



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

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

Hearing Date: August 19, 2021

To: Humboldt County Planning Commission

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

Subject: **John Rotter** Parcel Map Subdivision, Coastal Development Permit and Special Permit  
Record Number PLN-2019-15532  
Assessor's Parcel Numbers (APNs) 517-261-002, 517-261-007  
1948 and 2056 Patrick's Point Drive, Trinidad Area

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 19, 2021	Parcel Map Subdivision, Coastal Development Permit, Special Permit	Trevor Estlow

**Project:** A Minor Subdivision of an approximately 7.08-acre parcel into two parcels of approximately 4.78 acres and 2.2 acres in size. The parcel is currently bisected by Patrick's Point Drive which would normally act as the dividing line, however, in order to comply with the Rural Land Division policies of the Coastal Act, approximately 0.72 acres of proposed Parcel 2 will be located on the west side of Patrick's Point Drive, with the remaining 1.48 acres located on the east side. The parcel is currently developed with a single-family residence on proposed Parcel 1 and an Accessory Dwelling Unit on proposed Parcel 2. A Special Permit is required for Design Review. A Coastal Development Permit issued by the California Coastal Commission is required for the approval of the subdivision. Water is provided by the Parvin Creek Mutual Water System as well as a spring on proposed Parcel 1. On-site wastewater treatment systems exist on both proposed parcels. **Note: This Tentative Map Subdivision and Mitigated Negative Declaration were previously approved and certified by the Planning Commission on December 4, 2014 under PMS-13-011, SCH# 2014102071. Subsequently, the tentative map expired and this is the reapplication of the same map to which the only change is to alter the parcel sizes to comply with the Rural Land Division policies of the Coastal Act.**

**Project Location:** The project site is located in the Trinidad area, on both sides of Patrick's Point Drive, at the intersection of Patrick's Point Drive and Seawood Drive, on the properties known as 1948 and 2056 Patrick's Point Drive.

**Present Plan Land Use Designation:** Rural Residential (RR(a)); Trinidad Area Plan (TAP). Density: one unit per 2 acres. Slope Stability: Low, Moderate and High Instability.

**Present Zoning:** Rural Residential Agriculture with a two-acre minimum parcel size including combining zones for Archaeological Resources, Design Review and Offshore Rocks and Intertidal Areas (RA-2/A,D,O).

**Record Number:** PLN-2019-15532

**Assessor Parcel Numbers:** 517-261-002, 517-261-007

Applicant	Owner	Agent
John Rotter and Jeannette Gavin PO Box 1250 Trinidad, CA 95570	Same as applicant	N/A

**Environmental Review:** The project requires environmental review.

**Major Issues:** None.

**State Appeals Status:** Project is appealable to the California Coastal Commission.

Rotter Parcel Map Subdivision, Coastal Development Permit and Special Permit  
Record Numbers PLN-2019-15532  
Assessor's Parcel Numbers: 517-261-002, 517-261-007

**RECOMMENDED COMMISSION ACTION:**

1. Describe the application as part of the consent agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

Find that the Planning Commission has considered the Addendum to the previously adopted Mitigated Negative Declaration, make all of the required findings for approval of the Parcel Map Subdivision, Coastal Development Permit and Special Permit, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Rotter project subject to the recommended conditions.

The applicant proposes a Parcel Map subdivision of an approximately 7.08-acre parcel into two parcels of approximately 4.78 acres and 2.2 acres in size. The parcel is currently bisected by Patrick's Point Drive which would normally act as the dividing line, however, in order to comply with the Rural Land Division policies of the Coastal Act, approximately 0.72 acres of proposed Parcel 2 will be located on the west side of Patrick's Point Drive, with the remaining 1.48 acres located on the east side. The parcel is currently developed with a single-family residence on proposed Parcel 1 and an Accessory Dwelling Unit on proposed Parcel 2. A Special Permit is required for Design Review. A Coastal Development Permit issued by the California Coastal Commission is required for the approval of the subdivision. Water is provided by the Parvin Creek Mutual Water System as well as a spring on proposed Parcel 1. On-site wastewater treatment systems exist on both proposed parcels.

This Tentative Map Subdivision, Coastal Development Permit, Special Permit and Mitigated Negative Declaration were previously approved and certified by the Planning Commission on December 4, 2014 under PMS-13-011, SCH# 2014102071. Subsequently, the tentative map expired and this is the reapplication of the same map to which the only change is to alter the parcel sizes to comply with the Rural Land Division policies of the Coastal Act. The previous approval also included the construction of an Accessory Dwelling Unit which was constructed and will remain on proposed Parcel 2.

The Rural Land Division policies of the Coastal Act and the Trinidad Area Plan require that "land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels." The applicant submitted a Rural Land Analysis (Attachment 2) that surveyed 20 parcels within a ¼-mile radius and within the same zone. The analysis found that 18 of the 20 parcels were developed, meeting the first test. Additionally, the analysis found that the median lot size was 2.2 acres. Therefore, the two created parcels will be no smaller than the average size of surrounding parcels, meeting the second test.

The subject parcel was created by a Lot Line Adjustment in 1987 as shown on a Record of Survey filed in Book 47 of Surveys, Page 55 (Attachment 2). Previous to the Lot Line Adjustment, the parcel was created by Parcel Map No. 335 in 1973 (Attachment 2). After the subdivision approval and prior to the Lot Line Adjustment, a portion of Parcel 2 created by Parcel Map No. 335 known as APN 517-261-004 was conveyed to a third party in 1985. This was done in violation of the Subdivision Map Act and without Coastal Commission or County approval. A Notice of Violation was recorded on this parcel. The Coastal Development Permit associated with the previous subdivision approval recognized this prior conveyance as to the Rotter parcel and included the merger of APN 517-261-

004 with an adjacent legal parcel (APN 517-261-005) to correct the subdivision violation. A Notice of Merger was recorded to correct this violation (Attachment 2).

Both parcels currently gain access off of Patrick's Point Drive, a County maintained road (County Road #3N010). Patrick's Point Drive is the old State Highway and meets the minimum width requirement. The only improvement required to the road is the paving of the encroachment onto proposed Parcel 2 which was done with the previous approval.

This parcel is located within the Coastal Zone, in the Trinidad area, along both sides of Patrick's Point Drive, at the intersection of Seawood Drive. The parcel is located in the Coastal Scenic area which requires certain siding and roofing materials, additional setbacks from public roads, siting of homesites on flatter portions and that timber harvests comply with timber harvest visual standards for Special Treatment Areas. The proposal does not require the removal of any trees over 12 inches diameter at breast height (dbh). A large swath of vegetation will remain along the County road frontage to screen the subject parcel.

Each site is currently served by on-site wastewater disposal systems. Both an on-site spring and water from the Parvin Creek Mutual Water System provide water to the parcels. These systems have been reviewed and approved by the Division of Environmental Health (DEH).

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision.

**ALTERNATIVES:**

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



- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

**SUBDIVISION FINDINGS (Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)**

**3. FINDING:** The proposed subdivision together with the provisions for its design and improvements, is consistent with the County's General Plan.

**EVIDENCE:** a) See EVIDENCE under FINDING 8.

**4. FINDING** The tentative subdivision map conforms with the requirements and standards of the County's subdivision regulations.

**EVIDENCE** a) The staff site inspections, referral comments and recommendations all indicate that the proposed subdivision creates lots suitable for their intended uses.

- b) The Land Use Division of Public Works has required the applicant to be responsible to correct any involved drainage problems to the satisfaction of the Department of Public Works.

Adequate access to the subdivision is provided by Patrick's Point Drive, a County maintained road. Any road work necessary within the County right of way will require an encroachment permit.

- c) All parcels will be served by individual on-site sewer and water facilities. The appropriate testing has occurred and been provided to the Division of Environmental Health which has recommended approval of the project based on these findings.

- d) Both parcels will be served by Patrick's Point Drive, a County road with a 140 foot right of way.

- e) The subdivision will provide adequate off-street parking, resulting in four spaces per parcel.

- f) Consistent with California Government Code Section 66474.02, structural fire protection and suppression services are provided through contract with CALFIRE by County Service Area #4.

