

ATTACHMENT D

Copy of Planning Commission Staff Report for May 5, 2016



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

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

Hearing Date: May 5, 2016

To: Humboldt County Planning Commission

From: Robert Wall, Interim Director of Planning and Building Department

Subject: **Baker/Croy Parcel Map Subdivision, Lot Line Adjustment and Zone Boundary Adjustment**
Application Number 9561
Case Numbers PMS-14-012, LLA-14-028 and ZBA-14-001
Assessor Parcel Numbers (APNs) 500-091-046, 500-072-010
222 Simmons Lane and 2525 Idylbear Lane, Arcata area

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

cc: Applicant, Department of Public Works – Land Use Division

AGENDA ITEM TRANSMITTAL

| | | |
|------------------------------------|---|---------------------------------|
| Hearing Date May 5, 2016 | Subject Parcel Map Subdivision, Lot Line Adjustment and Zone Boundary Adjustment | Contact Trevor Estlow |
|------------------------------------|---|---------------------------------|

Project: A Parcel Map subdivision of an approximately 25 acre parcel into three parcels of approximately 10.3 acres, 7.1 acres and 8.5 acres. A Lot Line Adjustment will add approximately 0.35 acres to proposed Parcel 2 from a neighboring parcel (APN 500-072-010). After the Lot Line Adjustment, APN 500-072-010 will be approximately 12.06 acres in size. APN 500-072-010 is developed with a single family residence, decks and a detached garage. APN 500-091-046 is currently vacant. Proposed Parcels 1-3 will utilize Simmons Lane/Idylbear Lane southerly to Golf Course Road/Buttermilk Lane as the primary ingress and egress route. The northerly access, Simmons Lane northerly to Fickle Hill Road, will be utilized by proposed Parcels 1-3 as an emergency access. No trees will be removed. A Zone Boundary Adjustment is also included. The Zone Boundary Adjustment will adjust the Agriculture General (AG) zone to include all of the lands involved in the subdivision (currently zoned Unclassified (U)) and apply a special building site combining zone requiring a five-acre minimum parcel size to the three parcels involved in the subdivision, including the lands adjusted from the Weidemann parcel (APN 500-072-010). An exception request has been submitted to the Department of Public Works, Land Use Division, per HCC Section 325-9 requesting deferral of the 18'+ wide paving requirement of Idylbear Lane prior to issuing the final building permit for residential construction on the second parcel of the proposed subdivision (the first residence constructed on the first parcel would be principally permitted). An exception request has also been submitted and approved by Cal Fire to allow the approximate 600 foot section of Simmons Lane running from Fickle Hill Road to the existing gate on Simmons to remain as is at 16' wide gravel. Future subdivision and second dwelling unit rights will be conveyed to the County as a condition of approval. Rights may be re-conveyed subject to improvement to road category 4 standards.

Project Location: The project is located in Humboldt County, in the Arcata/Fickle Hill area, on both sides of Idylbear Lane and Simmons Lane, approximately 1,000 feet south from the intersection of Fickle Hill Road and Simmons Lane, on the property known as 222 Simmons Lane and 2525 Idylbear Lane.

Present Plan Designation: Rural Residential (RR). Jacoby Creek Community Plan (JCCP). Residential Estates (RE). Northern Humboldt General Plan (NHGP). Density: one dwelling unit per 5 acres (RR); one dwelling unit per acre (RE). Slope Stability: High instability.

Present Zoning: Agriculture General (AG); Unclassified (U).

Application Number: 9561

Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001

Assessor Parcel Number: 500-091-046, 500-072-010

Applicant
Kalani Baker and Howard Croy
17439 Deer Park Drive
Brookings, OR 97415

Owner(s)
same and Jackie and Jefferson Wiedemann
222 Simmons Lane
Arcata, CA 95521

Environmental Review: Project requires environmental review.

Major Issues: None

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

**BAKER/CROY PARCEL MAP SUBDIVISION, LOT LINE ADJUSTMENT AND ZONE BOUNDARY
ADJUSTMENT**

Case Numbers PMS-14-012, LLA-14-028, ZBA-14-001
Assessor Parcel Numbers 500-091-046, 500-072-010

RECOMMENDED COMMISSION ACTION:

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

Adopt the Mitigated Negative Declaration, make all of the required findings for approval based on evidence in the staff report, and recommend the project to the Board of Supervisors for approval as described in the Agenda Item Transmittal, subject to the recommended conditions of approval.

Executive Summary: The applicant is proposing a minor subdivision of an approximately 25 acre parcel (APN 500-091-046) into three parcels of approximately 10.3 acres, 7.1 acres and 8.5 acres. A Lot Line Adjustment will add approximately 0.35 acres to proposed Parcel 2 from a neighboring parcel (APN 500-072-010). After the Lot Line Adjustment, APN 500-072-010 will be approximately 12.06 acres in size, APN 500-072-010 is developed with a single family residence, decks and a detached garage. APN 500-091-046 is currently vacant. A Zone Reclassification and Zone Boundary Adjustment are also included. The Zone Reclassification is required in order to zone the proposed parcels of APN 500-091-046 from Unclassified to AG-B-5(5). The Zone Boundary Adjustment will rezone the 0.35 acre portion of APN 500-072-010 from AG to AG-B-5(5) to follow the new parcel line created by the Lot Line Adjustment. Water is provided by a community water system and onsite wastewater disposal systems are proposed.

The parcel is zoned Unclassified and is within the Jacoby Creek Community Plan that requires a density of one unit per five acres. The parcel is adjacent to lands zoned Agriculture General (AG). Part of the project involves a Lot Line Adjustment with the parcel to the north (APN 500-072-010) that is zoned AG. APN 500-091-046 will acquire approximately 0.35 acres from APN 500-072-010 in order to site a septic system and follow an existing driveway alignment. Because of the different zone classifications of the two parcels, a Zone Boundary Adjustment will move the zone boundary to encompass the entirety of APN 500-091-046 within the AG zone and add a combining zone that requires a five-acre minimum parcel size to the parcels being created by the subdivision consistent with the Rural Residential General Plan designation. The new parcel line created by the Lot Line Adjustment will become the boundary between the AG and the AG-B-5(5) zones.

All parcels will utilize Simmons Lane/Idylbear Lane southerly to Golf Course Road/Buttermilk Lane as the primary ingress and egress route. The northerly access, Simmons Lane northerly to Fickle Hill Road will be utilized by proposed Parcels 1-3 as an emergency access. APN 500-072-009 and 500-072-010 will continue to utilize Simmons Lane to Fickle Hill as their primary access route. An exception request has been submitted to the Department of Public Works – Land Use Division per HCC Section 325-9 requesting deferral of the 18'+ wide paving requirement of Idylbear Lane until to issuing the final building permit for residential construction on the second parcel of the proposed subdivision (the first residence constructed on the first parcel would be principally permitted). An exception request has also been submitted and approved by Cal Fire to allow the approximate 600 foot section of Simmons Lane running from Fickle Hill Road to the existing gate on Simmons to remain as is at 16' wide gravel. Future subdivision and second dwelling unit rights will be conveyed to the County as a condition of approval. Rights may be re-conveyed subject to improvement to road category 4 standards. These exceptions have been reviewed by the Department of Public Works and should the Commission grant them, Alternative 1 should be chosen as the recommended action.

The site is in an area of larger lot rural development northeast of Sunny Brae and southwest of Fickle Hill. There are predominantly similar sized rural residential lots due to the absence of community services. The parcel has varied topography with building sites identified in the flatter areas. The geologic hazards map for this area shows that all development including building sites, septic areas and road construction is located in a high instability rating. Therefore, an Engineering Geologic/Foundation and Soils Report (R-1) was prepared by LACO Associates and approved by the County Building Division. There are no mapped flood hazards on the property and no mapped archaeological resources.

All responding referral agencies have recommended approval or conditional approval of the project. Project approval is conditioned upon meeting their requirements. The Department has prepared and circulated a draft Mitigated Negative Declaration and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment.

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all responding referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action.

Alternative 1: The Planning Commission could approve the exception requests submitted by the applicant. In this case, items 2.5(d) and 2.13 should be modified as noted in the Department of Public Works Memo dated October 28, 2015 and included in Attachment 6.

Alternative 2: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

**Case Numbers PMS-14-012, LLA-14-028, ZBA-14-001
Assessor Parcel Numbers 500-091-046, 500-072-010**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Baker/Croy Parcel Map Subdivision, Lot Line Adjustment, Zone Reclassification and Zone Boundary Adjustment.

WHEREAS, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision, Lot Line Adjustment and a Zone Boundary Adjustment; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Minor Subdivision (Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001);

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001 based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed project as recommended in the Planning Division staff report for Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning staff and approve the project as conditioned in the Planning Division Staff Report for Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001.
3. Approve the Parcel Map Subdivision, Lot Line Adjustment and Zone Boundary Adjustment (Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001).

4. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on May 5, 2016.

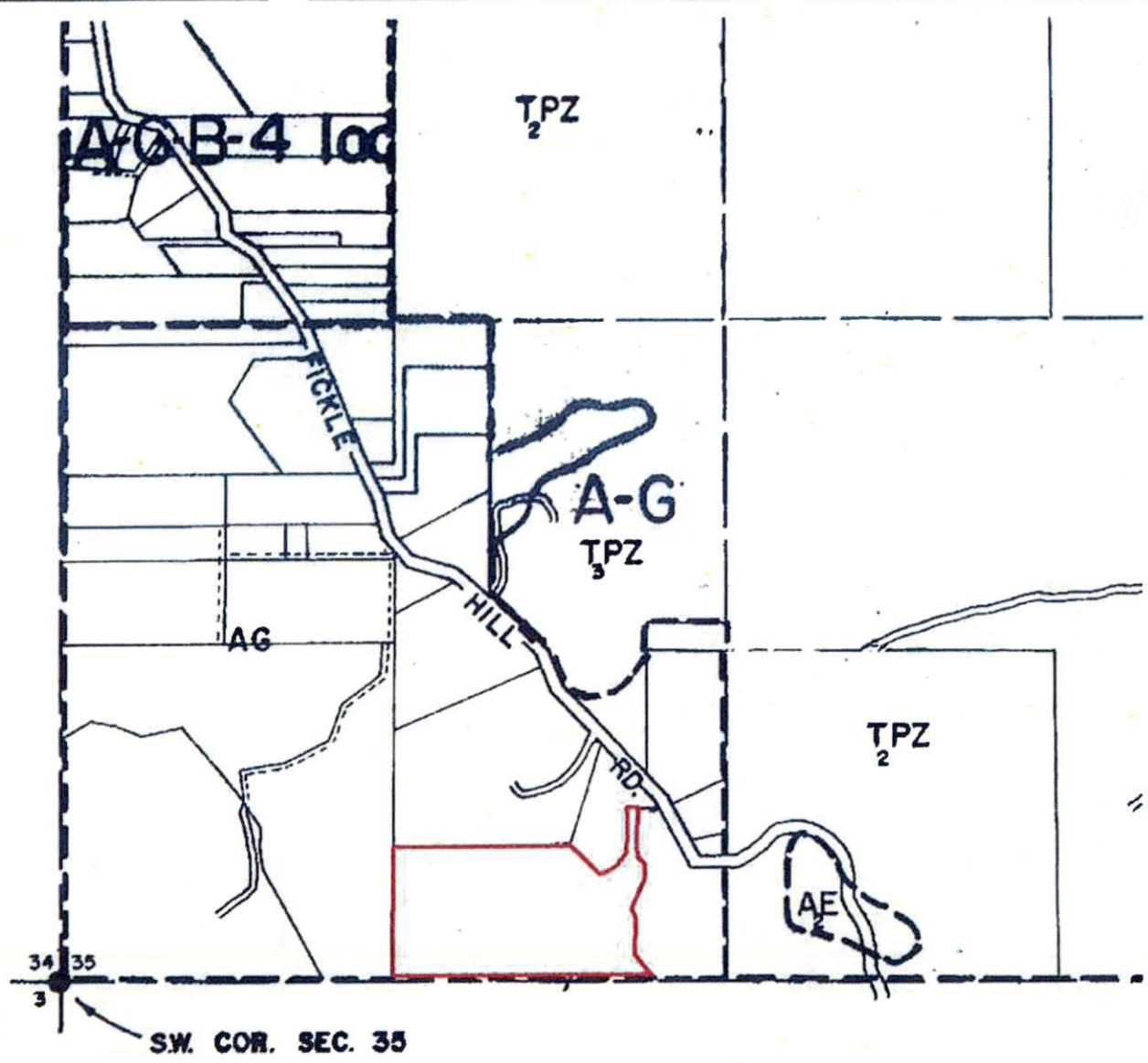
The motion was made by _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries

Robert Morris, Chair

I, Suzanne Hegler, Clerk 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.

