing of the subdivision map.

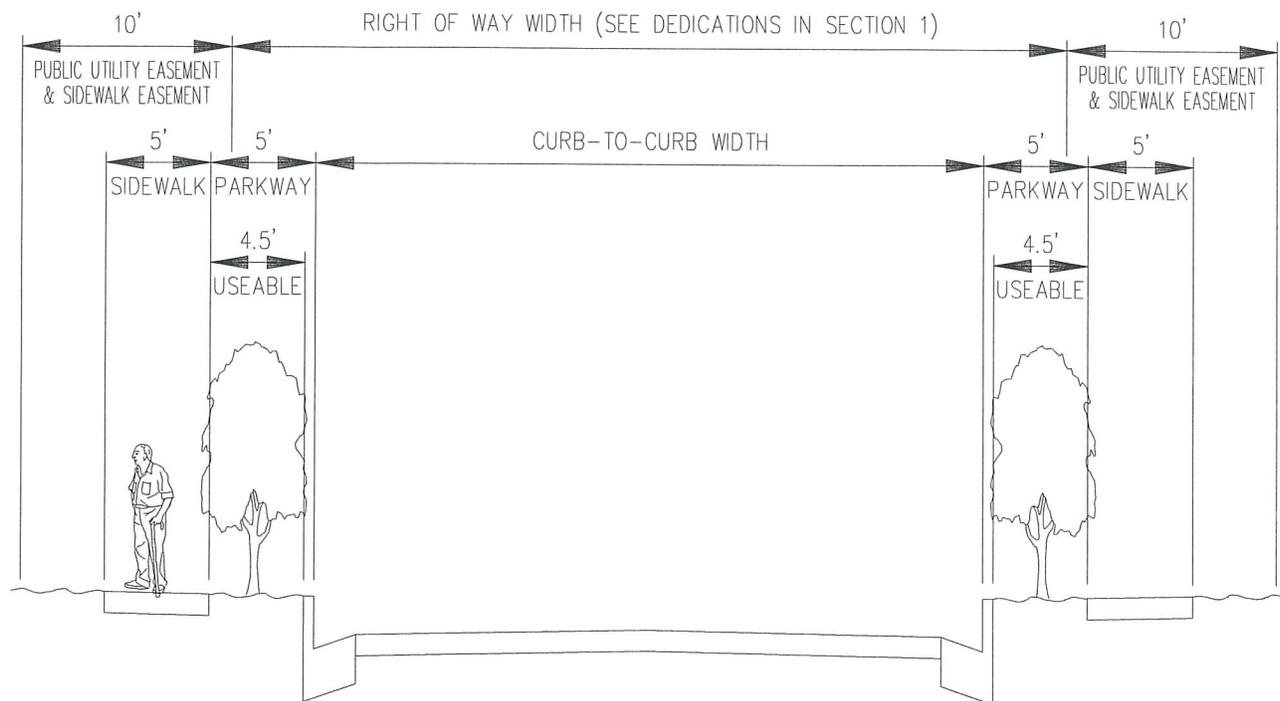
- (e) **ARBUTUS STREET (OFFSITE):** Applicant shall construct in-fill sidewalks along the south side of Arbutus Street between Walnut Street and Cedar Street. Applicant shall construct Class 2 bike lanes on Arbutus Street from Walnut Drive to the subdivision boundary.

Applicant shall construct Arbutus Street from Cedar Street to the subject property. A partial road section shall be constructed consisting (from the south) of 6 foot wide curb adjacent sidewalks, 5 foot wide bike lane, two 12 foot wide travel lanes, and 5 foot wide bike lane. On-street parking is prohibited until such time as parking lanes are added to the road.

The remainder of the road (two 8 foot wide parking lanes, the northerly Caltrans Type A2-6 curb & gutter and sidewalk) shall be constructed when either APN 018-051-007 or APN 018-081-013 are subdivided. This will require re-striping the road to create a parking lane along the south side of the road.

This shall be completed prior to the filing of the subdivision map for the first phase of the subdivision.

- (f) **INTERNAL SUBDIVISION ROADS:** Applicant shall construct the following roads as follows:



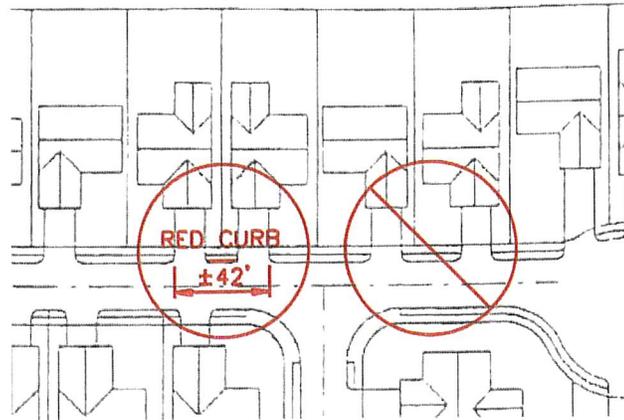
Street Name	Number of Units Accessed by Road	Estimated ADT (at 8 trips/unit)	curb to curb width	cul-de-sac curb radius
Arbutus Street (south of Redwood Street)	320+	2,560+	46' ¹	N/A
Arbutus Street (Redwood Street to Canyon Court)	20	160	34' ²	N/A
Arbutus Street (north of Canyon Court)	--	--	34' ³	N/A
Canyon Circle	11	88	32'	40'
Canyon Court	13		32'	40'
Canyon Lane (north)	11	88	32'	40'
Canyon Lane (south)	6+	48+	36'	40'
Harrison Street	--	--	34'	N/A
Manzanita Avenue	4	32	34'	40'
McKay Lane (west of Oakview Drive)	85	680	36'	N/A
McKay Lane (east of Oakview Drive)	6	48	32'	40'
Oakview Drive (south of McKay Lane)	11	88	32'	40'
Oakview Drive (north of McKay Lane)	85	680	36'	N/A
Redwood Street (east of Arbutus Street)	17+	136+	36'	N/A
Redwood Street (west of Arbutus Street)	320+	2,560+	34' ⁴ (STA 0+00 to 5+50) 46' ¹ (STA 5+50 to Arbutus)	N/A

A 5 foot wide sidewalk with 5 foot wide landscape strip (4.5 foot wide useable) shall be constructed along both sides of the roads. Caltrans Type A2-6 PCC curb and gutter shall be constructed on both sides of the roads. ADA facilities shall be constructed at all intersections.

When feasible, curb returns on local roads shall be bulbed out into parking lanes at intersections.

Both marked and unmarked crosswalks shall be constructed in PCC.

Wherever feasible, driveways shall be placed back-to-back to provide ± 42 foot long "turnouts" for standard two-car wide (18 foot wide) driveways. [± 26 foot long "turnouts" are provided with one-car (10 foot wide) driveways]. See the diagram below: The circle on the left represents the ideal condition with back-to-back driveways; the circle on the right represents the condition that should be avoided.



¹ Note: **Arbutus Street (south of Redwood Street) and Redwood Street (west of Arbutus Street)** Curb to curb cross section includes two 5 foot wide bike lanes, two 12 foot wide travel lanes, and a 12 foot wide two-way left turn lane. When a two-way left turn lane is not needed, a median with Caltrans Type A3-6 curb shall be provided. A plan for maintaining landscaping in medians shall be provided. This cross section does not allow for on-street parking. This section includes curb & gutter, sidewalk and landscape strip.

² Note: **Arbutus Street (Redwood Street to Canyon Court)** Curb to curb cross section includes two 5 foot wide bike lanes, two 12 foot wide travel lanes. A left turn pocket shall be included at S. Canyon Lane and at Canyon Court. This cross section does not allow for on-street parking. This section includes curb & gutter, sidewalk and landscape strip.

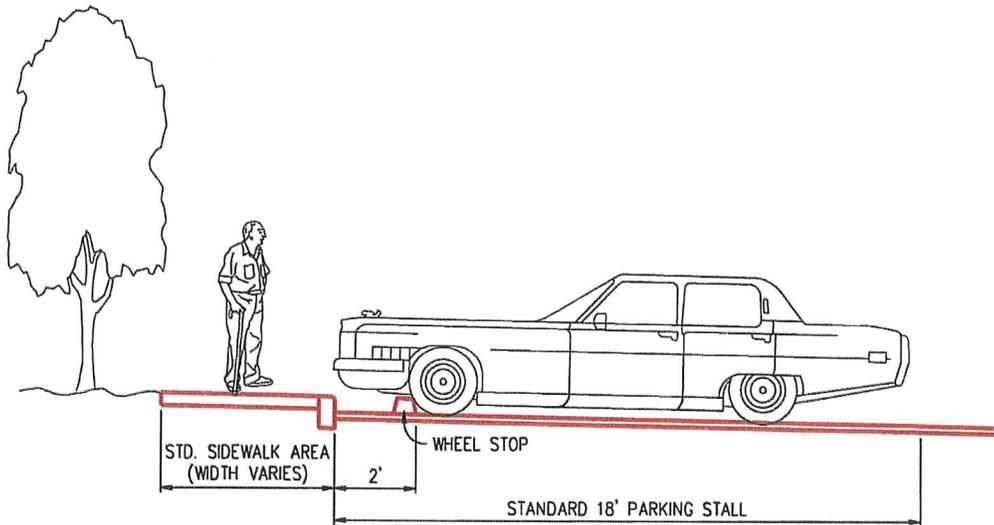
³ Note: **Arbutus Street (north of Canyon Court)** The subdivider shall grade the road prism for a future rural collector road. Future road cross section (to be built by others) consists of two 5 foot wide bike lanes and two 12 foot wide travel lanes for a total pavement section of 34 feet. A left turn pocket shall be included at Canyon Circle. This cross section does not allow for on-street parking. This section does not have curb & gutter, sidewalk or landscape strip.

⁴ Note: **Redwood Street (west of Arbutus Street)** Curb to curb cross section includes two 5 foot wide bike lanes, two 12 foot wide travel lanes. This cross section does not allow for on-street parking. This section includes curb & gutter, sidewalk and landscape strip. The landscape strip may be omitted in certain areas due to terrain constraints.

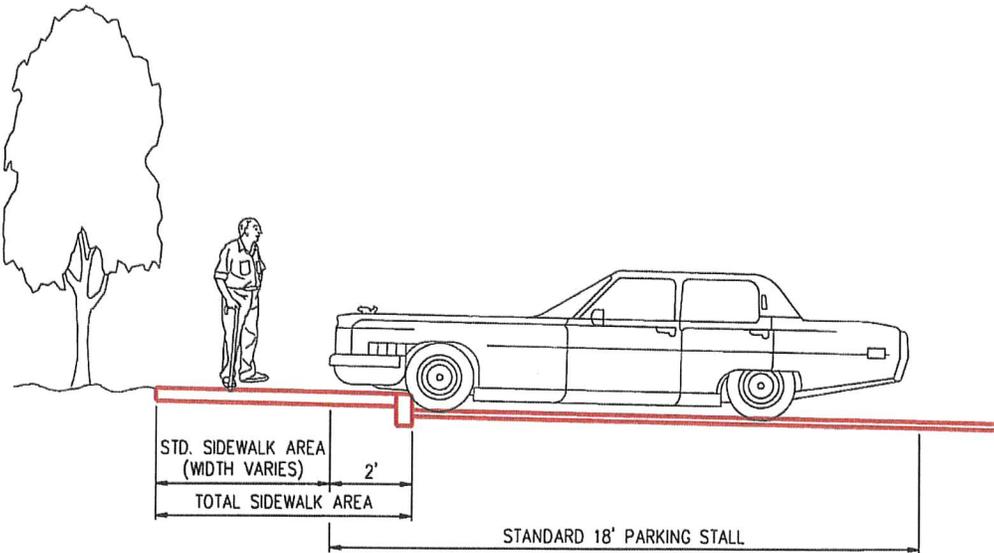
(g) **COMMON DRIVEWAYS:** Paving is deferred until time of building final (or occupancy). Utilities shall be installed for both lots prior to paving.

Common Driveways	Number of Units Accessed by Common Driveways	Minimum Width of drive aisle (not including parking stalls)	Width of Driveway Apron
Lots 63 and 64	2	12'	16'
Lots 140 and 141	2	12'	16'

Parking stalls are typically 8 feet wide x 18 feet long. When sidewalk is placed in front of a parking stall, wheel stop blocks are required. In lieu of wheel stop blocks, the length of the parking stall may be reduced by 2 feet and the width of the sidewalk increased by 2 feet so that the curb acts as a wheel stop.



