



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: April 6, 2017

To: Humboldt County Planning Commission

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

Subject: **Frank Zabel Parcel Map Subdivision and Special Permit**
Application Number 10397
Case Numbers PMS-16-001, SP-16-030
Assessor Parcel Number (APN) 522-181-001
Willow Creek Area

Table of Contents

	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	4
Maps	
Location Map	5
Zoning Map	6
Assessor Parcel Map	7
Aerial Map	8
Project Proposal Map/Tentative Map	Insert
Attachments	
Attachment 1: Recommended Conditions of Approval	9
Exhibit A - Public Works Department Conditions	14
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	23
Attachment 3: Applicant's Evidence in Support of the Required Findings	31
Attachment 4: Adopted Negative Declaration	32
Attachment 5: Board of Supervisors Resolution No. 09-60 adopting the Negative Declaration	53
Attachment 6: Referral Agency Comments and Recommendations	57

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

AGENDA ITEM TRANSMITTAL

Hearing Date April 6, 2017	Subject Parcel Map Subdivision and Special Permit	Contact Trevor Estlow
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Project: A Minor Subdivision of an approximately five acre parcel into four parcels between 0.5 acres and 3.34 acres in size. All building sites are clustered north of Patterson Drive. A Special Permit is required to utilize Lot Size Modification to allow parcels less than one acre in size and less than 125 feet wide. All parcels will be served with water provided by the Willow Creek Community Services District and on site wastewater treatment systems. **Note: This subdivision was approved under PMS-08-003, however, that approval has expired.**

Project Location: The project site is located in the Willow Creek area, on both sides of Patterson Road, approximately 150 feet west of the intersection of Patterson Road and Timberline Drive, on the property known as the west half of the southwest quarter of the northwest quarter of the southwest quarter of Section 28, Township 7 North, Range 5 East, Humboldt Base and Meridian.

Present Plan Designations: Residential Low Density (RL1). Willow Creek Community Plan (WCCP). Density: one unit per acre. Slope Stability: Low Instability.

Present Zoning: Residential Suburban with a combining zone for Manufactured Homes (RS-T).

Application Number: 10397

Case Numbers: PMS-16-001, SP-16-030

Assessor Parcel Number: 522-181-001

Applicant

Frank Zabel
PO Box 6236
Eureka CA 95503

Owner

same as applicant

Agent

Environmental Review: Environmental review was completed under the previous project (SCH# 2009042048). None of the conditions under Section 15162 of the State CEQA Guidelines requiring subsequent environmental review apply to this project.

Major Issues: None.

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

ZABEL PARCEL MAP SUBDIVISION AND SPECIAL PERMIT

Case Numbers PMS-16-001, SP-16-030

Assessor Parcel Number 522-181-001

RECOMMENDED COMMISSION ACTION:

1. Describe the application as a part of the Consent Agenda
2. Call for public testimony regarding the agenda item.
3. If no one requests discussion, make all the following motion to approve the application as a part of the Consent Agenda:

Consider the Negative Declaration adopted on September 15, 2009 for the project, make all of the required findings for approval of the Parcel Map Subdivision and Special Permit, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Zabel project subject to the recommended conditions.

Executive Summary

The project involves a subdivision of a five acre parcel into four parcels ranging in size from 0.50 acres to 3.34 acres. Suitable building sites have been identified on each parcel. The parcel is currently vacant and the proposed parcels will be served with community water provided by the Willow Creek Community Services District and on-site wastewater treatment systems.

A General Plan Amendment (GPA) and Zone Reclassification (ZR), as well as an associated subdivision was approved on this parcel in 2009. The GPA and ZR became effective in 2009, however, the subdivision was never completed and subsequently expired. This proposal is the same proposal as approved under PMS-08-003.

Due to the proximity to the Trinity River and the property being bisected by Patterson Road, the applicant is requesting a Lot Size Modification pursuant to Section 314-99.1 of Humboldt County Code. This requires a Special Permit and will allow parcels less than one acre in size. All parcels will have building sites and septic systems clustered on the north side of Patterson Road, with proposed Parcel 4 encompassing the entire southern portion of the parent parcel which will keep the entire Trinity River frontage in one ownership.

A Negative Declaration of environmental impact was prepared, circulated and adopted by the Board of Supervisors at their September 15, 2009 hearing. No changes to the project are proposed, therefore, Section 15162 of the CEQA Guidelines states that no subsequent Negative Declaration shall be prepared. 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 applicant has submitted evidence in support of making all of the required findings for approving the Parcel Map Subdivision.

Alternatives:

The Planning Commission could elect not to approve the project, and require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if your Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 17-**

**Case Numbers PMS-16-001, SP-16-030
Assessor Parcel Number 522-181-001**

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

WHEREAS, Frank Zabel submitted an application and evidence in support of approving an application for the Parcel Map Subdivision and Special Permit; and
WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and
WHEREAS, at their September 15, 2009 hearing, the Board of Supervisors adopted a Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and
WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed subdivision; and
WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 6, 2017.

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

1. The Planning Commission finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Nos. PMS-16-001, SP-16-030 based on the submitted evidence; and
3. The Planning Commission approves the proposed project applied for as recommended and conditioned in Attachment 1 for Case Nos. PMS-16-001, SP-16-030.

Adopted after review and consideration of all the evidence on April 6, 2017.

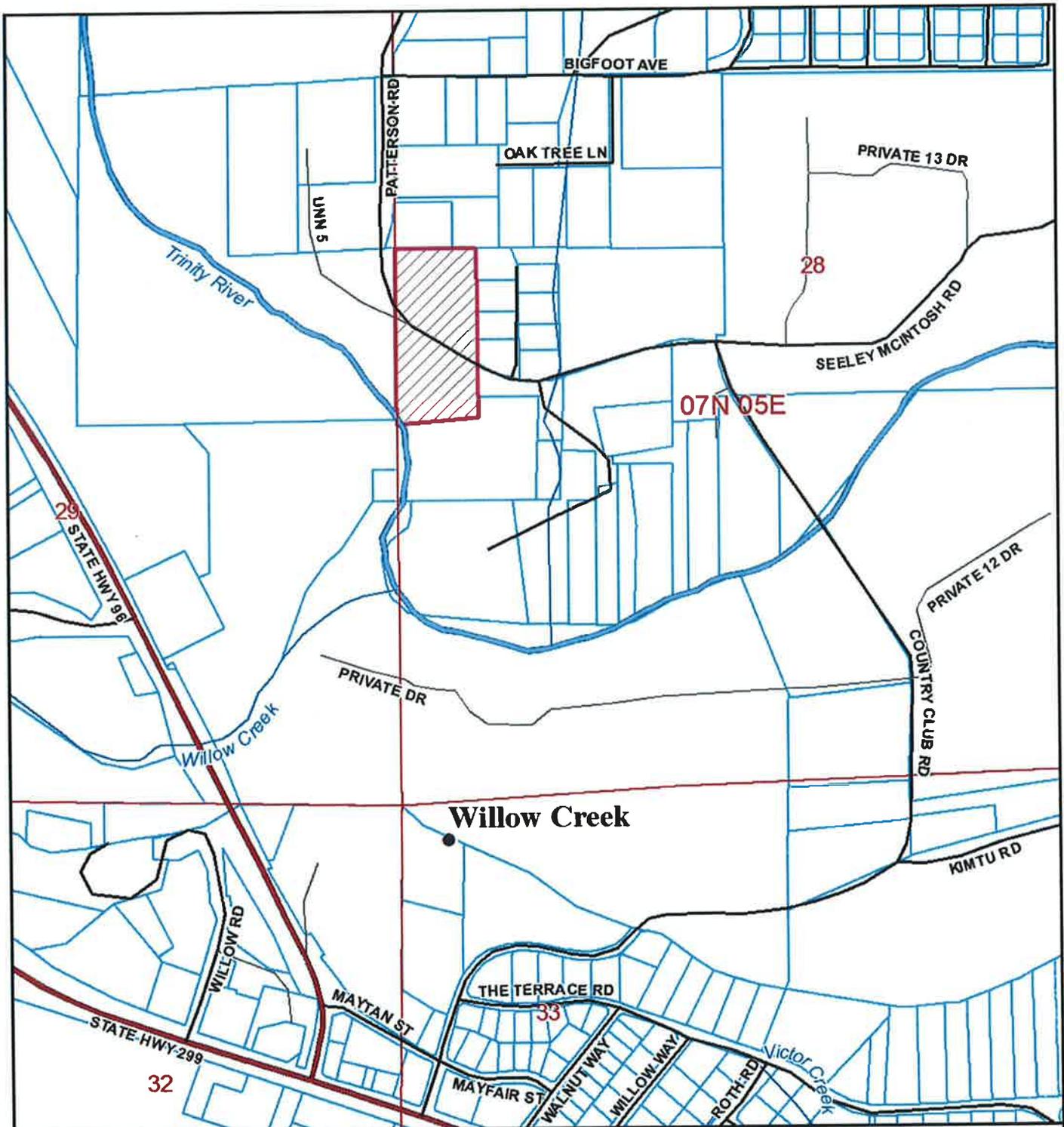
The motion was made by Commissioner and seconded by Commissioner .