Suzanne Hegler, Clerk



PROJECT AREA =

ZONING MAP

**PROPOSED BAKER & CROY
 PARCEL MAP SUBDIVISION,
 LOT LINE ADJUSTMENT &
 ZONE RECLASSIFICATION
 ARCATA/FICKLE HILL AREA
 PMS-14-012/LLA-14-028/ZR-14-012
 APN: 500-091-046 et seq
 T05N R01E S02 HB&M (Arcata South)**

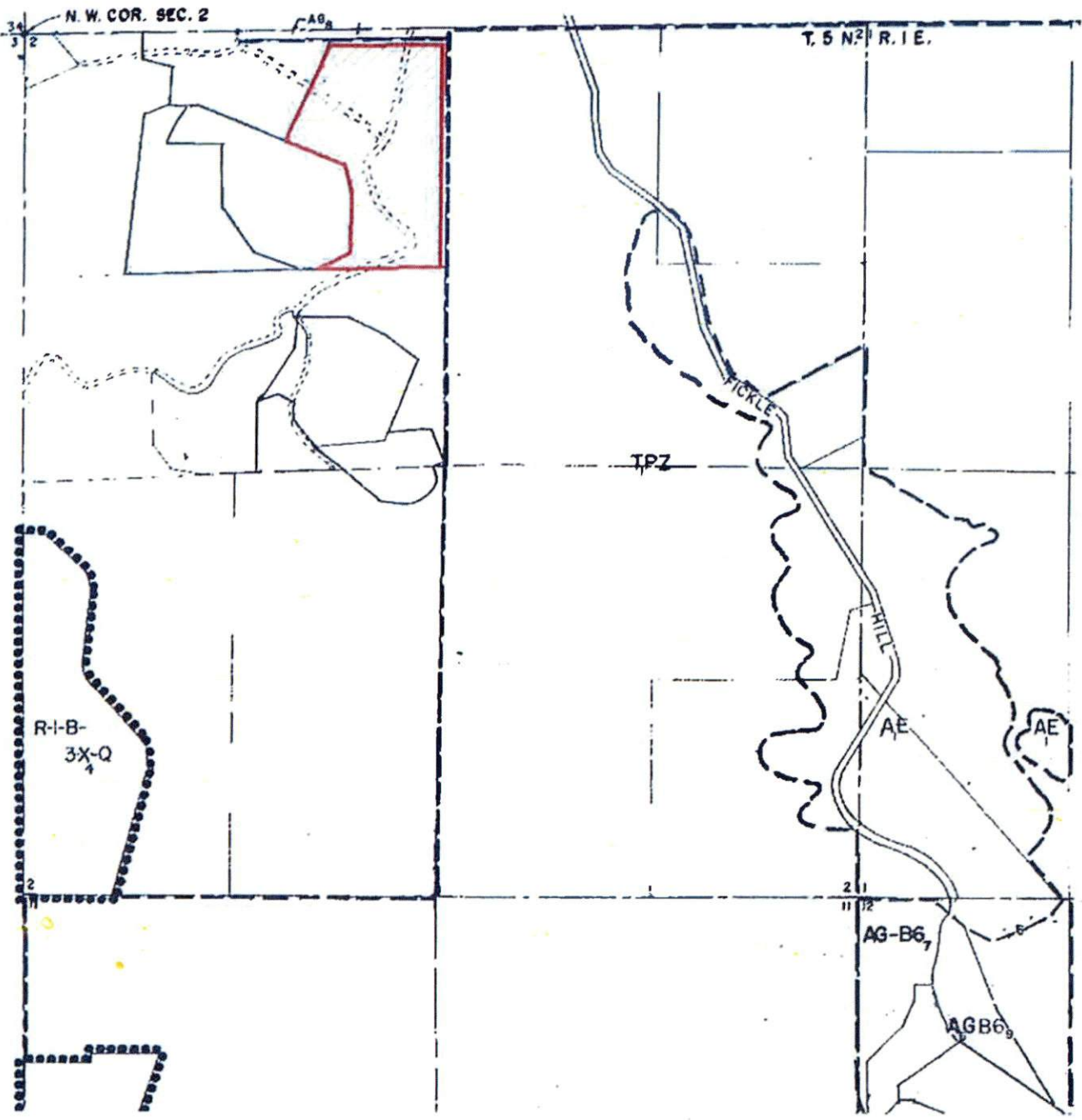


MAP NOT TO SCALE

PMS 14-012 Baker/Croy 9561

May 5, 2016

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PROJECT AREA =

ZONING MAP

**PROPOSED BAKER & CROY
 PARCEL MAP SUBDIVISION,
 LOT LINE ADJUSTMENT &
 ZONE RECLASSIFICATION
 ARCATA/FICKLE HILL AREA
 PMS-14-012/LLA-14-028/ZR-14-012
 APN: 500-091-046 et seq
 T05N R01E S02 HB&M (Arcata South)**



MAP NOT TO SCALE

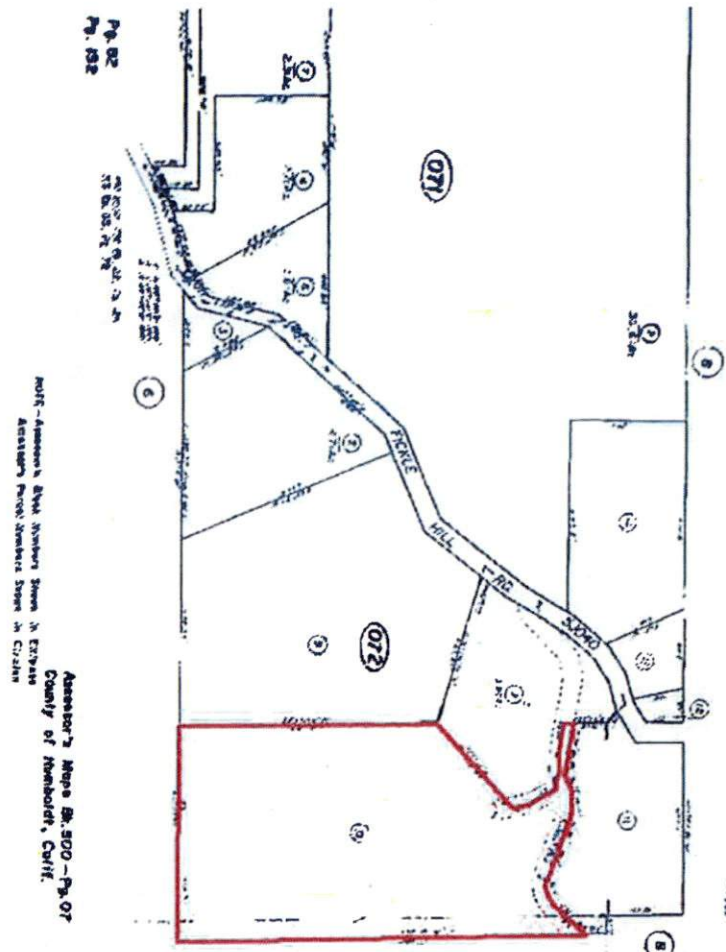
PMS 14-012 Baker/Croy 9561

May 5, 2016

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E 1/2 OF SW 1/4, SEC. 35, T6N, R1E, H.B.M.

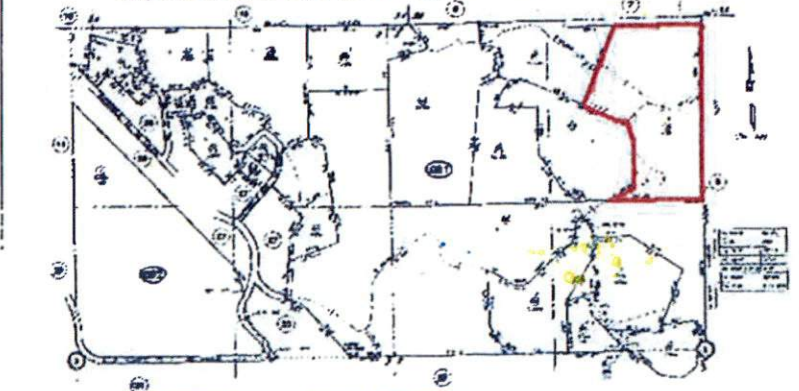
500-07



Assessor's Map 88, 500 - Pg. 07
 County of Humboldt, Calif.
 NOTE - Assessor's Map Number Shows In Error
 Assessor's Map Number Shows In Error

NW 1/4 SEC 2 & PTN NE 1/4 SEC 3 T6N, R1E H.B. & M.

500-09



PROJECT OF THE 1/4 SEC 2 & PTN NE 1/4 SEC 3 T6N, R1E H.B. & M.
 APN: 500-091-046 et seq
 COUNTY OF HUMBOLDT, CALIF.

ASSESSOR PARCEL MAP

**PROPOSED BAKER & CROY
 PARCEL MAP SUBDIVISION,
 LOT LINE ADJUSTMENT &
 ZONE RECLASSIFICATION
 ARCATA/FICKLE HILL AREA
 PMS-14-012/LLA-14-028/ZR-14-012
 APN: 500-091-046 et seq
 T05N R01E S02 HB&M (Arcata South)**

PROJECT SITE = 

MAP NOT TO SCALE



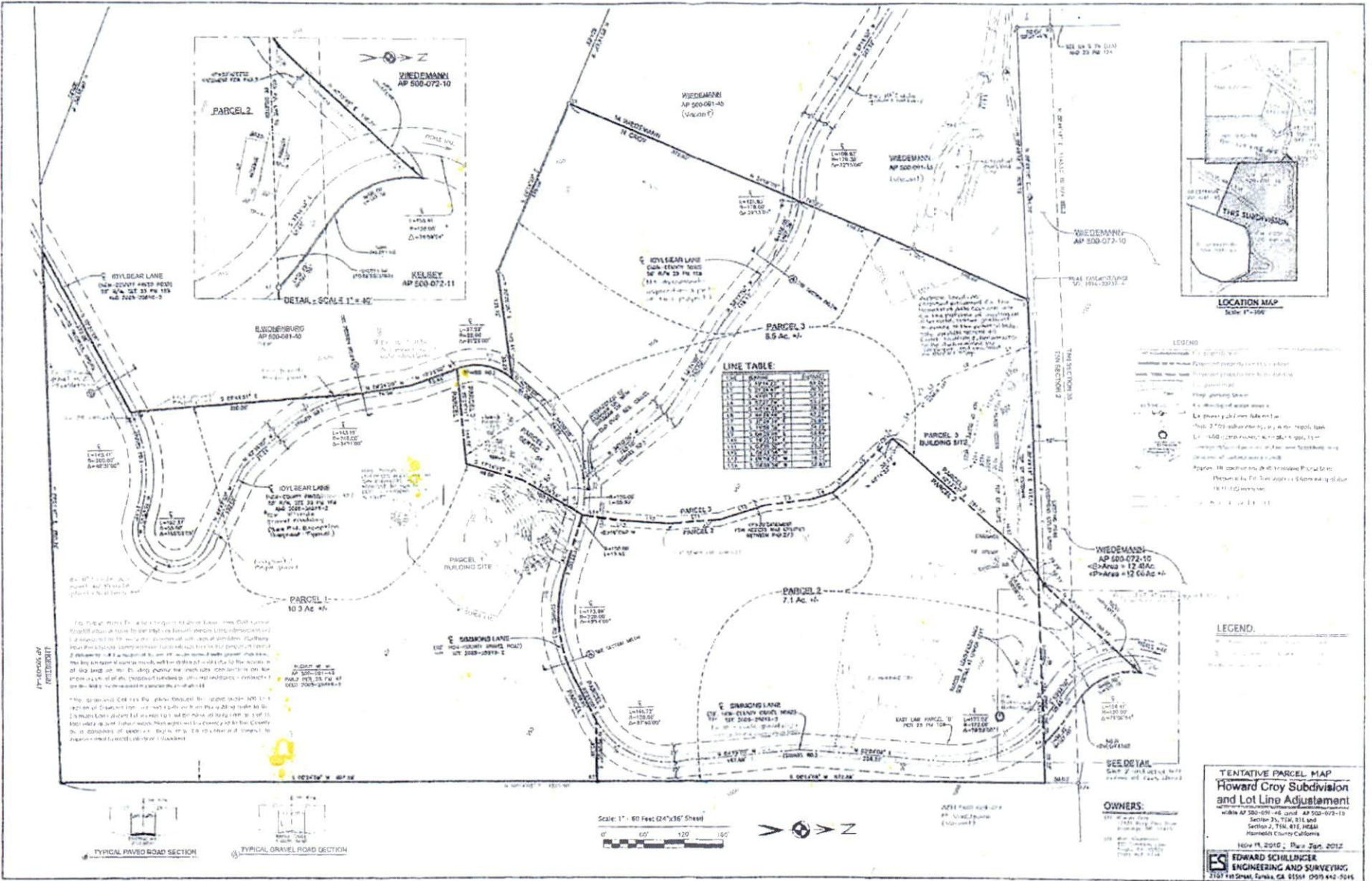
AERIAL MAP

**PROPOSED BAKER & CROY
 PARCEL MAP SUBDIVISION,
 LOT LINE ADJUSTMENT &
 ZONE RECLASSIFICATION
 ARCATA/FICKLE HILL AREA
 PMS-14-012/LLA-14-028/ZR-14-012
 APN: 500-091-046 et seq
 T05N R01E S02 HB&M (Arcata South)**

Project Area = 

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

0 500 Feet
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Attachment 1A

Revised* Conditions of Approval for the Baker/Croy Parcel Map Subdivision *Revised per Planning Commission meeting on May 5, 2016

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

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
- 2.* The conditions on the Department of Public Works referral dated ~~October 28, 2015~~ **May 5, 2016 revised by Planning Commission** included herein as Exhibit A shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works. ~~# Alternative 1 is approved, Items 2.5(d) and 2.13 shall be modified as noted in the Department of Public Works Memo dated October 28, 2015.~~
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
5. 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 \$103.00 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.
6. 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 reduce the cost for this review.
7. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
 - A. Mapping

- (1) Topography of the land in 10-foot contour intervals;
- (2) Details showing conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. H.C.C.), including but not limited to:
 - a. Road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)
 - b. Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
 - c. Emergency water standards (i.e., placement of fire hydrants, 2,500 gallon individual emergency water supply, etc.)
 - d. Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.).
- (3) The location of all necessary easements, including water line and other utility easements as necessary;
- (4) Four (4) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;
- (5) Proposed building sites and leachfield areas for all parcels.

B. Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
 - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
 - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
- (2) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A(2) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
- (3) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality

problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:

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

- (4) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 4:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
- (5) "Development rights for subdivision and/or secondary dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for subdivision and/or a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."
- (6) "Notice is given pursuant to Government Code Section 66411.1 that the improvement requirements in Exhibit A to Attachment 1 for the subdivision shall be completed to the satisfaction of the Department of Public Works upon the following events: *(timing of improvement work to correspond with Commission action with regard to exception request per Condition #15).*"
- (7) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."

8. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$295.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
9. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2016 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the

\$2,210.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

10. The applicant shall convey future development rights to the County of Humboldt for subdivision and/or a secondary dwelling unit on all parcels. Release from this conveyance may be pursued at such time that the access road serving each lot is improved to minimum Category 4 road standard. The applicant shall initiate action on a "Conveyance and Agreement" 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 \$295.00) will be required.
11. The owners of the subject parcel shall execute and file the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.
12. The applicant must record a Notice of Lot Line Adjustment prior to the recordation of the Parcel Map. Alternatively, the applicant may include the adjusted parcel on the Parcel Map. In this case, condition of approval #1 identified in Attachment B will not apply.
13. Permanent, irreversible water rights and easement shall be shown on the subdivision map and referenced by any deed conveying the parcels shown on the Parcel Map.
14. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the Planning Commission and/or Board decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
15. Unless subdivision improvements in Attachment 1, Exhibit A, are completed or a Subdivision Agreement is entered into prior to filing of the Parcel Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.

Or, if Alternative 1 is approved:

A Notice of Subdivision Improvement Requirements pursuant to Government Code Section 66411.1 shall be recorded for the subdivision requirements set forth in Exhibit A to Attachment 1. The Notice shall provide for the deferment of the widening and paving of Idlebear Lane as set forth in Item 2.5(a), 2.5(b), and 2.5(c) until the first of the following events:

- 1) Prior to further subdivision of any of the parcels within the subdivision; or
- 2) Prior to the issuance of a building final for the second building permit to construct a new home (or secondary dwelling unit) on any of the parcels in the subdivision; or
- 3) Prior to issuance of the third building permit to construct a new home (or secondary dwelling unit) on any of the parcels in the subdivision.

(This Note shall also appear on the Development Plan unless a Subdivision Agreement is voluntarily entered into between the subdivider and the County prior to filing of the Parcel Map.)

Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Condition(s) 3-1.5). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Copies of all required forms and written instructions are included in the final approval packet.

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

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

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

If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).

Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."

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

Attachment 1B

Conditions of Approval for the Lot Line Adjustment

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

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$209.00 per notice plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$74.00) as required by the County Assessor shall be paid to the County Community Development Services, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such*

property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. This permit, including the Lot Line Adjustment shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.

Attachment 1C

Conditions of Approval for the Zone Boundary Adjustment

APPROVAL OF THE ZONE RECLASSIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE ZONE RECLASSIFICATION CAN BE SCHEDULED FOR ACTION BY THE BOARD OF SUPERVISORS:

Conditions of Approval:

1. The applicant shall submit a legal description of the area to be rezoned from U into AG-B-5(5) and the area to be rezoned from U into AG for review and approval by the County Land Surveyor. The applicable review fee (currently \$209.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Boundary Adjustment being scheduled for a decision by the Board of Supervisors.



EXHIBIT A

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT



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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7398

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE APPLICATION OF BAKER & CROY, APN 500-091-046, PMS 14-012 FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 25.9 ACRES INTO 3 LOTS

DATE: 10/28/2015
05/05/2016 revised by Planning Commission

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 Edward Schillinger Engineering and Surveying dated November 19, 2010, revised January 2012, and dated as received by the Humboldt County Planning Division on December 9, 2014.

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

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

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

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

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

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

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

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

If the project includes a lot line adjustment with adjacent parcel(s), the lot line adjustment shall be recorded prior to the filing of the subdivision map. The subdivision map may show the lot line adjustment parcel(s) outside of the subdivision map's distinctive border.

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

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

- (a) **IDYLBEAR LANE (NON-COUNTY MAINTAINED) & SIMMONS LANE (NON-COUNTY MAINTAINED)**: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 50 feet in width.
- (b) **UNNAMED ACCESS ROAD #1**: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels 2 and 3 within the subdivision in a manner approved by this Department. The easement shall be 20 feet in width.
- (c) **UNNAMED ACCESS ROAD #2**: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels 3 within the subdivision in a manner approved by this Department. The easement shall be 20 feet in width.

1.8 **PRIVATE ROAD:** 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."
[County Code Section 323-2 appears after Section 324-1 in County Code]

2.0 IMPROVEMENTS

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

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

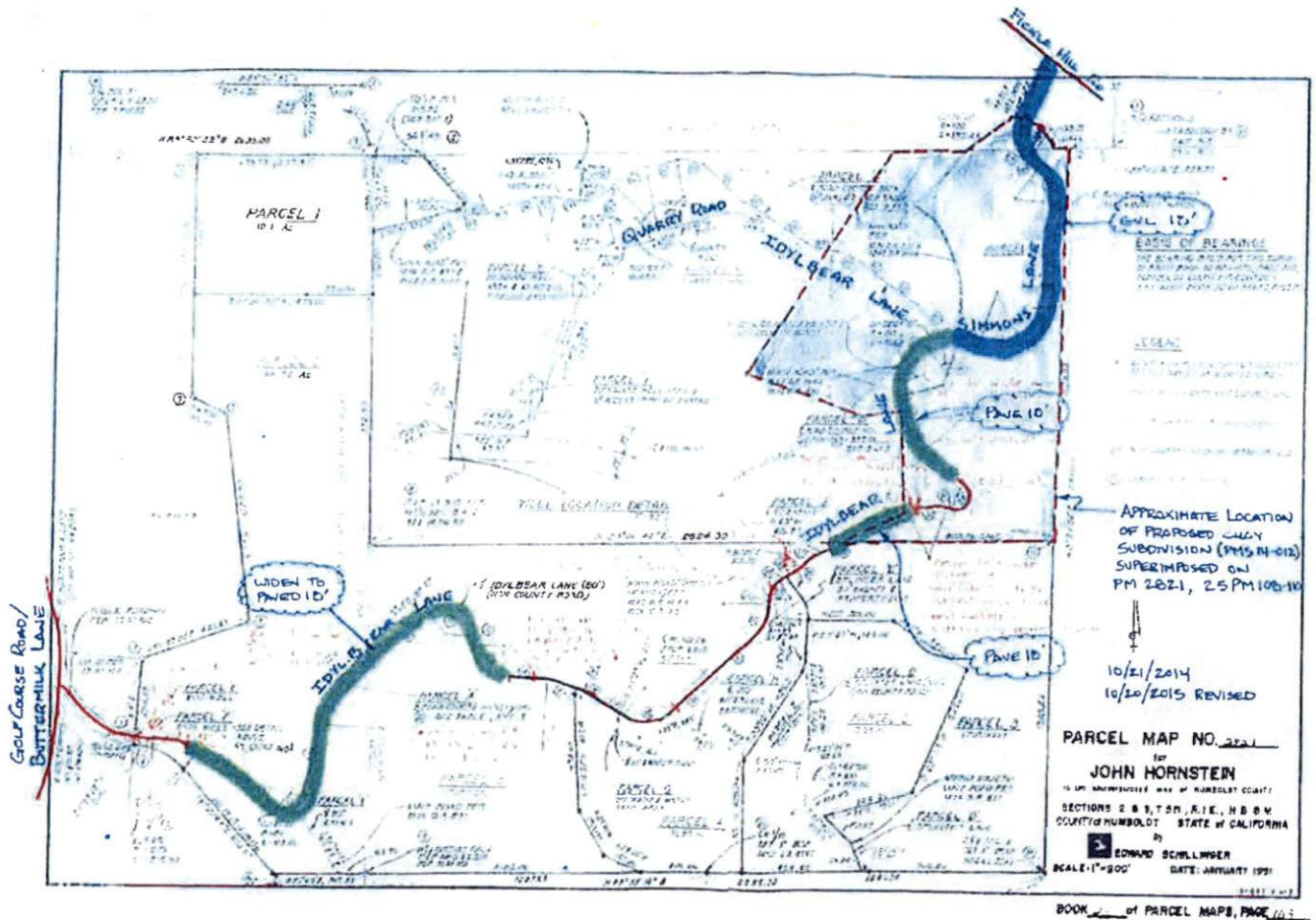
Construction plans shall be tied into elevation datum approved by this Department.

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

- 2.2 **CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.
- 2.3 **ROAD NAMES:** The access road(s)/street(s) shall be named as approved by the Planning & Building Department - Planning Division.
- 2.4 **TRAFFIC CONTROL DEVICES:** Street name and traffic control devices may need to 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.

- 2.5 **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) **IDYLBEAR LANE – OFF SITE (NOT COUNTY MAINTAINED):** Widen approximately 2,000 feet of Idylbear Lane to 18 feet wide, paved. The approximate location of the widening is shown in the diagram below.
 - (b) **IDYLBEAR LANE – ON-SITE (NOT COUNTY MAINTAINED):** Widen approximately 1,000 feet of Idylbear Lane to 18 feet wide, paved. The approximate location of the widening is shown in the diagram below.
 - (c) **SIMMONS LANE – ON-SITE (NOT COUNTY MAINTAINED):** Widen approximately 1,300 feet of Simmons Lane to 18 feet wide, gravel surface. The approximate location of the widening is shown in the diagram below.
 - (d) **SIMMONS LANE – OFF SITE (NOT COUNTY MAINTAINED):** Widen approximately 600 feet of Simmons Lane to ~~18~~ 16 feet wide, gravel surface. The approximate location of the widening is shown in the diagram below. [Revised by Planning Commission on 05/05/2016]



Above: diagram showing the approximate locations of the road widening

Highlighted green = widen to 18 feet paved

Highlighted blue = widen to 18 feet gravel

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

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

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

- (f) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
 - (g) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.
 - (h) 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.
 - (i) All road intersections shall conform to Humboldt County Code Section 341 regarding visibility.
- 2.6 **DRIVEWAYS:** All access openings (existing and proposed) shall conform to Humboldt County Code Section 341 regarding visibility. All access openings (existing and proposed) shall intersect the road at a 90° angle, unless otherwise approved by this Department.
- 2.7 **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.**

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

2.8 **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.

2.9 **UTILITIES:** The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

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

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

2.10 **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.

2.11 **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.

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

2.12 **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.

2.13 **TIMING OF IMPROVEMENTS:** The widening and paving of Idylbear Lane as set forth in item 2.5 (a), item 2.5 (b) and item 2.5 (c) is deferred until the first occurs:

- 1) Prior to further subdivision of any of the parcels within the subdivision; or
- 2) Prior to the issuance of a building final for the second building permit to construct a new home (or secondary dwelling unit) on any of the parcels in the subdivision; or
- 3) Prior to issuance of the third building permit to construct a new home (or secondary dwelling unit) on any of the parcels in the subdivision.

[added by Planning Commission 05/05/2016]

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.

4.0 GRADING <NONE>

5.0 MAINTENANCE

5.1 **MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 323-2 (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be required.

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

- A maintenance plan for the non-county maintained roads known as Idylbear Lane and Simmons Lane.

If a maintenance association currently exists for the access road, applicant shall attempt to the satisfaction of this Department to annex the subdivision into the existing road maintenance association. That portion of this condition regarding road maintenance may be waived if the applicant provides evidence satisfactory to this Department that the subject property already belongs to a maintenance association for the access road(s).

A maintenance plan is not required for driveways; as driveways serve only one parcel. A maintenance plan is *optional* for roads that serve only two parcels. A maintenance plan is required for roads serving three or more parcels.