**5. FINDING** The proposed subdivision conforms to all requirements of the County's zoning regulations.

**EVIDENCE** (a) See EVIDENCE under FINDING 9.

**6. FINDING** 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.

**EVIDENCE** The proposed project seeks to divide a 7.08-acre parcel into two parcels of 4.78 acres and 2.2 acres in size. The parcel was not part of the inventory associated with the 2019 Housing Element. The

subdivision may facilitate future development providing additional housing units. Therefore, the division is in compliance with Housing Element law.

### **COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT FINDINGS**

**7. FINDING:** The proposed development is in conformance with the County General Plan, including the Eel River Area Plan.

- EVIDENCE:**
- a) The Rural Residential (RR) designation applies to rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development. The project will divide a parcel siting two existing residences on individual parcels.
  - b) The project complies with the County's Housing Element as it will not add to nor subtract from the County Housing Inventory.
  - c) The property is located in an area of low, moderate and high slope instability and outside the Alquist-Priolo Fault Hazard Zone. A Bluff Retreat Study was prepared by SHN Consulting Engineers (September 2013) for the proposed subdivision. The report found a low risk associated with bluff retreat hazard for the proposed building site on proposed Parcel 2.

The proposed building site is located outside mapped flood hazard areas and, with a building site at approximately 260 feet in elevation, outside the zone of potential inundation by a tsunami. The site is not shown on the Planning Scenario for a Great Earthquake on the CSZ (CDMG, 1995, Map S-1). The project site is not within a mapped dam or levee inundation area.

The area has a high fire hazard rating. All development will be in accordance to Fire Safe standards.

- d) Although no rivers, creeks or associated riparian habitats (other than the Pacific Ocean) are identified within the vicinity of the proposed development, offshore rocks and intertidal areas are identified just to the southwest of the parcel. The nearest coastal stream is Parvin Creek which is unmapped and unnamed on the USGS 7.5 minute quad map. Parvin Creek is located just north of Seawood Drive and flows under Patrick's Point Drive into the Pacific Ocean. A tributary to Parvin Creek is utilized as a water source and is regulated by a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW). A representative from the CDFW has visited the site and did not identify any concerns.
- e) The applicant retained the services of William Rich and Associates to prepare a Cultural Resource Investigation. The report found that the site was used a borrow pit and not likely to contain cultural resources. Nonetheless, a standard condition has been included should any cultural resources be found during site development.
- f) The proposed subdivision will create one new parcel that will contain and existing residence. Both resultant parcels would qualify for the construction of an accessory dwelling unit. Due to the existing vegetation along the County road, visual impacts are anticipated to be less than significant.
- g) Coastal Act and Trinidad Area Plan policy requires that land divisions shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no

smaller than the average size of surrounding parcels. The applicant has demonstrated that 90% of the parcels in the study area are developed and the median parcel size is 2.2 acres. The project complies with this policy.

- h) TAP policy §3.40(B)(1) states "No development shall be approved that is not compatible with the physical scale of development as designated in the zoning for the subject parcel". The parcel is zoned RA which has a maximum building (structure) height of 35'. The existing development ranges from 16 feet to approximately 26 feet in height. The project is located outside the urban limit and is a residential use which is principally permitted in the zone. The project can be found compatible with the physical scale of the existing development in the "neighborhood" which is primarily characterized by one- or two-story single-family residences and described as "cabin" or "bungalow" in regards to architectural style.

**8. FINDING:**

The proposed development is consistent with the purposes of the existing zone in which the site is located; and the proposed development conforms to all applicable standards and requirements of these regulations.

**EVIDENCE:**

- a) Principally permitted uses in the RA Zone include Single-Family Residences and General Agriculture. The subdivision will divide the parcel and site the existing residence on one parcel and the existing Accessory Dwelling Unit on the other parcel.
- b) Both parcels will be over the two-acre minimum parcel size.
- c) All development conforms to the development standards of the zone, including maximum height, lot coverage and setbacks.
- d) The property is within the Archaeological Resource Area Outside Shelter Cove combining zone. The applicant retained the services of William Rich and Associates to prepare a Cultural Resource Investigation. The report found that the site was used a borrow pit and not likely to contain cultural resources. Nonetheless, a standard condition has been included should any cultural resources be found during site development.
- e) The property is within the Design Review combining zone. The existing residences, although not visible from the nearest public road, is in keeping with the rural character of the surrounding neighborhood.
- f) The property is within the Offshore Rocks and Rocky Intertidal Areas combining zone. An aerial photo of the area shows the offshore rocks to be approximately 600 feet to the southwest of the proposed building site. Note: The California Coastal Commission (CCC) has retained jurisdiction for the associated Coastal Development Permit on the west side of the County road.
- g) The subdivision complies with the Rural Residential Agriculture Land Division policies. Of the 20 parcels surveyed, 18 are developed with a main residence and the average parcel size is 2.2 acres.
- h) The Access Inventory in Section 3.50 B.5 of the TAP does not identify a coastal access at this location. Lands west of Patrick's Point Drive are presently within an area of deferred certification where the Coastal Commission retains permitting authority over new development.

**SUPPLEMENTAL COASTAL SCENIC FINDINGS (§312-39.3)**

**9. FINDING**

The project is sited and designed to be subordinate to the character of the setting.

**EVIDENCE**

- a) As both parcels will be developed and no grading or tree removal is necessary, the setting will remain unchanged. Future development will require further review under a Coastal Development Permit.

**DECISION**

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

- 1. Adopts the findings set forth in this resolution; and
- 2. Conditionally approves the Rotter Parcel Map Subdivision, Coastal Development Permit and Special Permit, based upon the findings and evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

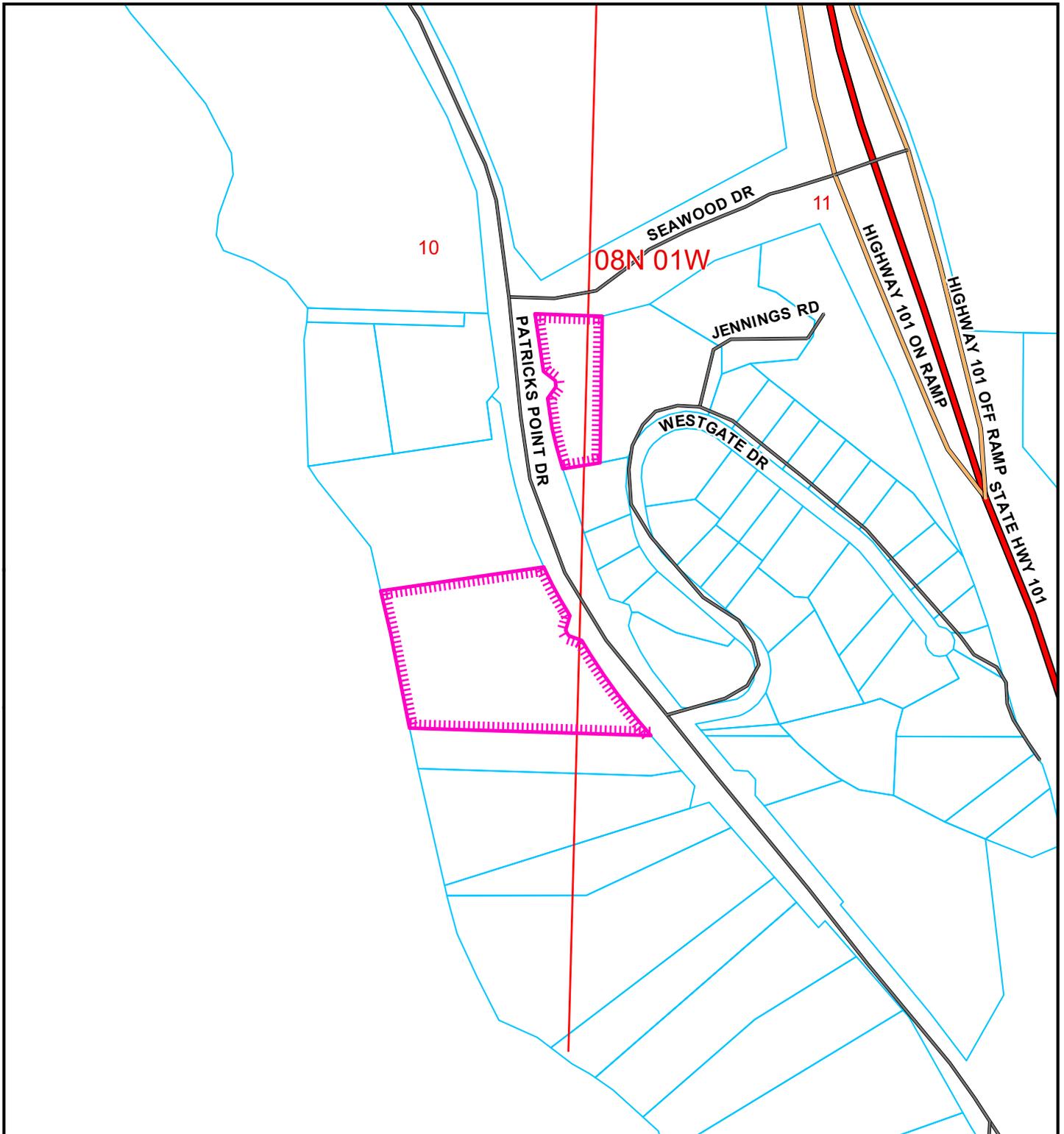
Adopted after review and consideration of all the evidence on August 19, 2021.

