



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: December 1, 2016

To: Humboldt County Planning Commission

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

Subject: **Brian and Jennifer Merrill Parcel Map Subdivision**
Application Number 9569
Case Numbers PMS-15-006
Assessor Parcel Numbers 516-011-034-000, 516-021-024-000
1150 Sawdust Trail, Fieldbrook area

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Please contact Trevor Estlow 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	Subject	Contact
December 1, 2016	Parcel Map Subdivision	Trevor Estlow

Project: A Minor Subdivision of a 22.66 acre parcel into two parcels of 12.66 acres and 10.00 acres in size. The parcel is developed with a single family residence, on-site wastewater treatment system and several accessory structures which will all remain on proposed Parcel 1. Pursuant to Section 325-9 of the Subdivision Regulations the applicant submitted an exception request to the minimum right of way width requirements for a portion of Grassy Creek Road. Water will be provided by the current shared wells on APN 516-011-035 and both parcels will be served by on-site wastewater treatment systems.

Project Location: The project site is located in the Fieldbrook area, at the end of Sawdust Trail Road, approximately one mile east of Fieldbrook Road, on the property known as 1150 Sawdust Trail Road.

Present Plan Designation: Agriculture Rural (AR10). Northern Humboldt General Plan (NHGP). Density: one dwelling unit per 10 acres. Slope Stability: High Instability.

Present Zoning: Agriculture General with a 10-acre minimum parcel size and a Qualified combining zone (AG-B-5(10)-Q).

Application Number: 9569

Case Numbers: PMS-15-006

Assessor Parcel Numbers: 516-011-034-000, 516-021-024-000

Applicant

Brian and Jennifer Merrill
1150 Sawdust Trail Road
Fieldbrook, CA 95519

Owner

same as applicant

Agent

Points West Surveying Co.
Michael Pulley
5201 Carlson Park Dr., Ste. 3
Arcata, CA 95521

Environmental Review: Project requires environmental review.

Major Issues: None

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

MERRILL PARCEL MAP SUBDIVISION
Case Numbers PMS-15-006
Assessor Parcel Numbers 516-011-034-000, 516-021-024-000

Recommended Planning 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 a part of the consent agenda:

Adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Parcel Map Subdivision, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Merrill project subject to the recommended conditions.

Executive Summary: The applicant is proposing a subdivision of a 22.66 acre parcel into two parcels of 12.66 and 10 acres in size. The parcel is developed with a single family residence, on site wastewater treatment system and several accessory buildings which will all remain on proposed Parcel 1. Proposed Parcel 2 will be vacant and suitable for residential development. Water will be provided by the existing shared wells on APN 516-011-035 and sewage disposal will require on-site wastewater treatment systems.

Both parcels will be served by Sawdust Trail Road (a private road with a 50 foot right of way) off of Fieldbrook Road (a County maintained road). The project site is located near the end of Sawdust Trail Road, almost one mile from Fieldbrook Road. The property also has access to Grassy Creek Road, thereby creating a through road for the purposes of the Firesafe Ordinance. The parcel was part of a previous subdivision that created an improvement plan (Sawdust Trail North Road Improvement Plan) for further subdivision and secondary dwelling units. This was memorialized by the addition of the Q-zone. Phases 1 – 3 have been completed as part of previous subdivisions on the road and this subdivision will be required to complete Phase 4. The Department of Public Works has provided subdivision requirements that are consistent with the Firesafe Ordinance and the road improvement plan. A preliminary drainage study was not required for the subdivision given the large parcel sizes, however, the Department of Public Works has made the submittal of a complete hydrologic report and drainage plan along with the correction of any drainage problems associated with the subdivision a condition of approval. The applicant has submitted an exception request, pursuant to County Code Section 325-9. The exception dated October 19, 2016 (Attachment 3) is to request a reduced right of way width for Grassy Creek Road as it falls within the subject parcel. Public Works has reviewed this exception and can support the request as stated in their memo dated October 21, 2016 (Attachment 5). Should the Commission choose to grant the exception, Alternative 1 should be chosen as the recommended action.

The site is in an area of larger-lot rural development southeast of the town of Fieldbrook. There are predominantly similarly sized rural residential lots due to the absence of community services. The parcel has varied topography with Grassy Creek located approximately 1,000 feet to the south. The geologic hazards map for this area indicates a high instability rating, therefore, a soils report prepared by a licensed engineering geologist was prepared (SHN, May 2015). There are no mapped flood hazards on the property.

Referral comments received from the Northwest Information Center, as well as the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria recommended that an archaeological survey be conducted on the property. The applicant provided a report that was prepared for a Timber Harvest Plan done in 2000. The Tribal Historic Preservation Officers

reviewed the report and found that it sufficiently addressed their concerns. No further study was required and it was recommended that the standard condition of approval regarding inadvertent discovery be included in the project. This is included as a mitigation measure in the Mitigated Negative Declaration and on the Development Plan.

All responding referral agencies have recommended approval or conditional approval of the project. Project approval is conditioned upon meeting their requirements. The Department has prepared and circulated a draft Mitigated Negative Declaration (MND) and has determined that the project, as proposed, mitigated and conditioned, will not have a significant effect on the environment. The MND was circulated to the State Clearinghouse 30 days prior to the hearing date and a Notice of Intent to adopt the MND was also published 30 days prior to the hearing.

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

Alternative 1: The Planning Commission could approve the exception request submitted by the applicant to provide a reduced right of way width for Grassy Creek Road as it falls within the subject parcel.

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

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

**Case Numbers PMS-15-006
Assessor Parcel Numbers 516-011-034-000, 516-021-024-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Merrill Parcel Map Subdivision

WHEREAS, Points West Surveying Co., on behalf of the owner, submitted an application and evidence in support of approving the Parcel Map Subdivision; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision (Case Number PMS-15-006); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on December 1, 2016.

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

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Number PMS-15-006 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 Number PMS-15-006.

Adopted after review and consideration of all the evidence on December 1, 2016.

The motion was made by Commissioner and seconded by Commissioner .

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

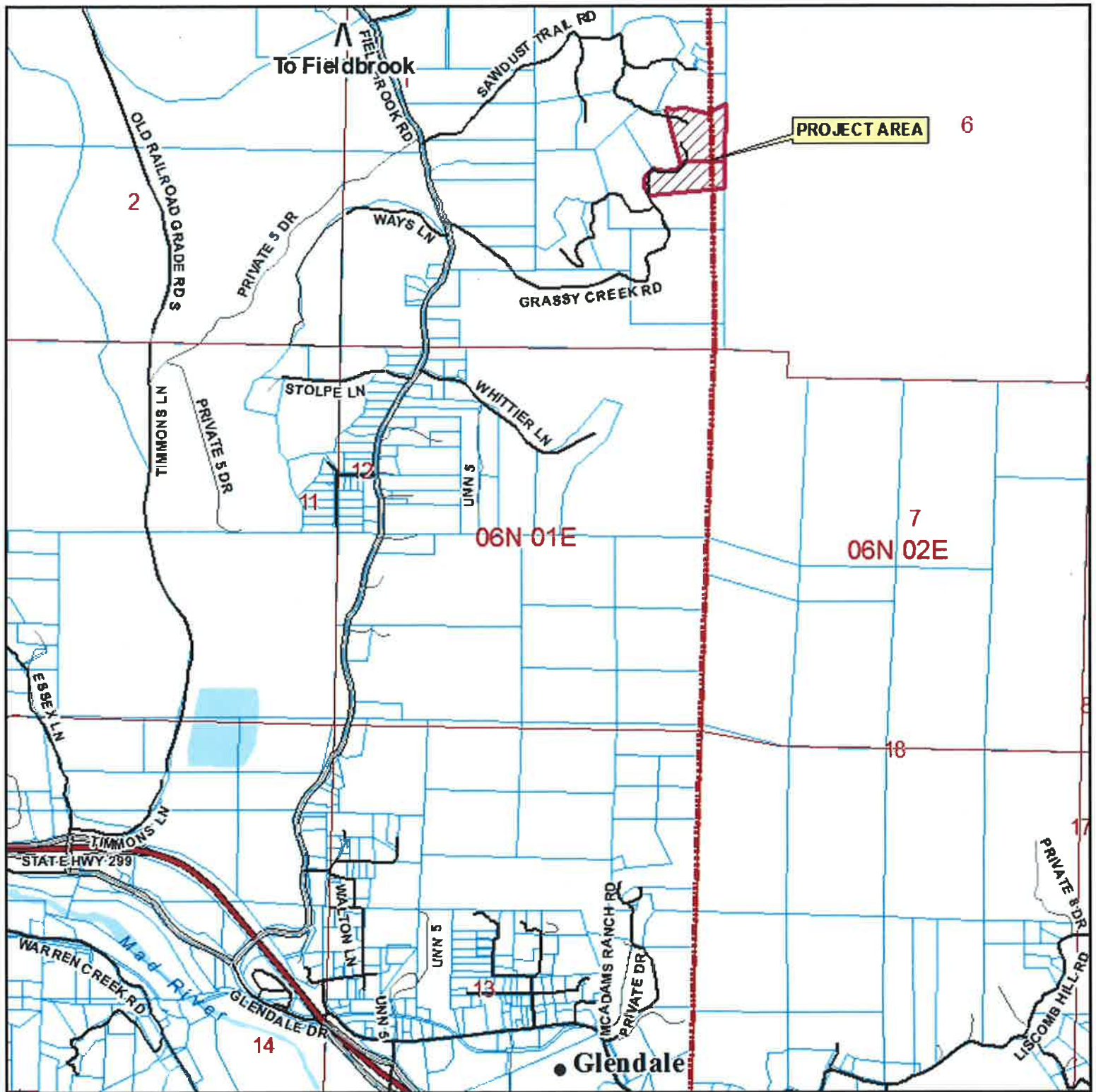
ABSENT: Commissioners:

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 MERRILL PARCEL MAP SUBDIVISION FIELDBROOK AREA PMS-15-006

APN: 516-011-034, 516-021-024
T06N R01E S01 HB&M (Arcata North)