STANDARD PARKING STALL WITH WHEEL STOP



STANDARD PARKING STALL WITH WIDE SIDEWALK

- (g) Intersection corner radii shall be provided at the intersection of roads based upon the following, unless otherwise approved by this Department:

Intersection Corner Radii AASHTO, Chapter 9, "Corner Radii into Local Urban Streets"					
Road Classification – Road "A"					
Road Classification – Road "B"		local roads	collector roads & arterial roads	industrial use areas & truck routes	
		local roads	15'	20'	N/A
		collector roads & arterial roads	20'	25'	40'
		industrial use areas & truck routes	N/A	40'	40'

- (h) The access road(s) from a County maintained road to the subject property; and all access road(s) (including driveways) within the subject property shall be certified by a Civil Engineer registered by the State of California to be in conformance with SRA Fire Safe Regulations as adopted by the County of Humboldt; in conformance with any exceptions approved by the Director of Planning & Building of the County of Humboldt; and in conformance with any exceptions approved by Cal Fire. Conformance shall include, but is not limited to: width of traveled way; roadway grade; curve radius; roadway surface; turnouts; turnaround areas; and maximum length of dead-end road. Certification shall be made in a manner approved by this Department.

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

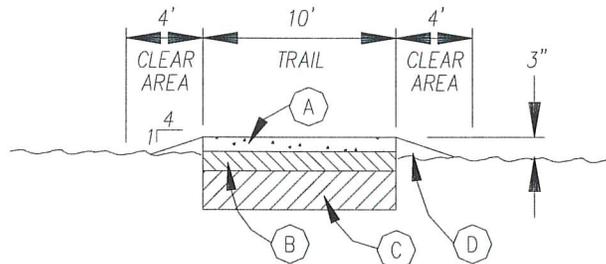
Note: Off-site improvements to access roads (such as curve realignments, grade realignments, and turnouts) may require acquisition of easement(s) to construct the proposed road improvements. The applicant is responsible for acquiring any easements and permits that may be necessary to construct the improvements.

- (i) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (j) 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.

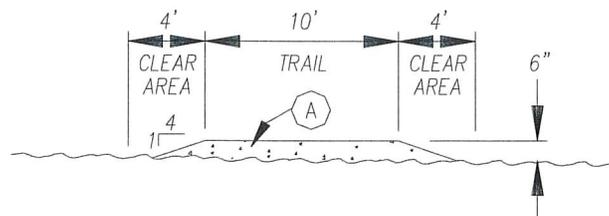
- (k) Applicant shall remove and replace any public curb, gutter, sidewalk, flowline drain, or pavement found by this Department to be broken, uplifted, or damaged that fronts or is within the subdivision.
- (l) All road intersections shall conform to Humboldt County Code Section 341 regarding visibility.

2.8 **TRAILS:** Applicant shall construct trail connections to the McKay Community Forest Trail. The trail connections shall extend from the sidewalk on the subdivision road to the McKay Community Forest Trail. This will include some off-site trail work on the McKay Community Forest property. A permit from the Department of Public Works will be required to perform work on County property. Within the subdivision, the trail shall be ten (10) feet wide, with 4:1 slope bladed shoulders and overlapping 4 foot wide clear area on each side. Within the McKay Community Forest, the trail shall be ten (10) feet wide, but may be reduced in trail width and clear area width to accommodate existing features, as approved by the Department. Removable bollards installed to the satisfaction of the Department are required at all trail access points to the Mc Kay Community Forest to prevent vehicular access. The structural section of the trail shall be as follows:



Above: Cross section for trails within the subdivision

- A= 3" of Caltrans Type B Hotmix
- B= 6" minimum of compacted Caltrans Class 2 aggregate base
- C= Additional excavation and placement of 12 to 18" of compacted coarse river run (or pit run rock) and fines may be required by the Department depending upon soil conditions.
- D= shoulder backing consisting of crusher fines.



Above: Cross section for trails within the McKay Community Forest

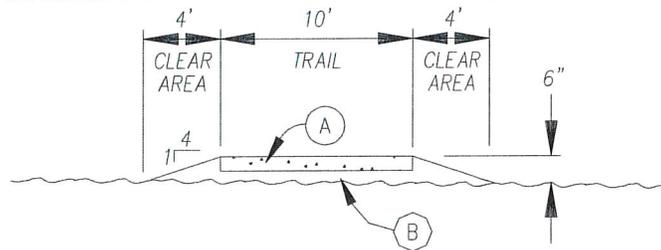
A= 6" of compacted crusher fines (or other materials suitable approved by the Department for temporary installation)

Trail connection locations and constructing timing shall be as follows:

- Lots 19/20 – to be constructed at the time that Phase 9 is developed.
- Lots 44/45 (or Lots 28/29/30) – to be constructed at the time that Phase 8 is developed.
- Lot 52 – to be deferred until the time that Lot 52 is developed.
- Lot 154 – to be constructed at the time that Phase 1 is developed.
- Temporary Trail – to be constructed at the time that the first phase is developed; relocated as necessary to accommodate future phases.

At the time that the trail connections are constructed, fencing along the trail easement shall be constructed along the full length of the trail easement. In the front yard areas, the fencing shall be a maximum of three feet tall. When feasible, side yard fencing, particularly along garages, should be a maximum of three feet tall. Fencing details shall be shown on the improvement plans.

- 2.9 TEMPORARY TRAIL:** Applicant is responsible to construct a temporary trail as part of the initial phase of the subdivision. The trail shall connect from Fern Street, Arbutus Street or Redwood Street to the McKay Community Forest Trail. Applicant is responsible to relocate the temporary trail, as necessary, to accommodate subsequent phases. Applicant shall not remove any portion of the temporary trail until a relocated trail has been constructed to the satisfaction of the department. It is intended that the temporary trail will be abandoned and/or relocated as necessary as each subsequent phase is developed. The trail shall be ten (10) feet wide, with 4:1 slope bladed shoulders and overlapping 4 foot wide clear area on each side. The structural section of the trail shall be as follows:



Above: Cross section for temporary trails

A= 3" of compacted crusher fines (or other suitable materials approved by the Department for temporary installation)

B= 3" of compacted native materials

- 2.10 DRIVEWAYS:** All access openings (existing and proposed) shall conform to Humboldt County Code Section 341 regarding visibility; shall intersect the road at a 90° angle, unless otherwise approved by this Department; shall be shown on the improvement plans; and shall be paved with hot mix ("asphalt") for the width of the driveway and a distance of 20 feet from the back of the sidewalk when sidewalk is required.

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

For garages with driveways that face the street: That portion of a structure used for the parking of vehicles must be setback a minimum of 20 feet from the back of sidewalk.

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

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

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

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

2.12 **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.

2.13 **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 applicant'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.

2.14 **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.

- 2.15 **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.
- 2.16 **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.
- 2.17 **COMPLETION OF SIDEWALK IMPROVEMENTS:** Sidewalk improvements may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the “final” of the building permit. Any sidewalk damaged during construction will need to be replaced prior to the “final” of the building permit.

No deferment of sidewalks is allowed on Arbutus Street; and on Redwood Drive west of Arbutus Street. No deferment of sidewalks is allowed for offsite improvements.

- 2.18 **ENGINEERING AND TRAFFIC SURVEY:** Prior to the filing of the subdivision map for the final phase of the subdivision with the County Recorder, the applicant shall provide the County with Engineering and Traffic Surveys that evaluate warrants for all-way stop controlled intersections for the following intersections:
- Dolbeer / Manzanita
 - Harrison / Manzanita
 - Harrison / Chester
 - Harrison / Wilson

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 Title III – Land Use and Development, Division 3, Building Regulations, Chapter 7, Stormwater Quality Management and Discharge Control. See sections 337-9, 337-12, 337-13.

The drainage report shall verify the capacity of the existing culverts on the downstream properties prior to discharge into Ryan Creek. Any culverts that cannot pass Q₁₀₀ storm shall be replaced to pass Q₁₀₀ storm. As an alternative, the applicant may propose to construct on-site storm water detention facilities.

Storm water detention facilities shall be provided to reduce Q₁₀₀ developed to Q₂ existing for all discharges into the Community Forest.

- 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.

A storm water filtration system shall be constructed in all parking lots to the satisfaction of this Department. A note shall be placed on the development plan indicating this.

- 3.4 **LOW IMPACT DEVELOPMENT (LID):** The subdivision in its entirety is a regulated project and is required to comply with County Code Section 337-13. The improvement plans must incorporate LID strategies for the entire subdivision, including roads, lots, and other areas.

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

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

At the time that subdivision improvement plans for the first phase of the project are submitted to this Department for approval, a Master Low Impact Development Plan shall be submitted that covers all phases of the tentative map. The purpose of the Plan is to establish a phasing schedule of when LID improvements will be constructed. The Plan shall be approved by this Department's Environmental Services Division.

4.0 GRADING

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

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

- 4.2 **GRADING PLAN:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(b)(1), the applicant shall submit an engineered preliminary (rough) grading plan addressing the entire project construction area to this Department for review and approval. The purpose of the

grading plan is to establish building pads that will drain to the roads (or other approved drainage course) without creating lot drainage from one lot to flow across the buildable area of adjacent lots.

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

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

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

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

- 4.5 **DATUM:** Grading plans shall be tied into elevation datum approved by this Department.

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

Interceptor drains when required by this Department or per Humboldt County Code Section 331-14 (H)(3)(e) shall be sized per the drainage study to pass a Q₁₀₀ storm event with at least 0.5 foot freeboard.

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

- 4.7 **EROSION CONTROL:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(d)(1), 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 all facilities within the proposed subdivision.
- A maintenance plan for open space lots (Lots 201, 202, 203, 204, 205, 206, and 207).
- The McKay Community Forest Trail is the maintenance responsibility of the County of Humboldt. All trail connections within the subdivision shall be maintained by the applicant until such time as the access roads serving the trail stub are accepted as public roads along with the acceptance of the trail connections.
- A maintenance plan for the non-county maintained roads known as:
 - McKay Lane
 - Oakview Drive
 - Canyon Court
 - Canyon Circle
 - South Canyon Lane
 - Redwood Street (Arbutus Street to S. Canyon Lane)
 - Manzanita Avenue (extension to Cul-de-Sac)
 - Unnamed Access Road serving Lots 58 through 60
 - Unnamed Access Road serving Lots 84 through 87
 - Unnamed Access Road serving Lots 92 through 95
 - Unnamed Access Road serving Lots 96 through 99
 - Unnamed Access Road serving Lots 100 through 103
 - Unnamed Access Road serving Lots 104 through 107
 - Unnamed Access Road serving Lots 108 through 115
 - Unnamed Access Road serving Lots 116 through 119
 - Unnamed Access Road serving Lots 120 through 127
 - Unnamed Access Road serving Lots 128 through 131
 - Unnamed Access Road serving Lots 132 through 139

A maintenance plan is not required for driveways that serve only one lot. A maintenance plan is *optional* for driveways/roads that serve only two lots. A maintenance plan is required for driveway/roads serving three or more lots.

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

- 6.1 The development plan shall be legibly drawn to a convenient scale on 22"x34" (or 24"x36") mylar, in black ink, unless approved otherwise by this Department.
- 6.2 The development plan shall include a note substantially similar to the following: "See the subdivision map on file with the County Recorder for easements that existed at the time the map was filed. Additional easements may have been established after the map was filed.

Refer to a current title report for all easements. Refer to the filed subdivision map for exact lot dimensions.”

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

- (a) When roads or drainage facilities are not to be maintained by the County, then clearly state next to the facility “NOT COUNTY MAINTAINED”.
- (b) When minimum finished floor elevations must be adhered to, the plan shall state the minimum elevation and the referenced benchmark.
- (c) If prepared for the project, reference the soils report; including a statement substantially similar to: “See soils report prepared by _____, Project No. _____, dated _____, for recommendations, inspections, and special requirements required for development of this subdivision.”
- (d) A statement substantially similar to: “All pedestrian facilities must be ADA compliant.”
- (e) When improvement plans have been prepared in conjunction with proposed subdivision, include a statement substantially similar to: "Improvement plans for roads, driveways, and drainage, etc. are on file with the Department of Public Works".
- (f) For lots that could be further subdivided: Provide information on the development plan to assist future owners in developing the lots in a manner that preserves the maximum, future subdivision potential. This may include showing "potential" building setbacks for ultimate development. It is the intent of this condition that any "potential" setbacks are for information only and are not actual setback requirements to be adhered to.
- (g) Show a minimum setback of 20 feet from garage entrances for vehicles from easements created as a condition of tentative map approval or existing for the purpose of moving automotive vehicles, bicycles, pedestrians, or animals. Typically, this is 29 feet from the curb.
- (h) Provide a note identifying the maximum finished floor elevations for garage slabs based upon holding minimum setback of 20 feet to the garage door from back of sidewalk. The slab elevation should be relative to the flowline of the street at the centerline of the driveway. The maximum elevation is typically around 2.5 feet.
- (i) A typical section showing the location of the curbs and sidewalks with respect to the right of way lines.
- (j) Place the following note when landscaping is required along the frontage of lots within street rights of way: “Landscaping within the street right of way along the frontage of a lot shall be the maintenance responsibility of the individual lot owner. The landscaping was required as a condition of the approval of the subdivision and must not be removed without approval of the Planning & Building Department of the County of Humboldt or their successor.”