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

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

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

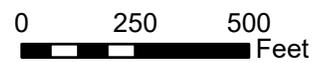
\_\_\_\_\_  
 John H. Ford, Director  
 Planning and Building Department



**LOCATION MAP**

**Project Area =** 

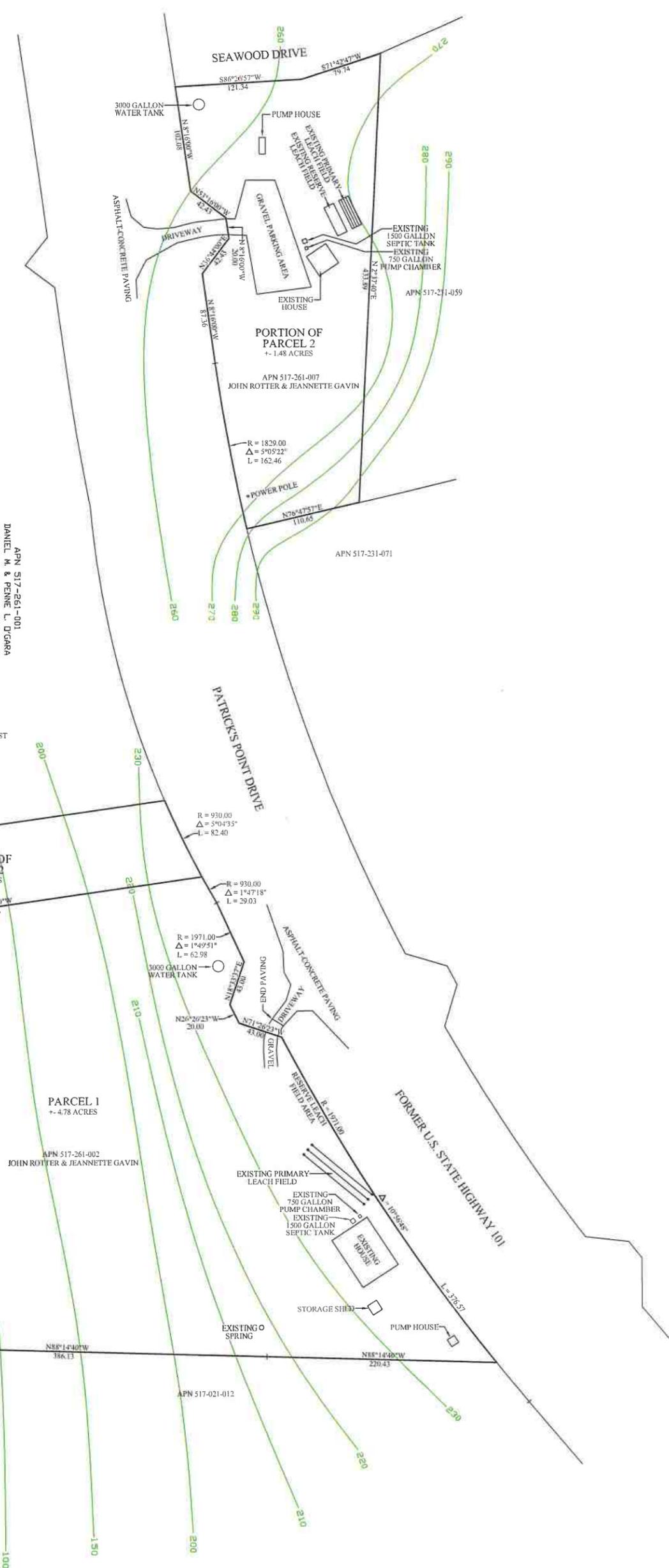
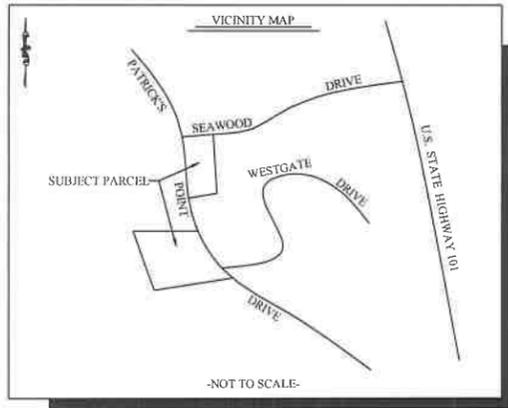
**PROPOSED JOHN ROTTER  
MINOR SUBDIVISION  
TRINIDAD AREA  
PLN-2019-15532  
APN: 517-261-002, -007  
T08N R01W S10 HB&M (Trinidad)**



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.

**NOTES**

1. THIS TENTATIVE MAP PROPOSES THE SUBDIVISION OF AN EXISTING 7.12 ACRE PARCEL INTO TWO PARCELS.
2. WATER AND SEWER SERVICES:  
 PARCEL 1 - EXISTING PRIVATE WATER SYSTEM AND SPRING AND EXISTING SEPTIC TANKS AND LEACH FIELDS.  
 PARCEL 2 - PARVIN CREEK MUTUAL WATER SYSTEM AND EXISTING LEACH FIELDS.
3. CONTOUR INTERVAL: SCALED CONTOURS PER MID HUMBOLDT COUNTY TOPOGRAPHIC MAPPING, BY CLAIR A. HILL & ASSOCIATES, DATED 1969.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED FOR THIS MAP.
5. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:  
 BOOK 166 O.R., PAGE 211 - HIGHWAY ACCESS RIGHTS AND WAIVER OF DAMAGES.  
 BOOK 797 O.R., PAGE 53 - LACK OF ABUTTERS RIGHTS FOR THE HIGHWAY.  
 BOOK 894 O.R., PAGE 532 - WAIVER OF CLAIMS FOR DAMAGES FOR HIGHWAY CONSTRUCTION AND MAINTENANCE.  
 INSTRUMENT NO. 2007-4918-4 - DEED RESTRICTIONS FOR COASTAL DEVELOPMENT.  
 INSTRUMENT NO. 2007-8330-16 - DEED RESTRICTIONS FOR COASTAL DEVELOPMENT.  
 ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.
6. ADDRESS: 1948 PATRICK'S POINT DRIVE



AGENT/SURVEYOR:  
 MICHAEL J. O'HERN  
 KELLY-O'HERN ASSOCIATES  
 3240 MOORE AVENUE  
 EUREKA, CA 95501  
 (707)442-7283

OWNER:  
 JOHN ROTTER & JEANNETTE GAVIN  
 1948 PATRICK'S POINT DRIVE  
 TRINIDAD, CA 95570  
 (707)677-3272

APN 517-261-002, -007  
**TENTATIVE PARCEL MAP**  
 FOR  
**JOHN R. ROTTER AND  
 JEANNETTE P. GAVIN**  
 IN  
 SECTIONS 10 7 11 TRN, R1W, HUMBOLDT MERIDIAN  
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
 JANUARY 2021 SCALE 1" = 50'

HUMBOLDT COUNTY  
 STATE OF CALIFORNIA  
 KELLY-O'HERN ASSOCIATES  
 EUREKA, CALIFORNIA

**ATTACHMENT 1  
CONDITIONS OF APPROVAL**

Approval of the tentative map is conditioned on the following terms and requirements which must be satisfied before completion of the project.