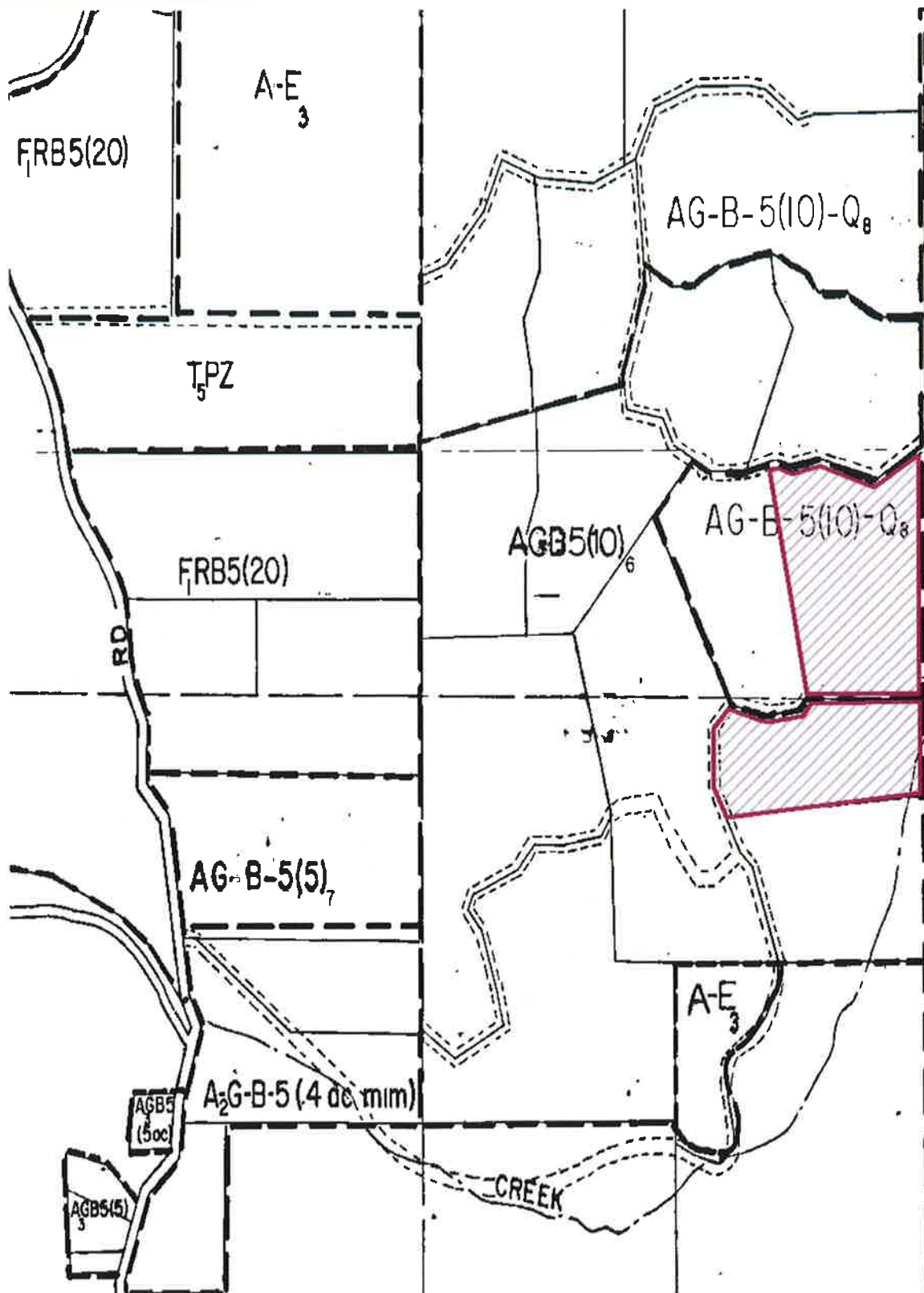
Project Area =



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

0 0.25 0.5
Miles





ZONING MAP

**PROPOSED MERRILL
PARCEL MAP SUBDIVISION
FIELDBROOK AREA
PMS-15-006**

**APN: 516-011-034, 516-021-024
T06N R01E S01 HB&M (Arcata North)**

PROJECT AREA = 

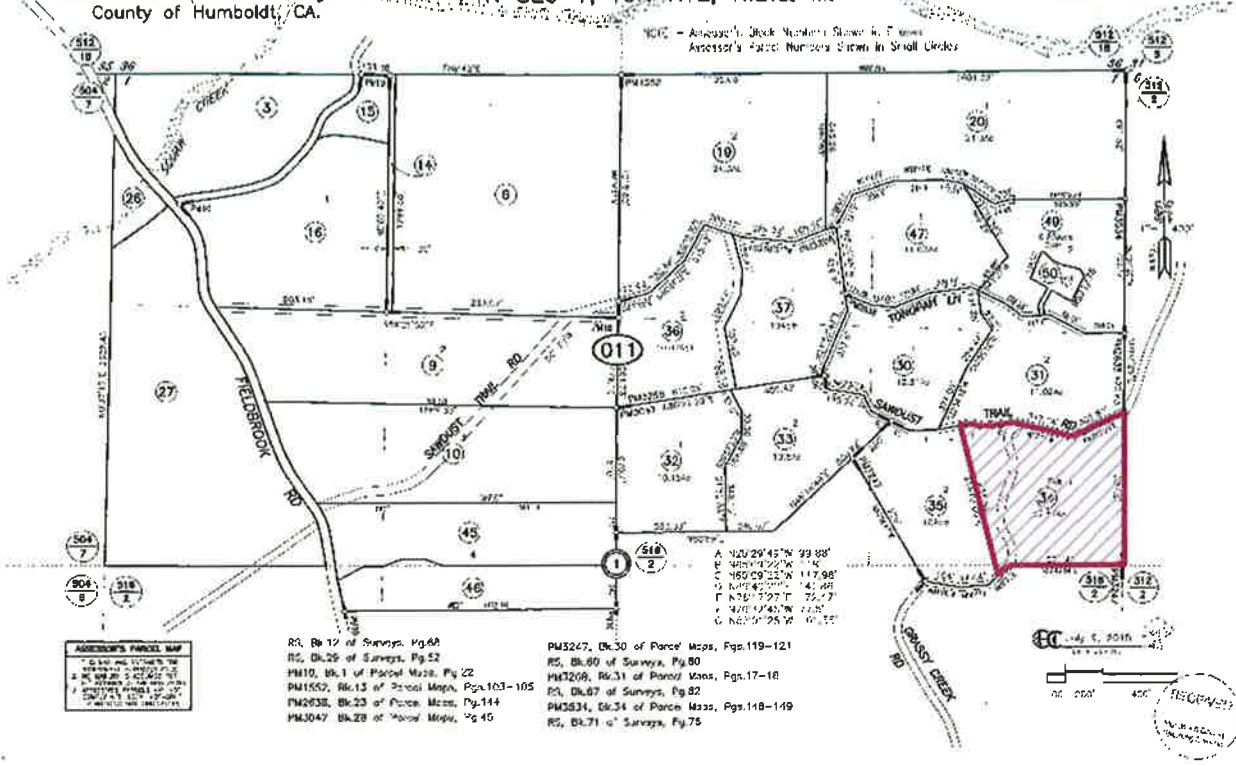
MAP NOT TO SCALE



Assessor's Map Bk. 516, Pg. 1
County of Humboldt, CA.

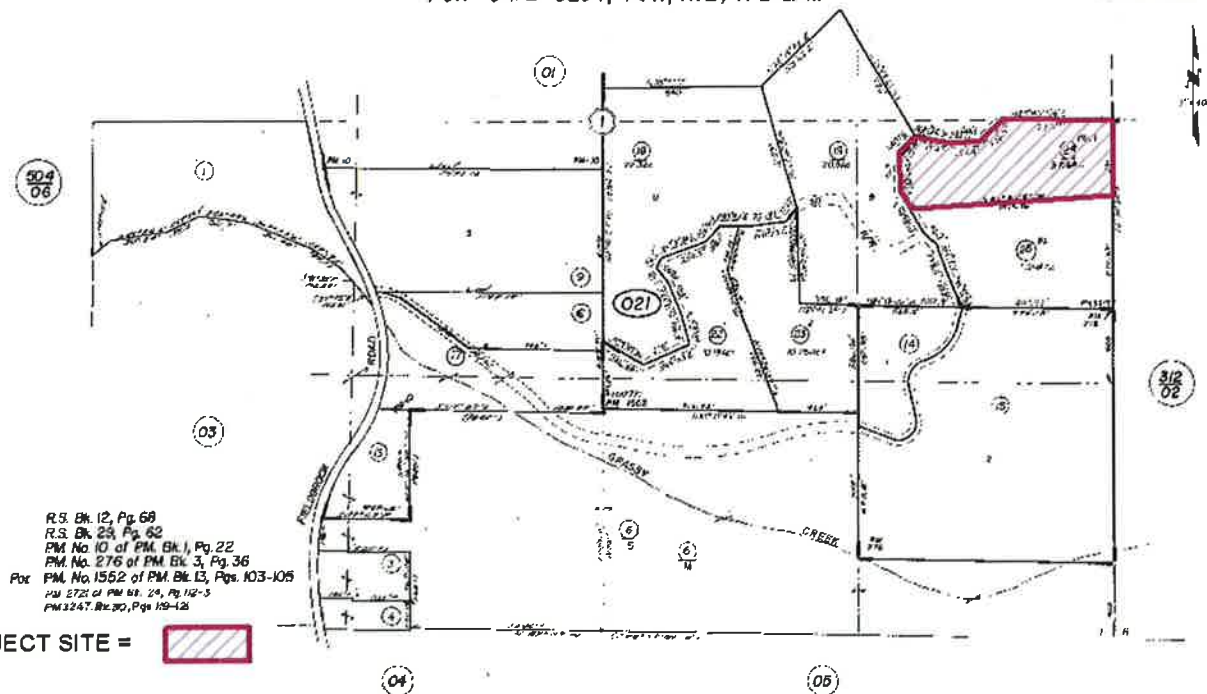
PTN SEC 1, T6N R1E, H.B. & M.