6.0 DEVELOPMENT PLAN <NONE>

7.0 LANDSCAPING <NONE>

// END //

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

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

A. Subdivision Required Findings:

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

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

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

C. Zone Boundary Adjustment

Section 312-50.3 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to grant approval of a Zone Boundary Adjustment. The required findings needed to approve the ZBA are as follows:

1. The proposed change is in the public interest; and

2. The proposed change is consistent with the General Plan; and
3. The proposed 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, unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

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

Staff Analysis:

A.1./B.4. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in Chapters 2-4 of the Framework Plan (FP) and the Jacoby Creek Community Plan (JCCP).

| Plan Section(s) | Summary of Applicable Goal, Policy or Standard | Evidence Which Supports Making the General Plan Conformance Finding |
|--|---|--|
| <p>Land Use §2343 (JCCP) Development Timing: §4413 and 4423 (JCCP)</p> | <p>Rural Residential (RR): Density Range: one unit per 5 – 20 acres. No subdivisions or SDUs shall occur on lots < 5 acres in size until such lots are served by community sewer.</p> | <p>The project results in three parcels ranging in size from 7.1 acres to 10.3 acres in size. The parcel is currently vacant and will provide three building sites. The JCCP Development Timing Policies requires a density no greater than one unit per five acres where parcels are served by on-site sewage disposal. At present, there are no plans for this area to become served by City of Arcata sewer in the near future.</p> |
| <p>Water Supply §3340, 3360.2, 3361.1, 3362.3 (FP)</p> | <p>Goal: To maintain a dependable water supply, sufficient to meet existing and future domestic, agricultural, industrial needs and to assure that new development is consistent with the limitations of the local water supply. Policy: Ensure that land use decisions are consistent with long term value of water resources in Humboldt County. Standard: Development proposed within Critical Water Supply Areas shall demonstrate that no risk of contamination to the water supply area would occur due to the development activity proposed.</p> | <p>The parcel is currently served by an existing shared water system that will serve all parcels. The Division of Environmental Health has reviewed the water supply and found that adequate water is available to serve the subdivision.</p> |
| <p>Sewage Disposal §4530, 4531.5, 4531.6, 3361.2 (FP) §4413 and 4423 (JCCP)</p> | <p>Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety. Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form. Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board. Policy: Regulate development that would pollute watershed areas.</p> | <p>The existing parcel is currently undeveloped. The newly created parcels will all utilize on-site wastewater treatment systems. The applicants have provided the Planning Division with evidence that sewage disposal can be developed on-site to serve the proposed development. The Division of Environmental Health has approved these plans.</p> |

| | | |
|--|---|--|
| <p>Access §4220, 4237.7 (FP)</p> | <p>Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas. Policy: New Development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads.</p> | <p>The parcel is accessed by Idlybear Lane off of Buttermilk Lane. Idlybear Lane connects with Simmons Lane and ultimately to Fickle Hill Road. Idlybear Lane and Simmons Lane are private roads with a 50 foot right of way. The Department of Public Works Land Use Division has provided conditions of approval dated October 28, 2015 and attached as Exhibit A that describe proposed improvements.</p> |
| <p>Geologic §3290, 3291.1 3291.2A, 3292.1 (FP)</p> | <p>Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. structural hazards. Standards: Require geologic reports according to the Geologic Hazards Land Use Matrix as denoted in the Framework Plan.</p> | <p>The subject property is located with an area of high geologic instability (Humboldt County General Plan Geology, General Plan Map) and is not within the Alquist-Priolo Seismic Safety Hazard Zone. Therefore, an R-1 Soils Report (LACO, January 2012) was submitted to demonstrate adequate building sites. The Building Division has reviewed the report and recommended approval.</p> |
| <p>Flood Safety §3290, 3291.3 3292.2 (FP)</p> | <p>Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: The County shall participate in the Federal Flood Insurance Program to regulate land uses in flood hazard areas in order to minimize loss of life and property, and in order to minimize public flood-related expense.</p> | <p>The property is entirely within Flood Zone C, areas outside of the 100-year flood. The property is located at approximately 800 – 1000 feet in elevation and is not subject to tsunami run-up hazards or levee or dam inundation.</p> |
| <p>Biological Resources §3430, 3431, 3432 (FP)</p> | <p>Goal: To maximize where feasible, the long term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats. Policies: Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible. Standards: §3432, Framework Plan</p> | <p>The closest watercourses are located approximately 1,500 feet to the northeast. However, these watercourses are located within the Mad River watershed. The subject parcel is located in the Jacoby Creek watershed with the nearest tributary to Jacoby Creek located near the Baywood Golf Course, over 3,500 feet to the southwest. No sensitive species were found on site. The project was referred to the Eureka office of the California Department of Fish and Wildlife and they did not respond with any concerns.</p> |

| | | |
|--|---|--|
| <p>Cultural Resource Protection §3500 (FP)</p> | <p>New development shall protect cultural, archeological and paleontological resources.</p> | <p>The project was referred to the Northwest Information Center and they recommended that a study be performed. Further consultation with the local Tribal Historic Preservation Officers (THPOs) of the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria all confirmed that a study was not warranted provided the standard condition regarding inadvertent discovery is included.</p> |
|--|---|--|

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

| Section(s) | Applicable Subdivision Requirements | Evidence Supporting Subdivision Requirement Finding |
|------------------------------|--|---|
| Lot Suitability 322-3 | All lots shall be suitable for their intended uses. | The subdivision will create three parcels suitable for residential development. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the proposed lots will be suitable residential locations. The minimum parcel size is five acres and all parcels will meet this requirement. |
| Access and Drainage 324-1 | Improvements shall be required for the safe and orderly movement of people and vehicles. | <p>The parcel is accessed by Idlybear Lane off of Buttermilk Lane. Idlybear Lane connects with Simmons Lane and ultimately to Fickle Hill Road. Idlybear Lane and Simmons Lane are private roads with a 50 foot right of way. An exception request has been submitted to the Department of Public Works – Land Use Division per HCC Section 325-9 requesting deferral of the 18'+ wide paving requirement of Idlybear Lane until prior to issuing the final on the building permit for residential construction on the second parcel of the proposed subdivision (the first residence constructed on the first parcel would be principally permitted). An exception request has also been submitted and approved by Cal Fire to allow the approximate 600 foot section of Simmons Lane running from Fickle Hill Road to the existing gate on Simmons to remain as is at 16' wide gravel. Future subdivision and second dwelling unit rights will be conveyed to the County as a condition of approval. Rights may be re-conveyed subject to improvement to road category 4 standards. Calfire approved the exception request and the Department of Public Works has provided conditions of approval that incorporate the exception requests should the Commission grant them.</p> <p>No drainage study was required due to the large parcel size, however, the applicant will be responsible to correct any involved drainage problems associated with the subdivision.</p> |
| Sewer & Water 324-1 (d) | Sewer and water systems shall be constructed to appropriate standards. | The parcel is currently served by an existing shared water system that will serve all parcels. The Division of Environmental Health has reviewed the water supply and found that adequate water is available to serve the subdivision. On-site wastewater treatment systems are proposed for all parcels and the Division of Environmental Health has also reviewed and approved the proposed septic tank and leach field locations |

| Section(s) | Applicable Subdivision Requirements | Evidence Supporting Subdivision Requirement Finding |
|---|---|--|
| Access Road Appendix 4-1 | Roadway design must incorporate a 40-foot right of way unless an exception is granted. | See above. |
| Government Code § 66411.1 Improvement Timing | Unless the subdivider voluntarily enters into an agreement with the County establishing the timing of the work, fulfillment of reasonable on- and off-site construction requirements are deferred until issuance of a permit or other grant for development of the created lot, except where found to be necessary for the public health and safety or for orderly development of the surrounding area. If not completed prior to parcel map recordation or under agreement with the County, a Notice of deferred construction of subdivision improvements shall be filed concurrently with the parcel map. | Because the three parcels being created by this division are currently undeveloped, and the subdivider has not indicated that it is their intent to enter into a Subdivision Agreement, the Public Works Department is recommending that the construction of the subdivision improvements set forth in Attachment 1 be completed upon issuance of a building permit on any of the subdivision parcels. However, the applicant is requesting an exception to the timing of the required road improvements to defer the work until the construction of the second residential structure within the subdivision development. The rationale is that a single residence could currently be constructed on the undeveloped parcel without necessity of the road improvements. Alternative 1 would permit the Planning Commission to grant this development timing exception and specify the events which would cause this work to be undertaken. Public Works memo dated October 28, 2015 (Attachment 6) provides the modified timing condition wording. Under either the alternative or existing condition, the Notice of deferred construction improvements will be recorded to inform the owner and their successors in interest of their future development obligations. |
| <p>314-17.1.5 and 322-3.1 Housing Element Densities</p> <p>The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p> | <p>The project will divide an approximately 25 acre parcel into three parcels. Three units on approximately 25 acres results in a density of 1 dwelling unit per 8.3 acres. The Jacoby Creek Community Plan requires a minimum of one unit per 5 acres which this project complies with. Additionally, this parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law, therefore, the subdivision complies with this policy.</p> | |

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

| Zoning Section | Summary of Applicable Requirement | Evidence That Supports the Zoning Finding |
|---|--|---|
| Agriculture General (AG) §314-7.2 | One family dwellings are principally permitted uses. | The proposed subdivision divides one vacant parcel into three parcels suitable for new residential development. |
| Development Standards | | |
| Minimum Parcel Size: | 5 acres | All parcels are over five acres in size. |
| Minimum Yard Setbacks per Zoning: SRA Setbacks apply | Front: 30' Side: 30' Rear: 30' | Setbacks for future development will be required to meet standards at time of Building Permit. |
| Maximum Ground Coverage | 35% | Future development will be required to meet current standards. |
| Maximum Structure Height | 35 ft. | Future development will be required to meet current standards. |

C. Zone Boundary Adjustment: Section 312-50.3 of the Humboldt County Code (H.C.C.) specifies the findings that must be made in order to grant approval of a Zone Boundary Adjustment.

C.1. Public Interest

The Subdivision and Lot Line Adjustment involves a Zone Boundary Adjustment (ZBA) between lands zoned Agriculture General (AG) and Unclassified (U). All of APN 500-091-046 is zoned U. The ZBA will move the zone boundary between the U and AG zone such that the entirety of APN 500-091-046 will be zoned AG. In addition, a Special Building Site combining zone will be added to the lands subject to the subdivision that requires a five-acre minimum parcel size (B-5(5)) such that it is consistent with the land use designation that specifies a density of one dwelling unit per five acres. Finally, the zone boundary between the AG and AG-B-5(5) zone will be adjusted to follow the resultant boundary between APN 500-091-046 and APN 500-072-010 as adjusted by the Lot Line Adjustment. Lands that are zoned U are not precisely zoned. By bringing the U-zoned lands into an AG zone classification, it will allow better implementation of the Zoning Ordinance. For this reason, Planning staff believes that the ZBA is in the public interest in that it supports the existing use of the land, is minor in nature and does not affect the overall use of the site.

C.2. General Plan Consistency

APN 500-091-046 is planned Rural Residential (RR) in the Jacoby Creek Community Plan (JCCP) with a density of one unit per five acres. APN 500-072-010 is planned Residential Estates (RE) in the Northern Humboldt General Plan (NHGP) with a density of one dwelling unit per acre. The General Plan Update (GPU) proposed to change the RR designation to Rural Residential with a density of one dwelling unit per five to 20 acres. The GPU also proposes to change the RE designation to Residential Estates with a density of one dwelling unit per 2.5 to 5 acres. While a small portion (0.35 acres) of resultant Parcel 2 created by the subdivision would have a Residential Estates plan designation should the Parcel Map be recorded prior to the adoption of the general plan, it would

still be consistent. The ZBA is consistent with General Plan policies and standards as noted in the above discussion (A.1/B.4).

C.3. Environmental Impact:

See A.5/C.5. below

B4. Public Health, Safety and Welfare:

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

A4/B5. Impact on Residential Density Target: See discussion under Section 2 above.

A5/C5. Environmental Impact:

Please see the attached draft Mitigated Negative Declaration.

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

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2016 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #9 of Attachment 1A.

ATTACHMENT 3

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting on _____, 2016

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE ARCATA AREA
[ZBA-14-001 (BAKER/CROY)]

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by extending the Agriculture General zone boundary to include all of Assessor Parcel Number 500-091-046 and including a five acre minimum parcel size requirement as well as adjusting the zone boundary between Agriculture General (AG) and Agriculture General with a five-acre minimum parcel size (AG-B-5(5)) coincidental with the adjusted property lines between Assessor Parcel Numbers 500-091-046 and 500-072-010. The area described is also shown on the Humboldt County zoning maps K-21 and K-22 on the map attached as Exhibit A.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

Deputy

ATTACHMENT 4

Applicants' Evidence In Support of the Required Findings

| Document | Date Received by Planning | Location |
|---------------------------|----------------------------------|-----------------------|
| Tentative Subdivision Map | December 9, 2014 | Attached |
| Application Form | December 9, 2014 | On file with Planning |
| Preliminary Title Report | December 9, 2014 | On file with Planning |
| Exception Requests | December 9, 2014 | Attached |
| Sewage disposal testing | December 9, 2014 | On file with Planning |
| Water testing information | December 9, 2014 | On file with Planning |

December 3, 2014

Attn: Kevin Hamblin
Director of Hum. Co. Planning and Building Department
Planning Division
3015 H Street
Eureka, CA 95501
and
Bob Bronkall
Hum. Co. Public Works-Land Use Div.

Re: Petition for an exception request for the Baker/Croy Tentative Map Subdivision and Lot Line Adjustment; Exception to the road ~~right of way~~ width requirements.

Assessor's Parcel Numbers: 500-072-010 and 500-091-046

Dear Planning and Land Use Division:

Pursuant to Humboldt County Code Section 325-9, we are requesting an exception to the road right of way width requirement administered by Public Works and Planning to allow deferral of the 18'+ wide paving requirement of Idylbear Lane until prior to issuing the final on the building permit for residential construction on the second parcel of the proposed subdivision (the first residence constructed on the first parcel would be principally permitted). An exception request has also been submitted to Cal Fire to allow the approximate 600 foot section of Simmons Lane running from Fickle Hill Road to the existing gate on Simmons to remain as is at 16' wide gravel. Future subdivision and second dwelling unit rights will be conveyed to the County as a condition of approval. Rights may be re-conveyed subject to improvement of the 16' wide section of Simmons Lane to road category 4 standards.

Exceptions to the requirements and regulations of the Code may be granted if the following conditions exist:

- 1 That there are special circumstances or conditions affecting said property;
- 2 That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
3. That the granting of the exception will not be detrimental to the public welfare or injurious to the property in the territory in which said property is situated.

In addition, in granting such exceptions, the Advisory Agency must secure, substantially, the objectives of the regulations to which the exceptions are granted as to light, air, and public health, safety, convenience, and general welfare.