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair

I, Suzanne Lippre, 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 Lippre, Clerk



LOCATION MAP

**PROPOSED ZABEL
PARCEL MAP SUBDIVISION &
SPECIAL PERMIT
WILLOW CREEK AREA
PMS-16-001/SP-16-030**

APN: 522-181-001

T07N R05E S28 HB&M (Willow Creek)

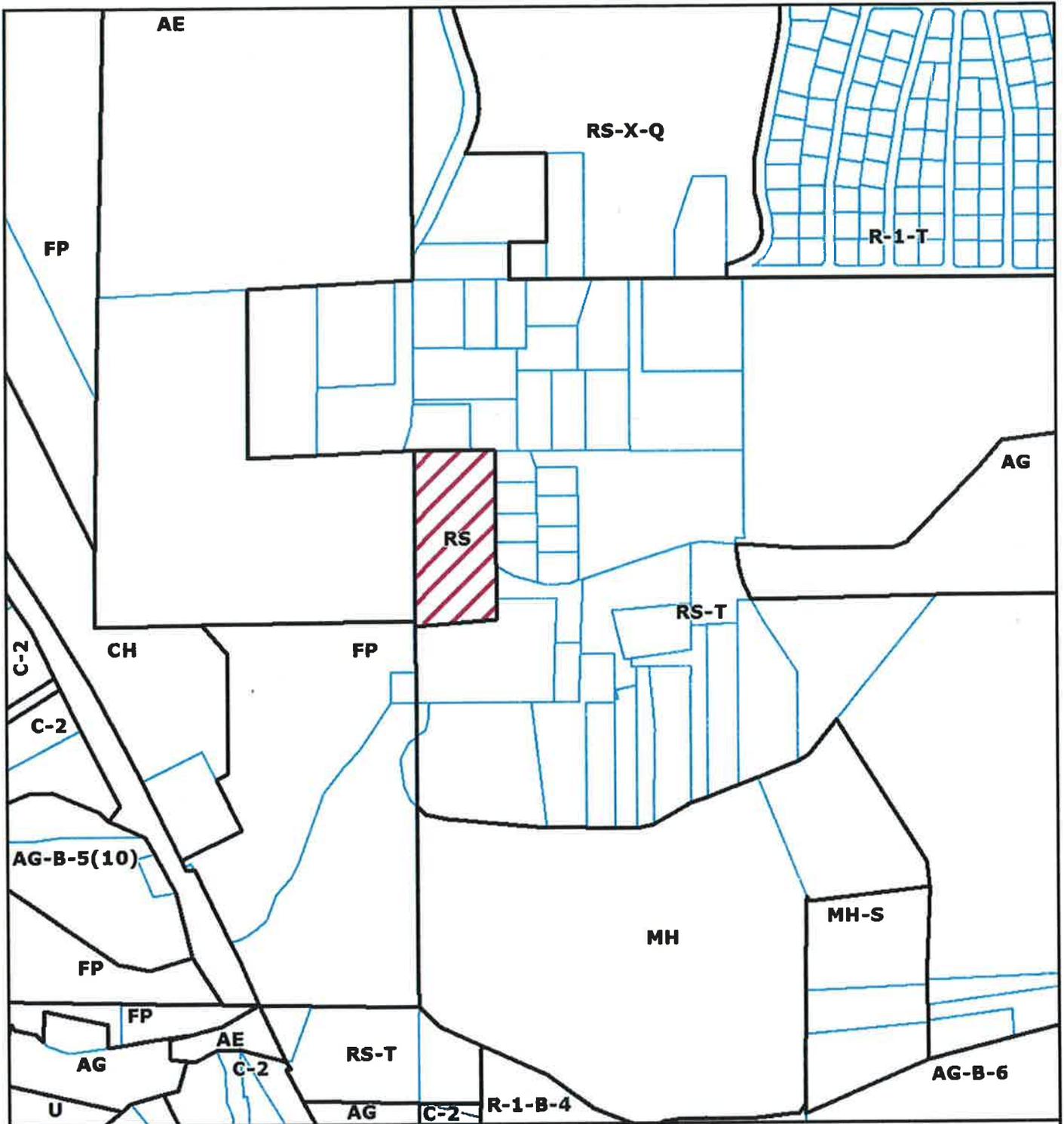
Project Area = 

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.



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Feet





ZONING MAP

**PROPOSED ZABEL
PARCEL MAP SUBDIVISION &
SPECIAL PERMIT
WILLOW CREEK AREA
PMS-16-001/SP-16-030**

**APN: 522-181-001
T07N R05E S28 HB&M (Willow Creek)**

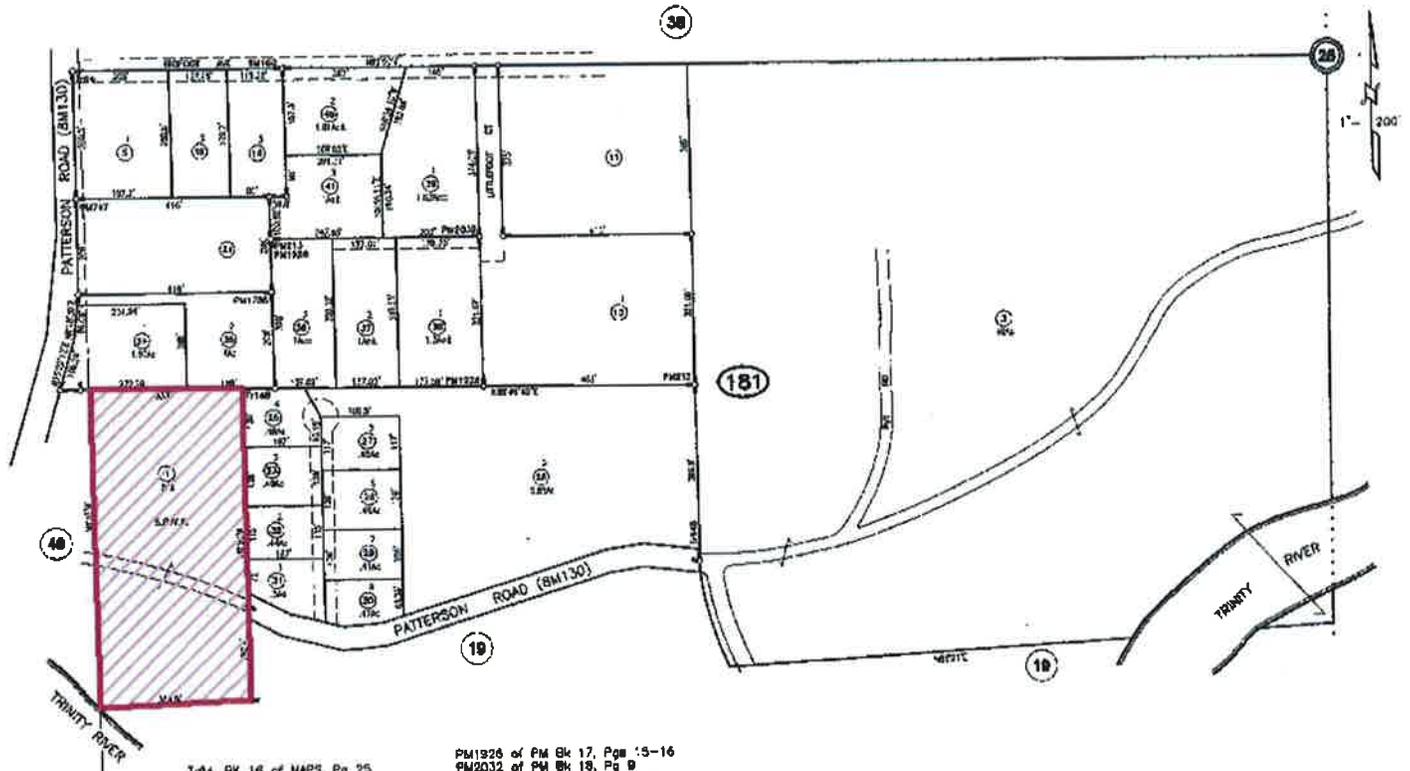
Project Area = 

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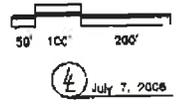


ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
 2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THIS MAP.
 3. ASSESSOR'S PARCELS MAY NOT CORRELATE WITH LOCAL GOVERNMENT OR BUILDING DEPARTMENT RECORDS.

Tr94, Bk 16 of MAPS, Pg 25 "Truckee"
 PM213 of PM Bk 2, Pg 121
 RS, Bk 10 of surveys, Pg 43
 RS, Bk 13 of surveys, Pg 127
 RS, Bk 28 of surveys, Pg 20
 PM747 of PM Bk 5, Pg 109
 Tr148, Bk 17 of MAPS, Pg 21 "Turbarine Estate Sub"
 PM1756 of PM Bk 15, Pg 123