516-01



POR S 1/2 SEC 1, T6N, R1E, H B & M

516-02

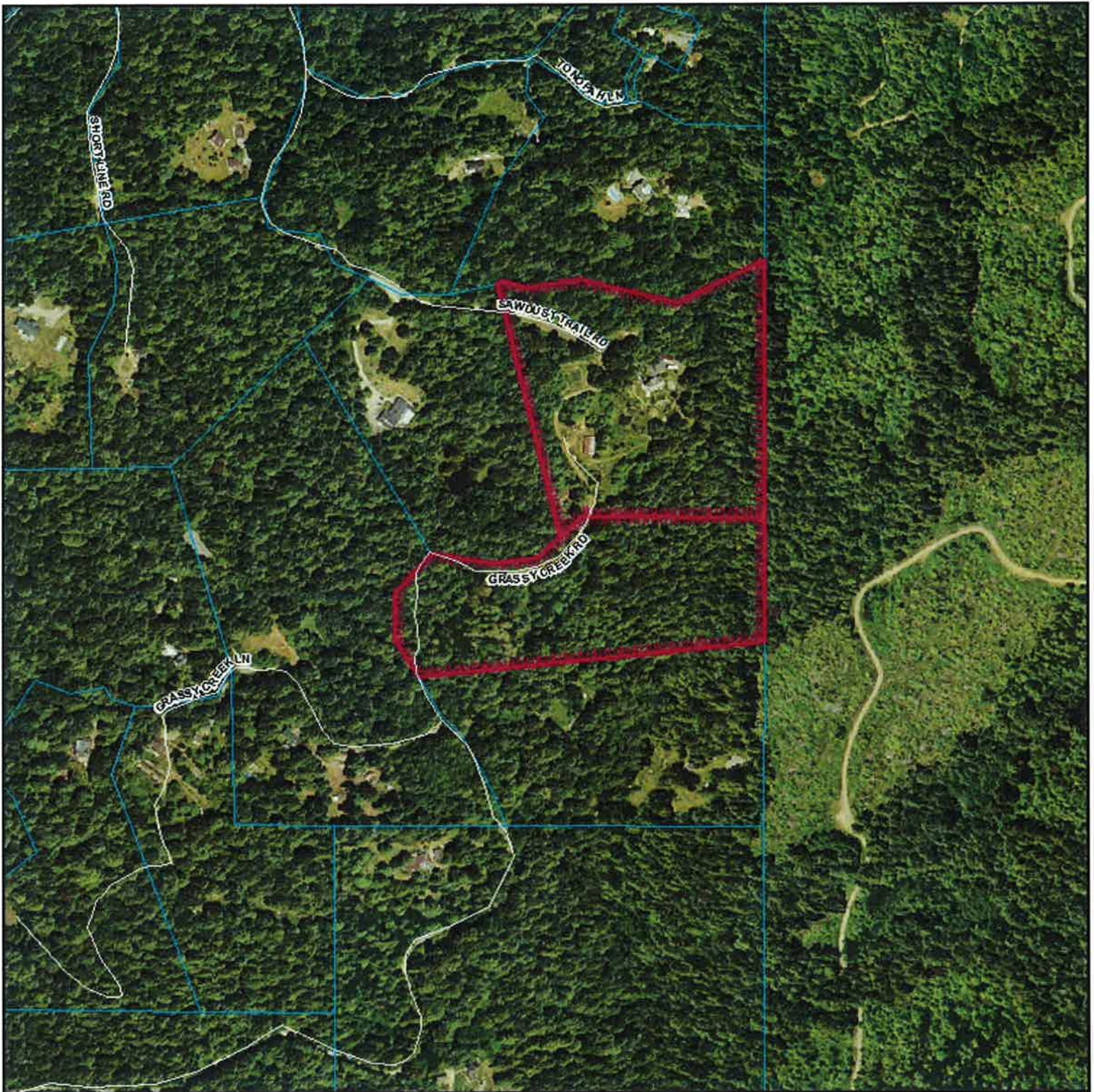


ASSESSOR PARCEL MAP

PROPOSED MERRILL PARCEL MAP SUBDIVISION FIELDBROOK AREA PMS-15-006

APN: 516-011-034, 516-021-024
T06N R01E S01 HB&M (Arcata North)

MAP NOT TO SCALE



AERIAL MAP

PROPOSED MERRILL PARCEL MAP SUBDIVISION FIELDBROOK AREA PMS-15-006

APN: 516-011-034, 516-021-024
T06N R01E S01 HB&M (Arcata North)

Project Area =



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

0 250 500 Feet



Attachment 1

Recommended Conditions of Approval for the Merrill Parcel Map Subdivision

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 26, 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.

Wording of Condition #2 if Alternative #1 is approved by the Planning Commission:

2. The conditions on the Department of Public Works referral dated **April 26, 2016** included herein as Exhibit A shall be completed or secured to the satisfaction of that department, except that the easement dedication specified in Condition 1.7(a) is modified from 50 feet to 40 feet in width per the requested exception. 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 20-foot contour intervals;
- (2) Details showing conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. H.C.C.), including but not limited to:
 - a. Road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)
 - b. Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
 - c. Emergency water standards (i.e., placement of fire hydrants, 2,500 gallon individual emergency water supply, etc.)
 - d. Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.).
- (3) Four (4) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;
- (4) Leachfield areas for proposed Parcels 1 and 3.

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) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Firesafe and wildfire protection standards as required for those items listed under A(2) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
 - (3) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
 - Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
 - (4) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan."
 - (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) "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."
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 \$295.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.

8. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,210.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2016 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
9. The owners of the subject parcel shall execute and file the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.

Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Condition(s) 3-9). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$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 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. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

EXHIBIT A



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

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


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

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 

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE
APPLICATION OF MERRILL, APN 516-011-034, PMS 15-006 FOR
APPROVAL OF A TENTATIVE MAP, CONSISTING OF 22.66 ACRES INTO
2 PARCELS

DATE: 04/26/2016

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 Points West Surveying Co. dated August 2015, and dated as received by the Humboldt County Planning Division on October 30, 2015.

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 **PROOF OF LEGAL ACCESS:** Applicant shall provide, to the satisfaction of this Department, proof of recorded access from a publicly maintained road to the subject property. The width of the access shall be a minimum of 50 feet and shall be shown on the subdivision map. [Reference: Roadway design standards/classification plats in Section 4.2 of Appendix A of the County Subdivision Ordinance]
- 1.5 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.6 **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) **GRASSY CREEK ROAD:**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels within the subdivision in a manner approved by this Department. The easement shall be 50 feet in width.

- (b) **DEVELOPMENT RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to construct a secondary dwelling unit(s) on Parcels 1 and 2 until such time as Sawdust Trail Lane is improved to a minimum Category 4 road standard. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department. (Completion of Phase 5 as shown on the Omsberg & Company improvement plans for Saw Dust Trail Lane, approved by the Board of Supervisors on 11/10/1998, and approved for construction by DPW on 03/23/1999.)

- (c) **SUBDIVISION RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to further subdivide the parcels created by this subdivision until such time as Sawdust Trail Lane is improved to a minimum standards outlined in the fire safe regulations. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department. (Completion of Phase 5 as shown on the Omsberg & Company improvement plans for Saw Dust Trail Lane, approved by the Board of Supervisors on 11/10/1998, and approved for construction by DPW on 03/23/1999.)

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.

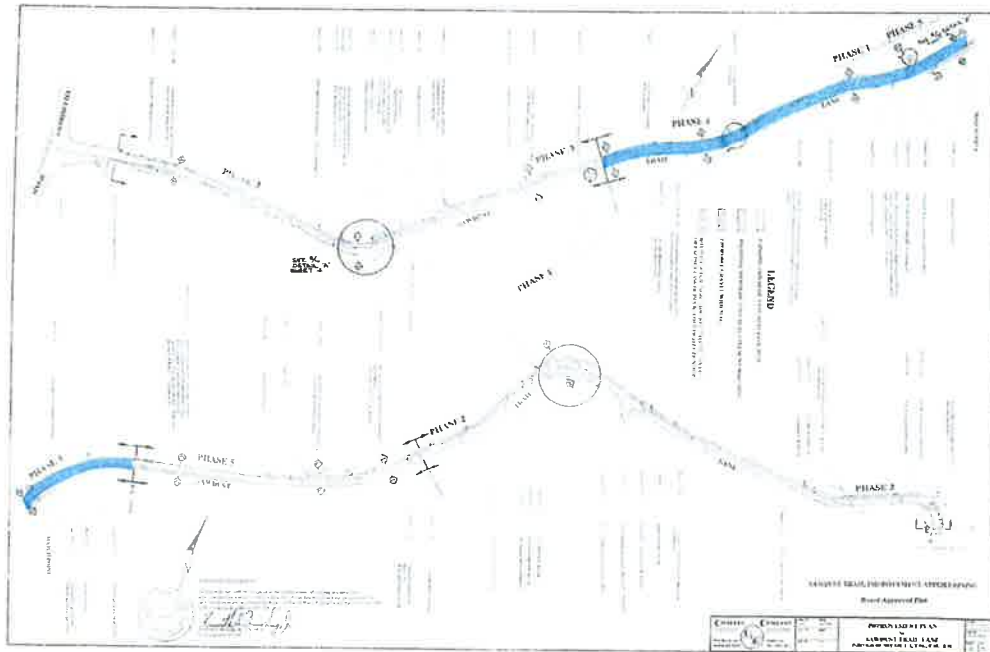
The construction plans shall show the location of all proposed new utilities and any existing utilities within 10 feet of the improvements. The plans shall be signed as approved by the local fire response agency and public utility companies having any facilities within the subdivision prior to construction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

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

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

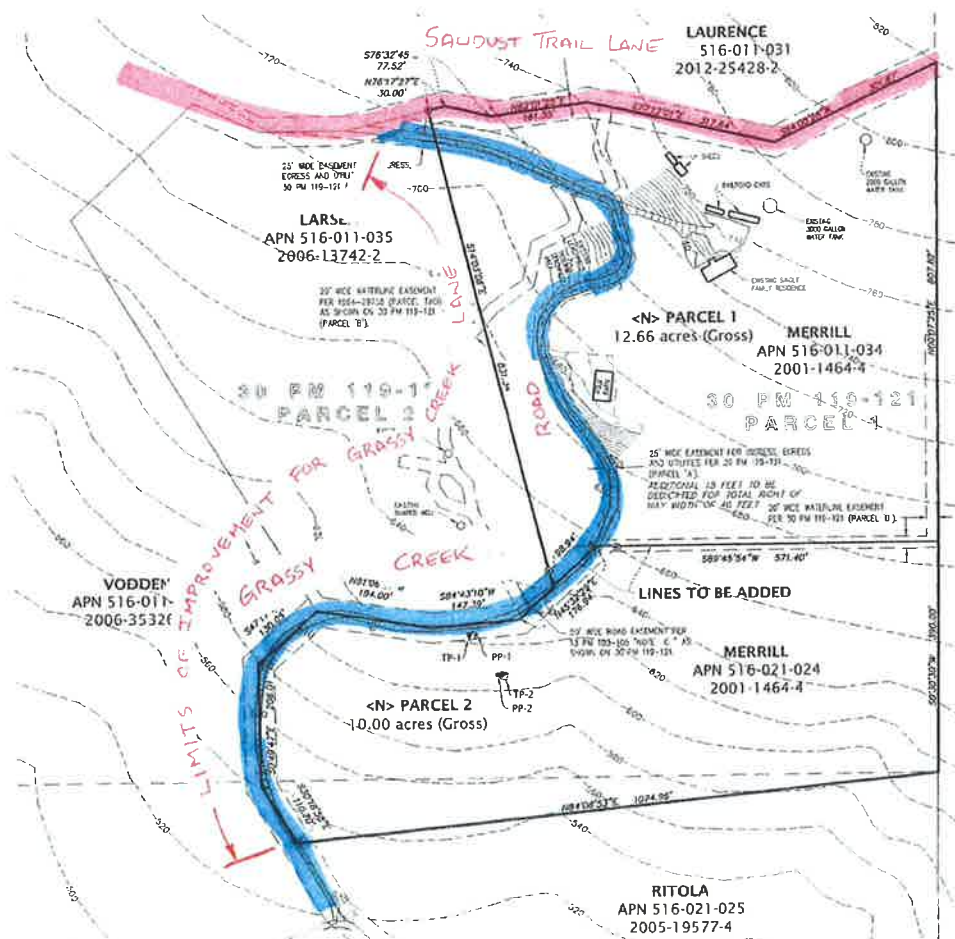
In addition, pursuant to County Code Section 323-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation. This sign is to be posted on Sawdust Trail Lane at its intersection with the Fieldbrook Road.