- (k) For projects with a subdivision agreement, include the following note: "This subdivision was approved with requirements to construct improvements. At the time the subdivision map was filed, the improvements were not completed. The developer has entered into a subdivision agreement with the County to defer construction of these improvements. **Subdivision improvements must be completed within the timelines specified in the agreement. In general, building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision agreement are shown on the improvement plans prepared by _____, dated _____, and are signed as approved by the County on _____. Contact the Land Use Division of the Department of Public Works for details."
- (l) A note shall be added to the development plan identifying the future trail improvements and dedication required by Items 1.6(e)
- (m) A note shall be added to the development plan identifying the fence restrictions adjacent to the trail connection easements on Lots 19/20; Lots 44/45 (or Lots 28/29/30). The fence restriction shall indicate that fencing heights as constructed shall not be modified without approval from the Department of Public Works.
- (n) The following note shall be added to the development plan: "At the time of lot development of Lot 1, 2, 52, 53, 88 through 91, the Department shall evaluate the need for non-vehicular access strips. If the Department determines that one is needed, the owner of the lot shall dedicate a non-vehicular access strip to the County of Humboldt in a manner and location as approved by this Department."
- (o) The following note shall be added to the development plan: "A storm water filtration system shall be constructed in all parking lots to the satisfaction of this Department."
- (p) 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.
- (q) The following note shall be added to 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."
- (r) The following note shall be added to the development plan: Fencing adjacent to trails shall be maintained by the fronting lot owner.

6.4 Applicant shall cause a "Notice of Development Plan" to be recorded in the Office of the County Recorder. This process is administered by the Planning Department.

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

Reviewed by:

Department of Public Works

Date

7.0 LANDSCAPING

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

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

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

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

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

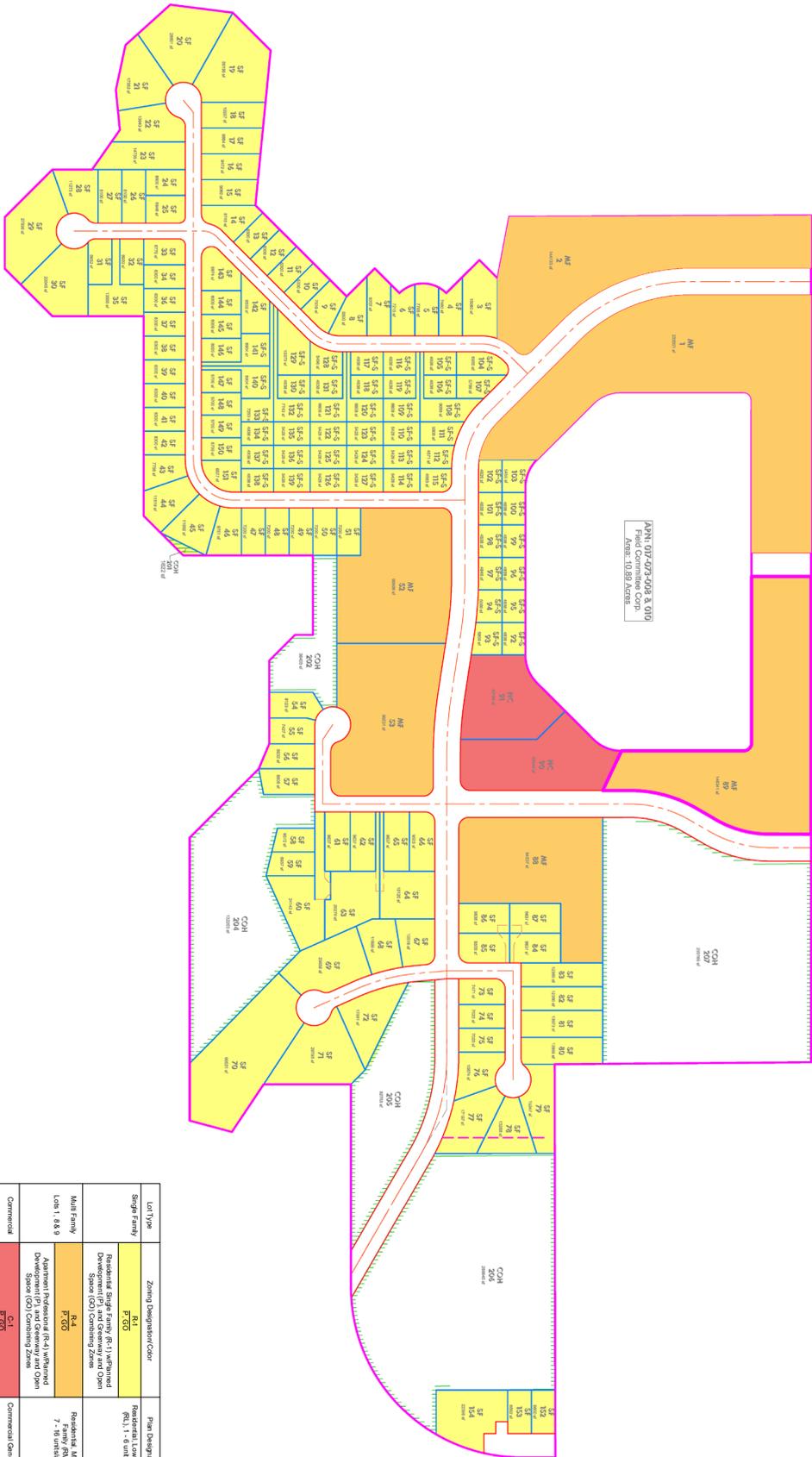
7.4 **LANDSCAPING GOALS:** When on-site landscaping is required, any unimproved county right of way contiguous with the property shall be incorporated into the landscaping plan.

Any landscaping shown within the County right of way shall be in addition to any required landscaping areas and shall not be counted towards meeting a landscaping goal.

// END //

ATTACHMENT 3
Applicant's Evidence in Support of the Required Findings

- Application Form (On file)
- Fee Schedule (On File)
- Preliminary Subdivision Maps (Attached)
- McKay Ranch Modified Layout showing 100-foot defensible space (Attached)
- Grant deed and Title Report (On file)
- Biological Report (On file and in EIR)
- Wetland Delineation (On file and in EIR)
- Wetland Mitigation Report (On file and in EIR)
- R-1 Geo-Technical Report (On file and in EIR)
- Traffic Study (On file and in EIR)
- Hydrology and Drainage Report (On file and in EIR)
- Sketch showing proposed connector trails (Attached)
- Rezone Justification Statement from Eureka Community Plan (Attached)
- Cultural Resources Report (On file and confidential)
- Timberland Conversion Permit (Attached)

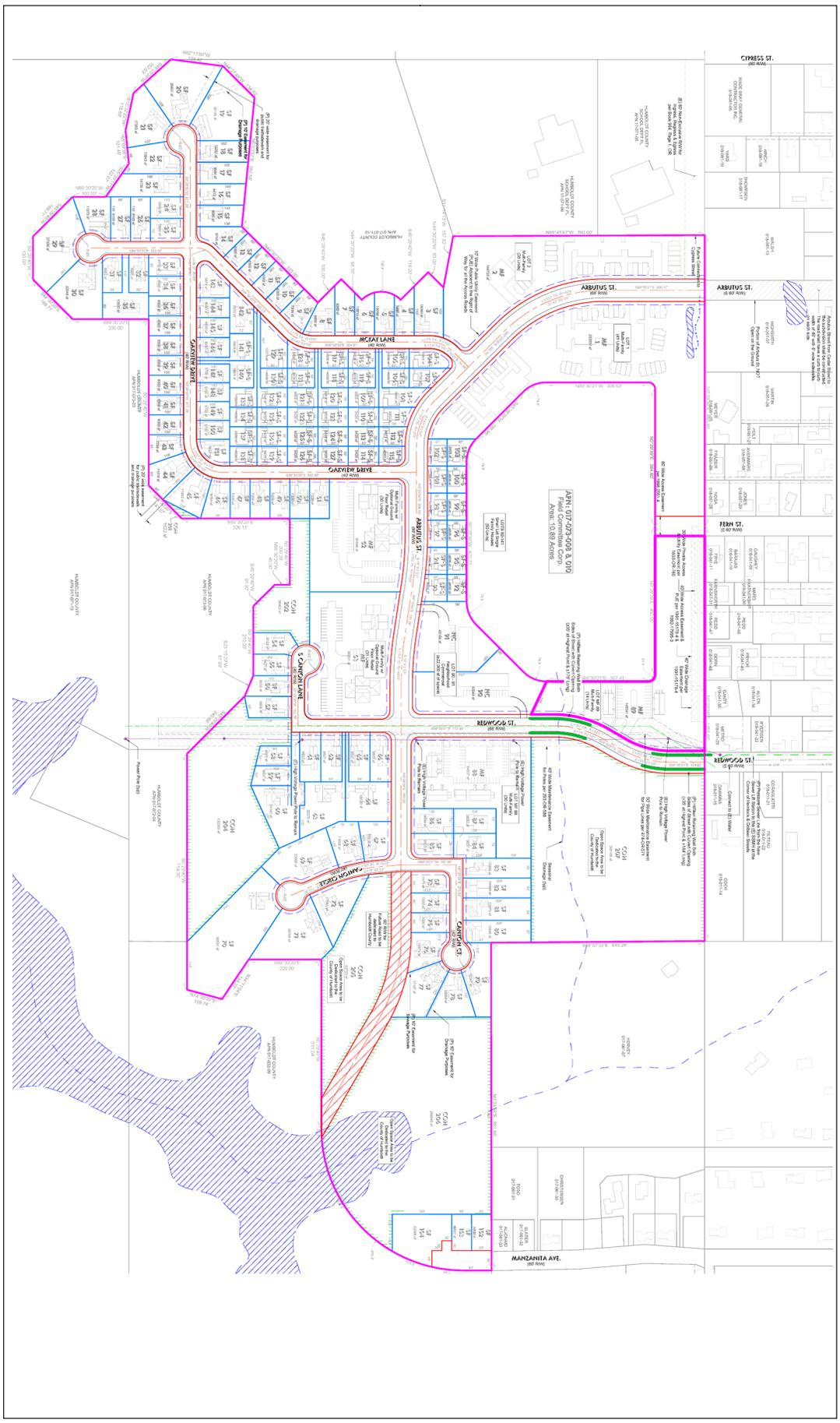


Source: Ontiveros & Associates, May 2019



Project Location: Humboldt County, CA
 Prepared by: KL on 2020/04/28
 Client/Project: North McKay Ranch Subdivision Project