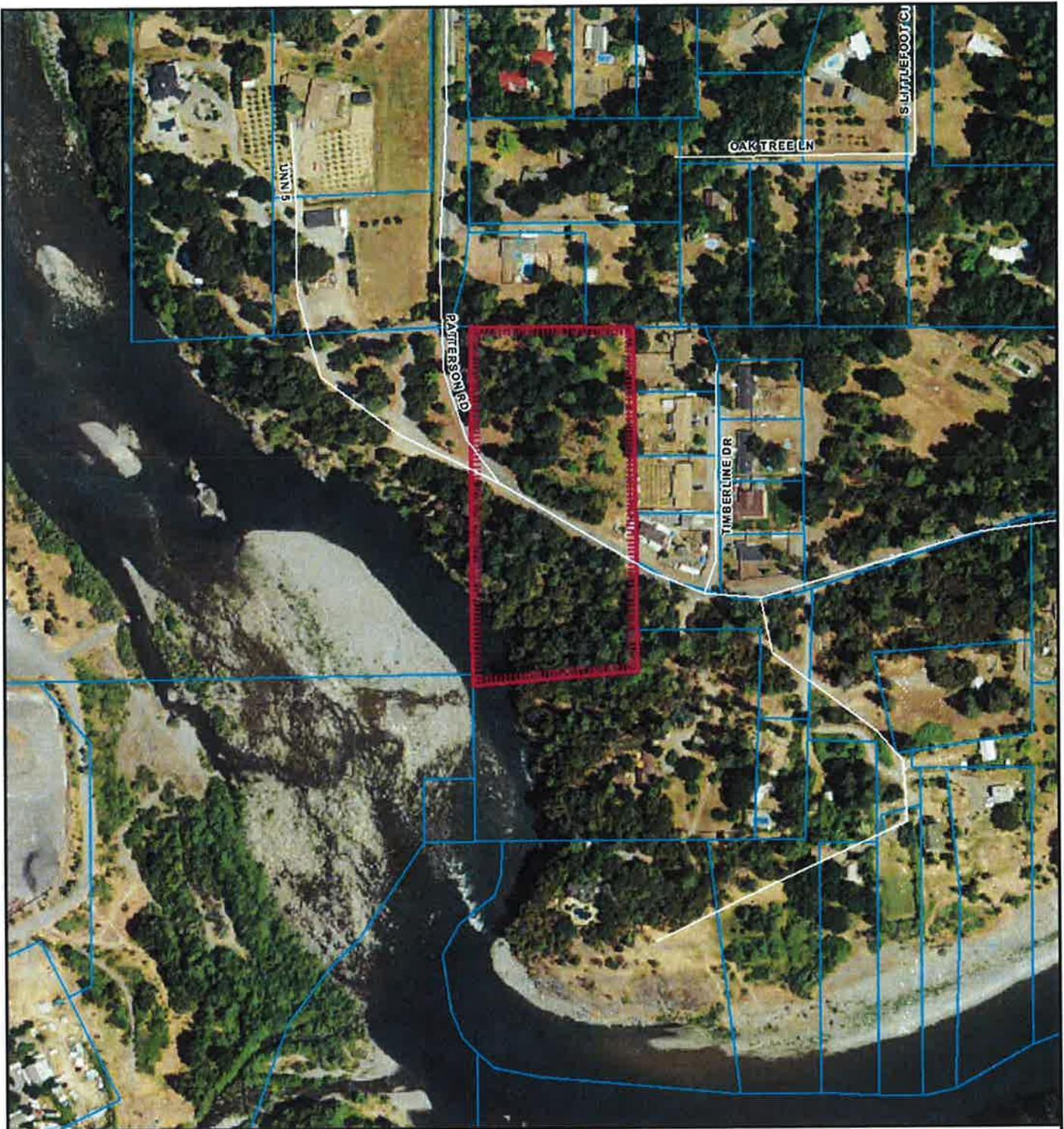
PM1926 of PM Bk 17, Pgs 15-16
 PM2032 of PM Bk 18, Pg 9
 RS, Bk 65 of surveys, Pgs 1-3

NOTE - Assessor's Block Numbers Shown in Ellipse
 Assessor's Parcel Numbers Shown in Circles.
Assessor's Map Bk. 522, Pg.18
 County of Humboldt, CA.



PROJECT SITE = 

ASSESSOR PARCEL MAP
PROPOSED ZABEL
PARCEL MAP SUBDIVISION &
SPECIAL PERMIT
WILLOW CREEK AREA
PMS-16-001/SP-16-030
APN: 522-181-001
T07N R05E S28 HB&M (Willow Creek)



AERIAL MAP

**PROPOSED ZABEL
PARCEL MAP SUBDIVISION &
SPECIAL PERMIT
WILLOW CREEK AREA
PMS-16-001/SP-16-030**

**APN: 522-181-001
T07N R05E S28 HB&M (Willow Creek)**

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.



Attachment 1

Conditions of Approval for the Zabel Parcel Map Subdivision and Special Permit

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

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated **April 13, 2016** included herein as Exhibit A shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$102.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. 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 \$125.00) 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.
6. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
 - A. Mapping
 - (1) Topography of the land in one-foot contour intervals;
 - (2) Proposed access, parking lanes and pedestrian ways;
 - (3) Four (4) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;

- (4) Streamside Management Area (SMA) for the Trinity River.
- (5) The portion of Parcel 4 located south of Patterson Road, labeled as "non-buildable open space."

B. Notes to be placed on the Development Plan:

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

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

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

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

- (2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
 - Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."

- (3) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
- (4) "Development within Streamside Management Areas shall be limited to the following uses:
- a. Development permitted within stream channels pursuant to Section 3432.6 of the General Plan (Volume I, Framework).
 - b. Timber management and harvests not otherwise excluded by Applicability Section as well as noncommercial cutting of firewood and clearing for pasturage, provided that cottonwoods are retained and remaining willows and alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage.
 - c. Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
 - d. Removal of vegetation for disease control or public safety purposes.

Note: A Special Permit is required for all new development in Streamside Management Areas not exempt per Section 314-61.1(d)(1-7) of the Humboldt County Zoning Regulations."

- (5) "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."
- (6) "Development rights for secondary dwelling units on Parcels 2 – 4 have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."
- (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) "Lots in this subdivision were created utilizing Lot Size Modification."

7. 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 \$322.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
8. The applicant shall convey future development rights to the County of Humboldt for secondary dwelling units on Parcels 2 – 4. Release from this conveyance may be pursued upon demonstration that the access road is improved to a 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 \$322.00) will be required.
9. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

Informational Notes:

1. To 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) 3-10). 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 \$125.00). 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 _____.

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. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. The term of the approved Tentative Map and Special Permit shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

EXHIBIT A

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	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 ZABEL, APN 522-181-001, PMS 16-001 FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 5 ACRES INTO 4 LOTS

DATE: 04/13/2016

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 Winzler & Kelly Consulting Engineers dated November 2008, and dated as received by the Humboldt County Planning Division on March 30, 2016.

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

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

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

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

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.5 **FURTHER SUBDIVISION:** At least some of the 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.
- 1.6 **PRIVATE ROADS:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

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

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

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

- (a) **PATTERSON ROAD:** Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. Applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.
- (b) **BARBARA Z LANE:** 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/lots within the subdivision in a manner approved by this Department. The easement shall be 40 feet in width.
- (c) **PUE:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the Patterson Road, or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.
- (d) **DEVELOPMENT RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to construct a secondary dwelling unit(s) on Parcels 2 through 4 until such time as the Barbara Z Lane is improved to a minimum Category 4 road standard. This shall be noted on the development plan to be filed with Community Development Services. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.
- (e) **NON-VEHICULAR ACCESS:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip adjacent to Patterson Road. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.
- (f) **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU.

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

- (g) **DRAINAGE:** Establish a drainage easement across Parcel 1 for the benefit of Parcel 3. Said easement shall be dedicated in manner and location as approved by this Department.

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 **TRAFFIC CONTROL DEVICES:** Street name and traffic control devices may need to be placed as required and approved by this Department.

A stop sign will be required on Barbara Z Lane at its intersection with Patterson Road.

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.

- 2.4 **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) **BARBARA Z LANE** shall be constructed to a width of 16 feet with 2 foot wide gravel shoulders on each side. The first 50 feet of Barbara Z Lane shall be paved; the remainder of the road may be gravel.

A turnaround shall be constructed at the end of the road.

If on-street parking is proposed, the road shall be widened from 16 feet to 32 feet in width.

The intersection of Barbara Z Lane and Patterson Road shall be constructed in conformance with the standards for a private road intersection as illustrated in Caltrans standards. The intersection must conform to Humboldt County Code Section 341 regarding visibility. Barbara Z Lane shall intersect Patterson Road at a 90° angle.

- (b) **PATTERSON ROAD** shall be widened to have a typical section comprised of two 10 foot wide driving lanes; and two 5 foot wide bladed shoulders. Drainage swales/ditches shall be provided as necessary.
- (c) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (d) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.

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

All access openings (existing and proposed) shall be paved with hot mix ("asphalt") for the width of the driveway and a distance of 25 feet from the edge of the County road.

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

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

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

- (a) **For paved road surfaces,** the structural section shall include a minimum of 0.2 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%.

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

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

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

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

2.9 **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.

2.10 **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.

2.11 **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.

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.

The Patterson Road culvert near the westerly side of the subdivision shall be repaired. A headwall or rock slope protection shall be provided at the inlet and outlet 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.

The drainage report shall verify the hydraulic capacity of the Patterson Road culvert based upon the full-build out of the tributary area.

4.0 GRADING

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

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

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

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

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

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

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

5.0 MAINTENANCE

- 5.1 **MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 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. [*Section 323-2 is listed in County Code after Section 324-1]

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

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

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

- 6.1 The development plan shall be legibly drawn to a convenient scale on 22"x34" (or 24"x36") mylar, in black ink, unless approved otherwise by this Department.
- 6.2 The development plan shall include a note substantially similar to the following: "See the subdivision map on file with the County Recorder for easements that existed at the time the map was filed. Additional easements may have been established after the map was filed. Refer to a current title report for all easements. Refer to the filed subdivision map for exact lot dimensions."
- 6.3 The development plan shall include the following to the satisfaction of this Department:
- (a) When roads or drainage facilities are not to be maintained by the County, then clearly state next to the facility "NOT COUNTY MAINTAINED".
 - (b) When minimum finished floor elevations must be adhered to, the plan shall state the minimum elevation and the referenced benchmark.
 - (c) If prepared for the project, reference the soils report; including a statement substantially similar to: "See soils report prepared by _____, Project No. _____, dated _____, for recommendations, inspections, and special requirements required for development of this subdivision."
 - (d) A statement substantially similar to: "All pedestrian facilities must be ADA compliant."
 - (e) When improvement plans have been prepared in conjunction with proposed subdivision, include a statement substantially similar to: "Improvement plans for roads, driveways, and drainage, etc. are on file with the Department of Public Works".