- 2.5 **ACCESS ROADS:** The surface of the access road(s) shall conform to the *Structural Section* requirements within this document. The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:
 - (a) **SAWDUST TRAIL LANE (OFFSITE):** The applicant shall construct Phase 4 as shown on the Improvement Plan for Sawdust Trail Lane prepared by Omsberg & Company improvement plans for Saw Dust Trail Lane, approved by the Board of Supervisors on 11/10/1998, and approved for construction by DPW on 03/23/1999. Improvement plans showing the work to be constructed must be prepared and approved by the Department.



Above: Omsberg & Co improvement plans showing Phase 4 highlighted in BLUE.

- (b) **GRASSY CREEK ROAD:** The applicant shall construct a category 4 road from the end of Grassy Creek Road to Sawdust Trail Lane. Subject to Cal Fire approval, the road may be gated and used only for emergency access purposes.



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

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

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

- (d) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (e) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.

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 **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.

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

4.0 GRADING

<NONE>

5.0 MAINTENANCE

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

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

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

6.0 DEVELOPMENT PLAN

- 6.1 A note shall be added to the development plan indicating the off-site and on-site improvements that must be completed before a building permit can be issued.

7.0 LANDSCAPING

<NONE>

// END //

ATTACHMENT 2
Staff Analysis of the Evidence Supporting the Required Findings

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

A. *Subdivision Required Findings:*

1. That the proposed subdivision together with the provisions for its design and improvements, is consistent with the County's General Plan.
2. That the tentative subdivision map conforms with the requirements and standards of the County's subdivision regulations.
3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
4. The proposed subdivision is not likely to cause substantial environmental damage.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (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.

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

Staff Analysis:

A1. 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 Northern Humboldt General Plan (NHGP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §2725 (FP)	Agricultural Rural (AR10) Primary and compatible uses include single family residential use. Density: 1 dwelling unit per 10 acres.	The existing parcel is developed with a single family residence, accessory structures and an on-site wastewater treatment system. Water is provided by shared wells on APN 516-011-035. The single family residence will remain on proposed Parcel 1. Proposed Parcel 2 will be available for residential development and served by the shared wells and an on-site wastewater treatment system. The subdivision will result in a density of one unit per 11.3 acres.
Urban Limits: §2600 (FP)	New development shall be located within existing developed areas or in areas with adequate public services.	All proposed parcels are outside the Urban Limit line and are served by on site water systems (wells) and on-site sewage disposal systems. The parcels will be served by Sawdust Trail Road which is privately maintained.
Housing: §2400 (FP)	Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.	The project will divide approximately 22 acre parcel into two lots. Two units on approximately 22 acres results in a density of 1 dwelling unit per 11 acres consistent with the AR10 plan designation, thereby meeting the Housing Element "mid-point" density for the AR10 designation.
Hazards: §3200 (FP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards. Geologic Fire Flood Hazards	<p>The project site is in an area with a Geologic Hazard Rating 3 - "High Instability" and not within the Alquist-Priolo Fault Hazard Area. A Soils Report was prepared by SHN Consulting Engineers and Geologists and determined that there are adequate building sites for the proposed parcels.</p> <p>The proposed subdivision site is in an area of high fire hazard and served by the Fieldbrook Volunteer Fire Department.</p> <p>According to FIRM Map #620, the parcel is within Flood Zone C, areas of minimal flood hazards.</p>

Noise: §3240 (FP)	New development shall maintain McKinleyville's low exposure levels to noise.	The parcel is not located within a noise combining zone and is outside the area of concern for the Arcata/Eureka Airport.
Sensitive and Critical Habitats: §3420 (FP)	To protect designated sensitive and critical resource habitats.	Grassy Creek is located approximately 1,000 feet to the south. A search of the Natural Diversity Database did not identify any sensitive species. The project was referred to the Eureka office of the California Department of Fish and Wildlife and they did not respond with any concerns. Nonetheless, their standard comments recommend that tree or brush removal be conducted outside of the bird breeding season. These recommendations will be memorialized on the Development Plan.
Cultural Resource Protection: §3500 (FP)	New development shall protect cultural, archeological and paleontological resources.	Referral comments received from the Northwest Information Center, as well as the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria recommended that an archaeological survey be conducted on the property. The applicant provided a report that was prepared for a Timber Harvest Plan done in 2000. The Tribal Historic Preservation Officers (THPOs) reviewed the report and found that it sufficiently addressed their concerns. No further study was required and it was recommended that the standard condition of approval regarding inadvertent discovery be included in the project. This is included as a mitigation measure in the Mitigated Negative Declaration and on the Development Plan.

A2. 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.	For the subdivision, one single family residence will remain on proposed Parcel 1. Evidence submitted by the applicant, staff site inspections and referral agency comments indicate that the proposed lots will be suitable for residential use. The minimum parcel size is ten acres. One parcel will be 12.66 acres in size and the other will be 10 acres in size.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	<p>The parcel is served by Sawdust Trail Road (a private road with a 50 foot right of way) off of Fieldbrook Road (a County maintained road). The project site is located near the end of Sawdust Trail Road, almost one mile from Fieldbrook Road. The property also has access to Grassy Creek Road, thereby creating a through road for the purposes of the Firesafe Ordinance. The parcel was part of a previous subdivision that created an improvement plan (Sawdust Trail North Road Improvement Plan) for further subdivision and secondary dwelling units. Phases 1 – 3 have been completed as part of previous subdivisions on the road and this subdivision will be required to complete Phase 4. The Department of Public Works (DPW) has provided subdivision requirements that are consistent with the Firesafe Ordinance and the road improvement plan.</p> <p>No drainage study was required due to the large parcel size, however, DPW has made a condition of approval that requires the submittal of a complete hydrologic report and drainage plan, and that the applicant correct any involved drainage problems associated with the subdivision</p>
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	The parcels will be served by shared wells and on-site sewage disposal systems. The Division of Environmental Health has reviewed and approved the proposed septic tank and leach field locations as well as the volumetric testing of the wells.
Access Road Appendix 4-1	Roadway design must incorporate a 40-foot right of way unless an exception is granted.	See above.

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
<p>314-17.1.5 and 322-3.1 Housing Element Densities</p> <p>The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), 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 approximately 22 acre parcel into two lots. Two units on approximately 22 acres results in a density of 1 dwelling unit per 11 acres. Under the Northern Humboldt General Plan, an AR10 land use designation has a density of 1 unit per 10 acres which this project complies with. Although the parcel was not utilized by the Department of Housing and Community Development, the project meets the Housing Element "mid-point" density standard for the AR10 designation.</p>

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

Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
<p>That there are special circumstances or conditions affecting said property.</p>	<p>As stated in the applicant's request for exception, the existing right of way for Grassy Creek Road – through the subject property – is 25-feet wide. Public Works recommends a 50-foot wide right of way, however, at ultimate buildout, a 40-foot right of way is sufficient because this road is not intended to provide through access to other uses of Grassy Creek Road or Sawdust Trail Road. The exception would allow for division of the parcel such that (1) the maximum number of lots can be created, (2) suitable building sites are provided on each, and (3) the build out promoted by the Plan and Zoning may be achieved. Public Works has reviewed this exception and supports the request as stated in their memo dated October 21, 2016 (Attachment 5)</p>
<p>That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.</p>	<p>It would be unnecessary to provide a 50 foot access easement to serve this parcel and provide for secondary and/or emergency access. The proposed subdivision will result in two parcels consistent with the General Plan and the AG-B-5(10) zoning. The lots will be similar to other lots within the neighborhood, and the subdivision is in keeping with the existing pattern of development, and the character of the immediate area.</p>

That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.	The exception would allow subdivision of the subject parcel similar to others in the immediate vicinity that do not have similar restrictions (i.e. road easement running through the entire lot). There is no indication that the development of the surrounding lands will be adversely impacted by this exception. All referral agencies have recommended approval of the subdivision.
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A3. Zoning Compliance and Development Standards: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Agriculture General (AG) §314-7.2	One family dwellings are principally permitted uses.	The proposed subdivision divides one parcel already developed with a single family residence and provides one new additional parcel for residential development.
Development Standards		
Minimum Parcel Size:	10 acres	Parcel 1: 12.66 acres Parcel 2: 10.0 acres
Minimum Yard Setbacks per Zoning: SRA Setbacks apply	Front: 30' Side: 30' Rear: 30'	Parcel 1: (Developed) Front: 30' Side: 420' Rear: 280' Setbacks for development on proposed Parcel 2 will be required to meet standards at time of Building Permit. Future development will be required to meet current standards.
Maximum Ground Coverage	35%	Proposed Parcel 1 will be developed at less than 1%. Future development will be required to meet current standards.
Maximum Structure Height	35 ft.	The existing structures do not exceed the 35' height limit. Future development will be required to meet current standards.
§314-38.1 Qualified combining zone		

Requirements:	<p>The Qualified Combining Zone is intended to be combined with any principal zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the principal zone may be limited or not be allowed with or without a Use Permit, or development standards/restrictions can be added, deleted or modified to implement the General Plan or to implement CEQA mitigation or to limit additional entitlements. The qualified uses shall be specified in the ordinance applying the Q Zone to specific property.</p>	<p>The Qualified combining zone (Ordinance No. 2181) resulted from the Nessel Subdivision and Zone Reclassification (ZR-04-97). The ordinance established road requirements to Sawdust Trail Road as a prerequisite to subdivision or the development of a second residence on the parcels involved with the subdivision. The subject parcel will be required to complete the fourth phase of the required road improvements (see DPW memo dated April 26, 2016 in Attachment 5).</p>
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A5. Impact on Residential Density Target: See discussion under Section 2 above.