Figure No.: 2-3
 Title: Proposed Land Use Designations



Source: Ontiveros & Associates, May 2019

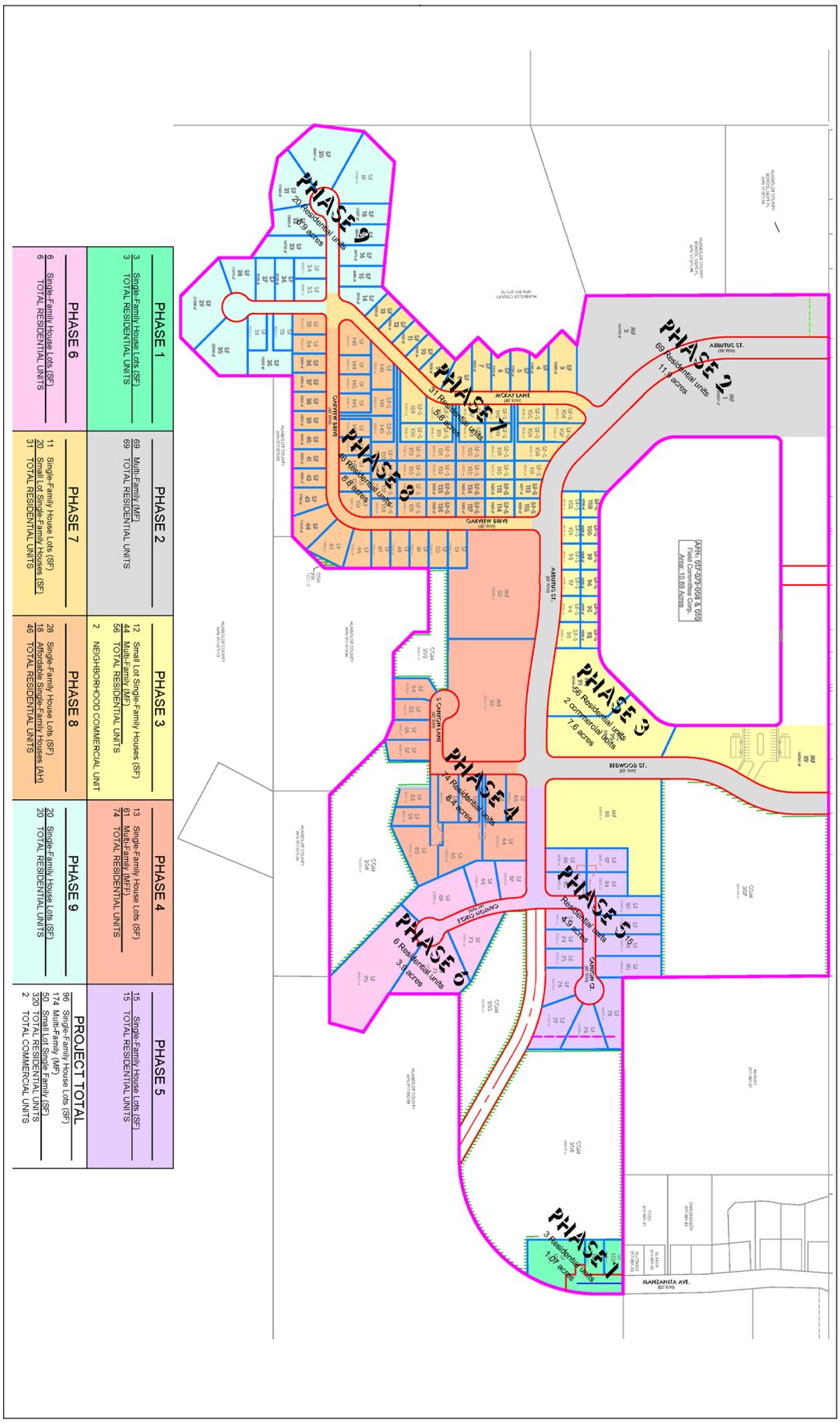


Project Location
 Humboldt County, CA
 Prepared by KJ on 2020.04.28
 IR by TG on 2020.04.28

Client/Project
 North McKay Ranch Subdivision Project

Figure No.
 2-4

Title
 Preliminary Site Plan



Source: Ontiveros & Associates, May 2019



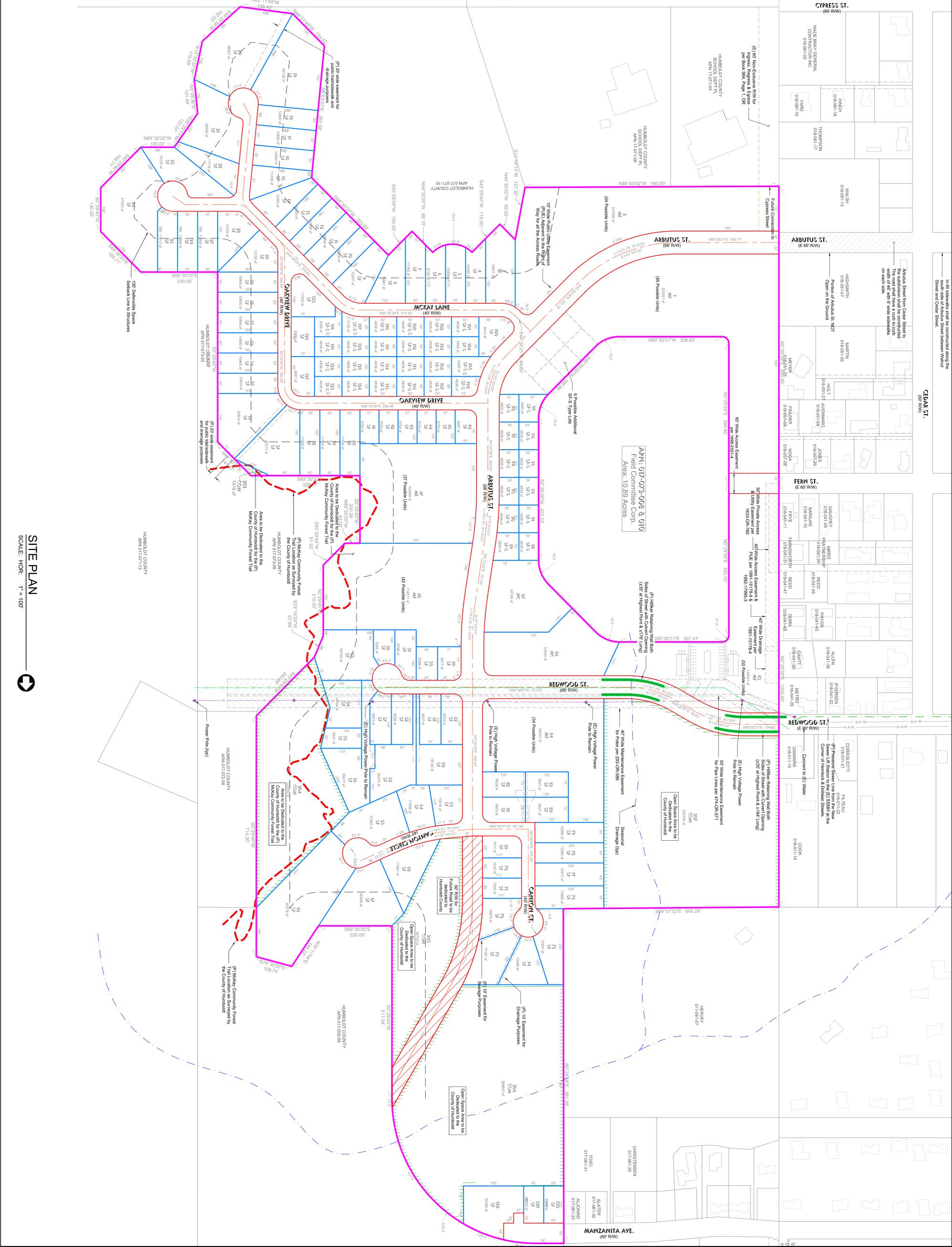
Project Location:
Humboldt County, CA

Client/Project:
North McKay Ranch Subdivision Project

Figure No.:

2-5

Title:
Proposed Phasing Plan



McKAY RANCH SUBDIVISION
TENTATIVE MAP FOR a
PLANNED DEVELOPMENT

HUMBOLDT COUNTY

APN's 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009

ALTERNATE SITE LAYOUT
(WITH 100' DEFENSIBLE SPACE)

PROJECT NAME
Kramer Investment Corp.
1889 Myrtle Avenue suite b
Eureka, Ca 95501
(707)444-2919 office
(707)444-2396 fax
Contacts:
Kurt Kramer
Chris Mikkelsen

REGISTERED PROFESSIONAL ENGINEER
No. 02686
Exp. 12/31/2024
Chris Mikkelsen

REGISTERED PROFESSIONAL ENGINEER
No. 02686
Exp. 12/31/2024
Chris Mikkelsen

PLANNING INFORMATION

DATE: 04/23/2020

DRAWN BY: BKOBAB

CHECK BY: BKO

STATUS: PLANNING NOP REVIEW

REVISIONS

NO.	DATE	DESCRIPTION
1	04/23/2020	INITIAL DESIGN

PROJECT NO. 14-102

DATE: 04/23/2020

DRAWN BY: BKOBAB

CHECK BY: BKO

STATUS: PLANNING NOP REVIEW

NOT INFORMATION

CONTRACT NO. 14-102

PROJECT NO. 14-102

DATE: 04/23/2020

SCALE: 1" = 100'

MARK DATE DESCRIPTION

PROJECT NO. 14-102

DATE: 04/23/2020

DRAWN BY: BKOBAB

CHECK BY: BKO

STATUS: PLANNING NOP REVIEW

REVISIONS

NO.	DATE	DESCRIPTION
1	04/23/2020	INITIAL DESIGN

PROJECT NO. 14-102

DATE: 04/23/2020

DRAWN BY: BKOBAB

CHECK BY: BKO

STATUS: PLANNING NOP REVIEW

NOT INFORMATION

CONTRACT NO. 14-102

PROJECT NO. 14-102

DATE: 04/23/2020

SCALE: 1" = 100'

MARK DATE DESCRIPTION

PROJECT NO. 14-102

DATE: 04/23/2020

DRAWN BY: BKOBAB

CHECK BY: BKO

STATUS: PLANNING NOP REVIEW

REVISIONS

NO.	DATE	DESCRIPTION
1	04/23/2020	INITIAL DESIGN

PROJECT NO. 14-102

DATE: 04/23/2020

DRAWN BY: BKOBAB

CHECK BY: BKO

STATUS: PLANNING NOP REVIEW

NOT INFORMATION

CONTRACT NO. 14-102

PROJECT NO. 14-102

DATE: 04/23/2020

SCALE: 1" = 100'

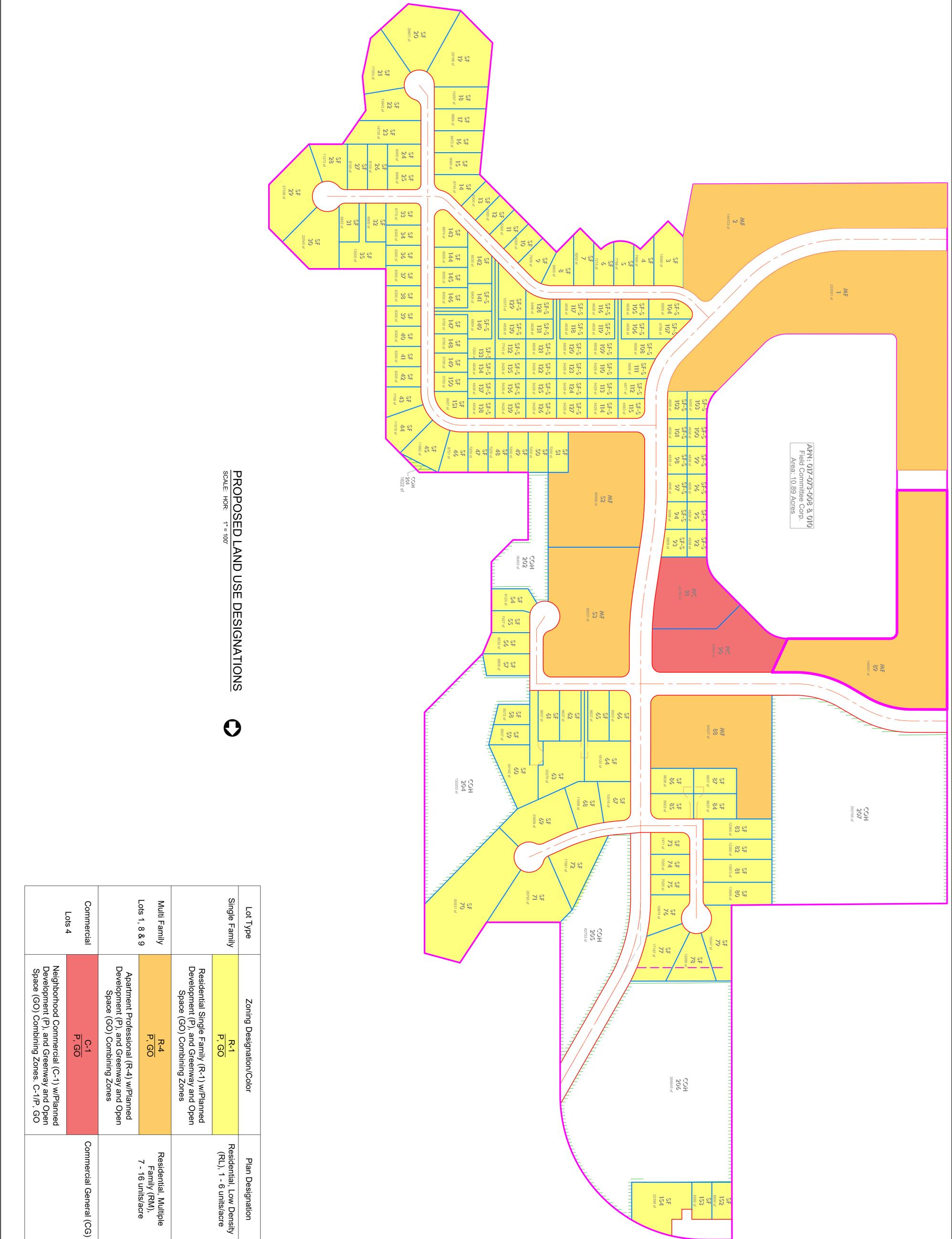


DEVELOPER:
Kramer Investment Corp.
 1589 myrtle avenue suite b
 eureka, ca 95501
 (707)444-2919 office
 (707)444-2396 fax
Contacts: Kurt Kramer
Chris Mikkelsen