- (f) For parcels that could be further subdivided: Provide information on the development plan to assist future owners in developing the parcels in a manner that preserves the maximum, future subdivision potential. This may include showing "potential" building setbacks for ultimate development. It is the intent of this condition that any "potential" setbacks are for information only and are not actual setback requirements to be adhered to.
- (g) Show a minimum setback of 20 feet from garage entrances for vehicles from easements created as a condition of tentative map approval or existing for the purpose of moving automotive vehicles, bicycles, pedestrians, or animals. Typically, this is 29 feet from the curb.
- (h) For projects with a subdivision agreement, include the following note: "This subdivision was approved with requirements to construct improvements. At the time the subdivision map was filed, the improvements were not completed. The developer has entered into a subdivision agreement with the County to defer construction of these improvements. **Subdivision improvements must be completed within the timelines specified in the agreement. In general, building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision agreement are shown on the improvement plans prepared by _____, dated _____, and are signed as approved by the County on _____. Contact the Land Use Division of the Department of Public Works for details."

- 6.4 Applicant shall cause a "Notice of Development Plan" to be recorded in the Office of the County Recorder.
- 6.5 The development plan shall be signed off by this Department prior to official filing with the Planning Division. The plan shall include a signoff block for this Department to sign substantially similar to:

Reviewed by: _____ Date _____
 Department of Public Works

- 6.6 Typical precise grading/lot drainage details for the lots shall be shown or a reference shall be made to the approved grading plan on file with the Department of Public Works.

7.0 LANDSCAPING

<NONE>

// END //

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

1. That the proposed subdivision, together with the provisions for its design and 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. Special Permit Findings: Section 312-17 of the Zoning Regulations of the Humboldt County Code (Required Findings for All Permits and Variances) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County's General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and the conditions under which it may be operated or maintained, will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity; and
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in

the plan designation), 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.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

1. The project is either categorically or statutorily exempt; or
2. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
3. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Staff Analysis: Subdivision Findings

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

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Supporting the General Plan Conformance Finding
Housing FP 2420-2430 WCCP 2400	Encourage innovative designs, which facilitate optimum use of sites. Concentrate new development around existing public services and around existing communities.	The proposed subdivision design will divide an approximately five acre parcel into four parcels between 0.5 acres and 3.34 acres in size. The resultant parcel sizes will not be atypical for the neighborhood.
Land Use WCCP 2732 – RL	Residential Low Density (RL1) • 1 unit per acre	The existing five acre parcel is planned residential low density with a density of one unit per acre. This project will create four parcels consistent with the overall density mandated by the general plan.

Geologic WCCP 3210	New construction shall be built to help protect occupants from geologic hazards	The project site is located in an area mapped as having low slope instability ratings. There are no known faults in the vicinity, nor is the property within a mapped Alquist-Priolo Special Study Zone. Referral comments have not identified any concerns regarding the suitability of the lots for typical residential development.
Flood Hazards WCCP 3220	All new development shall conform to the County Flood Insurance Program and certificate regulations.	The majority of the parcel is within flood zone "C" areas of minimal flooding. A small portion is within zone "A" due to the Trinity River, however, this area is located south of Patterson Road and not proposed for any development.
Fire Hazards FP 3291(4)	Use appropriate sections of the Firesafe Ordinance (FSO) for review of residential development in rural areas.	The parcel has a fire hazard rating of low. Water service is provided by the Willow Creek Community Services District and an existing fire hydrant is located approximately 150 feet to the east.
Biological Resources WCCP 3400	To protect designated sensitive habitats and cultural resources.	The parcel is relatively flat with a gentle slope to the southwest. The Trinity River does flow through the southwest corner of the parcel but it is over 200 feet from Patterson Road and over 250 feet from any proposed development. No other resources were located on the property. The Eureka office of the California Department of Fish and Wildlife did not respond with any concerns.
Cultural Resources FP 3530	To protect designated historical and archeological resources.	The project was referred to the North Coastal Information Center (NCIC) and they recommended approval of the project. Nonetheless, project approval requires placement of a note on the Development Plan that protects resources should they be found during site development.

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

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The subdivision creates four residential lots. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes. The Building Inspection Division has not identified any concerns regarding the suitability of the lots for typical residential development.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	<p>Proposed Parcel 1 will be accessed by Patterson Road, a County maintained road meeting the road category 4 standard. Proposed Parcels 2, 3 and 4 will be served with a road meeting the road category 3 standard.</p> <p>The parcel currently drains towards Patterson Road. The Department of Public Works has required the submittal of a complete hydraulic drainage report to ensure that the proposed subdivision will not result in substantial erosion or siltation on- or off-site. Project approval is conditioned upon satisfaction of the requirements of Public Works.</p>
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	The parcels will be served by community water and on-site sewage disposal. The Division of Environmental Health (DEH) has approved the site for on-site sewage disposal. Project approval is conditioned upon satisfaction of the requirements of WCCSD and the DEH.
Access Road Appendix 4-1	Roadway design must incorporate a 40-foot right of way.	No exceptions have been requested as the parcels are proposed to be accessed by a private road (Parcels 2, 3 and 4) within a 40-foot right of way. Proposed Parcel 1 will be served by Patterson Road, a public road with a 50-foot wide right of way.

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Subdivision Map Act (§66478.4)	Reasonable public access to rivers and streams be provided with any approval of a tentative or final map.	In this case, "reasonable" public access is difficult due to the steep bank down to the river and the fact that historically there has been no public or private access on this parcel. In addition, there are other nearby public river access points; one is approximately 500 feet downstream on SRNF property and the other is just across the river. Therefore, it can be found that this location is not suitable to provide "reasonable" public access.
Parking Appendix 4-2	If the subdivision does not provide for on-street parking, subdivision must provide for 5 on-site parking spaces.	The subdivision is conditioned with a requirement that each lot provide the required off-street parking consistent with Section 314-109.1 HCC Inland Regulations and Section 4-2(a) of the Appendix to the Subdivision Regulations. Project approval is conditioned upon satisfaction of LUD Subdivision Requirements. Parking shall be clearly identified on the Development Plan.
<p>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 a five acre parcel into four parcels. This results in a density of 0.8 units per acre, just shy of the one unit per acre specified in the RL plan designation. This parcel was not utilized by the Department of Housing and Community Development in determining compliance with housing element law, therefore, the four units proposed comply with this finding. Furthermore, given that approximately half of the five acres is constrained by steep slopes and the Trinity River, the creation of additional units is not feasible.</p>

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
<p>Lot Size Modification §314-99.1, HCC <i>In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size...in all zones may be modified subject to securing an SP.</i></p> <p>Furthermore, §325-11 HCC specifies the nine findings that must be made to support Lot Size Modification (LSM). These findings are specific to the review of Subdivision design to ensure that the change to the parcel size standard does not adversely affect surrounding uses and the environment.</p>	<p>Minimum lot size may be reduced by 50%, but cannot create a parcel greater than 1.8 times the allowed minimum.</p> <p>Findings of Section 325-11: (a) the lots are in harmony with the topography; (b) soil conditions will not be adversely affected; (c) hydrologic conditions will not be adversely affected; (d) traffic patterns and emergency vehicle access will not be adversely affected; (e) the subdivision design with the LSM is in the interest of the public welfare; (f) the existing character of the area will not be adversely affected; (g) wetlands will not be adversely affected; (h) the subdivision conforms to the General Plan, and (l) the resultant parcels are greater than 6,000 square feet.</p>	<p>The subdivision is meant to create four parcels north of Patterson Road and away from the Trinity River. Given the constraints with developing in close proximity to the river (slope, bluff, etc.), all homesites are proposed to be clustered north of Patterson Road, with one parcel containing the entire open space area south of the road down to the river. The granting of the exception, in concert with the proposed plan and zoning change, will allow each parcel to be developed with a single family residence.</p> <p>The Lot Size Modification (LSM) is consistent with the findings of Section 325-11 because: (a) the lots are in harmony with the topography, i.e., slope to the river; (b) effects on soil conditions are minimized in that subdivision design limits development away from the river; (c) hydrologic conditions will not be adversely affected because the subdivision design with the LSM minimizes development near the river and away from streamside management areas; (d) by utilizing existing road improvements the impact to traffic patterns and emergency vehicle access is minimized; e) the subdivision design with the LSM is in the interest of the public welfare in that it considers the physical constraints and allows for optimum use of the site; (f) the existing character of the area will not be adversely affected in that the subdivision design with the LSM is consistent with residential development pattern of the area; (g) wetlands will not be adversely affected because the subdivision design maintains required setbacks to sensitive resources; (h) the subdivision conforms to the General Plan, and (l) the resultant parcels are greater than 6,000 square feet.</p> <p>A condition of approval requires the Development Plan to include a notation as to the creation of these parcels using the lot size modification exception.</p>

A.3./B.2./B.3. Zoning Compliance. The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations (H.C.C.).