A4. Environmental Impact:

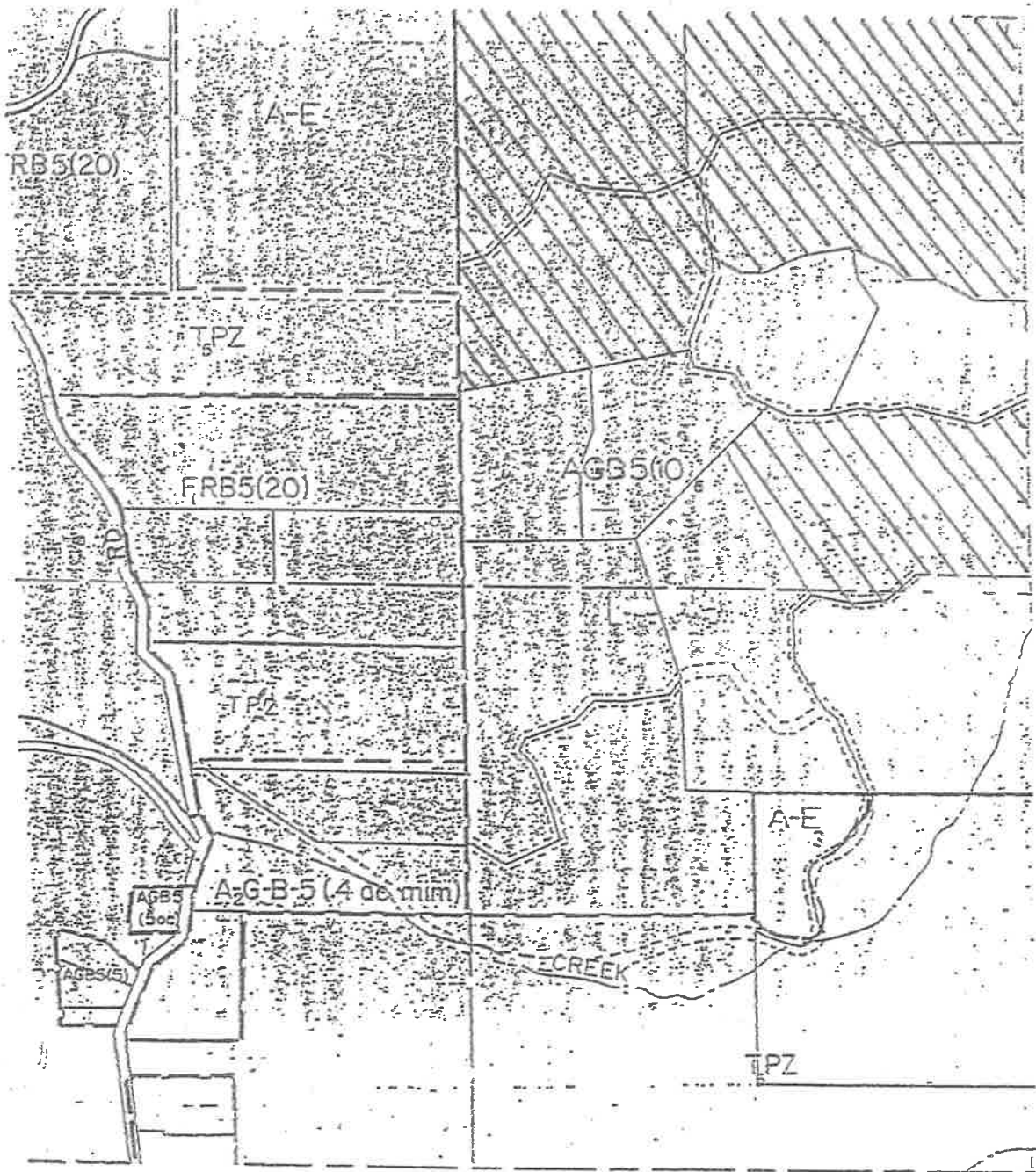
Please see the attached draft Mitigated Negative Declaration.

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

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this tentative map, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2016 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #8 of Attachment 1.

ATTACHMENT 3
Applicants' Evidence In Support of the Required Findings

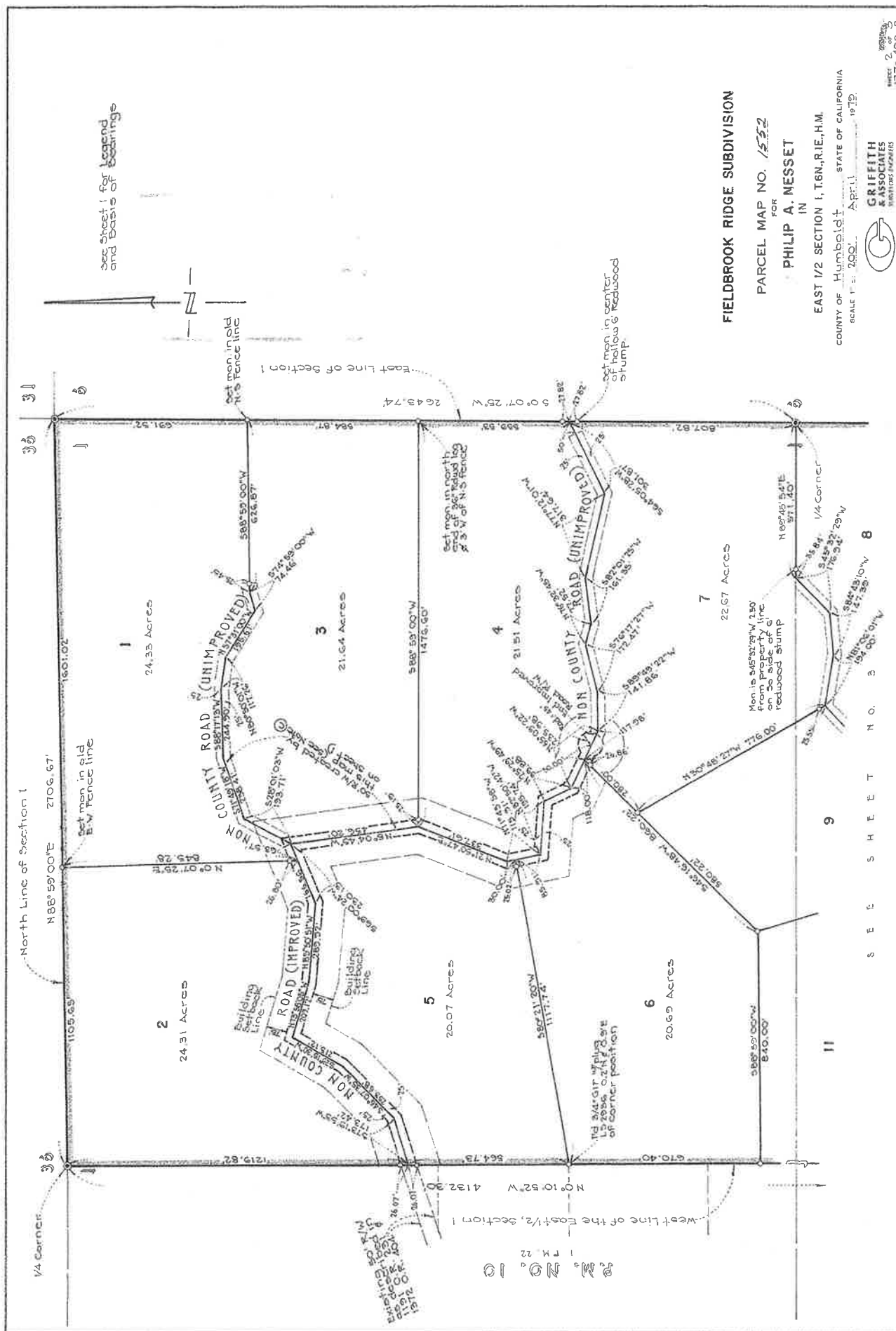
Document	Date Received by Planning	Location
Tentative Subdivision Map	October 30, 2015	Attached
Application Form	October 30, 2015	On file with Planning
Preliminary Title Report	October 30, 2015	On file with Planning
Soils Report	October 30, 2015	On file with Planning
Sewage disposal testing	October 30, 2015	On file with Planning
Well testing information	September 29, 2016	On file with Planning
Cultural Resources Study	March 15, 2016	On file with Planning
Ordinance No. 2181	October 30, 2015	Attached
Exception Request	October 20, 2016	Attached
Letter re: road improvements	October 20, 2016	Attached



Proposed Nessel Zone Reclassification
 Fieldbrook Area ZR-04-97
 APNs: 516-011-19, -20, -23, -25, -28
 Section 1, 6N 1E, H.B.&M.

EXHIBIT B MAP





See Sheet 1 for Legend and Basis of Bearings

FIELDBROOK RIDGE SUBDIVISION

PARCEL MAP NO. 1552

PHILIP A. NESSET

EAST 1/2 SECTION 1, T.6N., R.1E., H.M.

COUNTY OF Humboldt STATE OF CALIFORNIA

1976

11-24

4

GRIFITH

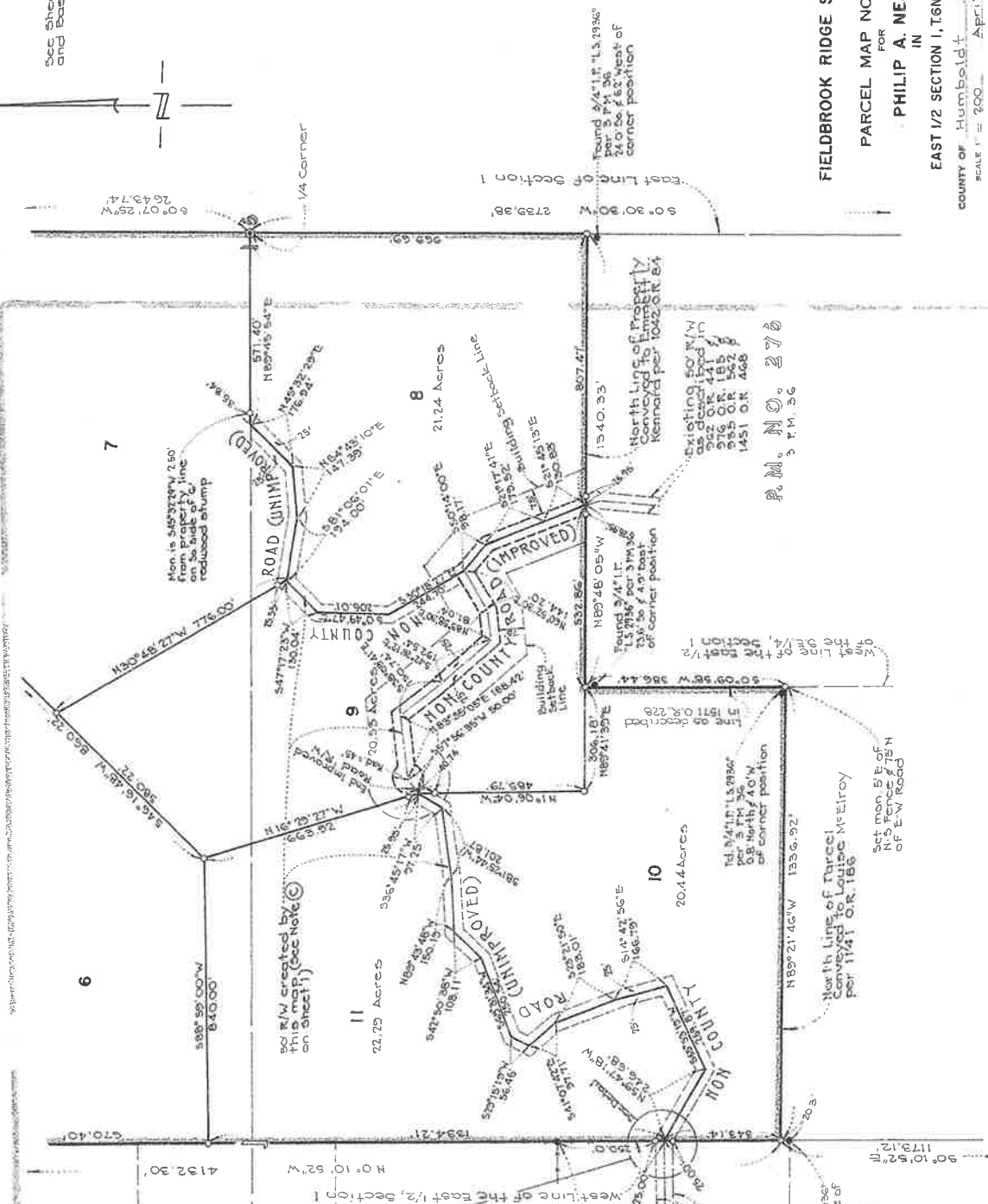
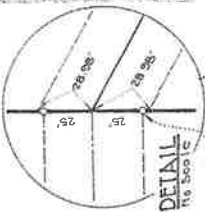
2 of 2

ASSOCIATES
SOLUTIONS FOR

BOOK 13 OF PARCEL MAPS. PAGE 104

See Sheet 1 for Legend
and Basis of Bearings

S E E S H E E T N O . 2



FIELDBROOK RIDGE SUBDIVISION

PARCEL MAP NO. 1552
FOR
PHILIP A. NESSET
IN

EAST 1/2 SECTION 1, T6N, R1E, H.M.