The existing residential development served by Idylbear Lane and Simmons Lane utilizes a road maintenance association for the administration and management of road maintenance. The members of this association are agreeable to the proposed improvements and recognize the need to defer the upgrades due to current and planned residential construction activities that will most likely cause damage to the road. Additionally, portions of the Idylbear road bed are still settling. Paving at this time would result in cracking of the new surface. Therefore, it makes sense to delay the paving until prior to issuing the final on the building permit for residential construction on the second parcel of the proposed subdivision.

It also bears mentioning that a lot of work (road widening and surfacing) has already been completed in upgrading Idylbear Lane and Simmons Lane, in anticipation of this proposed subdivision.

The proposed parcels, as shown on the Tentative Map, will be consistent with the prescribed density, minimum parcel size and building setbacks, and other development criteria of the applicable regulations. Since the project, as proposed, satisfies other requirements of land subdivision, granting this exception does not appear to be providing special privileges not available to others, but rather is upholding the preservation and enjoyment of a substantial property right of the land owner. Denying the exception request would deprive the property owner of the ability to complete the required road improvements in a logically timed manner.

The granting of the exception does not appear to be detrimental to the public welfare or injurious to other properties in the vicinity.

Based on the above, I respectfully petition that this exception request be granted.

Sincerely,

 for Howard Croy
Howard Croy and Kalani Baker
17439 Deer Park Drive
Brookings, OR 97415
(541) 412-7424

Attachments: Tentative Parcel Map/Lot Line Adjustment/Zone Reclassification
Existing Road Conditions Exhibit
Cal Fire Exception Request Approval

CROY & BAKER

500-072-010

500-091-046

NOTES BY BRONKALL 10/21/2014
PER 10/21/14 MEETING

BOB BRONKALL (P.W.) & MARY-JANE
ASHTON (PLANNING DIV.)

POTENTIAL 3 PARCEL SUBDIVISION w/ LLA & RZ

- OFFSITE - IDYLBEAR: IMPROVE TO PAVED CAT 4
(SEE MSA DIAGRAM ON 25 PMB 109)

- FRONTAGE - ^{IDYLBEAR} PAVE CAT 4 TO INTERSECTION
IDYLBEAR & SIMMONS (EXISTING GATE)
- FRONTAGE - SIMMONS GRAVEL CAT 4 TO PARCEL 3 DWY
- OFFSITE - SIMMONS PARCEL 3 DWY TO FICKLE HILL
GRAVEL CAT 4

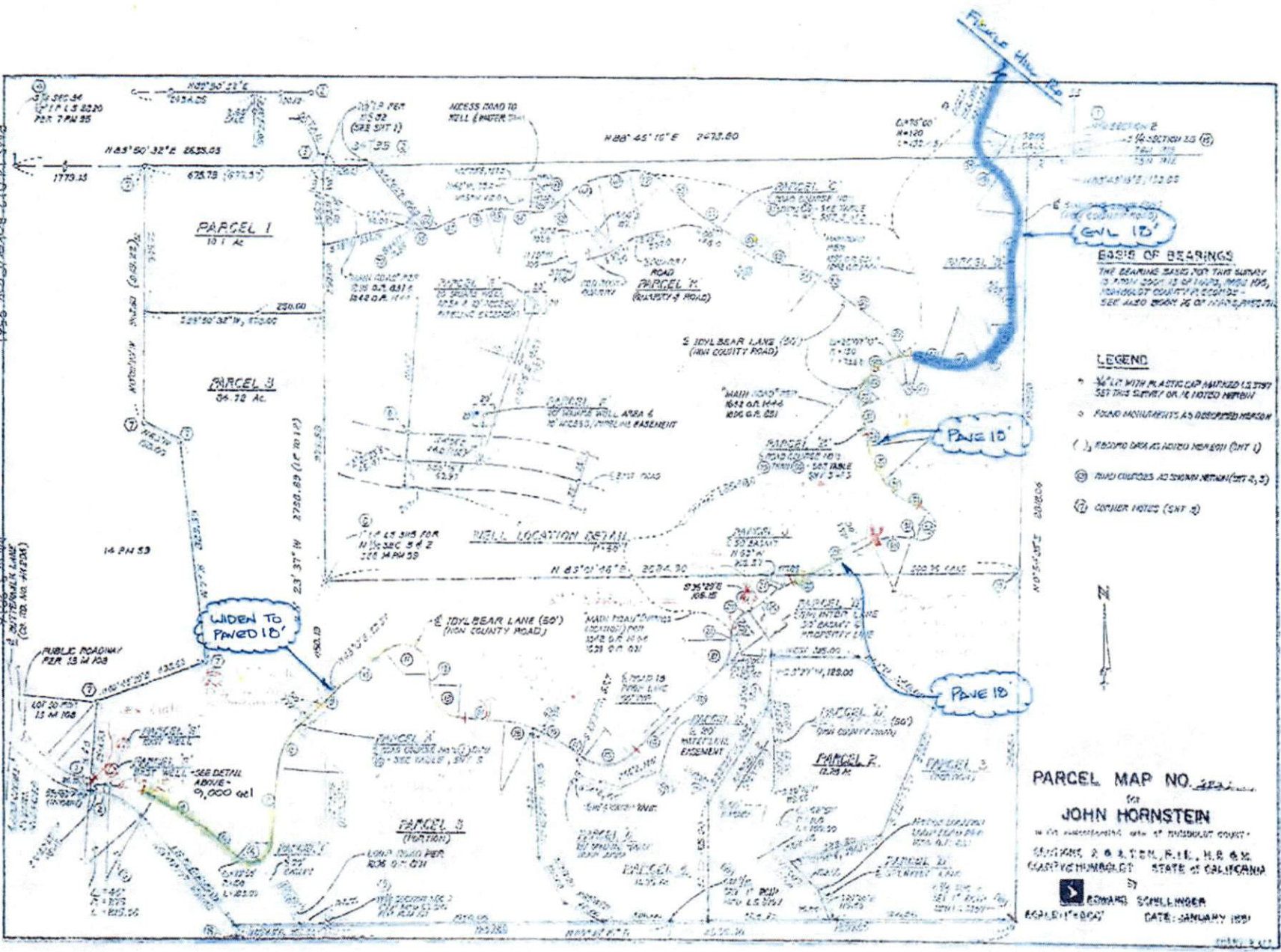
CONSIDER 3111-9 EXCEPTION REQUEST FOR
WIEDMANN DWY (APN 500-072-010) TO FICKLE HILL
TO REDUCE ROADWAY WIDTH

- 325-9 EXCEPTION REQUEST
DELAY PAVING / TIE PAVING TO BLDG FINAL
FOR 2ND HOUSE ON SUBJECT PROPERTY. (1ST
HOUSE IS PRINCIPALLY PERMITTED)

10/22/14 Emailed to Home. Croy DOR Pacific Real Estate Bureau
and call to Home 832-6071 @ Home.com
rc@hrgbob.com

PMS 14-012 Baker/Crov 9561

NOV 3, 2016



BASIS OF BEARINGS
 THE BEARING BASIS FOR THIS SURVEY IS FROM CORNER 13 OF SECTION 18, T4S, R6E, NON-COUNTY ROAD 12. SEE ALSO CORNER 16 OF SECTION 18, T4S, R6E.

- LEGEND**
- MET WITH PLASTIC CAP MARKED LS 1297 SET THIS SURVEY ON 1/4 ACYD NORTH
 - FOUND MONUMENTS AS DESCRIBED HEREON
 - () RECORD DATA AS ADVISED HEREON (CMT 1)
 - ⊙ ROAD CORNERS AS SHOWN HEREON (CMT 2, 3)
 - ⊙ CORNER NOTES (CMT 2)



PARCEL MAP NO. 252
 FOR
JOHN HORNSTEIN
 IN HIS REPRESENTATIVE CAPACITY AS TRUSTEES COURT
 COUNTY OF SUTTER, F.I.E., H.R. & M.
 COUNTY CLERK, STATE OF CALIFORNIA
 BY
 EDWARD SCHILLINGER
 REGISTERED PROFESSIONAL SURVEYOR
 NO. 11787
 DATE: JANUARY 1981

BOOK 21 OF PARCEL MAPS, PAGE 115

10/1/2014

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: December 4, 2014

Kevin Hamblin, Director
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Project: Wiedemann&Baker-Croy APN:500-072-010-091-046 Area:Fickle Hill Attention: M.Ashton

Request dated: December 4, 2014

An exception to the standards of the Humboldt County Fire Safe Ordinance has been requested for the project noted above. As proposed and mitigated, the exception(s) noted below are found to have the overall practical effect as these regulations towards providing defensible space.

- Section 3112 Emergency Access – Road Standards
The road standards have specific provisions that include:
- 3112-3 Road Width,
 - 3112-4 Roadway Surface,

Specifically: The project proponent in agreement with the County Roads and County Planning Department has agreed to improve and widen and pave Idylbear lane to a Category 4 standard prior to issuing the final on the building permit for the residential construction on the second parcel. Additionally, the project proponent has agreed to convey secondary dwelling unit rights to the county as a condition of approval. Rights may be re-conveyed subject to improvement to simmons

By
Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For Hugh Scanton, Unit Chief



COUNTY OF HUMBOLDT
 PLANNING AND BUILDING DEPARTMENT
 CURRENT PLANNING DIVISION

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

Date: Nov. 19, 2014 EMAILED TO MARK RODGERS
11/19/14

To: CALFIRE
 Attn: Mark Rodgers, 118 S. Fortuna Blvd., Fortuna CA 95540

From: MARY-JANE ASHTON, HUM CO. PLANNING DIV
(707) 268-3724

Subject: Exception Request from Humboldt County Fire Safe Regulation PER SECTION 3111-9:

Section(s): 3112-3

APN: REF: 500-072-010 & 500-091-046 / 500-072-09

Property Owners Name: REF: WIEDEMANN & BAKER-CREY / WILLIAMS

Situs Address: 222 SIMMONS LN. & 2525 IDYLBEAR LN. / 3015 FICKLE HILL R
ARLINGTON

Building Permit Application Number: (if applicable) N/A

Enclosed please find a request for an exception to the Humboldt County Fire Safe Regulations. Please review this request and contact MARY-JANE ASHTON of this office with your agency's decision.
(707) 268-3724

ATTACHMENTS: mjashton@co.humboldt.ca.us

- Exception Request Form
- SRA Standard Exception for Small Parcels with Fuel Modification Mitigations Checklist
- January 1, 2004 letter from CDF Re: Project Review Input Basic to All Development Projects
- Plot Plan
- Other: _____

Staff Use Only

Receipt # APPS 6617 (\$75.00 fee) Date Accepted: 11/19/14 By: [Signature] Date Mailed to CDF: 11/19/14 (EMAIL)

500-072-09 & -10 - AG

*Zoning: 500-091-46 = UNCLASS. Standard Setbacks: 20' Front: 20' Rear: 6' Side

Date Parcel Created: 500-072-09-10 = 7/22/94 ** 500-072-10 = 12.41 ± AC
500-091-46 = 12/6/94 Approximate Size of Parcel in Acres: 500-091-46 = 25.55 ± AC

Packet MUST contain all 3 pages to be considered complete

* PROJECT PROPOSAL INCLUDES
 REZONE OF APN 500091-46
 TO AG-B5(5) FIVE ACRE
 MIN. PARCEL SIZE.

** 500-072-10 WAS DEVELOPED
 WITH A SINGLE FAMILY RESIDENCE,
 DECKS, AND DETACHED GARAGE
 UNDER BUILDING PERMITS #

PMS 14-012 Baker/Crov 851 8308 B5 AND 8A - 001754231 B5

PROPERTY OWNER: MARLENE BAKER
APN: 9561-012-009
APN: 9561-012-009

EXCEPTION REQUEST FORM

Humboldt County Fire Safe Regulations

Exceptions to standards within the Humboldt County Fire Safe Regulations and mitigated practices will be allowed by the County where it can be shown that the exception provides the same overall practical effect as these regulations towards providing defensible space¹ (Section 3111-8 Humboldt County Code).

1. This request is for an exception from Section(s) 3117.3 of the Humboldt County Fire Safe Regulations which requires (briefly describe standard or practice (e.g. 30 foot building setback)).

30 FOOT BUILDING SETBACK
FOR THE PROPOSED SUBDIVISION

2. This request will provide the same overall practical effect as the Fire Safe Regulations towards defensible space because (specify the material facts that support the granting of the exception)

THE APPROX. 600' FEET OF EX 10' ± GRAVEL ROADWAY WILL BE UTILIZED
AS DEFENSIBLE SPACE BY THE PROPOSED SUBDIVISION (SEE PLOT PLAN
ATTACHED TO THIS REQUEST) (ATTACH ADDITIONAL SHEET(S) IF NECESSARY) ON SIMMONS LANE.)

3. The following specific mitigation measures are proposed as part of this exception request (list any measure(s) to be used to meet the intent of the fire safe standard or practice (e.g. use of fire resistive building construction (Class A Roof, etc.) to achieve equivalent of a 30 foot building setback))

FOR THE SUBDIVISION AND SEPARATELY FOR EACH LOT
REPORTS WILL BE CONVEYED TO THE COUNTY AS A CONDITION
OF THE APPROVAL OF THE SUBDIVISION. REPORTS WILL BE APPROVED
BY THE COUNTY. IF THE SUBJECT PORTION OF SIMMONS LANE IS
ROAD CATEGORIED AS STANDARD (12-20 FEET WIDE).