Zoning Section	Summary of Applicable Requirement	Evidence
Principal Permitted Use: §314-6.1 RS	Principal permitted uses include one-family dwellings.	The parcel is zoned Residential Suburban (RS). A one family residence is a principally permitted use.
Min. Parcel Sizes	1 acre	Three of the four parcels will be below the one-acre minimum due to Lot Size Modification.
Min. Lot Width	125 feet	The parcels will not meet the required 125 foot minimum width, however, Lot Size Modification has been requested to allow parcels less than one acre and less than 125 feet in width.
Min. Lot Depth	110 feet	All parcels will exceed the 110 foot minimum depth requirement.
Lot Coverage	35% maximum	The parcel is currently undeveloped. All proposed parcels will be required to meet this standard at the time a building permit is issued for individual lot development.
Max. building height.	35 feet	All development will be required to meet the maximum height requirements when individual Building Permits are applied for.
Setbacks	The parcel is currently within the State Responsibility Area (SRA) for fire protection. The parcels can utilize the Small Parcel Exemption to reduce setbacks to those prescribed by the zone.	All development will be required to meet the minimum setbacks when individual Building Permits are applied for.
Parking: §314-109.1	4 spaces minimum per parcel.	Each parcel has ample room for 4 spaces outside of the front yard setbacks.

A.4./B.4. Environmental Impact. Please see the attached Negative Declaration.

As lead agency, the Department prepared an Initial Study and Negative Declaration that was adopted by the Board of Supervisors at their September 15, 2009 meeting. The initial study evaluated the project for any adverse effects on fish and wildlife resources. Based on the information in the application and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect either individually or cumulatively, on fish and wildlife resources or the habitat upon which wildlife depends. The environmental document on file includes a detailed discussion of all relevant environmental issues.

Section 15162 of the California Environmental Quality Act (CEQA) states that when an ND has been adopted for a project, no subsequent ND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

No changes were made to the original project. The project is being re-submitted because the tentative map has expired. The circumstances under which the project is undertaken have not changed. The land use designation and zoning support the project as proposed. Further, the project complies with the requirements of all referral agencies. Lastly, there is no new information, which was not known and could not have been known at the time of the previous Negative Declaration was certified as complete. For these reasons no subsequent ND is required.

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

ATTACHMENT 3

APPLICANTS' EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Document	Location
Tentative Map Checklist	On file with Planning
Tentative Subdivision Map	Attached
Application Form	On file with Planning
Preliminary Title Report	On file with Planning
Sewage disposal system testing	On file with Planning
Request for Lot Size Modification	On file with Planning

ATTACHMENT 4

NEGATIVE DECLARATION ADOPTED SEPTEMBER 15, 2009

Draft Negative Declaration

1. Project title: Zabel GPA/ZR/PMS/SP
2. Lead agency name and address: Humboldt County Planning & Building Department, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax (707) 445-7446
3. Contact person and phone number: Trevor Estlow, Senior Planner, Phone: 707-268-3740
4. Project location: The project is located in Humboldt County, in the Willow Creek area, on both sides of Patterson Road, approximately 150 feet west of the intersection of Patterson Road and Timberline Drive, on the property known as the west half of the southwest quarter of the northwest quarter of the southwest quarter of Section 28, Township 7 North Range 5 East, Humboldt Base & Meridian.
5. Project sponsor's name and address: Frank Zabel, 4726 Cummings Road, Eureka, CA 95503.
6. General plan designation: Public Lands (P), Willow Creek Community Plan (WCCP). Proposed to change to: Residential Low Density, density: one unit per acre.
7. Zoning: Agriculture Exclusive (AE). Proposed to change to: Residential Suburban (RS).
8. Description of project: An applicant-initiated amendment to the Willow Creek Community Plan (WCCP) to change the land use designation from Public (P) to Residential Low Density, one dwelling unit per acre (RL1), and an associated Zone Reclassification from Agriculture Exclusive (AE) to Residential Suburban (RS). The amendment affects five acres in the Willow Creek area, just north of the town of Willow Creek, along the Trinity River. The property is currently undeveloped and within the water service area of the Willow Creek Community Services District. The purpose of the amendment is to reflect the private ownership of the parcel and provide for residential uses. Planning staff recommends a change to a Residential Low Density land use designation with a one acre density requirement (RL1) and Residential Suburban zone district (RS). The changes will facilitate a proposed subdivision of the five acre parcel into four parcels of between 0.50 and 3.34 acres in size. All building sites are clustered north of Patterson Road. A Special Permit is required to utilize Lot Size Modification to allow parcels less than one acre in size and less than 125 feet wide. All parcels will be served with water by the Willow Creek Community Services District and on site sewage disposal systems.
9. Surrounding land uses and setting: The subject parcel is surrounded by similar residentially zoned parcels to the north, south and east. Six Rivers National Forest as well as the Trinity River are located to the west. The parcel is relatively flat with a gentle slope to the south west towards a steep bank leading down to the river. The area is served by community water and on-site sewage disposal systems.
10. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement.): Public Works, Building Division, Calfire.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, but none of these affects are considered to be Potentially Significant Impacts as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology / Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation / Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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 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 the 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

MARCH 31, 2009
Date

Trevor Estlow, Senior Planner
Printed Name

Humboldt Community Development Services
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except No Impact answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A No Impact answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A No Impact answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 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 17, 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 Addresses. Identify which effects from the above checklist were within the scope of and adequately analyze 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 describe the mitigation measures 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 plan, 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 explanation of each issue identify:
 - a) The significant criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>1. AESTHETICS</p> <p><u>Finding:</u> The project will not have a substantial adverse effect on a scenic vista; nor will it substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; nor will it substantially degrade the existing visual character or quality of the site and its surroundings; or create a significant new source of substantial light or glare which would adversely affect day or nighttime views in the area.</p> <p><u>Discussion:</u> The project site is not located within or along an area designated by the County or other governmental agency as a scenic vista. The parcel is not in the Coastal Zone; therefore not subject to coastal views or scenic view regulations. The Trinity River, designated Wild and Scenic is located at the very southwesterly corner of the parcel. The parcel is divided by Patterson Road, and all development is proposed north of the road and over 250 feet from the bluff edge of the river. There is no indication that the Amendment, Rezone, Parcel Map subdivision or Special Permit will impact the aesthetic qualities of the area. This neighborhood is not visible from outlying areas, only as you pass by on Patterson Road.</p> <p>There is no indication that the potential development of four new residences will create new sources of substantial light or glare, which would adversely affect day or nighttime views in the area.</p>				
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
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2. AGRICULTURE RESOURCES

Finding: The project will not significantly impact or convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; nor will it significantly conflict with existing zoning for agricultural use, or a Williamson Act contract; nor will it significantly involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use.

Discussion: The subject property is not within a Williamson Act contract, nor are there any Williamson Act contracted lands in the immediate vicinity. The site is not designated as unique farmland or farmland of statewide significance; however, it is considered prime soils based on the Soils of Western Humboldt County. The soils type, Ettersberg gravelly loam is noted as having "sufficient amount of gravels and cobbles in the surface to make it difficult to plow." Furthermore, the five acre parcel is constrained by the Trinity River to the southwest which reduces the potential ag lands to a size that is not large enough for typical agricultural activities. The applicant is seeking to amend the general plan from Public Lands (P) to Residential Low Density with a density of one unit per acre (RL1) in order to facilitate the subdivision into four parcels. A corresponding rezone to Residential Suburban (RS) is also proposed. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the RS zone. General agriculture is not an allowed use in the RS zone. The Department finds no evidence that the creation of four parcels consistent with the planned build-out of the area (once rezoned and planned accordingly) will have a significant impact on agricultural resources.

3. AIR QUALITY. Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
<p>3. AIR QUALITY.</p> <p><u>Finding:</u> The project will <u>not</u> significantly conflict with or obstruct implementation of the applicable air quality plan; significantly violate any air quality standard or contribute substantially to an existing or projected air quality violation; significantly 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); expose sensitive receptors to substantial pollutant concentrations; nor will it create objectionable odors affecting a substantial number of people.</p> <p><u>Discussion:</u> The proposed project creates four (4) parcels from one. The project also includes the rezoning of the subdivision parcel to a residential one acre minimum parcel size. According to recent studies by the North Coast Unified Air Quality Management District (NCUAQMD), the most significant contributors to PM-10 are residential wood burning stoves. Also according to the NCUAQMD, all of the Humboldt County is in non-attainment of the State's PM-10 (particulate matter of 10 microns in size) standard, but complies with all other State and Federal air quality standards. As with all projects, any wood stoves would need to meet current EPA standards for air quality. The area is characterized as a historic drainage along the Trinity River. The parcel is relatively flat with a gentle slope to the southwest to the Trinity River. The river is approximately 250 feet from the proposed building sites and separated by Patterson Road. The Department finds no evidence that the many varied aspects of the project as proposed will have a significant adverse impact on air quality.</p>				
<p>4. BIOLOGICAL RESOURCES. Would the project:</p>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES: NO IMPACT

Finding: There is no evidence in the record that the project as proposed will have a significant adverse impact 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; or 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 US Fish and Wildlife Service; or 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; nor will it 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; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion: Other than the Trinity River, located approximately 250 feet to the southwest of the proposed residences, there are no known creeks, streams, waterways or other wet areas within the 5.0 acre area or in the immediate vicinity. The Trinity River is designated Wild and Scenic and given the distance to the building sites and the fact that Patterson Road further buffers the river, no impacts to the river are anticipated. Humboldt County Biological Resources maps do not show any sensitive or listed species within the project area or immediate vicinity. The applicant does not wish to alter any waterways or wetlands (as there are none within the project area) nor has the applicant requested to reduce or alter any Streamside Management Area (SMA) setbacks per the County's Grading Ordinance. It is expected that the project will not impact the movement of any native resident or migratory fish or wildlife species or any established native resident or migratory wildlife corridors, nor conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Humboldt County does not have a specific Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, so this project will not conflict with them. As with all projects, this one was referred to the Eureka DFG office with no reply. Based on the above, County Staff finds that the project as proposed will have no significant impact on the Biological Resources of the neighborhood.