COUNTY OF Humboldt, STATE OF CALIFORNIA
SCALE 1" = 200' April 1, 1979



After recording return to:
DEPARTMENT OF PUBLIC WORKS
3033 H STREET CLARK COMPLEX
EUREKA, CA 95501

2006-24624-1
Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by OMSBERG
Rec Fee 7.00
Clerk: MM Total: 7.00
Aug 23, 2006 at 10:46

CERTIFICATE OF CORRECTION

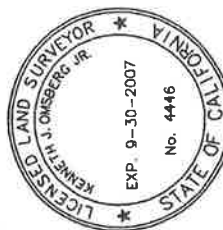
Notice is hereby given that the Parcel Map filed in Book 13 of Parcel Maps, Pages 103 - 105, Humboldt County Records, is corrected in accordance with Section 66469 of the Subdivision Map Act as follows:

The record bearing shown as South 89 degrees 33 minutes 18 seconds East, 5308.40 feet on the section line between Sections 2 and 11 on said Parcel Map Sheet 1 of 3 is hereby corrected to read North 89 degrees 33 minutes 18 seconds East, 5308.40 feet.

The name of the fee owner of the real property affected by the correction or omission on the date of the filing of the original survey is Philip Anthony Nessel.

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT the above Certificate of Correction was prepared by or under the direction and control of the undersigned Professional Land Surveyor.



Kenneth J. Omsberg, Jr.
Kenneth J. Omsberg, Jr.
Expires 09-30-07
Date 8-7-06

CERTIFICATE OF COUNTY SURVEYOR

THIS IS TO CERTIFY THAT the above Certificate of Correction has been examined this 14TH day of August, 2006, for conformance with the requirements of the Subdivision Map Act.



Humboldt County Surveyor

By *David J. Ryan*
David J. Ryan
Expires 03-31-08
LS 6212

ORDINANCE NO. 2181

**AMENDING SECTION 313-4 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE FIELDBROOK AREA
[ZR-04-97 (NESSET, ET AL)]**

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

SECTION 1. ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by reclassifying the property described in the attached Exhibit A from Agriculture General with a 10 acre minimum parcel size (AG-B-5(10)) to Agriculture General with a combining zone requiring a 10 acre minimum parcel size and a Qualified Combining Zone (AG-B-5(10)/Q). The area described applies to Assessor's Parcels Nos. 516-011-19, -20, -23, -25, and -28 and is also shown on the Humboldt County Zoning Map No. K-19 and on the map attached as Exhibit B.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth herein are hereby made applicable to the property described in Section 1 in accordance with Humboldt County Code Section 315-6, which authorizes restriction of the AG zone regulations by application of the "Q" (Qualified) Combining Zone.

SECTION 3. PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Section 1 is:

a. To require road improvements to Sawdust Trail Road as a prerequisite to subdivision of or the development of second residences on the real property consistent with the emergency access standards of the Humboldt County Fire Safe Regulations.

SECTION 4. SPECIAL RESTRICTIONS. The special restrictions and regulation herein imposed on the property described in Section 1 is:

a. To require Sawdust Trail Road to be upgraded to meet a road category 4 standard from Fieldbrook Road to the most westerly point on Lot 3 in Book 13 of Parcel Maps, pages 103-105 (commonly known as APN 516-011-28), and a road category 3 standard for the balance of Sawdust Trail Road extending to the cul-de-sac turnaround. The improvements shall be constructed in accordance with the approved Sawdust Trail Phased Road Improvement Plan to the satisfaction of the Department of Public Works.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

(J-2)

PASSED, APPROVED AND ADOPTED this tenth of November, 1998,
on the following vote, to wit:

AYES: Supervisors: Dixon, Rodoni, Woolley, Neely, and Kirk

NOES: Supervisors: None

ABSENT: Supervisors: None

Paul Kirk

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

(SEAL)

ATTEST:

Lora Canzoneri

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

Lora Canzoneri

(F:\home\kevin\ordinance\Nessetq)



October 19, 2016

Trevor Estlow
Planning Division
3015 H St
Eureka, CA 95501

Re: Petition for Exception Request to Required Right of Way Width for Merrill Minor Subdivision, APN 516-011-034

Dear Mr. Estlow

Pursuant to Humboldt County Code Section 325-9, I am requesting an exception to the minimum right of way width requirements, as specified by Code Section 324-1(b), to allow the Applicants Brian & Jennifer Merrill to dedicate a 40 foot wide right of way for the portion of Grassy Creek Road falling within the northerly Merrill parcel, APN 516-011-034 instead of the 50 foot right of way requested by the Land Use Department. Exceptions to the requirements and regulations of the Code may be granted if the following conditions exist:

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

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

The portion of Grassy Creek Road falling within APN 516-011-034 was improved to provide emergency access for a limited number of parcels on Grassy Creek Road south of the Merrill parcels. The previous owner Nessel and current owner Merrills did not and do not want Grassy Creek Road to be connected to Sawdust Trail for the benefit of all parcels on Grassy Creek Road for privacy and maintenance reasons. The Grassy Creek Road maintenance association is dysfunctional and cannot properly maintain the existing improved portions of the road. The Fieldbrook North Road Association that maintains Sawdust Trail does not want the residents of Grassy Creek Road to use Sawdust Trail as they do not contribute to maintenance of Sawdust Trail.

The Merrills maintain the existing improved roadway in the 25 foot wide Grassy Creek Road right of way so it can be used for access to their south parcel and emergency access if necessary. The Merrills have been clear that they do not want to do anything as part of the subdivision process that would grant additional parties rights in this portion of Grassy Creek Road. The Merrills would prefer to call this portion of roadway "Merrill Way" to distinguish it from the 50 foot wide right of way portion of Grassy Creek Road.

POINTS WEST SURVEYING CO.

5201 Carlson Park Drive, Suite 3
Arcata, CA 95521

The dedication of a 40 foot right of way would allow for improvement of the roadway to the Category 4 standards being required for the project. The Category 4 standards require a travelled way 18 to 20 feet in width and 4 foot shoulder width "when required by the Department of Public Works." The total width of the Category 4 improved road would be 28 feet in width, well within a 40 foot wide right of way.

Since the project, as proposed, satisfies other requirements for land subdivision, granting this exception does not appear to provide special privileges unavailable to others. The granting of this exception does not appear to be detrimental to the public welfare or injurious to other properties in the vicinity. Based on the above, I respectfully petition that this exception request be granted.

Sincerely,



Michael Pulley, PLS

**Fieldbrook Ridge North Road Association
800 Sawdust Trail
Fieldbrook, CA 95519**

September 5, 2016

**Brian Merrill
1150 Sawdust Trail
Fieldbrook, CA 95519**



Dear Brian,

This letter is in response to your inquiry about whether or not the Fieldbrook Ridge North Road Association (FRNRA) would be able to commit to completing the Phase 5 road widening work on Sawdust Trail. As we discussed, the FRNRA was established as a way to collect dues from property owners on Sawdust Trail to maintain the existing road and make agreed upon road improvements as surplus funds allow us to do so. We fully support any future road work on Sawdust Trail that will improve the road, but due to our limited budget and focus on maintenance rather than large improvements, the Road Association is unable to commit to completing the Phase 5 work on Sawdust Trail.

Sincerely,

A handwritten signature in black ink, which appears to read "Steve Jacobs", is written over a horizontal line.

**Steve Jacobs
FRNRA President**

ATTACHMENT 4

Draft Initial Study and Mitigated Negative Declaration

Project Information

Project Title: Merrill Minor Subdivision

Lead Agency

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

Property Owners

Brian and Jennifer Merrill
1150 Sawdust Trail Road
Fieldbrook, CA 95519

Project Applicant

Same as owner

Project Location

The project site is located in the Fieldbrook area, at the end of Sawdust Trail Road, approximately one mile east of Fieldbrook Road, on the property known as 1150 Sawdust Trail Road.

General Plan Designation

Agriculture Rural (AR10). Northern Humboldt General Plan (NHGP). Density: one dwelling unit per 10 acres. Slope Stability: High Instability.

Zoning

Agriculture General with a 10-acre minimum parcel size and a qualified combining zone (AG-B-5(10)-Q).

Project Description

A Minor Subdivision of a 22.66 acre parcel into two parcels of 12.66 acres and 10.00 acres in size. The parcel is developed with a single family residence, on-site wastewater treatment system and several accessory structures which will all remain on proposed Parcel 1. Pursuant to Section 325-9 of the Subdivision Regulations, the applicant submitted an exception request to the minimum right of way width requirements for a portion of Grassy Creek Road. Water will be provided by the current shared wells on APN 516-011-035 and both parcels will be served by on-site wastewater treatment systems.

Baseline Conditions: Surrounding Land Uses and Setting

The project site is located in the rural area outside of Fieldbrook, at the end of Sawdust Trail Road. The parcel is surrounded by similar rural residential parcels with large privately held timberlands to the east.

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

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

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

Determination: On the basis of this initial evaluation:

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

Signature 

Date OCTOBER 24, 2016

Trevor Estlow, Senior Planner
Printed Name

Humboldt County Planning
and Building Department
For

EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

ENVIRONMENTAL CHECKLIST

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

Discussion

- a, b) The project site is located in a rural residential area south of the town of Fieldbrook on Sawdust Trail Road. Sawdust Trail Road is a private road that takes access off of Fieldbrook Road. The project site is currently developed with a single family residence that will remain on proposed Parcel 1. The building site for the proposed parcel will be minimally visible from the private road. The site is not located within a Coastal Scenic area and not within the Coastal Zone. The proposed project would have a **less than significant impact** on a scenic vista or scenic highway.
- c) The existing visual character of the project vicinity consists of rural residential development within a forested area. The project site consists of one parcel currently developed. The parcel consists of mostly forested hillsides with some cleared areas. The proposed subdivision would not substantially degrade the existing visual character or quality of the site or surrounding area. Therefore, a **less than significant impact** would occur.
- d) The subdivision would create one new lot for residential development. Any future residential lighting would be consistent with the surrounding residential community. Therefore there would be no new sources of substantial light or glare and a **less than significant impact** would occur.