McKAY RANCH SUBDIVISION
 TENTATIVE MAP FOR a
 PLANNED DEVELOPMENT
 HUMBOLDT COUNTY
 APN's 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009

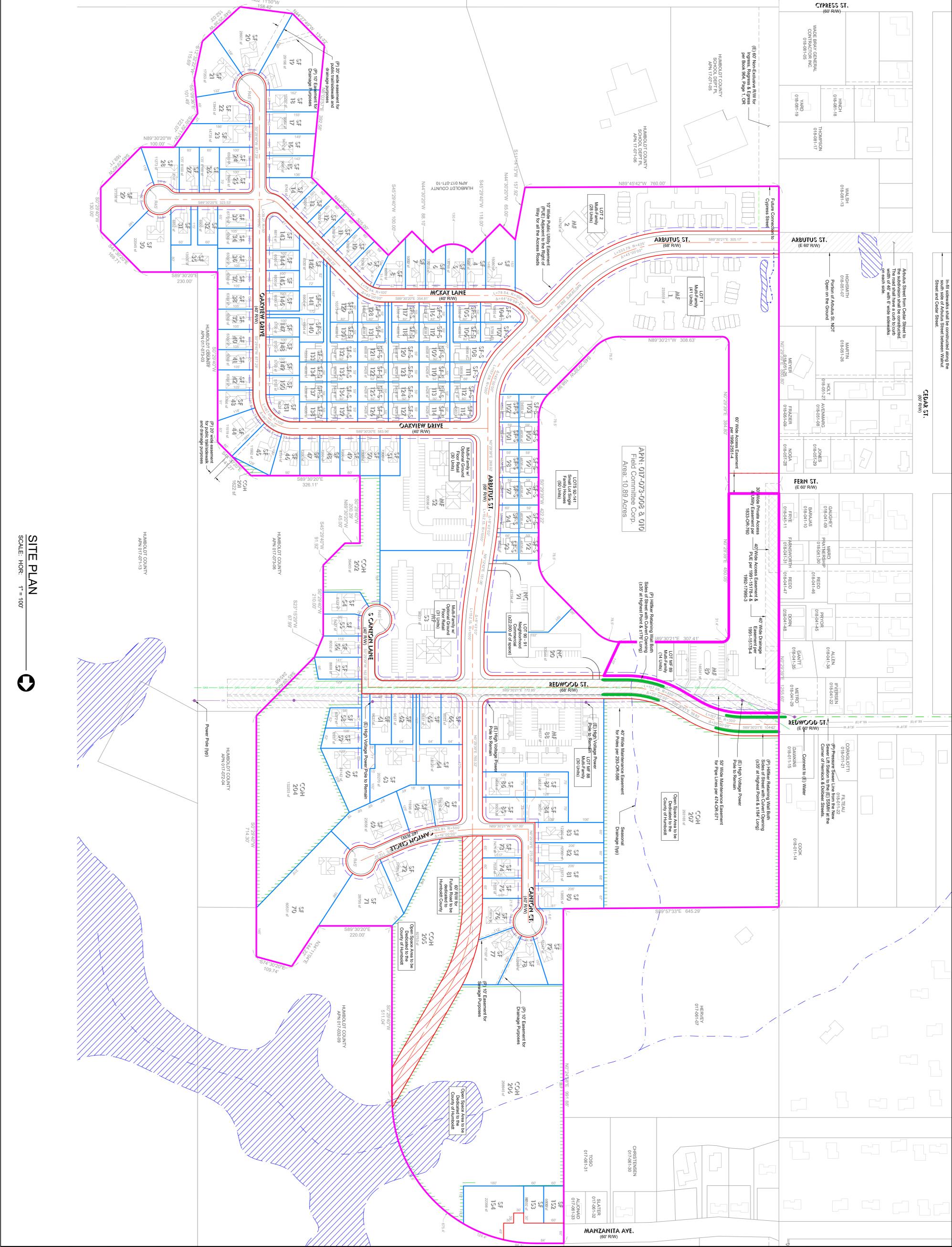
PROPOSED LAND USE DESIGNATIONS

Lot Type	Zoning Designation/Color	Plan Designation
Single Family	R-1 P, GO	Residential, Low Density (RL), 1 - 6 units/acre
Multi Family Lots 1, 8 & 9	R-4 P, GO	Residential, Multiple Family (RM), 7 - 16 units/acre
Commercial Lots 4	C-1 P, GO	Commercial General (CG)



PROPOSED LAND USE DESIGNATIONS
 SCALE: HOR. 1" = 100'





PLANNING INFORMATION

OWNER: O&A ASSOCIATES
 PROJECT NO: 14-102
 DATE: 04/17/19
 DRAWN BY: BKOBAB
 CHKD BY: BKO

PLANNING STATUS: PLANNING NOP REVIEW

McKAY RANCH SUBDIVISION

TENTATIVE MAP FOR a PLANNED DEVELOPMENT

HUMBOLDT COUNTY

APN's 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009

REGISTERED:
 Kramer Investment Corp.
 1889 Myrtle Avenue suite b
 eureka, ca 95501
 (707)444-2919 office
 (707)444-2396 fax
 Kurt Kramer
 Chris Mikkelson

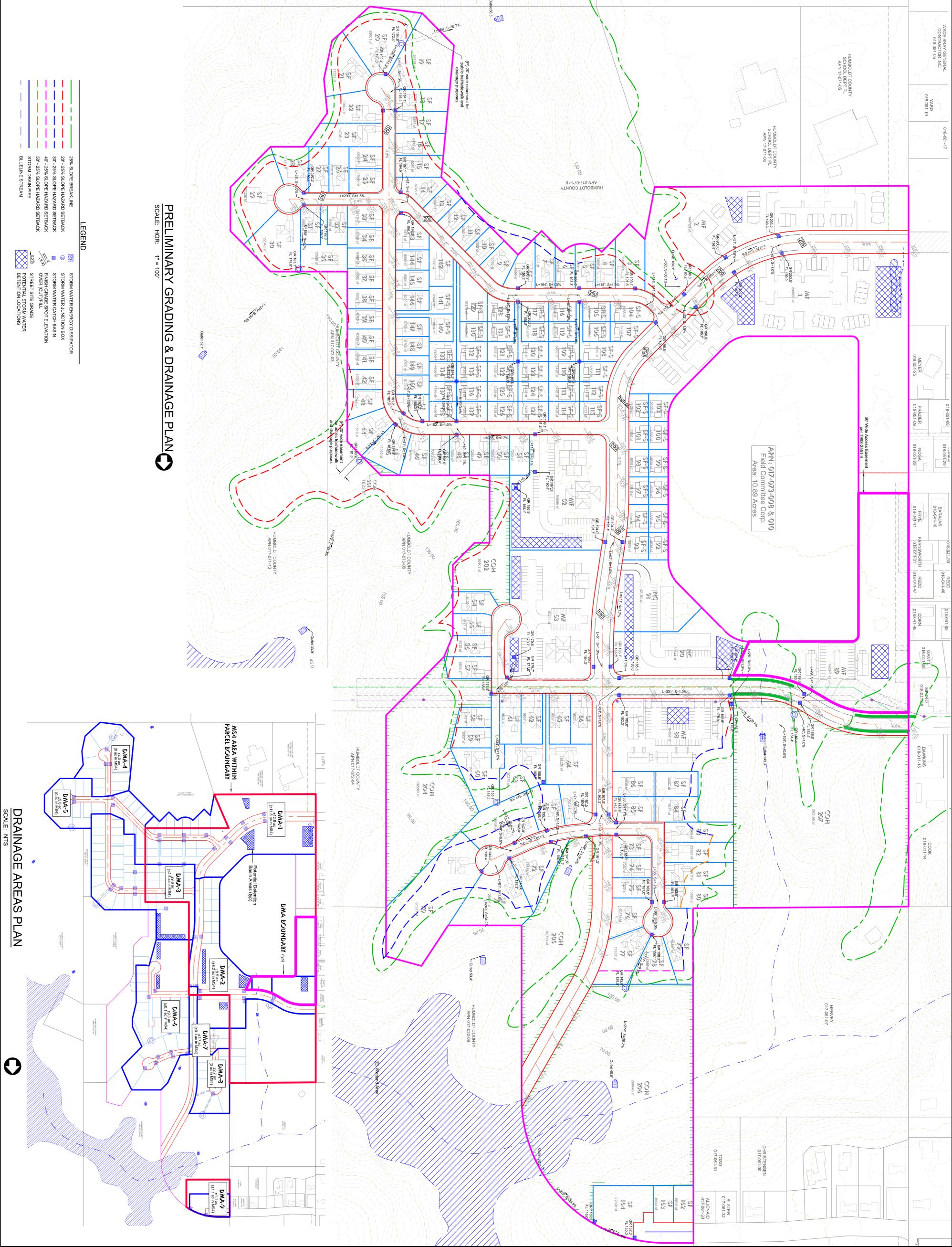
PROJECT NAME: McKay Ranch Subdivision

DATE: 04/17/19

DRAWN BY: BKOBAB

CHKD BY: BKO

PLANNING STATUS: PLANNING NOP REVIEW



<p>PROJECT NO. 14-102</p> <p>DATE: 04/17/19</p> <p>DRAWN BY: BKOBBO</p> <p>CHKD BY: BKO</p> <p>PLANNING NQP REVIEW</p> <p>REVISIONS</p>	<p>MARK DATE DESCRIPTION</p>	<p>PLANNING NQP REVIEW</p>	<p>PROJECT TITLE</p> <p style="text-align: center;">McKAY RANCH SUBDIVISION</p> <p style="text-align: center;">TENTATIVE MAP FOR a PLANNED DEVELOPMENT</p> <p style="text-align: center;">HUMBOLDT COUNTY</p> <p style="text-align: center;">APN's 017-032-003, 017-071-004 & 009, 017-072-002 & 003, 017-073-007 & 009</p>	<p>REGISTERED:</p> <p>kramer investment corp. 1589 myrtle avenue suite b eureka, ca 95501 (707)444-2919 office (707)444-2396 fax Contacts: Kurt Kramer Chris Mikkelson</p> <p>PROJECT NAME:</p>	<p>ONTEKOS & ASSOCIATES CONSULTING ENGINEERS AND SURVEYORS 44th N. Folsom Blvd. • Folsom, CA 95650 Phone: (927) 752-7410 • Fax: (927) 752-7411 Onsite@ontekos.com</p> <p style="text-align: center;">O&A</p>
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DESIGNER:
 Kramer Investment Corp.,
 1589 myrtle avenue suite b
 eureka, ca 95501
 (707)444-2919 office
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 Contacts: Kurt Kramer
 Chris Mikkelson

PROJECT NAME:

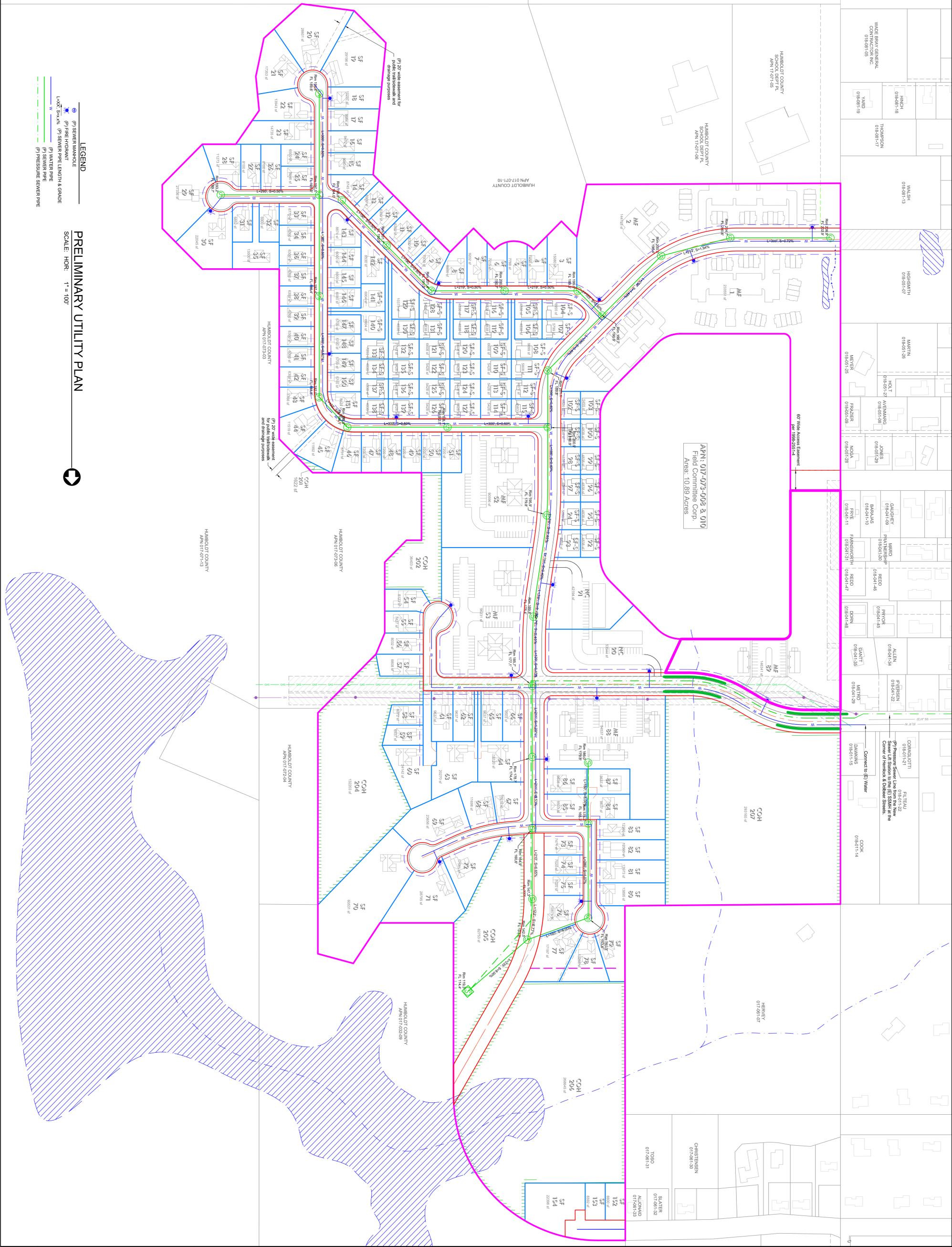
McKAY RANCH SUBDIVISION
 TENTATIVE MAP FOR a
 PLANNED DEVELOPMENT
 HUMBOLDT COUNTY
 APN's 017-032-003, 017-017-004 & 009, 017-072-002 & 003, 017-073-007 & 009

SHEET TITLE:

PRELIMINARY UTILITY PLAN

NOT INFORMATION	
OWNER: KRAMER INVESTMENT CORP.	DATE: 04/17/19
PROJECT NO: 14-102	DRAWN BY: BKOBABO
DATE: 04/17/19	CHECK BY: BKO
DESIGNER: O&A	PLANNING: NOP REVIEW
DATE: 04/17/19	STATUS:
PROJECT NO: 14-102	DATE: 04/17/19
DRAWN BY: BKOBABO	CHECK BY: BKO
DESIGNER: O&A	PLANNING: NOP REVIEW
DATE: 04/17/19	STATUS:
PROJECT NO: 14-102	DATE: 04/17/19
DRAWN BY: BKOBABO	CHECK BY: BKO
DESIGNER: O&A	PLANNING: NOP REVIEW
DATE: 04/17/19	STATUS:

C4.0
 SHEET 5 OF 5



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P. O. Box 944246
SACRAMENTO, CALIFORNIA 94244-2460
(916) 653-9422



RECEIVED
BOARD OF SUPERVISORS

August 21, 1995

AUG 28 1995

AM PM
7|8|9|10|11|12|1|2|3|4|5|6

Honorable Bonnie Neely
Chairperson, Board of Supervisors
Humboldt County
235 Fourth Street, Suite F
Eureka, California 95501

RECEIVED

AUG 28 1995

HUMBOLDT COUNTY
PLANNING COMMISSION

Dear Ms. Neely:

The Louisiana-Pacific Corporation has applied for a Timberland Conversion Permit and has submitted a certified copy of your proceedings for April 25, 1995 relative to your request for removal of 89 acres of forest land from the Timberland Production Zone (TPZ).

According to authority delegated to me by the Board of Forestry, I concur in your findings that:

1. The conversion would be in the public interest.
2. The proposed change is consistent with the County's General Plan.
3. The immediate rezoning is not inconsistent with the intent of the state TPZ policies.
4. The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the State Constitution.
5. The conversion would not have a substantial or unmitigated adverse effect upon continued timber growing use, nor upon open space use of other land zoned timberland production within one mile of the land on which the immediate rezoning is proposed.
6. The soils, slopes, and watershed conditions would be suitable for the uses proposed.

Honorable Bonnie Neely
August 21, 1995
Page Two

Therefore, I hereby approve the rezoning of the 89 acres from the TPZ and have issued a Timberland Conversion Permit to the Louisiana-Pacific Corporation for the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Wilson". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Richard A. Wilson
Director

bjm

cc: CDF - Santa Rosa
Humboldt- Del Norte Ranger Unit
Ray Jerland, Humboldt Assessor

**COUNTY OF HUMBOLDT
PLANNING DIVISION**

3015 "H" Street, Eureka, CA. 95501

MEMO:

PLEASE EXPEDITE

DATE: October 17, 1995

TO: County Assessor
 County Auditor
 County Tax Collector

FROM: Kevin Caldwell, Senior Planner

SUBJECT: Immediate rezone of TPZ lands in the North McKay Tract as part of the Eureka Community Plan

Ray Jerland requested that I review the status of the Immediate rezone of TPZ lands in the North McKay Tract as part of the Eureka Community Plan. The Board of Supervisors, as part of the Eureka Community Plan approval and adoption, approved the immediate rezone of 89 acres in the Cutten area, known as the North McKay Tract. The approval and adoption of Ordinance 2069 (copy attached) contains language that the Ordinance is "...effective upon notification by the State Board of Forestry of certification of the applicable Timber Conversion Permit."

The Board of Forestry, as indicated their letter dated August 21, 1995 (copy attached), has approved the immediate rezone and necessary Timberland Conversion Permit. The notification (letter) was received by the Board of Supervisors on August 28, 1995. Therefore, the zone reclassification became effective upon notification, August 28, 1995.

Pursuant to Section 51142 of the California Government Code (C.G.C.) a tax recoupment fee is imposed on the owner of the land (LP). Within 90 days following the rezoning the **County Assessor** reassess the rezoned land on the basis of the value of the property in its rezoned use. After the **Assessor** certifies the amount to the owner and **County Auditor**, the **Auditor** within 10 days (if no appeal is filed), computes the tax recoupment fee and certifies the amount to the **Tax Collector**. The **Tax Collector** is required to notify the owner in writing of the amount and due date of the fee. Fees are due within 60 days after receipt of notification. The fees are due and payable to the State of California and are placed in the Timber Tax Fund pursuant to Section 38903 of the Revenue and Taxation Code.

If you have any questions or need additional information, please feel free to call me at 445-7541, extension 30.

Telecom with Mari Wilson, Assessor
5-13-13

She reports that their records show a April 9, 1996 memo from Assessor Ray Jerland to Neil Price of the Auditor/Controllers office affirming that a tax recoupment fee in the amount of \$290,874 for **93.35** acres of TPZ lands had been paid by L-P Corporation to the County. This covered APNs:

017-071-04, 017-072-02 and 017-073-03 (Whole)
017-031-03, 017-071-03, 017-072-01 and 017-073-01 (Portion)

This would appear to confirm the full extent of the lands rezoned as the 1997 Record of Survey Map prepared for the L-P Corporation LLA that reconfigured four parcels including the Redwood/Cutten Fields ballpark and the current Kramer residential development parcel. The other two parcels of the LLA created full TPZ zoned parcels. The size of the total area per the LLA for the ballpark and Kramer parcel was calculated at **91.98** acres.

Mari has the memo but would like to have her counsel approve its release if needed.

- Potential habitat loss due to urban encroachment will be mitigated by clustering development in the less sensitive areas of the site, specifically the plateau area above the 30% slope break.
- The North McKay plateau was clearcut in 1989, and the area will not have harvestable lumber for another 60 years. Since the North McKay area is already slated for a ten-year phaseout, waiting out that ten year period would not result in any new harvests. Therefore, the North McKay Immediate Rezoning would not diminish timber resources.
- The prime agricultural lands, or timberlands, in the area surrounding the North McKay project area will remain undeveloped since they are located within the large greenway / gulch area of the tract and will remain in timber production. Further, planting of the Ryan Creek bottomlands is occurring, and Right to Harvest provisions will be placed on all grant deeds in the project.
- The open space protection of the proposed project is substantial, including; a 10-acre public park/ballfield, multiple pedestrian and bicycle trails meandering through wide open space buffers along the existing residential neighborhood and the newly created lots, and preservation of the Ryan Creek riparian habitat and wooded steep slopes on the side.
- The Humboldt Community Services District is presently operating at one-half its sewer capacity and is planning to expand its facilities to meet future needs. Development of the North McKay Tract will involve extension of the District's sewer lines, and sewer connection fees will be paid to ensure future capacity can be met.
- Roadway improvements are planned for Harrison Street, Walnut Street and Cypress Street, which are important roads that will serve the North McKay Tract. These improvements will occur either before or at the time of subdivision and phased according to County Public Works Department approval.

VII. JUSTIFICATION FOR TPZ PUBLIC INTEREST FINDINGS

The purpose of the Timber Preserve Zoning is to maintain a supply of timberland for growth and harvesting and to discourage the premature conversion of timberland to urban uses. The North McKay Immediate Rezoning request will be reviewed by the California Department of Forestry (CDF) who will recommend an action according to a set of findings that would demonstrate that the rezoning of lands zoned for TPZ to urban uses is not premature and is in the public interest, subject to a set of strict findings contained within the State Government Timberlands Code 51132.

The process involved with an Immediate Rezoning requires the submittal of a request for a zone change to the Board of Supervisors. The Board of Supervisors then reviews the request for consistency with its General Plan policies, and environmental determination of the request is completed. As described in Section VI of this report, the Eureka Community Plan EIR has provided the environmental review and documentation for this Immediate Rezoning Request.

Therefore, the Planning Commission and the Board of Supervisors are now in the position to act upon this request. If the Planning Commission and Board of Supervisors approve this request as part of the Eureka Community Plan Update, it will constitute tentative approval of the rezoning. Once that tentative approval is obtained, the request must then be reviewed by the California State Department of Forestry (CDF). CDF will consider the request as to its consistency with State Government Timberlands Code 51132.

Goals of the State Timberland Code

To summarize the intent of the State Timberlands Code, there are four principal goals. These goals -- *and our justification for meeting these goals with the North McKay Tract Immediate Rezoning* -- are outlined below.

1. **The rezone is not inconsistent with Section 51102, policy A, which requires that the State maintain a limited supply of timberland to ensure continued growth and harvesting of timber.**
 - *The North McKay Tract Immediate Rezoning will remove only 1% of the 7,000-acre McKay Tract from timber production.*
 - *The North McKay Tract would logically conclude the development of this portion of Cutten in a manner that would not allow for eastward urban expansion into the more productive zones of the McKay Tract.*
 - *The Eureka Community Plan Update has already designated the North McKay Tract for a ten-year phase out. As such, there will be no harvestable material on the North McKay Tract plateau within that ten-year timeframe.*
 - *Louisiana-Pacific is presently in the process of planting the Ryan Creek bottomlands area to expand its timber resources in the area.*
 - *At the time of subdivision, there will be provisions included to buffer development areas from timber production, and requiring future residents in the project to sign right-to-harvest provisions for the area surrounding the North McKay Tract.*

2. The State will discourage premature or unnecessary conversion of timberland to urban and other uses.

- *The North McKay area is one of four areas on the McKay Tract designated for conversion to urban uses.*
- *In response to CDF's earlier concern expressed in its review of the McKinney Rezone in 1991 that a master plan should be provided to show the areas that would be reserved for future production and those that would be ultimately converted to urban uses has been done by the Eureka Community Plan. This plan has been completed in a way that clearly delineates the development areas and preserves the vast majority of the McKay Tract in TPZ zoning.*
- *North McKay Tract has been logged over four times, and was most recently clearcut in 1989. As such there would not be any appreciable amounts of timber in this area for 50-60 years.*
- *The North McKay Tract Immediate Rezoning would conclude development of this section of Cutten in a way that would not allow any further eastward urban expansion into the McKay Tract.*

3. The State will discourage expansion of urban services into timberlands.

- *Humboldt Bay Community Services District boundaries already contain the North McKay Tract, and sewer and water services are adequate to serve this part of the community with the development envisioned in the Site Plan.*
- *Provisions will be made at the time of subdivision not to allow any further expansion of urban services that would induce any further urban growth to the east of the North McKay Tract.*

4. The State will encourage investment in timberlands based on reasonable expectation of timber harvest.

- *Louisiana-Pacific remains committed to keeping the vast majority of the McKay Tract in timber production.*
- *Louisiana-Pacific is investing in plantings in the Ryan Creek bottomlands to increase their timber resources to the immediate east of the North McKay Tract.*
- *Urban development has already encroached onto the North McKay Tract, and it is highly likely that further future timber harvests adjacent to urban areas would be fought by neighboring residents.*

- *At the time of development, Louisiana-Pacific will include right to harvest provisions for all new lot owners on the North McKay Tract.*

Required TPZ Conversion: Public Interest Findings

To support the goals outlined above, CDF requires that any request from TPZ to another urban use meet the following public interest findings. These findings and our justifications for making them (*in italics*) are as follows:

1. The rezoning must be in the public interest.

- *The rezoning would be consistent with the Eureka Community Plan and EIR.*
- *The rezoning will facilitate the donation of a much needed park site for the Redwood Empire Little League Association for its ultimate development as a ballfield complex. No other logical sites in the region could serve this purpose.*
- *Urbanization and urban services are already in place to the immediate west of the McKay rezoning site.*
- *The areas to the immediate east and north of the North McKay plateau will remain in TPZ and be subject to an Open Space Easement that would permit the select harvesting of timber.*
- *The plan would provide for pedestrian/bicycle path connections in the neighborhoods to the north, west, and south of the site.*

2. The rezoning must not have a substantial and unmitigated adverse affect on the continued timber growing use or open space of other lands zoned for timber production within one mile of the exterior boundary of the land proposed for the rezoning.