4. Attached is a plot plan showing the proposed location and siting of the exception and / or mitigation measures described above.

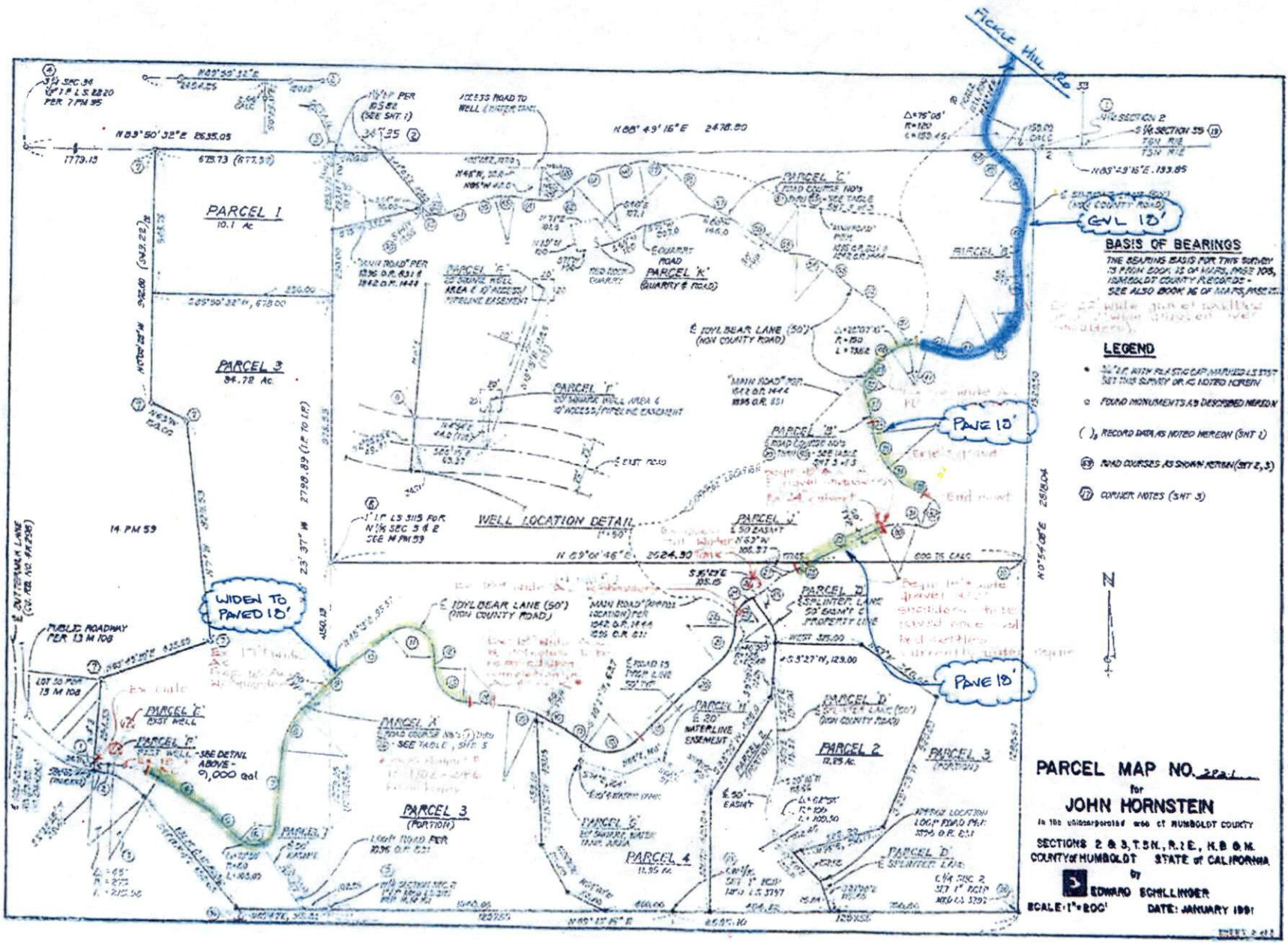
¹ Defensible Space is defined as the area within the perimeter of the parcel where basic wild land fire protection practices are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter used is the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

GENERAL NOTES

This Tentative Parcel Map/Lot Line Adjustment Plat was prepared as part of a **minor subdivision / lot line adjustment / zone reclassification** application. The project area consists of one legal parcel of 25.55± acres known as APN 500-091-46, and one legal parcel of 12.41± acres known as APN 500-072-10. The proposed subdivision of APN 500-091-46 will result in Parcel 1 of approximately 10.3 acres, Parcel 2 of approximately 7.1 acres, and Parcel 3 of approximately 8.5 acres. The proposed acreage for Parcel 2 includes acquiring 0.35± acres from APN 500-072-10 through this proposed lot line adjustment. After lot line adjustment APN 500-072-10 will be approximately 12.06 acres in size. APN 500-072-10 is developed with a single family residence, decks, and a detached garage built under building permits 83-0811B5 and 84-0743B5. APN 500-091-46 is currently vacant, although a septic system for proposed Parcel 1 has been permitted through H.C. Environmental Health Dept. Proposed Parcels 1-3 will utilize Simmons Lane/Idylbear Lane southerly to Golf Course Road (Co. Rd. No. C4-K260)/Buttermilk Lane (Co. Rd. No. 4K295) as the primary ingress and egress route. The northerly access, Simmons Lane northerly to Fickle Hill Road (a County Maintained Road, # 5J040, of 15'± to 20'± wide asphalt) will be utilized by proposed Parcels 1-3 as an emergency access. APN 500-072-09 and -10 will continue to utilize Simmons Lane to Fickle Hill as their primary access route. No trees are proposed to be removed. No new development is proposed with this subdivision application, other than road improvements required per H. C. Public Works – Land Use Division and SRA Fire Safe Standards*. A zone reclassification is required in order to zone the proposed parcels of APN 500-091-46 from Unclassified to AG-B5(5), and rezone the 0.35 portion of APN 500-072-10 (portion of proposed Parcel 2) from AG to AG-B5(5). As a part of this project, an access easement will be placed over proposed Parcel 3 for the benefit of APN 500-091-45 in order to create a better driveway to the potential building site on said APN 500-091-45.

*An exception request has been submitted to H. C. Public Works – Land Use Division per HCC Section 325-9 requesting deferral of the 18'+ wide paving requirement of Idylbear Lane until prior to issuing the final on the building permit for residential construction on the second parcel of the proposed subdivision (the first residence constructed on the first parcel would be principally permitted). An exception request has also been submitted to CalFire to allow the approximate 600 foot section of Simmons Lane running from Fickle Hill Road to the existing gate on Simmons to remain as existing at 16' wide gravel. Future subdivision and second dwelling unit rights will be conveyed to the County as a condition of approval. Rights may be re-conveyed subject to improvement to road category 4 standards.

1. Parcel Creation: APN 500-072-10 was created through a Lot Line Adjustment (LLA-46-92) recorded July 22, 1994 in document # 1994-20378-5. APN 500-091-46 was created as Parcel 2 of Parcel Map No. 3048 recorded December 6, 1994 in Book 28 of Parcel Maps, pages 46 and 47.
2. APN 500-072-10 is zoned Agriculture General (AG) and has a general plan designation of Residential Estates (RE) in the Northern Humboldt General Plan, specifying a density of 1 dwelling unit per 2 ½ acres. APN 500-091-46 is zoned Unclassified (U), and has a general plan designation of Rural Residential (RR) in the Jacoby Creek Community Plan, specifying a density of 5 to 20 acres per dwelling unit. (The General Plan Update proposes to re-designate APN 500-072-10 as Residential Estates 2.5 to 5 acre minimum. APN 500-091-46 is proposed to remain designated as Rural Residential 5 to 20 acre minimum.)
3. The property is shown on official maps as Zone C, areas of minimal flooding (FIRM Community Panel No. 060060 0785C). No other hazardous areas, historic buildings, or archaeological sites are known to exist on or immediately adjacent to the property.
4. Information for map preparation is from Parcel Map No. 2532 recorded in Book 22 of Parcel Maps, page 124 and from Book 55 of Surveys, page 72; Humboldt County Planning Division data base; and the applicant. All information shown is approximate and shall be field verified.
5. Sheet 1 of 2 map base prepared by Edwa Schillinger, dated Nov. 19, 2010. APN 500-072-10 is developed with an approved sewage disposal system and approved on-site water system (from a well on APN 500-072-09). The parcels to be subdivided will be served by on-site sewer systems. A sewage disposal system has been designed by SHN Engineers and approved by the Environmental Health Department for proposed Parcel 1, but has not yet been installed. Sewage disposal testing has been performed for proposed Parcels 2 and 3 by Winzler & Kelly. Water for proposed Parcels 1 and 3 will provided on-site by a developed water system per "Declaration of a Water System Maintenance Association" (1992-1197-4 and 1992-30580-5). Water for proposed Parcel 2 will be provided on-site by an existing approved well on said parcel. A 2,500 gallon emergency water supply in excess of domestic needs will be developed on proposed Parcels 1 and 3 prior to issuance of a building permit. Proposed Parcel 2 is already developed with an existing 3,000 water storage tank. Gas will be provided by on-site propane tanks. Electricity is provided by PG&E.
6. All easements of record are shown or referenced on the Tentative Parcel Map and will appear on the recorded subdivision map.



BOOK 25 of PARCEL MAPS, PAGE 119

10/1/2014

ATTACHMENT 5

Draft Initial Study and Mitigated Negative Declaration

Project Information

Project Title: Baker-Croy Minor Subdivision

Lead Agency

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

Property Owners

Kalani Baker and Howard Croy
17439 Deer Park Drive
Brookings, OR 97415

Jackie and Jefferson Wiedemann
222 Simmons Lane
Arcata, CA 95521

Project Applicant

Same as owner

Project Location

The project is located in Humboldt County, in the Arcata/Fickle Hill area, on both sides of Idylbear Lane and Simmons Lane, approximately 1,000 feet south from the intersection of Fickle Hill Road and Simmons Lane, on the property known as 222 Simmons Lane and 2525 Idylbear Lane.

General Plan Designation

Rural Residential (RR). Jacoby Creek Community Plan (JCCP). Residential Estates (RE). Northern Humboldt General Plan (NHGP). Density: one dwelling unit per 5 acres (RR); one dwelling unit per acre (RE). Slope Stability: High Instability.

Zoning

Agriculture General (AG); Unclassified (U).

Project Description

A Parcel Map subdivision of an approximately 25 acre parcel into three parcels of approximately 10.3 acres, 7.1 acres and 8.5 acres. A Lot Line Adjustment will add approximately 0.35 acres to proposed Parcel 2 from a neighboring parcel (APN 500-072-010). After the Lot Line Adjustment, APN 500-072-10 will be approximately 12.06 acres in size. APN 500-072-10 is developed with a single family residence, decks, and a detached garage. APN 500-091-46 is currently vacant. Proposed Parcels 1-3 will utilize Simmons Lane/Idylbear Lane southerly to Golf Course Road/Buttermilk Lane as the primary ingress and egress route. The northerly access, Simmons Lane northerly to Fickle Hill Road will be utilized by proposed Parcels 1-3 as an emergency access. No trees are proposed to be removed. A Zone Boundary Adjustment is also included. The Zone Boundary Adjustment will adjust the Agriculture General (AG) zone to include all of the lands involved in the subdivision (currently zoned Unclassified (U)) and apply a special building site combining zone requiring a five-acre minimum parcel size to the three parcels involved in the subdivision, including the lands adjusted from the Weidemann parcel (APN 500-072-010). An exception request has been submitted to the Department of Public Works – Land Use Division per HCC Section 325-9 requesting deferral of the 18'+ wide paving requirement of Idylbear Lane until prior to issuing the final on the building permit for residential construction on the second parcel of the proposed subdivision (the first residence constructed on the first parcel would be principally permitted). An exception request has also been submitted and approved by Cal Fire to allow the approximate 600 foot section of Simmons Lane

running from Fickle Hill Road to the existing gate on Simmons to remain as is at 16' wide gravel. Future subdivision and second dwelling unit rights will be conveyed to the County as a condition of approval. Rights may be re-conveyed subject to improvement to road category 4 standards.

Baseline Conditions: Surrounding Land Uses and Setting

The project site is located in the rural area outside of Arcata, along Idlylbear Lane. The parcel is surrounded by similar rural residential parcels between 5 and 20 acres in size.

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

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

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

Determination: On the basis of this initial evaluation:

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



Signature

3-24-16

Date

Trevor Estlow, Senior Planner
Printed Name

Humboldt County Planning
and Building Department
For

EVALUATION OF ENVIRONMENTAL IMPACTS

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

- 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify:
 - a) the significance criteria or threshold used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL CHECKLIST

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| AESTHETICS: Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | | | X | |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | X | |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | | X | |

Discussion

- a, b) The project site is located in a rural residential area east of Arcata on Idylbear Lane. Idylbear Lane is a private road that takes access off of Buttermilk Lane to the west and connects to Fickle Hill Road to the northeast. The project site is currently vacant. The building sites for the proposed parcels will be minimally visible from the private road. The site is not located within a Coastal Scenic area and not within the Coastal Zone. The proposed project would have a **less than significant impact** on a scenic vista or scenic highway.

- c) The existing visual character of the project vicinity consists of rural residential development within a forested area. The project site consists of one parcel currently undeveloped. The parcel consists of mostly forested hillsides with some cleared areas. The proposed subdivision would not substantially degrade the existing visual character or quality of the site or surrounding area. Therefore, a **less than significant impact** would occur.