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

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

Discussion

a, b, e) The project site is not designated Unique Farmland or Farmland of Statewide Importance and is not within a Williamson Act contract. The parcel will be zoned Agriculture General with a ten-acre minimum parcel size (AG-B-5(10)), although the site does not lend itself to agricultural uses. The subject property is bordered by similar wooded, rural residential lots. The proposed subdivision would allow additional residential development which is compatible with existing adjacent uses. Single family residential is a primary and compatible use in the Agriculture Rural land use designation and is principally permitted in the AG zone. The proposed subdivision would not change the land use or zoning designations and therefore would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agriculture use or conflict with existing zoning for agriculture use; and would not involve changes in the existing environment which, due to its location or nature, could result in conversion of Farmland to non-agricultural use. The project may result in conversion of forestland through "Less than 3-Acre Conversion Exemptions," however, this is not considered significant in an area planned for this level of residential density. A **less than significant** impact would occur.

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

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

Discussion

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

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

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

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

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

Discussion

a - c, e - f) The project site is currently developed with a single family residence that will remain on proposed Parcel 1. The closest watercourse is Grassy Creek which is located approximately 1,000 feet to the south. Grassy Creek flows into Lindsay Creek which feeds the Mad River. No sensitive species were found on site. The project was referred to the Eureka office of the California Department of Fish and Wildlife and they did not respond with any concerns. The proposed subdivision would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a

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

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

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

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

Discussion

- a-d) Referral comments indicated that the site may be culturally sensitive. The applicant provided a cultural resource investigation that was prepared in conjunction with a previous Timber Harvest Plan on the property. The report was forwarded to the local Tribal Historic Preservation Officers (THPOs) and they concurred with the negative findings in

the report and required no further investigation. Nonetheless, in order to comply with State law, a standard mitigation measure has been included should ground disturbing activities uncover any cultural resources. Therefore impacts would be **less than significant with mitigation incorporated**.

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

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

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

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

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	

Discussion

- a) i-ii) The project site is not located within an Alquist-Priolo (A-P) Earthquake Fault Zone. The nearest A-P zones are located almost three miles to the west. Northwestern California is the most seismically active region in the continental United States, making the probability of strong seismic ground shaking at some time in the future high. While the proposed project could potentially be subject to ground shaking from these or other Northern California faults, it would be comparable to all other development in this seismically active region. Compliance with standard state and local building codes would provide foundation and structural strengthening applicable to this zone.
- iii, iv) Liquefaction is described as the sudden loss of soil shear strength due to a rapid increase of soil pore water pressures caused by cyclic loading from a seismic event. According to the County geologic hazard maps, the project site is not located in a potential liquefaction area. There is no evidence of recent active landslides and the potential for slope stability hazard associated with the proposed project is considered negligible. According to the Framework Plan Geologic Hazards Map, the project site has a rating of low instability. A Soils Report was prepared by SHN Consulting Engineers and Geologists (September 2016) for the proposed subdivision. The report found that the site was suitable for the intended use (residential).

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

- b,c,d) The newly created parcel that will be suitable for residential development has shown that it would not result in soil erosion, landslide, lateral spreading, or liquefaction. There are no significant on-site slopes and no major grading proposed for the development of future homesite. The project is not located on expansive soils. Therefore, **a less than significant impact** would occur.
- e) Any future development would require on-site wastewater disposal systems. A soils evaluation was conducted by SHN Consulting Engineers and Geologists and a series of percolation test pits were dug to determine appropriate locations for on-site wastewater systems. The parcel map shows the test pit locations where the soils are capable of adequately supporting wastewater disposal systems. Future development of wastewater

disposal systems would be in accordance with the soils evaluation. A permit from the Humboldt County Department of Environmental Health will be required for all new on-site septic systems. A **less than significant impact** would occur.

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

Discussion

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

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

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

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

Discussion

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

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

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

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which			X	

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through stream or river course alteration, in a manner which would result in substantial erosion or siltation onsite or offsite?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard Area 1 as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

Discussion

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

b) Under the proposed project there would be minimal increase in impervious surfaces so the change in potential groundwater recharge on the parcel will be minimal. Water is provided by shared wells that are capable of providing sufficient water to all parcels. The

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

- g-j) The parcel is located entirely outside the 100-year FEMA mapped floodplain and at approximately 700 feet in elevation. The project is well outside of any tsunami inundation area. Therefore, the proposed project would not impede or redirect flood flows, and would not expose people or structures to a significant risk involving flooding. A **less than significant impact** would occur.

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

Discussion

- a) The proposed subdivision would not physically divide an established community, because the project: (1) site is located in a rural residential area; (2) involves the subdivision of one parcel into two parcels consistent with the prescribed density; (3) would not block or remove any existing streets; and (4) would not change the use of the site. Therefore, **no impact** would occur.
- b) The project site is located in an unincorporated area south of the town of Fieldbrook and is subject to the Humboldt County Framework General Plan, Northern Humboldt General Plan (NHGP), and County zoning regulations. The project site totals approximately 22 acres. The property is planned and zoned for rural residential development with a density of one unit per 10 acres.

The proposed subdivision would result in two parcels of 12.66 acres and 10.0 acres.

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

would occur.

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

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

Discussion:

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

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

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

Discussion

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

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

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

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

Discussion

a) The proposed subdivision would create one new lot for a total of two, with the eventual

construction of a residence on the newly created parcel consistent with the existing land use and zoning designations. The subdivision is consistent with the planned density of the area and would not directly or indirectly induce substantial population growth. Therefore, a **less than significant impact** would occur.

- b, c) The proposed project would not displace existing housing or people, and would not necessitate the construction of replacement housing elsewhere. **No impact** would occur.

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

Discussion

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

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

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

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

Discussion

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

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

Issues and Supporting Information	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
such facilities?				

Discussion

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

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

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

Discussion

- a) The parcel is currently developed with a single family residence that will remain on proposed Parcel 1. Existing and future development will be served by on-site wastewater treatment systems that have been approved by the Environmental Health Division. Therefore, the proposed project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. **A less than significant impact** would occur.
- b, e) The proposed subdivision would be served with shared wells approved by the County Division of Environmental Health. The site will be served by on-site wastewater treatment systems and the Division of Environmental Health has approved the designs of these systems. Therefore, the project would not result in the need for the construction of new water or wastewater treatment facilities or the expansion of existing facilities. **A less than significant impact** would occur.
- c) The proposed project would not require the construction of new storm water drainage facilities or the expansion of existing such facilities, the construction of which could cause significant environmental effects (see Response c-d under the "Hydrology and Water Quality" for analysis). **A less than significant impact** would occur.
- d) The project site receives water service from shared wells that has demonstrated adequate volumetric capacities. The proposed project is consistent with existing land use and zoning designations and any incremental increase in demand would not be significant. Therefore, the water system would have sufficient water supplies available to

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

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

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

Discussion:

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

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

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

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

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

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

Proposed Mitigation Measures, Monitoring, and Reporting Program

Biological Resources

Mitigation Measure No. 1.

The Development Plan shall include the following language: "any brush clearing or tree removal must be conducted outside of the bird breeding season (March 1 – August 15) in order to avoid a "take" as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 *et seq.*). If any brush or trees must be removed within the breeding season, the Project proponent shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests."

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

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Prior to filing Parcel Map.

Cultural Resources

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

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

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

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

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Prior to filing Parcel Map.

ATTACHMENT 5

Referral Agency Comments and Recommendation

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

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection	X	Approval		X
County Public Works, Land Use Division Memorandum dated October 21, 2016	X	Conditional approval	X	
County Public Works, Land Use Division Subdivision Requirements	X	Conditional Approval	Exhibit A of Attachment 1	
County Division of Environmental Health	X	Conditional Approval	X	
NWIC	X	Recommend approval. No further study		X
Fieldbrook Fire Protection District	X	Comments		X
Calfire	X	Standard response letter		X
California Department of Fish and Wildlife				
Wiyot Tribe	X	Conditional Approval		X
Blue Lake Rancheria	X	Conditional Approval		X
Bear River Band of the Rohnerville Rancheria	X	Conditional Approval		X
PG&E	X	Approval		X



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

DATE: 04/26/2016
10/21/2016 revised

RE: MERRILL, APN 516-011-034, PMS 15-006

SAWDUST TRAIL PLAN: On 11/10/1998 the board of supervisors approved a comprehensive plan for the widening of Sawdust Trail Lane. It included five (5) phases. To date three (3) of the five (5) phases have been completed. Phases 4 and 5 still need to be constructed. This project is condition to construct Phase 4.

Phase 5 is to be constructed by Van Eck. Van Eck has conveyed their property to a land trust and therefore it is unlikely that the property will ever be developed in a manner that will require the completion of Phase 5. The applicant has indicated that phase 5 will be completed by the Road Maintenance Association (RMA). Before the project is presented to the Planning Commission, the applicant must provide a letter from the RMA indicating that the RMA intends to complete Phase 5. Note: The timing of when Phase 5 is constructed does not have to be tied to this project.

The Department is in receipt of a letter from the Fieldbrook Ridge North Road Association dated 09/05/2016 stating that the RMA is unable to commit to completing Phase 5 road improvements on Saw Dust Trail. [revised 10/21/2016]

It appears that the RMA may have completed some of the improvements within Phase 4. An updated improvement plan sheet showing the work to be constructed is needed.

FIRE SAFE EXCEPTION REQUEST: ~~The applicant needs to submit a County Code Section 3111-9 exception request for width of road; acceptance of Omsberg & Company improvement plans as meeting fire safe regulations; and acceptance of the concept of phased construction of the Omsberg & Company improvement plans for Sawdust Trail Lane (Phase 5 will not be constructed until an unknown date in the future).~~ The improvement plans for Saw Dust Trail were approved in accordance with Fire Safe Regulations; no further exception requests are necessary. [revised 10/21/2016]

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

GRASSY CREEK ROAD: The Department recommends that Grassy Creek Road be extended to Sawdust Trail Lane in order to provide a secondary access route. This route would be constructed to category 4 road standards to comply with fire safe regulations. In addition, the applicant may wish to consult with Cal Fire regarding the installation of a gate to restrict access for emergency access only.

An off-site portion of Grassy Creek Road needs to be improved on Larsen (APN 516-011-035). Prior to the project being presented to the Planning Commission, the applicant is advised to ensure that an adequate right of way for Grassy Creek Road has been acquired and that Larsen is agreeable to the planned improvements.

PARCEL MAP IMPROVEMENT NOTE: Parcel 1 is developed and parcel 2 is vacant. The construction of the subdivision improvements on Sawdust Trail Lane and Grassy Creek Road may be deferred to the time that a development permit (or building permit) is issued. Prior to the issuance of a building permit for Parcel 2 or a secondary dwelling unit on Parcel 1, the applicant shall construct Public Works Item No.'s 2.5 (a) [Sawdust Trail Lane Phase 4] and 2.5(b) [extension of Grassy Creek Road].