- *The North McKay Tract development would logically conclude the development of any further urbanization of this part of the Cutten area.*
- *The development area would be buffered from timber operations to the east that would remain in TPZ zoning and be further covered by an Open Space Easement that would allow for timber harvesting.*
- *Residents of the future neighborhood would be required to sign right to harvest provisions promising not to oppose future timber harvest operations in the region in the future.*

3. Ensure that soil slopes and water constraint conditions of the property would be suitable for the proposed uses.
- *The Eureka Community Plan Update has designated the North McKay Tract low density residential development and the EIR for that planning effort has concluded that the North McKay area is appropriate for development.*
 - *The North McKay Tract is a logical extension of the urbanization that has already occurred to the west of the site.*
 - *Development would respect the Eureka Community Plan's provisions not allowing development on slopes in excess of 30%.*
 - *Services are already in place to serve the proposed project.*

On a final note, earlier rezoning requests approved by Humboldt County in 1991 in the McKinney rezone classification, prompted comments from CDF that there needed to be an overall Master Plan on the McKay Ranch to clearly show CDF what areas would ultimately be reserved for timber production, and those areas that would ultimately be converted to urban use. Since 1991, Humboldt County is now on the brink of completing its Eureka Community Plan that accomplishes just that purpose. The North McKay Tract is one of four areas in the overall McKay Tract that is designated for ultimate urban development. This Immediate Rezoning request only affects the 78-acre North McKay Tract, and does not address the other development areas envisioned in the plan. These other areas -- Freese Avenue, Mid McKay, and South McKay -- would be developed only after ten-year phase outs of TPZ zoning that the County will be initiating shortly after approving its Community Plan in September of 1994.

z/kg-mckay.ps

Attachment 4
Final Environmental Impact Review

(Attached Separately)

[North McKay Ranch | Humboldt County, CA - Official Website \(humboldt.gov.org\)](http://humboldt.gov.org)

ATTACHMENT 5
Referral Agency Comments and Recommendations

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Dept of Public Works, Land Use Division	✓	Conditional Approval	Attached To Attachment 2A
Building Inspection Division	✓	Approval	Attached
Division of Environmental Health	✓	Approval	Attached
Humboldt #1 Fire Protection District	✓	Conditions	Attached
Humboldt Community Services District	✓	Conditions	Attached
Bear River Band of the Rohnerville Rancheria	✓	Inadvertent Discovery Protocol	On file
Wiyot Tribe	✓	Inadvertent Discovery Protocol	On file
NWIC	✓	Consult w/ Tribes	On file
Blue Lake Rancheria	✓	Inadvertent Discovery Protocol	On file
Humboldt County Sheriff	✓	Comments	Attached
Greater Eureka Area Municipal Advisory Committee	✓	Approval	Attached
City of Eureka	✓	Comments	Attached
North Coast Unified AQMD	✓	No Comments	Attached
CDFW	✓	Comments	Attached
Cal-Fire	✓	Comments	Attached



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



7/16/2015

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Assessor's Office, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, City of Eureka, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt Community Services District, Humboldt Bay Fire Protection District, Assigned Planner - MEW

Applicant Name Kramer Properties Inc. **Key Parcel Number** 017-032-003-000

Application (APPS#) 9902 **Assigned Planner** Michael Wheeler (707) 268-3730 **Case Number(s)** FMS15-004
ZR15-008
GPA15-005
PDP15-001

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 7/31/2015 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: 7-20-15 PRINT NAME: [Signature]
PLN-9902-GPA North McKay Ranch Subdivision Project January 6, 2022 Page 131



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



7/16/2015

JUL 17 2015

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

15/16-0022

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Assessor's Office, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, City of Eureka, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt Community Services District, Humboldt Bay Fire Protection District, Assigned Planner - MEW

Applicant Name Kramer Properties Inc. **Key Parcel Number** 017-032-003-000

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E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

DATE: 7/28/15 PRINT NAME: DAVID SPINOSA
PLN-9902-GPA North McKay Ranch Subdivision Project January 6, 2022 Page 132



HUMBOLDT BAY FIRE

Joint Powers Authority

533 C Street • Eureka, California 95501-0340 • (707) 441-4000
Fax (707) 441-4133 • www.hbfire.org • email: info@hbfire.org

March 26th, 2020

Travis Green, Project Manager
Kramer Properties, Inc.
1589 Myrtle Ave.
Eureka, CA 95503

Mr. Green:

I conducted a preliminary review as per your request on the proposed McKay Ranch subdivision in the Cutten area of Eureka. Our agency is the direct protection agency for the project and is responsible for the local response area (LRA) portions of the project. As such we will serve the subdivision in the emergency response and fire prevention/planning/community risk reduction arenas.

In the initial review I noted the following concerns:

1. All aspects of this project will be subject to defensible space requirements (minimum 100 feet of clearance) as prescribed the state of California and Cal-Fire.
2. Phases 3, 4, and 5 share the proposed street name of "Canyon Cir, Ct, and Ln." There is already a Canyon Dr. in the Cutten area and duplicate street names as they are proposed can create confusion in an emergency and delay emergency response.
3. Phase 7 and 8 of the project appear to be densely packed residential units. I have concerns about fire department access to the buildings that don't appear to be served by any road access. This spacing also creates additional concerns about building spacing that could be conducive to rapid fire spread.
4. We appreciate the coverage of the proposed fire hydrant locations. However we would prefer to see the fire hydrants serving each circle/cul-de-sac moved to the entrance of the circle/cul-de-sac streets. This ensures responding fire apparatus can catch the hydrant entering the street rather than having to pass a potential fire building to get to the water supply and then lay back towards the fire.

We look forward to discussing any changes with you and also look forward to the plan review process of this project once it comes to fruition.

If you have any questions you can contact me Monday through Friday by phone at (707) 441-4000 or by e-mail at wreynolds@hbfire.org.

Thank you,

William M. Reynolds
Deputy Fire Chief/Fire Marshal



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



7/16/2015

PROJECT REFERRAL TO: Humboldt Community Services District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Assessor's Office, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, City of Eureka, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt Community Services District, Humboldt Bay Fire Protection District, Assigned Planner - MEW

Applicant Name Kramer Properties Inc. **Key Parcel Number** 017-032-003-000

Application (APPS#) 9902 **Assigned Planner** Michael Wheeler (707) 268-3730 **Case Number(s)** FMS15-004
ZR15-008
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E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: See attached comments dated 8/17/15



DATE: 8/17/15

PRINT NAME: Mickey Hulstrom, District Planner

August 17, 2015

HUMBOLDT COMMUNITY SERVICES DISTRICT

Tentative Map Conditions
(Referral dated July 20, 2015)
Kramer Properties Subdivision
Case No. FMS15-004, ZR15-008, GPA15-005, & PDP15-001

APPLICANT: Kramer Properties, Inc
1589 Myrtle Ave, suite B
Eureka, Ca 95501

I. GENERAL:

1. This project will require an annexation into the Humboldt Community Services District boundary.
2. Water and sewer service is available upon subdivision improvements being completed to HCSD satisfaction and payment of applicable fees.
3. Applicant to submit engineered utility plans for district review and approval. All design and construction per District Specifications dated August 1998.
4. Applicant to enter into a Main Extension Agreement with District.
5. Applicant to provide adequate access and utility easements (min. 20' wide) over all District facilities, proposed future or existing.
6. No water or sewer services to be located in a driveway area.
7. Streetlights - Streetlight requirements shall be as determined by the County, Developer, or Design Engineer. Streetlights proposed within the subdivision will be considered "private" streetlights and an application by the owner(s) must be filed to create a street lighting zone. Upon approval of the street light zone, a service fee would

then be charged to all utility customers located on the same street within 150 feet of the "private" streetlight.

8. All proposed landscaping shall be private. To be owned and maintained by others. Any proposed trees (or large shrubs) in the landscape strip shall be 10' clear from the proposed water and sewer services. Landscape water systems require an adequate water backflow prevention device.

II. WATER:

1. A water storage and supply study, based on District and Department of Health Services criteria, shall be prepared at Applicant's expense. The report shall determine the project's need to construct additional water storage and pumping facilities based on existing demand, proposed project demand and fire protection requirements for the proposed 320 unit subdivision. Applicant may have to cost share on a new water tank or other offsite improvements to support the needed domestic as well as fire protection needs of this large subdivision.
2. All fire hydrant locations shall be as approved by the Fire Department and HCSD.

III. SEWER:

1. An appropriately sized sewage lift station for the subdivision will be required. The lift station improvements shall include gravity and pressure sewer mains, power, telemetry, pump controls, alarm, and emergency generator. This sewage lift station upon completion will be publicly owned and maintained and will discharge to the new Martin Slough Interceptor.
2. Applicant shall construct an adequately sized pressure sewer transmission main from applicant's sewage lift station to a point of connection @ the intersection of Walnut and Hemlock.
3. Applicant shall designate and submit calculations and pump curves for privately owned and maintained sewage lift pumps for each lot requiring a sewage lift pump.
4. Offsite sewer improvements are needed to allow this project

to connect to the District's sewer collection system. District will be preparing a plan with the City of Eureka and scheduling the needed improvements. At this juncture it is unknown when these improvements will be completed.

5. Applicant's proceeding with the project expressly assumes the risk of the possibility in the future that City, State or Federal regulatory agencies, or other potential legal proceedings by third parties may enjoin, prevent, or delay providing additional flows to the Wastewater Treatment Plant or Collection System.

Sara Hubbard

From: Mickey Hulstrom <MHulstrom@humboldtcsd.com>
Sent: Monday, August 17, 2015 9:24 AM
To: Planning Clerk
Subject: Emailing: S45C-215081708160
Attachments: S45C-215081708160.pdf

To: Michael Wheeler

The District has attached conditions and requirements for the Kramer Properties proposed subdivision in Cutten (FMS15-004). Original coning in the mail.

Thanks, Mickey Hulstrom, HCSD Planner 443-1340 x 225

Your message is ready to be sent with the following file or link attachments:

S45C-215081708160

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

August 17, 2015

HUMBOLDT COMMUNITY SERVICES DISTRICT

Tentative Map Conditions
(Referral dated July 20, 2015)
Kramer Properties Subdivision
Case No. FMS15-004, ZR15-008, GPA15-005, & PDP15-001

APPLICANT: Kramer Properties, Inc
1589 Myrtle Ave, suite B
Eureka, Ca 95501

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Estlow, Trevor

From: Honsal, William
Sent: Wednesday, April 29, 2020 3:05 PM
To: Russell, Robert; Braud, Justin; Quenell, Bryan; Sopoaga, Shawn
Cc: Ford, John; Werner, Steve; Estlow, Trevor
Subject: RE: Project assistance/comment request for upcoming development

Good afternoon Robert,

This will impact our Sheriff's Operations in the Eureka area. Our current capacity, should be sufficient, but we would have to measure the impact as we proceed with this development. If we experience a higher call volume, then we would have to go back to the board to request an additional Deputy allocation(s).