5. CULTURAL RESOURCES. Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorpor.	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. CULTURAL RESOURCES.

Finding: The project will not cause a substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5; will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5; will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and with mitigation will less than significantly disturb any human remains, including those interred outside of formal cemeteries.

Discussion: The project was referred to the North Coastal Information Center (NCIC) and the recommended approval without any further study. The site is currently undeveloped, and given that ground disturbing activities are likely to occur, the County's standard condition regarding the applicant's responsibility should remains or artifacts be unearthed during any development has been added as an on-going Requirement.

6. GEOLOGY AND SOILS. Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS: No Impact

Finding: The project will not significantly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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; nor is it located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. The project will not significantly expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides. It is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. There is no indication that the project will result in a significant impact in regards to soil erosion or loss of topsoil.

Discussion: According to the Alquist-Priolo Earthquake Fault Zoning Map and Framework Plan Geologic Hazards map, the project site is located well over 10 miles from any mapped fault. According to the Framework Plan Geologic Hazards map, the entire project site is in an area of low instability, and is not located in an area subject to liquefaction. Given the low instability rating, a Soils Report was not required for the proposed subdivision. The project was referred to the Building Inspection Division and they did not identify any issues with expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). The Uniform Building Code requires all structures in Humboldt County to be built in accordance with seismic zone 4, the most restrictive zone. The area to be developed is characterized as a mixture of wooded and cleared areas. The area is served by community water from Willow Creek CSD and on-site sewage disposal systems. The Division of Environmental Health has reviewed the septic proposal and recommended approval of the project. The Building Inspection Division did not identify any concerns with regards to site suitability for residential development. The Department finds no evidence that the creation of four parcels suitable for residential development that are consistent with the planned build-out of the area will have a significant adverse impact with regards to geology and soils, nor that it will be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse or that has soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. h) HAZARDS AND HAZARDOUS MATERIALS: LESS THAN SIGNIFICANT IMPACT

Finding: The project will not create a significant exposure of 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.

Discussion: The site is within both the State Responsibility Area (SRA) and the Local Responsibility Area (LRA) for fire protection. The proposed building sites will be served with community water. A fire hydrant is located approximately 150 feet east on Patterson Road. No fire protection issues were raised and Calfire responded with their standard approval letter. According to the Fire Hazard map, the parcel is located in a low fire hazard area. Primary fire protection is provided by the Willow Creek Fire District, which had no comment on the proposed subdivision. For these reasons, the Planning Division expects that the minor subdivision will not result in significant impacts in terms of hazardous materials.

7. a) - g) HAZARDS AND HAZARDOUS MATERIALS: NO IMPACT

Finding: The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; will 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; will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; will not 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; will not result in a safety hazard for people residing or working in the project area; and, for a project within the vicinity of a private airstrip, will not result in a safety hazard for people residing or working in the project area; or impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. 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, the project will not significantly result in a safety hazard for people residing or working in the project area.

Discussion: The project site is not included on a list of hazardous material sites, nor does the proposed subdivision involve routine transport, use or disposal of hazardous materials. There are no operational airfields within five miles of the project site. There are no private airstrips within the vicinity of the project site. The site is not within an area governed by an Airport/Land Use Compatibility matrix. Development, consistent with the County's adopted Airport land use plan will not result in unanticipated risk to the occupants of the site, or to workers within the site during construction. The Department finds no evidence that the GPA/ZR/PMS/SP will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan. For these reasons, the Planning Division expects that the minor subdivision will not result in significant impacts in terms of hazardous materials.

8. HYDROLOGY AND WATER QUALITY. Would the project:

Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
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- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

8: c), d) HYDROLOGY AND WATER QUALITY: LESS THAN SIGNIFICANT

Finding: The project will less than significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? As proposed and conditioned, the project will not 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 on- or off-site.

Discussion: The building sites are over 250 feet from the Trinity River and separated by Patterson Road. The parcels will be served with on-site sewage disposal systems regulated by the Division of Environmental Health. DEH has reviewed the proposal and recommended approval of the project. The proposed project is not expected to increase the potential for on- or off-site erosion or siltation into the Trinity River. As noted in the Biological section above, the project was sent to the Eureka office of Fish & Game which did not comment on its potential to negatively impact the environment.

8: a), b), e) - j): HYDROLOGY AND WATER QUALITY: NO IMPACT

Finding: The project will not violate any water quality standards or waste discharge requirements nor degrade water quality. The project will 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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). It will not significantly 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; will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; will not place within a 100-year flood hazard area structures which would impede or redirect flood flows; and will not 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; or inundation by seiche, tsunami, or mudflow.

Discussion: There is no evidence in the record that the changing of the plan and zone from a public designation to a residential designation and creating four parcels suitable for residential development will create or contribute to any violations of waste discharge requirements or degrade water quality in general. Other than the Trinity River located over 250 feet from the proposed home sites, there are no known sensitive species nor habitats on or within the vicinity of the subject parcel. The parcel drains currently towards Patterson Road and eventually the Trinity River. The Land Use Division of Public Works has required a drainage study as a condition of approval in order to address any drainage issues that may arise from the future development of the lots.

At ± 600' above sea level, the parcel is well outside any dam or levee inundation area, and outside the areas subject to tsunami run-up. According to the Flood Insurance Rate Maps (Panel 685 B), the project site is located in Flood Zone "C", which is defined as areas of minimal flooding, and is outside the 100- and 500-year floodplains. A small portion of the far southwest corner of the property is located within Flood Zone "A"; however, all development is proposed well outside of this zone.

Any grading required for the access alignment or road improvements will be monitored by the Land Use Division of Public Works though the issuance of an Improvement Plan which requires the property owner to utilize the BMPs as delineated in the County's Subdivision Ordinance.

As mentioned above, the Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality.

9. LAND USE AND PLANNING. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Physically divide an established community? PMS 16-001 Zabel 10397 April 6, 2017	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

9: LAND USE AND PLANNING

Finding: The project will not divide an existing established community; nor will it conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; nor will it conflict with any applicable habitat conservation plan or natural community conservation plan.

Discussion: The parcel proposed for subdivision is currently zoned Agriculture Exclusive with a corresponding general plan designation of Public Lands. The subdivision is only possible with a rezone of the property to Residential Suburban and a change of the general plan to Residential Low Density with a density of one unit per acre. Concurrent with the approval of the GPA/ZR, the applicant proposes to divide the five acre parcel into four lots. One-family residential use is a primary and compatible use within the proposed zoning district and land use designation. The proposed project is consistent with the planned build-out of the area and is consistent with the policies and regulations specified in the Willow Creek Community Plan (WCCP) and Framework General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The proposed project is consistent with a comprehensive view of the Willow Creek Community Plan and Framework General Plan, as it concerns land use, circulation, hazards and resources, biological resources, hydrology and water quality, public facilities and development timing. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.

10. MINERAL RESOURCES. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10: MINERAL RESOURCES

Finding: The project will not 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; and will not 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.

Discussion: The project does not involve extraction of mineral resources. The project site is not, nor is it adjacent to, a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The Department finds there is no evidence that the project will result in a significant adverse impact on mineral resources.

11. NOISE. Would the project result in:

Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
-------------------------	---	------------------------------	-----------

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

11: NOISE: NO IMPACT

Finding: The project will not significantly result in 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; nor will it significantly result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; nor result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. 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, the project will not significantly expose people residing or working in the project area to excessive noise levels. For a project within the vicinity of a private airstrip, the project will not expose people residing or working in the project area to excessive noise levels. The project will not have an impact in regards to a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Discussion: The site is approximately 1/2 mile north of downtown Willow Creek, on the north side of Patterson Road. This area is characterized as relatively flat plateaus overlooking the Trinity River and backing up to more forested hillsides. Similar sized, residentially zoned parcels are found to the north, south and east. The surrounding residential lots are sparsely populated. Six Rivers National Forest land is located to the west. The proposed subdivision creates four parcels suitable for residential development. The existing parcel is currently vacant but will likely be developed with residential uses and on-site sewage disposal systems in the near future. The project site is outside the areas of concern of any airport. It is not in the vicinity of a private airstrip. The project will not result in exposure of persons to or generation of noise levels in excess of established standards. The project does not result in a substantial permanent increase in ambient noise. The site's development is to be conditioned upon the County's standards for hours and days of construction activities. As the parcels will be developed over time and the only immediate construction will be minor road improvements, the project will not result in a temporary or permanent increase in noise levels. The Department finds no evidence that the creation of the four parcels will be inconsistent with the planned build-out of the area will result in a significant adverse noise impact.

12: POPULATION AND HOUSING. Would the project:

- | | Potentially Significant | Potentially Significant Unless Mitigation Incorp. | Less Than Significant Impact | No Impact |
|---|--------------------------|---|------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

12: POPULATION AND HOUSING

Finding: The project will less than significantly induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Discussion: If the GPA/ZR are approved and the subsequent minor subdivision is allowed to occur, the project will create four parcels suitable for residential development which is promoted as a policy in the County’s Housing Element where one-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area when reviewing the adjacent lands. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

13. PUBLIC SERVICES.

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13: PUBLIC SERVICES

Finding: The project will not result in a substantial adverse physical impact with regards to the provision of new or physically altered governmental facilities; and will not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, other public facilities.