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 included herein as Exhibit A dated **June 3, 2021**, 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 \$100.00 per parcel) as required by the County Assessor shall be paid to the Planning and Building Department, 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. 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 shall include the following site development details:
  - A. Mapping
    - (1) Topography of the land in 10-foot contours.
    - (2) Development standards for parcels: building "envelopes" (location of existing structures and proposed building sites including identified sewage disposal areas).
    - (3) Proposed improvements including waterline easements, driveways, access easements and emergency access and vehicle turn around, as applicable.
  - B. Notes to be placed on the Development Plan:
    - (1) The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
      - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).



2. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
3. Site preparation and grading work for subdivision improvements will require a Grading Plan from the Land Use Division of Public Works. Please contact the Land Use Division at 707-445-7205 for more information concerning permit requirements and processing.
4. The term of the approved Tentative Map, Coastal Development Permit 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.
5. If cultural resources are encountered during construction activities the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) will be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

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

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

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

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

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

**TO:** Trevor Estlow, Senior Planner

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

**RE:** SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE ROTTER, APPLICATION # PLN-2019-15532 PMS, APN 517-261-002 & -007, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 7.08 ACRES INTO 2 PARCELS

**DATE:** 06/03/2021

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

**These recommendations are based on the tentative map prepared by Kelly-O'Hern dated January 2021, and not date stamped as received by the Humboldt County Planning Division.**

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

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

**1.0 MAPPING**

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

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

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

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

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

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

- 1.3 DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.

- 1.4 EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.

**1.5 DEDICATIONS**

<NONE>

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

**2.0 IMPROVEMENTS**

<NONE>

**3.0 DRAINAGE**

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

**3.2 DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on site and/or off-site in a manner and location approved by this Department.

**3.3 DETENTION/RETENTION FACILITIES:** Applicant shall develop Parcel 2 so that there is no net increase in storm water runoff.

**4.0 GRADING**

<NONE>

**5.0 MAINTENANCE**

<NONE>

**6.0 DEVELOPMENT PLAN**

<NONE>

**7.0 LANDSCAPING**

<NONE>

// END //



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

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

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

	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409		
ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

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**LAND USE DIVISION INTER OFFICE MEMORANDUM**

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TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

DATE: 06/03/2021

RE: ROTTER, APN 517-261-002, PLN-2019-15532 PMS

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

**PRIOR TENTATIVE MAP:** This is a re-activation of an expired tentative map. The proposed project is identical to the expired tentative map. At the time that the tentative map was approved by the Planning Commission in 2014, the commission eliminated the Public Works requirement for a drainage report and added the condition that required the applicant to develop Parcel 2 so that there is no net increase in storm water runoff.

The project has been conditioned to 1) require a drainage report to ensure that there are no drainage deficiencies with the subject property; and 2) required that Parcel 2 be developed so that there is no net increase in storm water runoff.

// END //

## ATTACHMENT 2

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

Document	Date Received by Planning	Location
Tentative Subdivision Map	April 15, 2019	<b>Attached</b> in Maps
Application Form	April 15, 2019	On file with Planning
Preliminary Title Report	April 15, 2019	On file with Planning
Bluff Retreat Hazard Assessment - Update	February 25, 2021	On file with Planning
Volumetric Water Testing - Spring	April 15, 2019	<b>Attached</b>
State Water Resource Control Board – Right to Divert and Use Water	April 15, 2019	<b>Attached</b>
California Department of Fish and Wildlife Lake and Streambed Alteration Agreement	April 15, 2019	<b>Attached</b>
On-site spring testing	April 15, 2019	<b>Attached</b>
Cultural Resource Investigation	April 15, 2019	On file with Planning
Record of Survey Book 47, Page 55	September 10, 2013	<b>Attached</b>
Parcel Map No. 335	September 10, 2013	<b>Attached</b>
Notice of Merger and Certificate of Subdivision Compliance	June 5, 2020	<b>Attached</b>
Notice of Determination filed December 5, 2014	April 15, 2019	<b>Attached</b>

February 25, 2014

John Rotter  
P.O. Box 1250  
Trinidad, CA 95570-1250

RE: Spring flow measurement

Dear Mr. Rotter:

On September 1, 2012, per your request, I measured the overflow from a spring development that is used by you and two adjacent owners for domestic water supplies. The development is located on the east side of Highway 101, east of the northbound onramp from Seawood Drive and a few hundred feet north of Seawood Drive.

The area had been developed with a collection facility and I measured the overflow from a pipe. I estimated that the collection facility captured approximately 75% of the flow of water.

The length of time for the overflow to fill a five-gallon bucket was measured three times. The length of time was measured at between 62 and 65 seconds. Using the time of 65 seconds, the overflow has been calculated at 6646 gallons per day.

It is my understanding that you have two shares of this water and two neighbors each have one share. Each share equals 1661 gallons per day.

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

Sincerely,  
Kelly-O'Hern Associates



Michael J. O'Hern  
LS 4829





**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION D032848

CERTIFICATE D1107

Right Holder: Parvin Creek Mutual Water System  
Lois Morehead  
Jon Morehead  
John Rotter  
Penne O’Gara  
Jeannette Gavin  
PO Box 1250  
Trinidad, CA 95570

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **July 27, 2017**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017. The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small domestic use appropriation. (Wat. Code, § 1228 et seq.)

**Right holder is hereby granted a right to divert and use water as follows:**

1. Source of water: **Unnamed Stream**  
tributary to: **Parvin Creek thence the Pacific Ocean**  
within the County of **Humboldt**.

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 1	County	Assessor’s Parcel Number
<b>North 2,290,965 feet and East 5,968,403 feet</b>	<b>Humboldt</b>	<b>517-032-026</b>

3. Purpose of use	4. Place of use	
	County	Assessor’s Parcel Number
<b>Domestic</b>	<b>Humboldt</b>	<b>517-261-001, 517-261-002, 517-261-005, 517-261-007</b>

The place of use is shown on map on file with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1,800 gallons per day** by direct diversion to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this right shall not exceed **2.02 acre-foot per year**.
6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless the right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless the right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.
10. No water shall be diverted under this right for irrigating any commercial crop (e.g. crop grown for sale or trade), or for irrigating more than one-half acre of lawn, ornamental shrubbery, or gardens not associated with an establishment within the place of use.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. Right holder shall grant, or secure authorization through the right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
  - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
  - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

13. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, the right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, the right holder may be required to otherwise compensate the holders of such rights for injury caused.
14. This right shall not be construed as conferring right of access to any lands or facilities not owned by the right holder.
15. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
16. If storage or diversion of water under this right is by means of a dam, the right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
17. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife.
18. This right does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
19. No water shall be diverted under this right unless the right holder complies with the reporting, measuring, and monitoring requirements of Chapters 2.7 and 2.8 of Division 3 of Title 23 of the California Code of Regulations. If there is any conflict or inconsistency between these regulations and the conditions in this right for reporting, measuring, and monitoring the diversion and use of water, the more stringent requirement or requirements shall control in each instance.
20. This right is subject to renewal prior to the expiration of each five-year period following the priority date of this right. This right shall be renewed only if the right holder has paid the renewal fee and properly reported the diversion and use of water under this right in accordance with the requirements of the State Water Board. This right shall be revoked upon failure of the right holder to renew the right as required by the conditions of this certificate. (Wat. Code, § 1228.5.)

21. Right holder is on notice that any of the following may be cause for the State Water Board to consider revocation (including partial revocation) of this right: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence; (2) cessation or partial cessation of beneficial use of water; (3) failure to observe any of the terms or conditions of this right; or (4) a finding by the State Water Board that the right holder knowingly made a false statement or knowingly concealed any material fact in the registration. (Wat. Code, § 1228.4.)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY  
ROBERT CERVANTES FOR:

*Erik Ekdahl, Deputy Director  
Division of Water Rights*

Dated: **JUL 13 2018**

CALIFORNIA DEPARTMENT OF FISH AND GAME  
NORTHERN REGION  
601 LOCUST STREET  
REDDING, CALIFORNIA, 96001



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2012-0029-R1  
PARVIN CREEK

RECEIVED

MAY 30 2012

JOHN ROTTER AND ET AL.  
PARVIN CREEK WATER DIVERSION PROJECT

D. F. G. – EUREKA

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG), Mr. John Rotter, Ms. Jenna Gavin, Mr. Dan O'Gara, Ms. Penne O'Gara, Mr. Jon Morehead, and Ms. Lois Morehead (Permittees).

#### RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittees notified DFG on February 3, 2012, that Permittees intend to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, DFG has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittees have reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittees agree to complete the project in accordance with the Agreement.

#### PROJECT LOCATION

The project is situated in a perennial spring, a tributary to Parvin Creek, a tributary to Pacific Ocean. The project is located north of the town of Trinidad in the County of Humboldt; State of California; NW 1/4 of Section 11, Township 8 North, Range 1 West, Humboldt Base and Meridian; Trinidad U.S. Geological Survey (USGS) 7.5 Minute Quadrangle Map; Latitude 41° 05' 58.60" N and Longitude 124° 09' 12.00" W; Assessors Parcel Number (APN) 517-032-26.

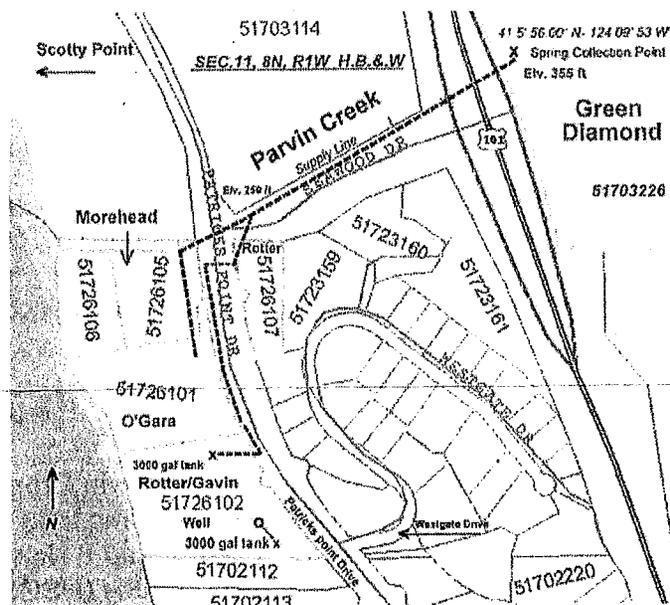
#### PROJECT DESCRIPTION

The project is limited to one encroachment to divert water for domestic water use. Water is collected in an existing spring box with one valve and intake pipeline. The water is delivered via gravity and branching pipeline to four parcels (APN 517-261-01, -

02, -05 and -07) at a rate of 5 gallons per minute (7,200 gallons per day) when in use. The diversion of the Permitees involves a water allocation of 1,800 gallons per day to each parcel when in full use with actual usage estimated at 100 gallons per day per parcel. Mr. John Rotter and Ms. Jenna Gavin are two Permitees associated with two parcels (APN 517-261-02 and -07). Mr. Dan O'Gara and Ms. Penne O'Gara are two Permitees associated with one parcel (APN 517-261-01). Mr. Jon Morehead and Ms. Lois Morehead are two Permitees associated with one parcel (APN 517-261-05).

The spring box utilized for water collection is a plastic-lined metal box with an outflow valve and pipeline at the base of the downhill side of the spring box. The spring box is located east of the Seawood Drive onramp onto Highway 101 heading north, just east of the California Department of Transportation right-of-way on Green Diamond Resource Company property. The water delivery pipeline to all the parcels runs west into an underground drainage system along the edge of Seawood Drive onramp and then south into a subsurface drainage system on Parvin Creek. Next the pipeline crosses Highway 101 within the subsurface drainage system for Parvin Creek, and then exits the drainage system at the point where Parvin Creek daylights and runs along the southern side of Parvin Creek branching into the four parcels. See Figure 1 below.

**Figure 1: Parvin Creek Water Diversion Spring Box and Delivery Pipelines.**



The project activities to be included in this Agreement include water diversion, spring box maintenance, and spring box replacement. The current water diversion has been estimated by Permitees at an average daily use of 50 to 80 gallons per household (parcel). Currently, bypass water flows occur over the top of the spring box and at the base of box due to eroding base that allows water seepage, which during low flow conditions facilitates bypass flows when water may not overtop the spring box.



John Rotter/Jenna Gavin  
121 Anderson Lane  
Trinidad, California 95570

August 1, 2006

RE: Water Production Test for A.P. No.: 517-261-002, located at 1948 Patrick's Drive, Trinidad, Humboldt County, California.

Dear John and Jenna,

At your request we are providing you with the results from dry season water production testing on parcel A.P. No.: 517-261-002, located at 1948 Patrick's Point Drive, Trinidad, Humboldt County, California. This water production test represents water flow from a unnamed spring located on this property. We understand you intend to construct a residence on this parcel. Currently, the minimum flow accepted by the Humboldt County Division of Environmental Health (DEH) is 0.28 gallons per minute (gpm), or 400 gallons per day, per residence providing there is 1,500 gallons storage capacity.

Testing was conducted on this site by containers of known sizing beneath a 4-inch pipe which was connected to the spring collection area. This test did not measure an outflow of stored water, but actual spring flow volume. The time it took to fill the known quantity was recorded. For the first portion of the test a 5-gallon bucket, graduated in 1-gallon increments, was used. Using the 5-gallon bucket two (2) test runs were conducted. Once collecting 5-gallons of water and once collecting 2-gallons of water. The remainder of the test was conducted by placing a large funnel underneath the collection pipe to direct flow into a 1-gallon graduated glass jar. The 1-gallon glass jar is graduated in 1/4-gallon increments. This test was repeated five (5) times in order to achieve an average flow volume (See attached Water Production Testing Sheet).

Water production testing at this location resulted in an average captured flow of 0.95-gallons per minute or 1,368 -gallons per day (see attached data sheet). Under current DEH regulations, water production on this site is adequate to provide water for a newly constructed family residence.

If you have any further questions, please contact us.

Pacific Watershed Associates

  
Kathy Moley  
Professional Geologist # 7495

RECEIVED

AUG 01 2006

HUMBOLDT COUNTY  
PLANNING COMMISSION

Enclosure

RECEIVED

AUG 02 2006

HUMBOLDT COUNTY  
PLANNING COMMISSION

**Water Production Testing**

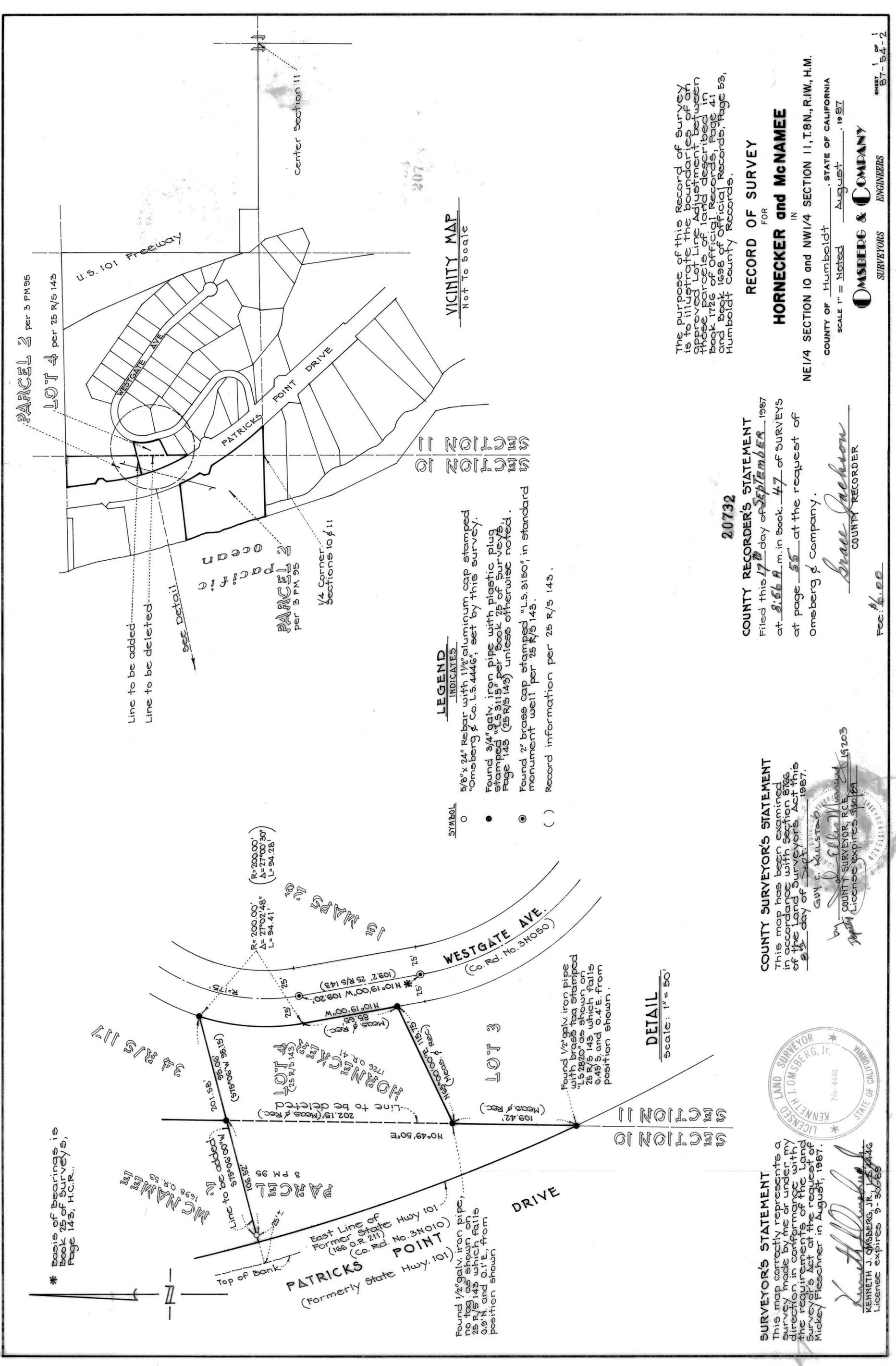
**Date:** 8/1/06  
**Logged By:** KM  
**Weather:** Sunny  
**Time:** 8:30 AM