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

RIGHT OF WAY: The tentative map proposes a 40 foot right of way for Grassy Creek Road. The subdivision ordinance specifies a 50 foot wide right of way for a category 4 road. The Department can support a reduced 40 foot wide right of way. The applicant may wish to consider applying for an exception request under County Code Section 325-9 to allow for a 40 foot wide right of way.

The Department has reviewed the exception request for a reduced right of way width (40 feet in lieu of 50 feet) for Grassy Creek Road prepared by Points West Surveying dated 10/19/2016. The applicant has not articulated why a 50 foot wide right of way cannot be provided. [added 10/21/2016]

// END //



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



9/29/2016

15/16-0281

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Gas and Electric, Fieldbrook Fire Protection District

Applicant Name Brian and Jennifer Merrill **Key Parcel Number** 516-011-034-000

Application (APPS#) 9569 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** AA14-064
PMS15-006

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

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

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

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

Return Response No Later Than 10/14/2016 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE:

9/30/16

PRINT NAME:

Adam Molofsky

PROJECT NOTES

- 1) The map illustrates a proposed Minor Subdivision between APNs 516-011-034 and 516-021-024, current vesting deed 2001-1464-4, as shown hereon.
- 2) Boundary lines for the subject parcel and existing easements of record are based on a Preliminary Title Report prepared by Fidelity National Title Company, Order No. FFHO-FT0150550H-PG, dated 5/29/2015. Boundary lines shown hereon are based on the survey recorded in Book 30 of Parcel Maps, Pages 119-121. *All easements of record are shown on this Tentative Map.* See "Easement Notes" on this sheet for additional information.
- 3) UTILITIES: Water is provided by shared wells on APN 516-011-035 per recorded agreement. On site sewer treatment is by an existing leachfield shown hereon. Electric service is provided by PG&E. Existing utility information shown hereon is based on field evidence, mapping provided by PG&E, and Development Plan for this parcel dated 6/2000.
- 4) Adjacent property uses are residential on the north, west, and south, which are all zoned AG-B-5-(10) like the subject parcel. The parcel to the east is zoned TPZ.
- 5) The property is not shown on official maps to be subject to flooding per Firm Community Panel No. 060060 06258.
- 6) Topography is shown at 2 foot contour intervals based on a field survey performed by Points West Surveying in June 2015 along the roadway; additional contour data is shown at 20 foot intervals based on the USGS Quad "Arcata North" dated 1972.
- 7) Soils testing locations shown hereon were investigated by SHN Engineers & Geologists in May 2015. See "Disposal Field Suitability Report" and "Geologic Hazard Report" submitted as part of this project application.

EASEMENT NOTES

Easements and encumbrances of record per the Preliminary Title Report listed in Project Note 2 are as follows:

- Item 5: Covenant and agreement entitled "Deed Reserving Easement Appurtenant" per 1421 OR 132
- Item 6: Covenant and agreement entitled "The Declaration of Road Maintenance Association" per 1529 OR 376
- Item 7: Covenant and agreement entitled "The Declaration of Road Maintenance Association" per 1562 OR 372
- Item 8: Easement for ingress, egress, and public utilities, 25 foot wide strip, per Book 13 of Parcel Maps, Pages 103-105
- Item 9: Offers of dedication, conditions, restrictions, notes and/or other provisions shown on or dedicated by Book 13 of Parcel Maps, Page 103
- Item 10: Public Utility easement granted to PG&E per 1683 OR 816
- Item 11: Covenant and agreement entitled "Water Agreement" per Book 1785 OR 1159
- Item 12: Easement for ingress, egress, and public utilities granted to Stonebarger and Nocturnal Creations per Doc. 1990-12382-1
- Item 13: Easement for ingress, egress, and waterlines granted to David M. Price per 1994-29758-3
- Item 14: Easement for ingress, egress, and public utilities, 25 feet wide, shown as Parcel A per Book 30 of Parcel Maps, Page 119-121

- Easement for construction and maintenance of waterline facilities, 20 feet wide, shown as Parcel D per Book 30 of Parcel Maps, Pages 119-121
- Item 17: Easement for ingress, egress, and public utilities, waterlines, and emergency vehicle access granted to Neset Family Trust per Doc. 2001-1464-4, also shown as Parcel A and Parcel D per Book 30 of Parcel Maps, Pages 119-121

SURVEYOR'S STATEMENT

This map was prepared by me, or under my direction, and is based upon a field survey.

SIGNED _____

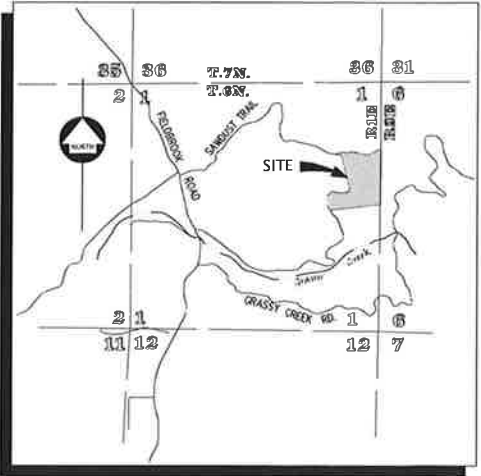
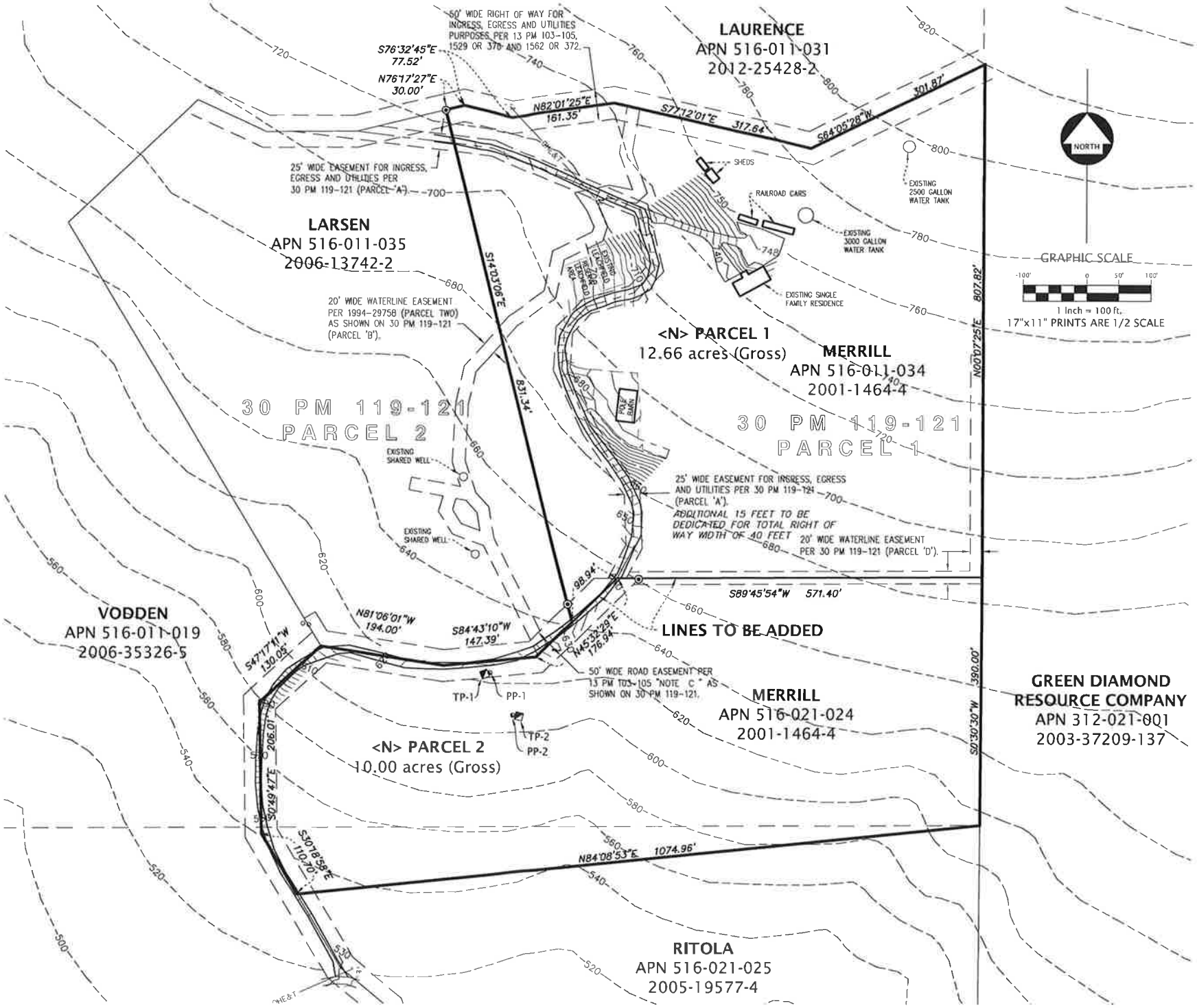
DATED _____

Michael D. Pulley
L.S. No. 7793
Expiration: 12/31/2015



LEGEND

- PROPERTY LINES
RIGHT-OF-WAY CENTERLINE
EASEMENT SIDELINE
DRAINAGE FLOW LINE
EXISTING GROUND CONTOURS
TOP OF SLOPE
TOE OF SLOPE / GRADE BREAK
OVERHEAD ELECTRIC & TELEPHONE LINES
ELECTRIC POWER POLE
TEST PIT
PERCOLATION PIT
FOUND MONUMENT PER 30 PARCEL MAPS 119-121



PARCEL INFORMATION

Current Parcel Area: 22.66 acres (Gross)
Proposed Parcel One: 10.00 acres (Gross)
Proposed Parcel Two: 12.66 acres (Gross)

Agent: Michael Pulley
Points West Surveying Company
Mailing Address: 5201 Carlson Park Drive Suite 3
Arcata CA 95521
Phone: 707.840.9510
Fax: 707.840.9542
Email: Pulley@PointsWestSurveying.com

Owner / Applicant: Brian & Jennifer Merrill
Contact Person: Brian Merrill
APN: 516-011-034 & 516-021-024
Site Address: 1150 Sawdust Trail
Fieldbrook CA 95519
Mailing Address: 1150 The Sawdust Trail
Fieldbrook CA 95519
Phone: 707.498.7575

General Plan: AR10 (NHGP)
Zoning: AG-B-5-(10)-Q

Building Setbacks: Front: 20'
Interior Side: 5'
Exterior Side: Varies
Rear: 10'

APNs 516-011-034 &
516-021-024

TENTATIVE MAP

for
BRIAN & JENNIFER MERRILL

SECTION 1 T 6 N R 1 E
HUMBOLDT MERIDIAN

IN THE UNINCORPORATED AREA OF
HUMBOLDT COUNTY, STATE OF CALIFORNIA
AUGUST 2015

SCALE: 1" = 100' SHEET 1 OF 1

POINTS WEST SURVEYING CO.
5201 Carlson Park Dr., Suite 3 - Arcata, CA 95521
707-840-9510 - Phone 707-840-9542 - Fax