- d) The subdivision would create two new lots for residential development. Any future residential lighting would be consistent with the surrounding residential community. Therefore there would be no new sources of substantial light or glare and a **less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| AGRICULTURE AND FOREST RESOURCES: Would the project: | | | | |
| a) Convert Prime Farmland, Unique | | | X | |

| | | | | |
|---|--|--|---|--|
| Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | | |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | X | |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | | | X | |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | | | X | |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use? | | | X | |

Discussion

a, b, e) The project site is not designated Unique Farmland or Farmland of Statewide Importance and is not within a Williamson Act contract. The parcel will be zoned Agriculture General with a five-acre minimum parcel size (AG-B-5(5)), although the site does not lend itself to agricultural uses. The subject property is bordered by similar wooded, rural residential lots. The proposed subdivision would allow additional residential development which is compatible with existing adjacent uses. Single family residential is a primary and compatible use in the Rural Residential land use designation and is principally permitted in the AG zone. The proposed subdivision would not change the land use or zoning designations and therefore would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agriculture use or conflict with existing zoning for agriculture use; and would not involve changes in the existing environment which, due to its location or nature, could result in conversion of Farmland to non-agricultural use. The project may result in conversion of forestland through "Less than 3-Acre Conversion Exemptions," however, this is not considered significant in an area planned for this level of residential density. A **less than significant** impact would occur.

c, d) The project will require individual "Less than 3-Acre Conversion Exemptions" from Calfire when the parcels are developed. The loss of timberland is not considered significant as the area was reviewed for this level of development under the McKinleyville Community Plan. Therefore, the proposed project will have a **less than significant** impact.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | | | X | |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | | X | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | | | | X |
| d) Expose sensitive receptors to substantial pollutant concentrations? | | | X | |
| e) Create objectionable odors affecting a substantial number of people? | | | X | |

Discussion

a,b,d,e) The project site is located within the North Coast Air Basin and the jurisdiction of the North Coast Unified Air Quality Management District (NCUAQMD). The North Coast Air Basin generally enjoys good air quality, but has been designated non-attainment (does not meet federal minimum ambient air quality standards) for particulate matter less than ten microns in size (PM₁₀). To address this, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM₁₀ standard exceedance, and identifies cost-effective control measures to reduce PM₁₀ emissions, to levels necessary to meet California Ambient Air Quality Standards. These include transportation measures (e.g., public transit, ridesharing, vehicle buy-back programs, traffic flow improvements, bicycle incentives, etc.), land use measures (infill development, concentration of higher density adjacent to highways, etc.), and combustion measures (open burning limitations, hearth/wood burning stove limitations; NCUAQMD 1995).

The proposed subdivision results in two new parcels suitable for residential development and would not: (1) obstruct implementation of the applicable air quality plan; (2) violate air quality standards; (3) contribute substantially to an existing or projected air quality violation; (4) expose sensitive receptors to substantial pollutant concentrations; or (5) create objectionable odors. A **less than significant impact** would occur.

c) The proposed subdivision would create two new parcels for residential development and allow three residences to be constructed. The proposed development, when constructed, would generate limited construction and operational emissions that would contribute to cumulative emissions of pollutants within the North Coast Air Basin. As indicated above, the North Coast Air Basin is in non-attainment for PM₁₀. Because future development is consistent with planned uses the proposed project would not contribute

to this non-attainment for PM₁₀ beyond levels considered in approved land use plans, and thus would result in a **less than significant impact**.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| BIOLOGICAL RESOURCES: Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | X | |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | | X | |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | X | |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | X | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | X | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | X | |

Discussion

a - c, e - f) The project site is currently undeveloped. The closest watercourses are located approximately 1,500 feet to the northeast. However, these watercourses are located within the Mad River watershed. The subject parcel is located in the Jacoby Creek watershed with the nearest tributary to Jacoby Creek located near the Baywood Golf Course, over 3,500 feet to the southwest. No sensitive species were found on site. The project was referred to the Eureka office of the California Department of Fish and Wildlife and they did not respond with any concerns

The proposed subdivision would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. The proposed subdivision would not conflict with local policies protecting biological resources. These impacts would be **less than significant**.

- d) The project area is located in a wooded area with some clearings. It may be necessary to remove trees with a Less Than 3-Acre Conversion Exemption through Calfire. In order to comply with the Migratory Bird Treaty Act and Fish and Game Code, tree removal and brush clearing must be conducted outside of the nesting season. This measure is included in Mitigation Measure No. 1. This impact would be **less than significant with mitigation incorporated**.

Mitigation Measure No.1. The Development Plan shall include the following language: "any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "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 any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests."

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| CULTURAL RESOURCES: Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | | X | | |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | | X | | |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | X | | |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | | X | | |

Discussion

- a-d) Referral comments indicated that the site is not located in an area that is culturally sensitive. Nonetheless, in order to comply with State law, a standard mitigation measure has been included should ground disturbing activities uncover any cultural resources. Therefore impacts would be **less than significant with mitigation incorporated**.

Mitigation Measure No.2. The following note shall be placed on the Development Plan: "If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| GEOLOGY AND SOILS: Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | X | |
| ii) Strong seismic ground shaking? | | | X | |
| iii) Seismic-related ground failure, including liquefaction? | | | X | |
| iv) Landslides? | | | X | |
| b) Result in substantial soil erosion or the loss of topsoil? | | | X | |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse? | | | X | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | | | X | |

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | | | X | |

Discussion

a) i-ii) The project site is not located within an Alquist-Priolo (A-P) Earthquake Fault Zone. The nearest A-P zones are located approximately one and one-half mile to the northwest and one and one-half mile to the northeast. Northwestern California is the most seismically active region in the continental United States, making the probability of strong seismic ground shaking at some time in the future high. While the proposed project could potentially be subject to ground shaking from these or other Northern California faults, it would be comparable to all other development in this seismically active region. Compliance with standard state and local building codes would provide foundation and structural strengthening applicable to this zone.

iii, iv) Liquefaction is described as the sudden loss of soil shear strength due to a rapid increase of soil pore water pressures caused by cyclic loading from a seismic event. According to the County geologic hazard maps, the project site is not located in a potential liquefaction area. There is no evidence of recent active landslides and the potential for slope stability hazard associated with the proposed project is considered negligible. According to the Framework Plan Geologic Hazards Map, the project site has a rating of low instability. A Soils Report was prepared by LACO Associates (June 2010) for the proposed subdivision. The report found that the site was suitable for the intended use (residential).

Therefore, the proposed project would not expose people or structures to potential substantial adverse effect involving: the rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Fault Zoning Map; strong-seismic ground shaking, seismic related ground failure including liquefaction and landslides; **a less than significant impact** would occur.

b,c,d) The newly created parcels that will be suitable for residential development are located on the flatter portions of the parcel and would not result in soil erosion, landslide, lateral spreading, or liquefaction. There are no significant on-site slopes – other than those associated with the restricted Streamside Management Area – and no major grading proposed for the development of future homesites. The project is not located on expansive soils. Therefore, a **less than significant impact** would occur.

e) Any future development would require on-site wastewater disposal systems. A soils evaluation was conducted by Winzler and Kelly and a series of percolation test pits were dug to determine appropriate locations for on-site wastewater systems. The parcel map shows the test pit locations where the soils are capable of adequately supporting wastewater disposal systems. Future development of wastewater disposal systems would be in accordance with the soils evaluation. A permit from the Humboldt County

Department of Environmental Health will be required for all new on-site septic systems. A **less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| GREENHOUSE GAS EMISSIONS: Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | | | | X |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | | | | X |

Discussion

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

The proposed project involves creation of two new residential lots. Future residential use would emit limited greenhouse gases. The proposed project is consistent with planned densities and land use in the area and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases; a **less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| HAZARDS AND HAZARDOUS MATERIALS: Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | | | X |

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | | | | X |

Discussion

- a) The project does not propose any change in the transport, use, or disposal of hazardous materials. These activities are controlled by County code provisions and state regulations. New owners would be subject to these same provisions and regulations and thus the subdivision itself would not create a significant hazard to the public associated with these activities. **No impact** would occur.
- b) The proposed project would not create a significant hazard to the public or the

environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **No impact** would occur.

- c) The proposed project would not emit hazardous emissions or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (e.g., the project would not emit such materials, and there is no school located within one-quarter (0.25) mile of the project site). **No impact** would occur.
- d) The project site is not located on a site that is included on any list compiled pursuant to Government Code Section 65962.5 (Cortese List <http://www.calepa.ca.gov/sitecleanup/cortese/elist/>). Hence, the proposed project would not create a significant hazard to the public or the environment. **No impact** would occur.
- e-f) The project is over eight miles from the Eureka-Arcata Airport and is not located within the airport land use plan associated with the airport. The project would not result in a safety hazard for people residing or working in the project area. **No impact** would occur.
- g) Emergency response and evacuation in the project area is the responsibility of the Humboldt County Sheriff's Office of Emergency Services. The proposed project would not impair implementation of or physically interfere with the County's Emergency Response Plan, including the evacuation aspects of the plan, because the project : (1) would not alter or block existing streets; (2) would not increase the number of people exposed to potential emergencies; (3) would not generate significant traffic congestion during an emergency; and (4) would not include uses that would require amendment of the County's emergency planning (such as a chemical storage facility or large industrial plant). **No impact** would occur.
- h) The project site served by Arcata Fire Protection District for structural fire protection. According to the County's Fire Hazard Map, the site is located in a high fire hazard area. All proposed parcels would have access from Idlybear Lane. Idlybear Lane connects with Buttermilk Lane to the southwest and Fickle Hill Road to the northeast, providing two points of access. Therefore the proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **No impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| HYDROLOGY AND WATER QUALITY: Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | | | X | |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or | | | X | |

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| planned uses for which permits have been granted)? | | | | |
| c) Substantially alter the existing drainage pattern of the site or area, including through stream or river course alteration, in a manner which would result in substantial erosion or siltation onsite or offsite? | | | X | |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite? | | | X | |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | | | X | |
| f) Otherwise substantially degrade water quality? | | | X | |
| g) Place housing within a 100-year flood hazard Area 1 as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | | | X | |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | | | X | |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | | | X | |
| j) Inundation by seiche, tsunami, or mudflow? | | | X | |

Discussion

a,c-f) The proposed project would create two new rural residential parcels. A majority of the project site is undeveloped. The parcels accommodate stormwater runoff onsite and there is no proposed change in direction of stormwater runoff. Therefore, the proposed project would not violate water quality standards, alter the existing drainage pattern of the parcel, alter the course of a stream or river, substantially increase the rate or amount of surface runoff, result in flooding on- or off-site, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. **A less than significant impact** would occur.

b) Under the proposed project there would be minimal increase in impervious surfaces so the change in potential groundwater recharge on the parcel will be minimal. Water is provided by a shared well that is capable of providing sufficient water to all parcels. The well has demonstrated sufficient production such that use of the well will not significantly

deplete the groundwater. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. A **less than significant impact** would occur.

- g-j) The parcel is located entirely outside the 100-year FEMA mapped floodplain and at approximately 950 feet in elevation. The project is well outside of any tsunami inundation area. Therefore, the proposed project would not impede or redirect flood flows, and would not expose people or structures to a significant risk involving flooding. A **less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| LAND USE AND PLANNING: Would the project: | | | | |
| a) Physically divide an established community? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | X | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X |

Discussion

- a) The proposed subdivision would not physically divide an established community, because the project: (1) site is located in a rural residential area; (2) involves the subdivision of one parcel into three parcels consistent with the prescribed density; (3) would not block or remove any existing streets; and (4) would not change the use of the site. Therefore, **no impact** would occur.
- b) The project site is located in an unincorporated area east of the city of Arcata and is subject to the Humboldt County Framework General Plan, Jacoby Creek Community Plan (JCCP), and County zoning regulations. The project site totals approximately 25 acres. The property is planned and zoned for rural residential development with a density of one unit per 5 acres.

The proposed subdivision would result in the following three parcels: Parcel 1 (10.3 acres), Parcel 2 (7.1 acres) and Parcel 3 (8.5 acres).

The proposed project is consistent with the comprehensive view of the JCCP and Framework General Plan as it concerns land use, hazards, biological resources, hydrology and water quality, circulation, and public facilities. The proposed project would not conflict with applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. A **less than significant impact**

would occur.

- c) The project site is not subject to an existing habitat conservation plan or natural community conservation plan. **No impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| MINERAL RESOURCES: Would the project: | | | | |
| MINERAL RESOURCES: Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | | | | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | | | | X |

Discussion:

- a-b) No mineral resources are known to be located within the project site. Therefore, the proposed project would not affect the availability of a known mineral resource that would be of value to the region, nor would the project result in the loss of availability of a locally important mineral resource, recovery site delineated on a specific, general plan or other land use plan. **No impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| NOISE: Would the project: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | | X | |
| b) Exposure of persons to or generation of excessive groundborne noise levels? | | | X | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or | | | X | |

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | X | |

Discussion

a-d) The proposed project would be subject to the noise standards contained in the Framework General Plan for residential areas. The project site is located adjacent to Idlybear Lane, a privately maintained road. The site is over eight miles from the Arcata-Eureka Airport and is outside of the area affected by the Airport Land Use Compatibility Plan.