**Project Name:** Gavin/Rotter  
**A.P. No.:** 517-261-002  
**Project Location:** 1948 Patrick's Point Drive  
**Collection Method:** 5-gallon graduated bucket and a 1-gallon graduated glass container

**Date of Testing:** 8/1/06

**Comments:**

Unkamed Spring	Trial Number	Gallons Collected	Time in Seconds	Time in Minutes	Gallons per Minute
	1	5.00	310	5.17	0.97
	2	2.00	136	2.27	0.88
	3	1.00	63	1.05	0.95
	4	1.00	62	1.03	0.97
	5	1.00	62	1.03	0.97
	6	1.00	62	1.03	0.97
	7	1.00	62	1.03	0.97
				<b>Average</b>	<b>0.95</b>



\* Basis of bearings is Book 25 of Surveys, Page 143, H.C.R.

Line to be added  
Line to be deleted

sec Detail

PARCEL 2  
per 3 PM 95

LOT 4  
per 25 R/S 143

WESTGATE AVE  
(Co. Rd. No. 3N050)

PATRICKS POINT DRIVE  
(Formerly State Hwy. 101)

U.S. 101 Freeway

Center Section 11

1/4 Corner Sections 10 & 11

Found 1/2" galv. iron pipe, no tag, as shown on 25 R/S 143 which falls 0.9' N. and 0.1' E. from position shown

Found 1/2" galv. iron pipe with brass tag stamped "L.S. 2820" as shown on 25 R/S 143 which falls 0.45' S. and 0.4' E. from position shown.

Found 2" brass cap stamped "L.S. 3150", in standard monument well per 25 R/S 143.

Record information per 25 R/S 143.

**LEGEND**  
INDICATES

- 5/8" x 24" Rebar with 1 1/2" aluminum cap stamped "Omsberg & Co. L.S. 4446", set by this survey.
- Found 3/4" galv. iron pipe with plastic plug stamped "L.S. 3115", per Book 25 of Surveys, Page 143 (25 R/S 143) unless otherwise noted.
- ⊙ Found 2" brass cap stamped "L.S. 3150", in standard monument well per 25 R/S 143.
- ( ) Record information per 25 R/S 143.

**VICINITY MAP**  
Not To Scale

**DETAIL**  
Scale: 1" = 50'

The purpose of this Record of Survey is to illustrate the boundaries of an approved Lot Line Adjustment between those parcels of land described in Book 1726 of Official Records, Page 41 and Book 1698 of Official Records, Page 63, Humboldt County Records.

**RECORD OF SURVEY**  
FOR  
**HORNECKER and McNAMEE**  
IN

NE 1/4 SECTION 10 and NW 1/4 SECTION 11, T.8N., R.1W., H.M.

COUNTY OF Humboldt, STATE OF CALIFORNIA  
SCALE 1" = Noted August 1987

**OMSBERG & COMPANY**  
SURVEYORS ENGINEERS

SHEET 1 OF 1  
87-54-2

BOOK 47 OF SURVEYS, PAGE 55

**COUNTY RECORDER'S STATEMENT**  
Filed this 17<sup>th</sup> day of SEPTEMBER, 1987

at 8:56 a.m. in Book 47 of SURVEYS at page 55 at the request of Omsberg & Company.

*Trace Jackson*  
COUNTY RECORDER

Fee: \$6.00

**COUNTY SURVEYOR'S STATEMENT**

This map has been examined in accordance with Section 8166 of the Land Surveyors Act of 1987, day of Sept, 1987.

GUY C. KUNSTADT  
COUNTY SURVEYOR, R.C.E.  
License expires 3/31/91



**SURVEYOR'S STATEMENT**  
This map correctly represents a survey made by me or under my direction in conformity with the requirements of the Land Surveyors Act at the request of Mickey Fleschner in August, 1987.

*Kenneth J. Omsberg, Jr.*  
KENNETH J. OMSBERG, JR., L.S. 4446  
License expires 9-30-88

**SURVEYOR'S CERTIFICATE**

This map was prepared under my direction and was compiled from record data and is based upon a field survey in conformance with the requirements of the Subdivision Map Act at the request of Dorothy Steeves in September, 1973. I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof, that all provisions of applicable state law and local ordinances have been complied with.

By *Walter B. Sweet*  
WALTER B. SWEET R.C.E. 13184

**COUNTY SURVEYOR'S CERTIFICATE**

This map has been examined this 15<sup>th</sup> day of FEBRUARY, 1974, at 11:36A m. in Book 3 with the requirements of Section 11575 of the Subdivision Map Act.

By *Guy C. Kulstad*  
Guy C. Kulstad R.C.E. 11950  
County Surveyor

**2669 RECORDER'S CERTIFICATE**

Filed this 15<sup>th</sup> day of FEBRUARY, 1974, at 11:36A m. in Book 3 of Parcel Maps at Page 95, Humboldt County Records, at the request of Walter B. Sweet.

By *Emmalene Alcala*  
Emmalene Alcala  
County Recorder, Humboldt County  
By *Ernest Jackson*  
Ernest Jackson  
Deputy