Discussion: All parcels will gain access off of Patterson Road, either directly or via a private roadway. Patterson Road currently is paved within a 50 foot right of way and the proposed private road will be 16 feet wide within a 40 foot right of way, consistent with the Fire Safe Ordinance. Fire services had no issues with regard to the provision, construction or maintenance of public services. The Department finds no evidence that the project will result in a significant adverse impact on public services.

14. RECREATION.

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14: RECREATION

Finding: The project will not significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial adverse physical deterioration of the facility would occur or be accelerated; nor does it include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The project does not include recreational facilities. The project is not required to pay Parkland Dedication fees in lieu of creating a neighborhood park on the site because it is not within a planning area that requires such payment. The Department finds no evidence that the project will require construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

15. TRANSPORTATION/TRAFFIC. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15: TRANSPORTATION/TRAFFIC: NO IMPACT

Finding: The project will not cause a significant increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections); nor will a change in air traffic patterns result including either an increase in traffic levels or a change in location that results in substantial safety risks. The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); nor will it result in inadequate emergency access; inadequate parking capacity; or conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). The project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

Discussion: Patterson Road currently meets the road category 4 standard for subdivision. The proposed private road will meet the road category 3 standard, consistent with the Fire Safe Ordinance. The project was referred to the Department of Public Works, and they did not find that the proposed project would significantly contribute to traffic impact in the area.

The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; that it will increase traffic-related hazards, or will conflict with adopted policies supporting transportation. There are no public or private airstrips in the vicinity. The project is outside the area mapped in the Airport/Land Use Compatibility matrix.

16. UTILITIES AND SERVICE SYSTEMS. Would the project:

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16: UTILITIES AND SERVICE SYSTEMS

Finding: The project will not: exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect; have insufficient water supplies available to serve the project from existing entitlements and resources. The project will: 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; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; comply with federal, state, and local statutes and regulations related to solid waste.

Discussion: The Department finds there is no evidence that the changes to the general plan and zoning, the creation of four parcels suitable for residential development will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses.

The lots are to be served by on-site sewage disposal systems; the County Division of Environmental Health recommended approval of the project. The site will be served by community water. The parcel currently drains to the southwest towards Patterson Road, which eventually drains to the Trinity River. For the most part there is very little natural drainage due to the amount of pervious surfaces available on the site and the type of soils present; however, the Department of Public Works has recommended a drainage study as a condition of approval in order to address any drainage impacts created by the project. The Department finds the project impact to be insignificant.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17: b) MANDATORY FINDINGS OF SIGNIFICANCE: LESS THAN SIGNIFICANT

Finding: The project could have an impact that is 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).

Discussion: The line between an individually limited impact and a cumulatively considerable impact is a very fine line indeed. Many would argue that any development is cumulatively considerable. Based on the evidence in the record and the resources available for Staff review, the County finds that all the requirements for a minor subdivision can be met in this case without significant impacts. Staff found that the project was unlikely to have any impacts to the environment that needed to be mitigated to less than significant. All other reviewing agencies have recommended approval or conditional approval. The typical road access improvements required by the Public Works Department have been made conditions of approval and shall be finalized prior to the recordation of the map or otherwise deferred with P/Ws approval.

17: MANDATORY FINDINGS OF SIGNIFICANCE

Finding: The project does 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, 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; nor will it have significant environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Discussion: Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated:

- Will have the potential to degrade the quality of the environment, reduce the habitat (see 17.b) of a fish or wildlife species, threaten to eliminate a plant or animal community or eliminate important examples of the major periods of California history or pre-history;
- Will have the potential to achieve short-term to the disadvantage of long-term environmental goals;
- Will have impacts that are individually limited but cumulatively considerable; or
- Will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

19. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

n/a.

20. EARLIER ANALYSES.

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 16063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

n/a.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measure based on a the earlier analysis.

See 20.a above

c) Mitigation measures. For effects that are "Less than Significant with Mitigation 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.

See 20.a above

ATTACHMENT 5

BOARD OF SUPERVISORS RESOLUTION NO. 09-60 ADOPTING THE NEGATIVE DECLARATION

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF
CALIFORNIA**

Certified copy of portion of proceedings, Meeting on September 15, 2009

RESOLUTION NO. 09-60

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT TO MAKE THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND RECOMMENDING APPROVAL OF THE ZABEL APPLICATION: CASE NUMBERS GPA-07-03/ZR-07-09/PMS-08-03/SP-08-105; ASSESSOR PARCEL NUMBER 522-181-01

WHEREAS, State law provides for local governments to amend their General Plans up to four (4) times per year; and

WHEREAS, Misha Schwarz, on behalf of the applicant, Frank Zabel, submitted an application and evidence in support of approving the General Plan Amendment and Zone Reclassification application along with an associated Parcel Map Subdivision and Special Permit; and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification will re-designate lands from Public to Residential Low Density with a density of one dwelling unit per acre (RL1) and to rezone lands from Agriculture Exclusive (AE) to Residential Suburban (RS); and

WHEREAS, the proposed General Plan Amendment and Zone Reclassification may be approved if it can be found that: (1) The proposed change is in the public interest; (2) The proposed change is consistent with a comprehensive view of the General Plan; and (3) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

WHEREAS, the proposed subdivision will divide an existing five-acre parcel into four parcels ranging in size from 0.5 acres to 3.34 acres; and

WHEREAS, Community Development Services - 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 project is subject to environmental review pursuant to the California Environmental Quality Act; and

WHEREAS, Planning Division staff prepared a Negative Declaration; and

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF
CALIFORNIA**

Certified copy of portion of proceedings, Meeting on September 15, 2009

WHEREAS, Planning Division staff provided sufficient report includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment, Zone Reclassification, Parcel Map Subdivision, and Special Permit application for Case Nos.: GPA-07-03/ZR-07-09/PMS-08-03/SP-08-105; and

WHEREAS, the Humboldt County Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission, and

WHEREAS, the Planning Commission held a public hearing on May 7, 2009 on this matter to receive other evidence and testimony; and

WHEREAS, at their May 7, 2009 meeting, the Planning Commission resolved, determined, and ordered the following findings:

1. No substantial evidence that the proposed project will have a significant effect on the environment; and
2. Findings for Case Nos.: GPA-07-03/ZR-07-09/PMS-08-03/SP-08-105 are based on evidence submitted at the May 7, 2009 meeting.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Supervisors finds the project is subject to environmental review under the California Environmental Quality Act (CEQA), and finds that there is no substantial evidence that the proposed project will have a significant effect of the environment; and
2. The Board of Supervisors makes the findings for Case Nos.: GPA-07-03/ZR-07-09/PMS-08-03/SP-08-105 based on the submitted evidence; and
3. The Board of Supervisors approves the General Plan Amendment, Zone Reclassification, Parcel Map Subdivision, and Special Permit Application as recommended by the Planning Commission at their May 7, 2009 meeting, subject to the recommended conditions of approval.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. The General Plan designation for the subject property in the Willow Creek Community Plan be amended from Public to Residential Low Density with a density of one dwelling unit per acre (RL1); and
2. The Zone District for the subject property be amended from Agriculture Exclusive (AE) to Residential Suburban (RS).

ATTACHMENT 6

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

Referral Agency	Recommendation	Location
Building Inspection Division	Approval	On file with Planning
County Public Works, Land Use Division Memorandum dated April 13, 2016	Comments	Attached
County Public Works, Land Use Division Subdivision Requirements	Conditional Approval	Attached as Exhibit A, Attachment 1
Division Environmental Health	Approval	On file with Planning
Willow Creek Community Services District	Approval	On file with Planning
Willow Creek Fire Protection District	No response	
CA Department of Fish & Game	No response	
Cal Fire	Approval	On file with Planning
North Coastal Information Center	Approval	On file with Planning



DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	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 *RB*