I would suggest, that Since the Sheriff's office is looking for a new home that the County dedicate the Open Space "COH 207" to build the new Sheriff's Office building. A new Sheriff's office would greatly reduce crime in Cutten.

William F. Honsal, Sheriff

County of Humboldt
826 4th Street
Eureka, CA 95501
Main: 707.445.7251
Office: 707.268.3618

From: Russell, Robert <RRussell@co.humboldt.ca.us>
Sent: Wednesday, April 29, 2020 12:23 PM
To: Braud, Justin <JBraud@co.humboldt.ca.us>; Quenell, Bryan <BQuenell@co.humboldt.ca.us>; Sopoaga, Shawn <ssopoaga@co.humboldt.ca.us>
Cc: Honsal, William <WHonsal@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>; Werner, Steve <SWerner@co.humboldt.ca.us>; Estlow, Trevor <TEstlow@co.humboldt.ca.us>
Subject: Project assistance/comment request for upcoming development

Gents,

I know we are all challenged by our roles in the COVID-19 response, so please accept my apology up front for the shotgun email approach as I am not sure who is best to route this request to in these challenging times.

Our Dept is preparing an Environmental Impact Report for the Proposed North McKay Ranch Subdivision Project. I have attached the preliminary site plan. The proposed project includes development of 146, single-family units, 174 multi-family units, and 22,000 square feet of commercial uses. Could you please let us know if the Sheriff's Department has adequate capacity to serve the proposed project or if any infrastructure improvements/or additional staffing is needed. If any infrastructure improvements/staffing is needed, then what part of the proposed project would trigger that?

The Draft EIR is set for public review May 15th and Trevor Estlow, (cc'd) is our planner on this one so any help you can provide him, or any clarifications you may need he is the detail guy for this project. .

Again, thanks for your indulgence and any help you can provide, as well as our apologies for the short lead time and out of cycle/process request.

All the best,
Bob

Sara Hubbard

From: Sheila Parrott <sparrott@ci.eureka.ca.gov>
Sent: Tuesday, August 25, 2015 5:55 PM
To: Planning Clerk
Cc: Charles Roecklein
Subject: City of Eureka Comments on Kramer Properties Project
Attachments: Kramer Properties 082515.doc

Michael,

Attached are the City of Eureka comments on the Kramer Properties Project Referral, dated July 16, 2015, application number 9902. Please let me know if there are any questions.

Thanks

Sheila Parrott
Engineering Department
Traffic/Signals Division
City of Eureka
531 K Street
Eureka, CA
(707) 441-4350

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Sara Hubbard

From: Glenn Ziemer <gziemer@suddenlink.net>
Sent: Friday, September 11, 2015 10:33 AM
To: Planning Clerk
Subject: North McKay GP proposal
Attachments: meeting minutes 9 8 2015.docx

Members of the Planning Commission: The GEAMAC committee would like to communicate our action on the proposal by Kramer Properties regarding a General Plan amendment and related actions for the North McKay project. The committee heard presentations by Community Development staff and the applicant at our 9/22/2015 meeting. The committee voted unanimously in support of the project. A copy of our minutes is enclosed for reference. Sincerely,
Glenn Ziemer, Chair, GEAMAC

Greater Eureka Area Municipal Advisory Committee

Meeting Minutes September 8th, 2015

- 1) The meeting was called to order by Chairman Ziemer at 3: 00 p.m. at the Humboldt Community Services District office.
- 2) Those present completed the pledge of allegiance.
- 3) The Roll was called with the following members present:
Richard Yeider, Darrel Petersen, Glenn Ziemer, and Greg Gardiner.
- 4) Minutes of the July 22nd, 2015 meeting were reviewed with a motion for approval by Peterson/Yeider. The motion passed unanimously.
- 5) Public Comment - None.
- 6) Old Business- None
- 7) New Business:
Community Development Department Staff member , Michael Wheeler, presented a review of a proposed General Plan Amendment, Zone Reclassification, Final Map Subdivision, and PUD proposed by Kramer Properties and identified as the North McKay project. The proposal would develop 320 residential units and 2 commercial units in the property surrounding the Redwood Fields property in Cutten. The committee heard the staff presentation, a short presentation by the proponent, Kurt Kramer and entered in a question and answer exchange with both staff and the applicant.
A motion by Yeider/Gardiner to communicate the GEAMAC committee's support for the proposal was passed unanimously.
- 8) The meeting was adjourned at 3:22 p.m.



**CITY OF EUREKA
TRAFFIC/ENGINEERING DIVISION**

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4194 • Fax (707) 441-4202



MEMORANDUM

To: Michael Wheeler, Senior Planner, Humboldt County Planning

From: Sheila Parrott, Project Manager, and
Charles Roecklein, City Engineer

Subject: Kramer Properties Inc., key parcel number 017-032-003-000, General
Plan Amendment, Zone Reclassification, Final Map Subdivision, and
PUD, Project Referral

Date: August 25, 2015

The City of Eureka, Traffic Engineering Division has reviewed the Project Referral for the project as stated above, and has the following comments:

1. All intersections within the City of Eureka whose level of service is degraded below LOS C shall be evaluated and analyzed for mitigation of traffic impacts by a licensed traffic engineer.
2. Traffic impact fees shall be assessed in accordance with the County's anticipated Interim Traffic Impact Fee, currently under review.

Thank you for the opportunity to review.

Wheeler, Michael

From: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>
Sent: Monday, August 10, 2015 10:42 AM
To: Wheeler, Michael
Cc: Leppig, Gordon@Wildlife
Subject: CDFW comments on APPS # 9902 Kramer Properties Inc.

Good morning Michael,

Thank you for referring the Kramer Properties Inc. General Plan Amendment, Final Map Subdivision, Zone Reclassification, and Planned Development Permit (Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The Project consists of the subdivision of approximately 81 acres into 154 mixed-use lots, including multi-family, single family, commercial, and condominium lots.

The Project site drains to Ryan Creek, a tributary to Humboldt Bay. CDFW has identified Ryan Creek as one of the key populations to maintain or improve as part of the 2004 *Recovery Strategy of California Coho Salmon*. In addition to State and federally-threatened coho salmon, the Ryan Creek watershed supports State and/or federally-listed fishes including Chinook salmon, steelhead trout, longfin smelt, and tidewater goby, and State Species of Special Concern (SSC) including northern red-legged frog, southern torrent salamander, and western pond turtle.

We offer the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These are informal comments intended to assist the Lead Agency in making informed decisions early on (pre-consultation).

1. The environmental document should address any potential impacts to sensitive species or habitats that may occur from the Project. The Project area should be assessed for biological resources and sensitive habitats such as wetlands and riparian areas. CDFW databases such as the California Natural Diversity Database (CNDDDB) can be accessed for minimum baseline information regarding biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Special attention should be focused on rare plants, Species of Special Concern, and State- and federally listed species. Once preliminary surveys are complete, additional focused surveys may be needed to assess potential Project effects on rare, declining, or listed species. A qualified biologist or botanist should conduct all biological/botanical surveys, and/or wetland delineations.
2. Tree removal and any vegetation clearing associated with the Project must be conducted outside of the bird breeding season (generally no work during 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 trees or other vegetation are proposed to be removed within the bird breeding season, the Project proponent must consult with CDFW prior to removal in order to assess the potential for take of active bird nests, or hire a qualified biologist to survey the area to determine if any birds are nesting in the area. We strongly recommend scheduling any ground disturbing work or vegetation or tree removal during the fall/winter (September – February) whenever possible.
3. The streams crossing the powerline right-of-way will be impacted as a result of the extension of Redwood Street. These streams and adjacent wetland areas provide habitat for the southern torrent salamander and northern red-legged frog, both SSCs. Impacts to the stream/wetland areas should be minimized when designing the crossings. The crossing must pass sufficient flow and should provide passage for wildlife, and minimize and mitigate for any fill of wetlands and loss of riparian habitat. We recommend a bridge or large (10 foot or greater) half round culvert. These crossings will require a Lake or Streambed Alteration Agreement (LSAA) with CDFW pursuant to Fish and Game Code Section 1602.

4. The deteriorating logging road on the north end of the Project area that is experiencing severe gullying should be decommissioned and remediated/revegetated as part of the Project. Concentrated road runoff should be dispersed and redirected into vegetated areas so as not to continue to contribute sediment to the wetland below, and ultimately to Ryan Creek. This area may also provide mitigation opportunities for impacts to the streams/wetlands onsite from the Redwood Street road extension.
5. There was some discussion of use of the old logging road as a proposed extension of Manzanita Avenue for the purpose of mitigating Project-related traffic impacts. Construction of this road could result in significant impacts to the Ryan Creek wetland complex. If this road extension is a possible future component of the Project, or a “reasonably foreseeable” future consequence of the Project, then it should be considered as part of this Project.
6. The Project should implement Low-Impact Development (LID) strategies to the greatest degree possible in order to mitigate increased stormwater impacts of the Project. These strategies might include pervious paving material or other pervious surface technologies for parking areas and driveways, disconnected downspouts, and/or vegetated swales to maximize pervious surfaces and capture and maintain on-site stormwater percolation and treatment. Many local LID resources exist including the Five Counties Salmonid Conservation Program’s Stormwater Management Guide (available: <http://www.5counties.org/stormwater.htm>) and the City of Eureka’s LID Manual (available: <http://www.ci.eureka.ca.gov/civica/filebank/blobdload.asp?BlobID=5405>)
7. Setbacks from top-of-bank should be designed in order to minimize erosion and prevent the need for future tree removal as lots are developed. CDFW recommends a minimum 100 foot setback for structures from the 30 percent slope break line, and that this setback be designated as a non-buildable area. This will prevent future erosion, minimize tree removal on the steep slope, and protect the Ryan Creek tributaries that flow off the Project site.

We appreciate the opportunity to comment on this Project. Please contact me at 707-445-5387 if you have any questions.

Sincerely,
Jennifer Olson

Jennifer Olson
Environmental Scientist – Coastal Conservation Planning
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 445-5387
jennifer.olson@wildlife.ca.gov

Wheeler, Michael

From: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>
Sent: Friday, August 10, 2018 11:24 AM
To: Wheeler, Michael
Subject: RE: N. McKay Tract, Eureka area

Hi Michael,

Some additional comments:

Biological report:

Nesting bird season is March 1 – August 15. Project proponent should be required to conduct all tree and vegetation removal outside of the nesting season, or have a trained ornithologist survey for nests no more than seven days prior to commencement of work, and if nests are located, CDFW should be contacted to consult on appropriate buffers.

I am not sure how it was determined that only purple finch and yellow warbler have nesting habitat within the Project area (p. 19), but I see no evidence with which to base that determination on. It's more likely that the majority of the birds encountered within the Project site during the nesting season are nesting there, in addition to other common species that weren't encountered during surveys. Regardless, all native nesting birds are protected by Fish and Game Code, and surveys or avoidance of the nesting season will be required.

Other than that, I'd reiterate the need for a greater than 1:1 mitigation ratio for wetlands and encourage coordination with ACOE and RWQCB as they will also need to permit the project and sign off on the eventual mitigation plan.

Thank you,

Jen

From: Olson, Jennifer@Wildlife
Sent: Monday, July 30, 2018 3:48 PM
To: Wheeler, Michael <MWheeler@co.humboldt.ca.us>; Leppig, Gordon@Wildlife <Gordon.Leppig@wildlife.ca.gov>
Subject: FW: N. McKay Tract, Eureka area
Importance: High

Hi Michael,

I am out of the office for a week beginning tomorrow. Briefly, the mitigation proposed is at a 1:1 ratio, which given typical success rates for wetland creation/enhancement, would not comport with our 'no net-loss' policy. I would recommend a greater than 1:1 ratio to mitigate for wetland impacts. I can give you more specific comments at the end of next week.

Thank you,

Jen

From: Wheeler, Michael <MWheeler@co.humboldt.ca.us>
Sent: Monday, July 30, 2018 2:54 PM
To: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>; Leppig, Gordon@Wildlife <Gordon.Leppig@wildlife.ca.gov>
Subject: FW: N. McKay Tract, Eureka area
Importance: High

Hoping to get your comments by August 3? Please advise if that date does not work. Thanks.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning

Date: July 21, 2015

Kevin Hamblin, Director
Humboldt County Community Development Services Department
3015 H Street
Eureka, CA 95501

Project: KRAMER PROPERTIES INC. **APN:** 017-032-003-000 **Area:** Cutten/Eureka
Attention: Michael Wheeler **Type of Application:** General Plan Amendment, Final Map Subdivision, Zoning
Reclassification, Planned Development Permit

Mr. Hamblin,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

FIRE SAFE**General:**

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems

- c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
 During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
 During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
 There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
 Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

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

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

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.

4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For Hugh Scanlon, Unit Chief