Fee \$5.00

**LEGEND**

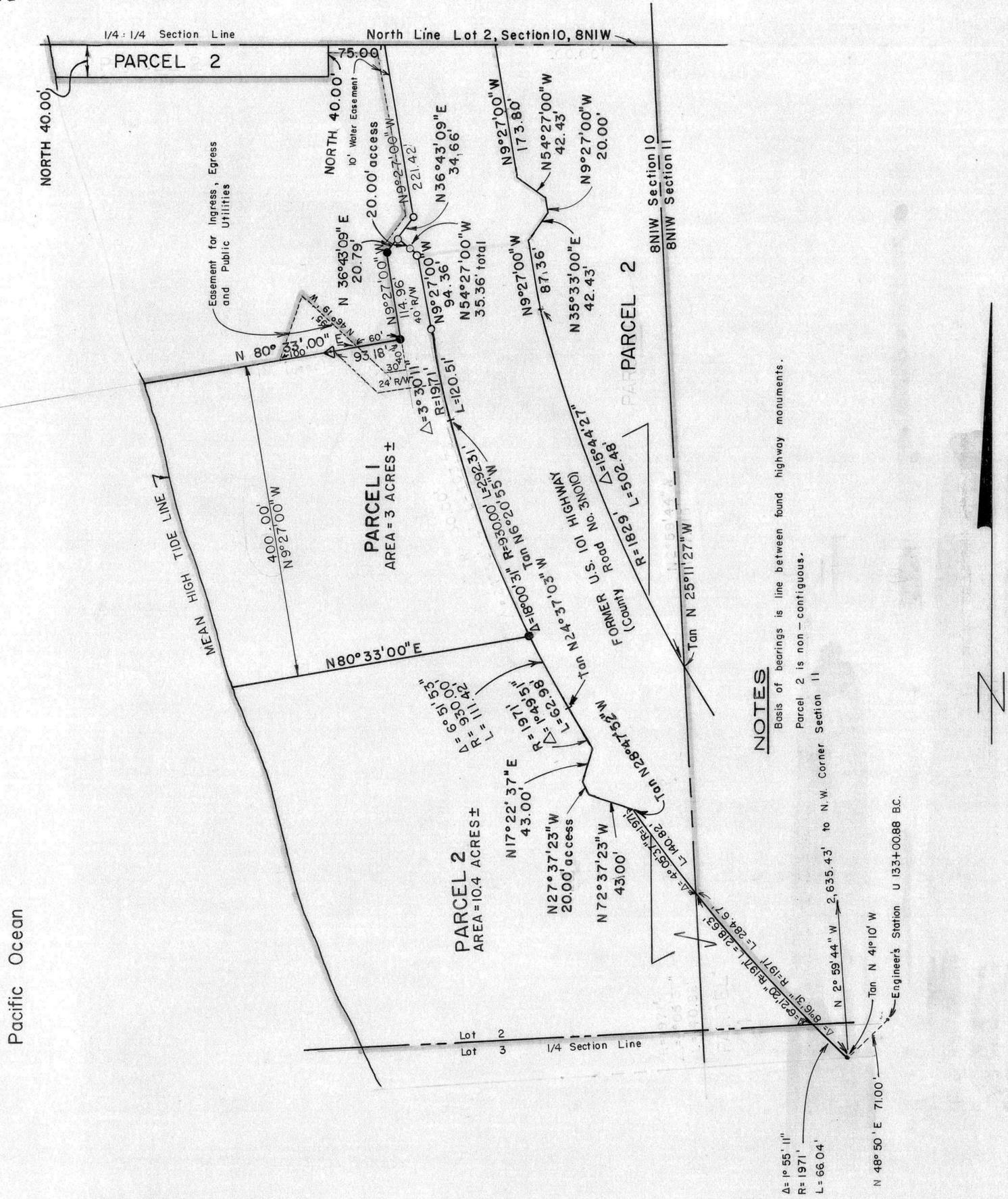
- Found concrete Highway Monuments.
- Set 3/4" x 30" iron pipe with plug stamped R.C.E. 13184.
- △ Set 3/4" x 30" iron pipe.

PARCEL MAP NO. 335  
FOR

**EFFA N. MASSEY**

IN  
SECTIONS 10&11, T8N, R1W, H.M.  
In Unincorporated Territory in the County of Humboldt  
BY  
WALTER B. SWEET CIVIL ENGINEER  
ARCATA, CALIFORNIA

SCALE: 1"=100' SEPTEMBER, 1973



**NOTES**

Basis of bearings is line between found highway monuments.  
Parcel 2 is non-contiguous.

Parcel 2 is non-contiguous.  
Section 11

△ = 1° 55' 11"  
R = 1971'  
L = 66.04'  
N 48° 50' E 71.00'  
Tan N 41° 10' W  
N 2° 59' 44" W 2,635.43' to N.W. Corner  
Engineer's Station U 133+00.88 BC.

2020-009068

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Pages: 4

Recording Fee: \$ 35.00  
Tax Fee: \$0.00  
Clerk: sc Total: \$35.00  
Jun 05, 2020 at 11:01:22



Recording Requested By:  
Humboldt County  
Planning and Building Department

Return To:  
Humboldt County  
Planning and Building Department  
3015 H Street  
Eureka CA 95501-4484

NOTICE OF MERGER  
AND  
CERTIFICATE OF SUBDIVISION COMPLIANCE

Property Owner(s) Of Record:

Assessor's Reference Number(s):

**Jon F. Morehead and Lois K. Morehead, Co-Trustees of  
The Morehead Family Trust**

**517-261-004, 517-261-005**

Application No:

Case No: **PLN-2019-15775**

NOTICE IS HEREBY GIVEN pursuant to Section 66499.20 3/4 of the Government Code of the State of California that the real properties described in the attached EXHIBIT "A" **have been merged together into one parcel or unit of land**, and that said real properties are not separate properties for purpose of subdivision or development.

NOTICE IS FURTHER GIVEN that said merger has been executed by the owner(s) of record of the real properties, and not by a local agency.

THIS NOTICE IS GIVEN by the person(s) whose name(s) is/are subscribed on page 3 of this instrument as the owner(s) of record of the real properties described in the attached EXHIBIT "A".

On this 29<sup>th</sup> day of may, 2020, I HEREBY CERTIFY that the merger for which this Notice is given has been executed with the approval of the County of Humboldt and that the parcel or unit of land resulting from the merger complies with the provisions of the California Subdivision Map Act and County of Humboldt Ordinances enacted pursuant thereto.

THIS CERTIFICATE relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto and no further compliance with the Subdivision Map Act is necessary. However, development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

THIS CERTIFICATE DOES NOT CERTIFY that the real property for which this notice has been given is suitable for development in accordance with existing or future regulations.

BY \_\_\_\_\_

John H. Ford, Director  
County of Humboldt Planning and Building Department

CERTIFICATE OF ACKNOWLEDGMENT

**A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.**

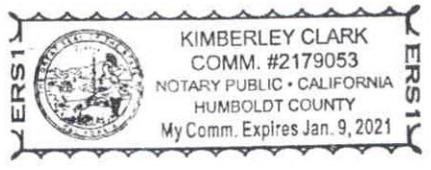
STATE OF CALIFORNIA }  
COUNTY OF HUMBOLDT }

On this 29<sup>th</sup> day of May, 2020, before me, Kimberley Clark  
Notary Public, personally appeared **JOHN H. FORD** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

  
Signature



(seal)

**OWNER'S REPRESENTATION**

We hereby represent that We the ownerS of record of the real properties described in the attached EXHIBIT "A" and that we have consented to and executed the property merger for which We have given the notice herein.

(for names and signatures)

Jon F. Morehead  
\_\_\_\_\_  
Sign above. Print name here: Jon F. Morehead \*

Lois K. Morehead  
\_\_\_\_\_  
Sign above. Print name here: Lois K. Morehead \*

Jon F. Morehead Lois K. Morehead  
\_\_\_\_\_  
Sign above. Print name here:

\* **Jon F. Morehead and Lois K. Morehead, Co-Trustees of The Morehead Family Trust dated 6 22, 1998**

If additional notary acknowledgment required, please attach full page acknowledgment form

**CERTIFICATE OF ACKNOWLEDGMENT**

**A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.**

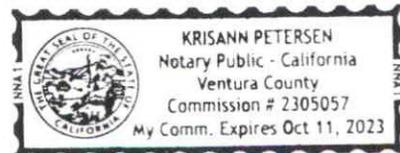
STATE OF CALIFORNIA }  
COUNTY OF ~~HUMBOLDT~~ }  
                  BUTTE CO }

On this 22nd day of May, 2020, before me, Krisann Petersen Notary Public, personally appeared Jon F. Morehead and Lois K. Morehead who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Krisann Petersen  
\_\_\_\_\_  
Signature



(seal)

**EXHIBIT A**

**PROPERTY DESCRIPTION**

All that real property situated in the County of Humboldt, State of California, described as follows:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL ONE**

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE STATE HIGHWAY LAND, AS CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED APRIL 16, 1951, IN BOOK 166 OF OFFICIAL RECORDS, PAGE 211, AS RECORDER'S FILE NO, 4083, HUMBOLDT COUNTY RECORDS, WITH THE NORTH LINE OF LOT 2 IN SECTION 10, TOWNSHIP 8 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN; RUNNING THENCE SOUTH 9 DEGREES 27 MINUTES EAST ALONG SAID WESTERLY LINE OF THE STATE HIGHWAY LAND, 221.42 FEET TO AN ANGLE POINT THEREIN;

THENCE CONTINUING ALONG SAID WESTERLY LINE AND THE SOUTHWESTERLY EXTENSION THEREOF, SOUTH 36 DEGREES 43 MINUTES 09 SECONDS WEST, 55.45 FEET; THENCE SOUTH 9 DEGREES 27 MINUTES EAST, PARALLEL WITH THE WESTERLY LINE OF SAID HIGHWAY LAND, 114.96 FEET; THENCE AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, SOUTH 80 DEGREES 33 MINUTES WEST, 310 FEET; THENCE NORTH 9 DEGREES 27 MINUTES WEST, 377 FEET TO A POINT 40 FEET SOUTH OF THE NORTH LINE OF SAID LOT 2; THENCE EAST, PARALLEL WITH SAID NORTH LINE, 272.03 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE OF LOT 2; AND THENCE EAST, ALONG THE LAST MENTIONED LINE, 75 FEET TO THE POINT OF BEGINNING.