The proposed project would create two new lots for residential development and planned residential use. The proposed subdivision would not expose persons to or generate noise levels in excess of general plan standards, would not involve blasting, or other activities that could create excessive ground born noise levels or vibration, and would not create a substantial permanent, temporary or periodic increase in ambient noise levels in the project vicinity. **A less than significant impact** would occur.

e, f) The site is over eight miles from the Arcata-Eureka Airport and is outside of the area affected by the Airport Land Use Compatibility Plan. The site would not expose people working or residing in the area due to excessive noise levels. **A less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| POPULATION AND HOUSING: Would the project: | | | | |
| a) Induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X |

Discussion

- a) The proposed subdivision would create two new lots for a total of three, with the eventual construction of a residence on all proposed parcels consistent with the existing land use and zoning designations. The subdivision is consistent with the planned density of the area and would not directly or indirectly induce substantial population growth. Therefore, a **less than significant impact** would occur.
- b, c) The proposed project would not displace existing housing or people, and would not necessitate the construction of replacement housing elsewhere. **No impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| a) Fire protection? | | | X | |
| b) Police protection? | | | X | |
| c) Schools? | | | X | |
| d) Parks? | | | X | |
| e) Other public facilities? | | | X | |

Discussion

a- e) Emergency response in the project area is the responsibility of Arcata Fire Protection District, Calfire and the Humboldt County Sheriff's Office. The proposed project will create two new parcels. All parcels will have access from Idylbear Lane. The proposed project would not impair fire or police protection services, because the project would not: alter or block existing streets, result in development, or include uses that would require amendment of the County's emergency planning (such as a chemical storage facility or large industrial plant).

No new or physically altered government facilities are required as a result of the project. The project would not result substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities. Therefore, a **less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| RECREATION: | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that | | | X | |

| | | | | |
|---|--|--|---|--|
| substantial physical deterioration of the facility would occur or be accelerated? | | | | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | | | X | |

Discussion

a-b) The project does not include recreational facilities. The Department finds no evidence that the project will require construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, **a less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| TRANSPORTATION/TRAFFIC: Would the project: | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation systems, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. | | | X | |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | | | X | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | | | X | |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | X | |
| e) Result in inadequate emergency access? | | | X | |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise | | | X | |

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| decrease the performance or safety of such facilities? | | | | |

Discussion

- a, b) The project site is accessed from Idylbear Lane off of Buttermilk Lane. It can also be accessed from Simmons Lane off of Fickle Hill Road. The proposed project would create two new lots for rural residential development. Traffic trips to/from the site are not expected to change significantly as a result of the proposed project. Therefore, the circulation system of the area would not be affected. The subdivision would not conflict with applicable plans, policies, or ordinances establishing measures of effectiveness for the performance of the circulation system and would not conflict with a level of service standard established by the county congestion management agency for designated roads or highways. **A less than significant impact** would occur.
- c) The proposed project is over eight miles from the Arcata-Eureka Airport and would have no impact on air traffic patterns, would not substantially increase air traffic levels, and would not result in substantial safety risks. **A less than significant impact** would occur.
- d) The project would allow continued rural residential use of the site and is compatible with the existing adjacent similar uses. The three parcels would have access off of Idylbear Lane and Simmons Lane. Access to the new parcels would not substantially increase hazards due to a design feature or incompatible uses. **A less than significant impact** would occur.
- e) The project site is located adjacent to Idylbear Lane, and is already served by an existing street system. All lots would have access to Idylbear Lane. Adequate emergency access to the project site already exists from this street, and would continue to exist under the proposed project. Therefore, **a less than significant impact** would occur.
- f) The proposed project would not conflict with policies, plans, or programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. **A less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| UTILITIES AND SERVICE SYSTEMS: Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | X | |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause | | | X | |

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| significant environmental effects? | | | | |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | X | |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | X | |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | | | X | |

Discussion

- a) The parcel is currently undeveloped and will be served by an on-site wastewater treatment systems that have been approved by the Environmental Health Division. Therefore, the proposed project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. **A less than significant impact** would occur.
- b, e) The proposed subdivision would be served with on-site wells approved by the County Division of Environmental Health. The site will be served by on-site wastewater treatment systems and the Division of Environmental Health has approved the designs of these systems. Therefore, the project would not result in the need for the construction of new water or wastewater treatment facilities or the expansion of existing facilities. **A less than significant impact** would occur.
- c) The proposed project would not require the construction of new storm water drainage facilities or the expansion of existing such facilities, the construction of which could cause significant environmental effects (see Response c-d under the "Hydrology and Water Quality" for analysis). **A less than significant impact** would occur.
- d) The project site receives water service from a shared well that has demonstrated adequate volumetric capacities. The proposed project is consistent with existing land use and zoning designations and any incremental increase in demand would not be significant. Therefore, the water system would have sufficient water supplies available to

serve the project from existing entitlements and resources. **A less than significant impact** would occur.

- f, g) The proposed subdivision would create two new residential parcels which would generate minimal solid waste. The residential use of the site would not change and any potential future development would be required to comply with federal, state, and local solid waste regulations. Therefore, **a less than significant impact** would occur.

| Issues and Supporting Information | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| MANDATORY FINDINGS OF SIGNIFICANCE: | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | | | X | |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | | X | |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | X | |

Discussion:

Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed, and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;

- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

- a) The project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. See Biological Resources Section for a specific discussion of biological resources supporting this finding.

The proposed project would not have the potential to eliminate important examples of the major periods of California history or prehistory because no significant impacts to historic and cultural resources would occur. See Cultural Resources Section for a specific discussion of historic resources supporting this finding.

- b) The project would not have impacts that are individually limited, but cumulatively considerable, because: (1) Given the nature of the project site, the project would not contribute to the cumulative loss of prime farmland, special-status species or their habitat, wetlands or other natural community, mineral resources, or other cumulative impacts to natural resources; (2) Given the relative small size of the proposed project, it would not add appreciably to cumulative utilities or service demand, park demand, water demand, energy consumption, or other growth-related cumulative impacts; (3) The project site is already designated for rural residential use under the County's General Plan and Zoning Ordinance. Hence, some degree of growth at the site has already been assumed in County planning; and (4) The project would not interfere with the ability of the region to attain the PM₁₀ reduction goals set forth in the NCUAQMD's PM₁₀ Attain Plan.
- c) The proposed project has been designed to be consistent with General Plan policies and zoning requirements, and measures to reduce project related impacts to the environment have been incorporated into the project design wherever possible to ensure compliance. Based on the project as described in this Initial Study and a review of applicable regulations there is no evidence that the proposed project as mitigated will cause substantial adverse effects on human beings, either directly or indirectly.

Proposed Mitigation Measures, Monitoring, and Reporting Program

Biological Resources

Mitigation Measure No. 1.

The Development Plan shall include the following language: "any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "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 any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests."

Timing for Implementation/Compliance: Noted on Development Plan and required throughout project construction.

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Prior to filing Parcel Map.

Cultural Resources

Mitigation Measure No. 2. The following note shall be placed on the Development Plan: "If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

Timing for Implementation/Compliance: Noted on Development Plan and required throughout project construction.

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Prior to filing Parcel Map.

ATTACHMENT 6

Referral Agency Comments and Recommendation

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

| Referral Agency | Response | Recommendation | Attached | On File |
|--|----------|----------------------|-----------------------------|---------|
| County Building Inspection | X | Approval | | X |
| County Public Works, Land Use Division Memorandum dated October 28, 2015 | X | Conditional approval | X | |
| County Public Works, Land Use Division Subdivision Requirements | X | Conditional Approval | (Exhibit A of Attachment 1) | |
| County Division of Environmental Health | X | Approval | X | |
| Arcata Fire Protection District | X | Conditional Approval | X | |
| NWIC | X | Recommend Study | | X |
| Calfire | X | Conditional Approval | | X |
| California Dept. of Fish & Wildlife | | | | |
| Wiyot Tribe | X | Conditional Approval | | X |
| Bear River Band of the Rohnerville Rancheria | X | Conditional Approval | | X |
| Blue Lake Rancheria | | | | |
| PG&E | | | | |



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3598

AVIATION 839-5401

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

| | | | |
|----------------------|----------|-------------------------------|----------|
| ADMINISTRATION | 445-7491 | NATURAL RESOURCES | 445-7741 |
| BUSINESS | 445-7652 | NATURAL RESOURCES PLANNING | 287-9540 |
| ENGINEERING | 445-7377 | PARKS | 445-7651 |
| FACILITY MAINTENANCE | 445-7493 | ROADS & EQUIPMENT MAINTENANCE | 445-7421 |

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director *TZ*

DATE: 10/28/2015

RE: **BAKER AND CROY SUBDIVISION**
APN 500-091-046, PMS 14-012, LLA 14-028, ZR 14-012

PRELIMINARY SUBDIVISION REPORT: A preliminary report was submitted in lieu of a preliminary subdivision report as specified in County Code Section 323-6(c). In addition, it appears that some of the existing easements listed on the preliminary report are not shown on the tentative map.

EXCEPTION REQUEST: The applicant has submitted an exception request pursuant to County Code Section 325-9 that addresses two items:

1. **SIMMONS LANE FROM GATE TO FICKLE HILL ROAD.** The exception request would reduce the road widening from 18 foot wide gravel surfaced road to a 16 foot wide gravel surface road. If approved by the Planning Commission, item 2.5(d) would be modified as follows:

2.5 (d) SIMMONS LANE – OFF SITE (NOT COUNTY MAINTAINED): Widen approximately 600 feet of Simmons lane to ~~18~~ 16 feet wide, gravel surface. The approximate location of the widening is shown in the diagram below.

2. **IDYLBEAR LANE (ON SITE AND OFF-SITE):** The exception request would delay the timing at which point Idylbear Lane will be widened and paved to a Category 4 standard prior to issuing the final on the building permit for the residential construction on the second parcel. The logic is that without the subdivision, one home can be built on the subject property; and that tying the road improvements to the building final for the second home results in the construction the road improvements after the majority of the heavy construction traffic is done. If approved by the Planning Commission, item 2.13 would be added as follows:

2.13 TIMING OF IMPROVEMENTS: The widening and paving of Idylbear Lane as set forth in item 2.5 (a), item 2.5 (b) and item 2.5 (c) is deferred until the first occurs:

- 1) Prior to further subdivision of any of the parcels within the subdivision; or
- 2) Prior to the issuance of a building final for the second building permit to construct a new home (or secondary dwelling unit) on any of the parcels in the subdivision; or
- 3) Prior to issuance of the third building permit to construct a new home (or secondary dwelling unit) on any of the parcels in the subdivision.

Because the subject property is located in the state responsibility area, the applicant has obtain also submitted an exception request pursuant to County Code Section 3111-9. This exception request has been approved by the Department of Forestry and Fire Protection on December 4, 2014.

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

// END //



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

PROJECT REFERRAL TO: Health and Human Services Environmental Health 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, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, City of Arcata, Pacific Gas and Electric, Arcata Fire Protection District

Applicant Name Kalani Baker and Howard Croy **Key Parcel Number** 500-091-046-000

Application (APPS#) 9561 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** PMS14-012
LLA14-028
ZR14-012

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 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:

Approval

Comments:

The applicant has completed soils testing to demonstrate suitable primary and reserve dispersal fields (leach fields) exist for each proposed parcel. The proposed dispersal fields are considered Non-standard systems under Humboldt County code and will be subject to operating permit fees and periodic inspections.

Water for the proposed parcels is to be provided from 40% shares of an existing well. The well is in close proximity to a well which has shown favorable production rates and the 40% shares meets the requirement necessary for DEH approval of each parcel. It is our understanding that subsurface water lines exist up to the edge of the proposed parcels.



ARCATA FIRE PROTECTION DISTRICT

631 NINTH STREET, ARCATA, CA 95521-6204
(707) 825-2000 Fax: (707) 822-7951

Plan Review Comments

Provided by Jenny Williamson

Date: 1/8/15

Development Name:

Location:

APN #: 500-091-046-000

Application #: 9561

-
1. Access roads shall be of all- weather surface capable of supporting 75,000 pounds
 2. Access roads shall be constructed and maintain prior to any construction
 3. Any driveways that exceed 150ft. shall have an approved emergency vehicle turn around

ATTACHMENT E

Planning Commission Resolution No. 16-12

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-12**

**Case Numbers PMS-14-012, LLA-14-028, ZBA-14-001
Assessor Parcel Numbers 500-091-046, 500-072-010**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Baker/Crov Parcel Map Subdivision, Lot Line Adjustment, Zone Reclassification and Zone Boundary Adjustment.

WHEREAS, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision, Lot Line Adjustment and a Zone Boundary Adjustment; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Minor Subdivision (Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001);

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001 based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed project as recommended in the Planning Division staff report for Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning staff and approve the project as conditioned in the Planning Division Staff Report for Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001.

3. Approve the Parcel Map Subdivision, Lot Line Adjustment and Zone Boundary Adjustment (Case Numbers: PMS-14-012, LLA-14-028, ZBA-14-001).
4. Direct the Planning Staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on May 5, 2016.

The motion was made by Commissioner Ulansey and seconded by Commissioner Shepherd.

AYES: Commissioners: Ulansey, Levy, Edmonds, Bongio, Shepherd

NOES: Commissioners:

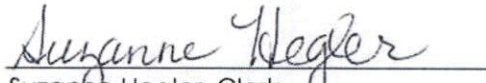
ABSTAIN: Commissioners:

ABSENT: Commissioners: Mckenny, Morris

DECISION: Motion carries by roll call vote 5/0.


Dave Edmonds, Vice-Chair

I, Suzanne Hegler, Clerk 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.


Suzanne Hegler, Clerk