DATE: 04/13/2016

RE: ZABEL, APN 522-181-001, PMS-16-001 / SP-16-030

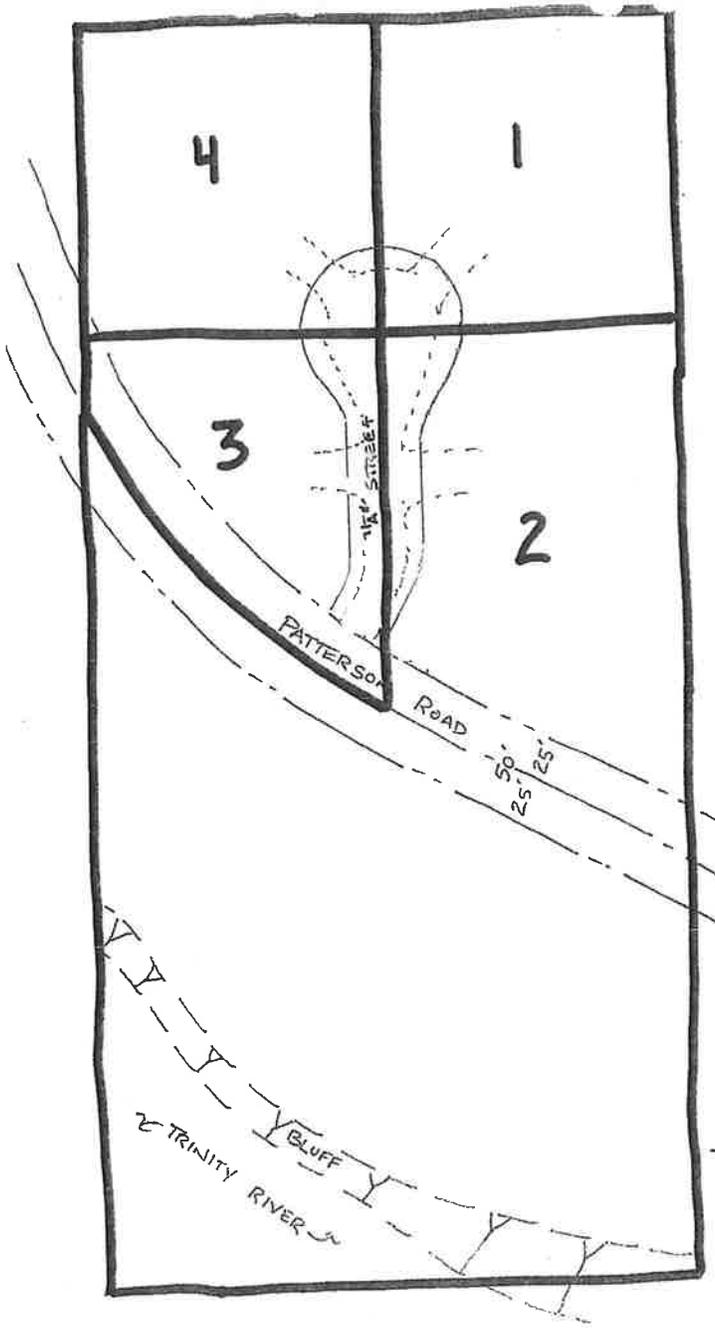
PRIOR TENTATIVE MAP: This project was previously approved by the Planning Commission on 05/07/2009. At the time that the project was approved by the Planning Commission, the Department expressed concerns about the layout of the subdivision and recommended an alternate street configuration. The Planning Commission did not approve the alternate street configuration presented by the Department. The Department still recommends the alternate street configuration which is shown on the following page.

The attached subdivision requirements are based upon the applicant's road configuration and are essentially the same as the subdivision requirements for the prior tentative map.

With the prior tentative map, the applicant has improvement plans that were pending approval. The same improvement plans may be used for this project. The applicant will need to seek approval of the improvement plans from Willow Creek Community Services District, Willow Creek Fire Protection District, PG&E, and Verizon.

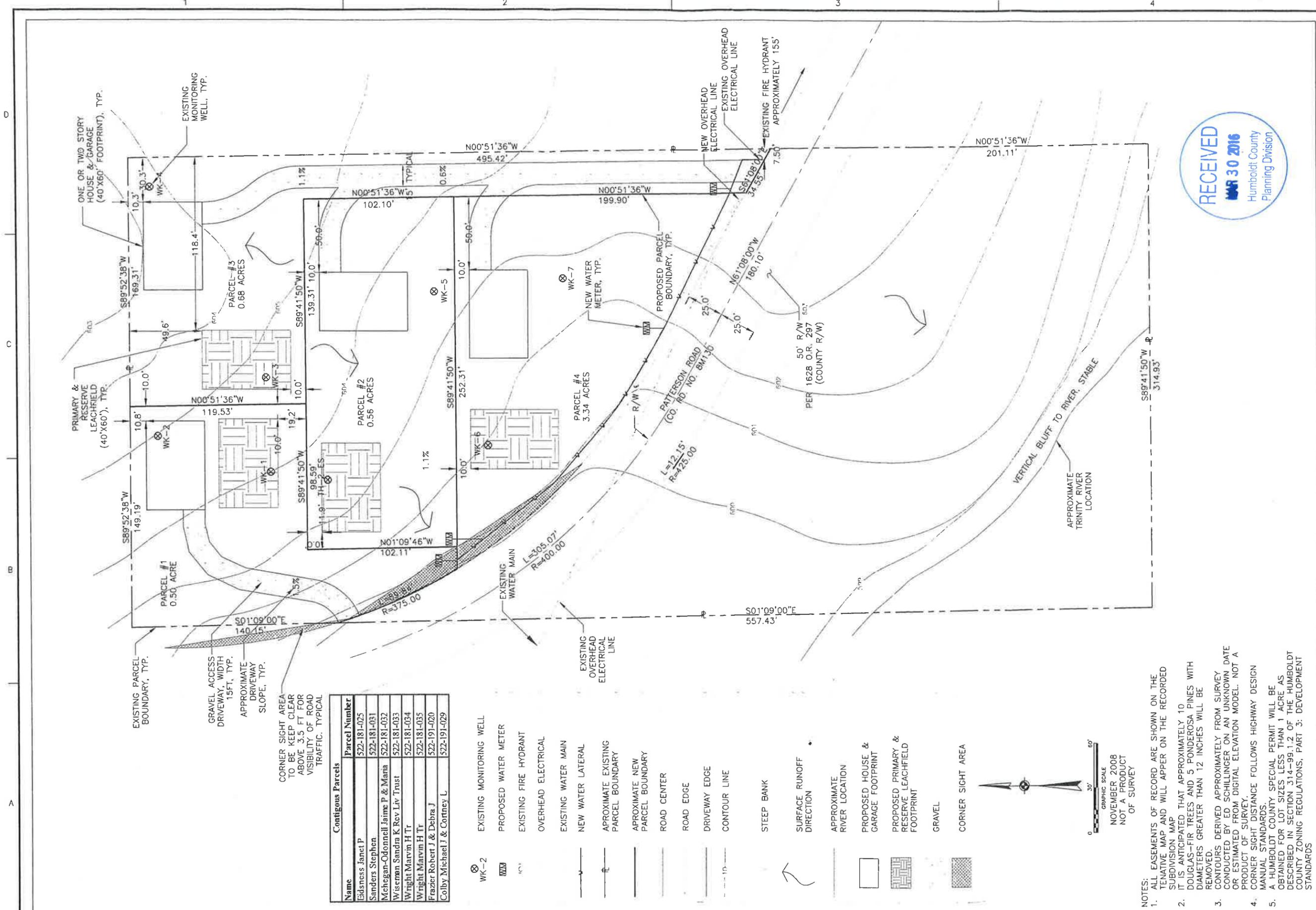
PRELIMINARY SUBDIVISION REPORT: A preliminary report was submitted in lieu of a preliminary subdivision report as specified in County Code Section 323-6(c).

ON-STREET PARKING (PATTERSON ROAD): Patterson Road is not developed with a parking lane, therefore all required parking must be developed on site.



Above: Department of Public Works preferred parcel layout.

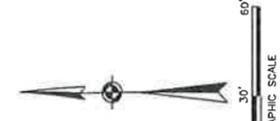
// END //



CORNER SIGHT AREA TO BE KEPT CLEAR ABOVE 3.5 FT FOR VISIBILITY OF ROAD TRAFFIC. TYPICAL

Contiguous Parcels	
Name	Parcel Number
Edness Janet P	522-181-025
Sanders Stephen	522-181-031
McHegan-O'Donnell Jaime P & Maria	522-181-032
Wiseman Sandra K, Rev Liv Trust	522-181-033
Wright Marvin H Tr	522-181-034
Frazier Robert J & Debra J	522-181-035
Colby Michael J & Courtney L	522-191-029

- ⊗ WK-2 EXISTING MONITORING WELL
- ⊗ PROPOSED WATER METER
- ⊗ EXISTING FIRE HYDRANT
- OVERHEAD ELECTRICAL
- EXISTING WATER MAIN
- NEW WATER LATERAL
- APPROXIMATE EXISTING PARCEL BOUNDARY
- APPROXIMATE NEW PARCEL BOUNDARY
- ROAD CENTER
- ROAD EDGE
- DRIVEWAY EDGE
- CONTOUR LINE
- STEEP BANK
- SURFACE RUNOFF DIRECTION
- APPROXIMATE RIVER LOCATION
- ▭ PROPOSED HOUSE & GARAGE FOOTPRINT
- ▭ PROPOSED PRIMARY & RESERVE LEACHFIELD FOOTPRINT
- ▭ GRAVEL
- ▭ CORNER SIGHT AREA



NOVEMBER 2008
NOT A PRODUCT
OF SURVEY

- NOTES:
- ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP
 - IT IS ANTICIPATED THAT APPROXIMATELY 10 DOUGLAS-FIR TREES AND 5 PONDEROSA PINES WITH DIAMETERS GREATER THAN 12 INCHES WILL BE REMOVED.
 - CONTOURS DERIVED APPROXIMATELY FROM SURVEY CONDUCTED BY ED SCHILLINGER ON AN UNKNOWN DATE OR ESTIMATED FROM DIGITAL ELEVATION MODEL. NOT A PRODUCT OF SURVEY.
 - CORNER SIGHT DISTANCE FOLLOWS HIGHWAY DESIGN MANUAL STANDARDS.
 - A HUMBOLDT COUNTY SPECIAL PERMIT WILL BE OBTAINED FOR LOT SIZES LESS THAN 1 ACRE AS DESCRIBED IN SECTION 314-99.1.2 OF THE HUMBOLDT COUNTY ZONING REGULATIONS, PART 3: DEVELOPMENT STANDARDS

TENTATIVE MAP FRANK ZABEL - WILLOW CREEK APN# 522-181-001		SEE SCALE BAR
JOB NUMBER 1077507002		REVISIONS
SHEET 1 OF 8		WINZLER KELLY CONSULTING ENGINEERS 633 THIRD STREET EUREKA, CA 95501-0417 PH (707) 443-8326 FAX (707) 441-8550
RECEIVED MAR 30 2016 Humboldt County Planning Division		APPROVED DATE