**PARCEL TWO**

BEGINNING ON THE NORTH LINE OF LOT 2 IN SECTION 10, TOWNSHIP 8 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN, AT A POINT DISTANT THEREON 75 FEET WEST OF THE WESTERLY LINE OF THE STRIP OF LAND CONVEYED TO THE STATE OF CALIFORNIA FOR FREEWAY PURPOSES, BY DEED RECORDED APRIL 16, 1951, IN BOOK 166 OF OFFICIAL RECORDS, PAGE 211;

THENCE SOUTH 40 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 2 TO THE MEAN HIGH TIDE OF THE PACIFIC OCEAN;

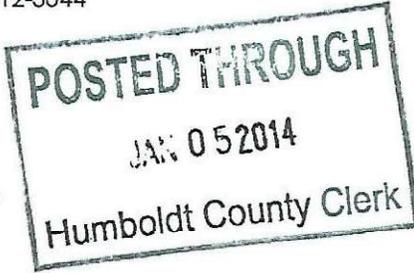
THENCE NORTHERLY ALONG SAID MEAN HIGH TIDE LINE TO THE NORTH LINE OF SAID LOT 2; AND THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

**NOTICE OF DETERMINATION**

To:  Office of Planning and Research  
1400 Tenth Street  
PO Box 3044  
Sacramento CA 95812-3044

From: County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka CA 95501

County of Humboldt  
County Clerk  
825 Fifth Street  
Eureka CA 95501



Contact: Trevor Estlow  
Telephone: 707-268-3740

931738

CAROLYN CRNICH  
Humboldt County Clerk

Contact:  
Telephone:

FILED

DEC 05 2014

BY W. Johnson

FILED

Lead Agency (if different from above):  
Address:

Applicant: John Rotter and Jeanette Gavin  
PO Box 1250  
Trinidad, CA 95570

APN: 517-261-002, 517-261-007  
Case No.: PMS-13-011, CDP-14-047, SP-13-043

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: 2014102071

Project Title: Rotter Subdivision

Project Location: The project site is located in the Trinidad area, on both sides of Patrick's Point Drive, at the intersection of Patrick's Point Drive and Seawood Drive, on the properties known as 1948 and 2056 Patrick's Point Drive.

Project Description: A Minor Subdivision of an approximately 7.08 acre parcel into two parcels of approximately 5.6 acres and 1.48 acres in size. A Special Permit is requested to utilize Lot Size Modification pursuant to Section 313-99.1.1.2 of the Zoning Regulations to deviate from the 2-acre minimum parcel size for the resultant 1.48 acre parcel. The parcel is currently bisected by Patrick's Point Drive which will act as the dividing line. The parcel is currently developed with a single family residence west of the road (proposed Parcel 1). A Coastal Development Permit and Special Permit are requested for the construction of an approximately 576 square foot secondary dwelling unit on proposed Parcel 2 prior to the recordation of the subdivision including Design Review. A Coastal Development Permit issued by the California Coastal Commission is required for the approval of the subdivision. Water is provided by the Parvin Creek Mutual Water System as well as a spring on proposed Parcel 1. On-site wastewater treatment systems are existing and proposed.

This is to advise that the,  Lead Agency or  Responsible Agency, Humboldt County Planning Commission has approved the above described project on December 4, 2014 and has made the following determinations regarding the above described project:

1. The project  will  will not have a significant effect on the environment.  
 An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
2.  A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.  
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan  was  was not adopted for this project.
5. A statement of Overriding Considerations  was  was not adopted for this project.
6. Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA 95501

Signature:  Date: 12/4/14

Title: Senior Planner Date received for filing at OPR: \_\_\_\_\_

**ATTACHMENT 3**  
**CEQA Addendum**

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION  
Rotter Parcel Map Subdivision, Coastal Development Permit and Special Permit  
(State Clearinghouse # 2014102071)**

**APNs 517-261-002, 517-261-007, 1948 and 2056 Patrick's Point Drive, Trinidad, Humboldt County**

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

**August 2021**

## Background

**Project Description and Project History** - The project involves a Parcel Map Subdivision (PMS), Coastal Development Permit (CDP) and Special Permit (SP) to allow for the subdivision of an approximately 7.08-acre parcel into two parcels of approximately 4.78 acres and 2.2 acres in size. A Special Permit is required for Design Review.

This Tentative Map Subdivision and Mitigated Negative Declaration were previously approved and certified by the Planning Commission on December 4, 2014 under PMS-13-011, SCH# 2014102071. Subsequently, the tentative map expired and this is the reapplication of the same map to which the only change is to alter the parcel sizes to comply with the Rural Land Division policies of the Coastal Act. The MND reviewed the project proposal and required specific mitigation measures to mitigate impacts to a less than significant level. The impacts associated with the current proposal will be the same as identified in the original MND.

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

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

### Summary of Significant Project Effects and Mitigation Recommended

**Aesthetics:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Agriculture and Forestry Resources:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Air Quality:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Biological Resources:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Cultural Resources:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Energy:** Energy use will likely be unaffected as the project is built out and no additional development is proposed.

**Geology and Soils:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Greenhouse Gas Emissions:** Greenhouse gas emissions will likely be unaffected as the project is built out and no additional development is proposed.

**Hazards and Hazardous Materials:** The project will have no effect on hazardous materials.

**Hydrology and Water Quality:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Land Use and Planning:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Mineral Resources:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Noise:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Population and Housing:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Public Services:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Recreation:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Transportation:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Tribal Cultural Resources:** As mentioned above in **Cultural Resources**, these impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Utilities and Service Systems:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Wildfire:** These impacts were analyzed under the previous MND and no additional impacts are associated with the project.

**Mandatory Findings of Significance:** The project will not affect the environment and does not result in cumulative impacts.

No changes are proposed for the original MND recommended mitigations.

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

## FINDINGS

1. The proposed project is the re-approval of a previously approved subdivision that has subsequently expired. Aside from the resultant parcel sizes changing slightly, the proposed subdivision does not constitute a substantial change and does not require additional mitigation measures not included in the original MND.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

#### CONCLUSION

Based on these findings it is concluded that an Addendum to the previously adopted MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

**ATTACHMENT 4**

**Referral Agency Comments and Recommendation**

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

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection	✓	Conditional Approval		✓
County Public Works, the Land Use Division	✓	Conditional Approval	As <b>Attachment</b> 1, Exhibit "A"	
County Division of Environmental Health	✓	Approval		✓
California Coastal Commission				
California Department of Forestry and Fire Protection (Calfire)	✓	No comments		✓
California Department of Fish and Game				
Regional Water Quality Control Board				
North Coast Air Quality Management District				

**ATTACHMENT 5**  
**Public Comments**

**McClenagan, Laura**

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**Subject:** FW: Rotter - Gavin project

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**From:** Michael Dobrich <[dobrich23@gmail.com](mailto:dobrich23@gmail.com)>  
**Sent:** Tuesday, August 10, 2021 12:43 PM  
**To:** Estlow, Trevor <[TEstlow@co.humboldt.ca.us](mailto:TEstlow@co.humboldt.ca.us)>  
**Subject:** Rotter - Gavin project

Dear Mr. Estlow,

I am a homeowner in the Seagate subdivision and I have no objection or issue with the Rotter - Gavin subdivision PLN-2019-155532 project.

Thank you,

Michael Dobrich  
138 Westgate Dr.