



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: August 24, 2017

To: Humboldt County Planning Commission

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

Subject: **Toms Parcel Map Subdivision Modification**
Application Number 12495
Case Numbers PMS-12-011M
Assessor Parcel Numbers 524-114-010, 524-114-011
5600 South Fork Road, Salyer 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

Meeting Date	Subject	Contact
August 24, 2017	Parcel Map Subdivision Modification	Trevor Estlow

Project Description: A Modification to a previously approved subdivision (PMS-12-011) that is located in both Humboldt and Trinity County. The project proposes to reconvey development rights to Parcel 2 and Parcel 3 of Parcel Map No. 3573, filed in Book 35 of Parcel Maps, pages 94 through 97. The previous subdivision did not propose any development on the Humboldt County portion of the subdivision, however, a field survey accurately determined the County line and development is now proposed or exists in that area. The parcels are or will be served by a shared water system and individual on-site wastewater treatment systems.

Project Location: The project is located in both Humboldt County and Trinity County, in the Salyer area, approximately 2.5 miles south of the intersection of South Fork Road and State Highway 299, on the property known as 5600 South Fork Road.

Present Plan Land Use Designation: Timber Production (T); Framework General Plan (FRWK); density: one unit per 20-160 acres. Slope stability: Moderate Instability.

Present Zoning: Unclassified (U).

Application Number: 12495

Case Number: PMS-12-011M

Assessor Parcel Numbers: 524-114-011

Applicant

Ashley Toms
PO Box 14
Bayside, CA 95524

Owner

Same and Kai Ferrara
PO Box 773
Arcata, CA 95521

Agent

Points West Surveying Co.
David Crivelli
5201 Carlson Park Drive, Suite 3
Arcata, CA 95521

Environmental Review: Environmental review is required.

Major Issues: None.

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

TOMS PARCEL MAP SUBDIVISION MODIFICATION

Case Number PMS-17-005

Assessor Parcel Number 510-142-030

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

Executive Summary: A Modification to a previously approved subdivision (PMS-12-011) that is located in both Humboldt and Trinity County. The project proposes to reconvey development rights to Parcel 2 and Parcel 3 of Parcel Map No. 3573, filed in Book 35 of Parcel Maps, pages 94 through 97. The previous subdivision did not propose any development on the Humboldt County portion of the subdivision, however, a field survey accurately determined the County line and development is now proposed or exists in that area. The parcels are or will be served by a shared water system and individual on-site wastewater treatment systems.

The Conveyance and Agreement recorded with the original subdivision conveyed all uses other than general agriculture and open space. With the recent survey that identified additional usable lands within Humboldt County, the owners wished to have the development rights reconveyed to them. Both parcels involved in the modification have demonstrated site suitability including adequate water source, septic testing, building sites and access.

Trinity County took the lead role for processing the original subdivision. As such, they prepared and circulated a draft Mitigated Negative Declaration and determined that the project, as proposed and conditioned, will not have a significant effect on the environment. The subdivision was approved by the Trinity County Board of Supervisors on June 5, 2012. The Humboldt County Planning Commission adopted the Mitigated Negative Declaration at their meeting of October 4, 2012.

The parcel lies south of the town of Salyer and northwest of Burnt Ranch with the South Fork Trinity River flowing along the western property boundary. The lands along the South Fork Trinity River are identified as lands within flood zone "D" (areas of undetermined flood hazards). No development is proposed within flood zone "D" in Humboldt County, therefore, no flood hazards are expected from this project.

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

ALTERNATIVES:

The Planning Commission could deny the subdivision based upon finding that the lots are not suitable for subdivision and development as proposed. Planning staff has not been made aware

of evidence to support such a finding; consequently planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 17-

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE TOMS PARCEL MAP
SUBDIVISION MODIFICATION APPLICATION;**

CASE NUMBER: PMS-12-011M

ASSESSOR PARCEL NUMBERS: 524-114-010, 524-114-011

WHEREAS, David Crivelli, on behalf of the owners, submitted an application and evidence in support of approving a modification to a previously approved Parcel Map Subdivision; and **WHEREAS**, the County Planning Division reviewed the submitted application and evidence and referred the application and evidence to reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning Division, the lead agency, has prepared an Addendum to a previously adopted Mitigated Negative Declaration for the subject project 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 modification (Case No. PMS-12-011M);

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

- (1) The Planning Commission adopts the proposed Addendum to a previously adopted 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 findings in Attachment 2 of the Planning Division staff report for Case Nos. PMS-12-011M support approval of the project based on the submitted evidence.
- (3) Approves the proposed project as recommended and conditioned in Attachment 1 for Case No. PMS-12-011M.

Adopted after review and consideration of all the evidence on August 24, 2017.

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

AYES: Commissioners:

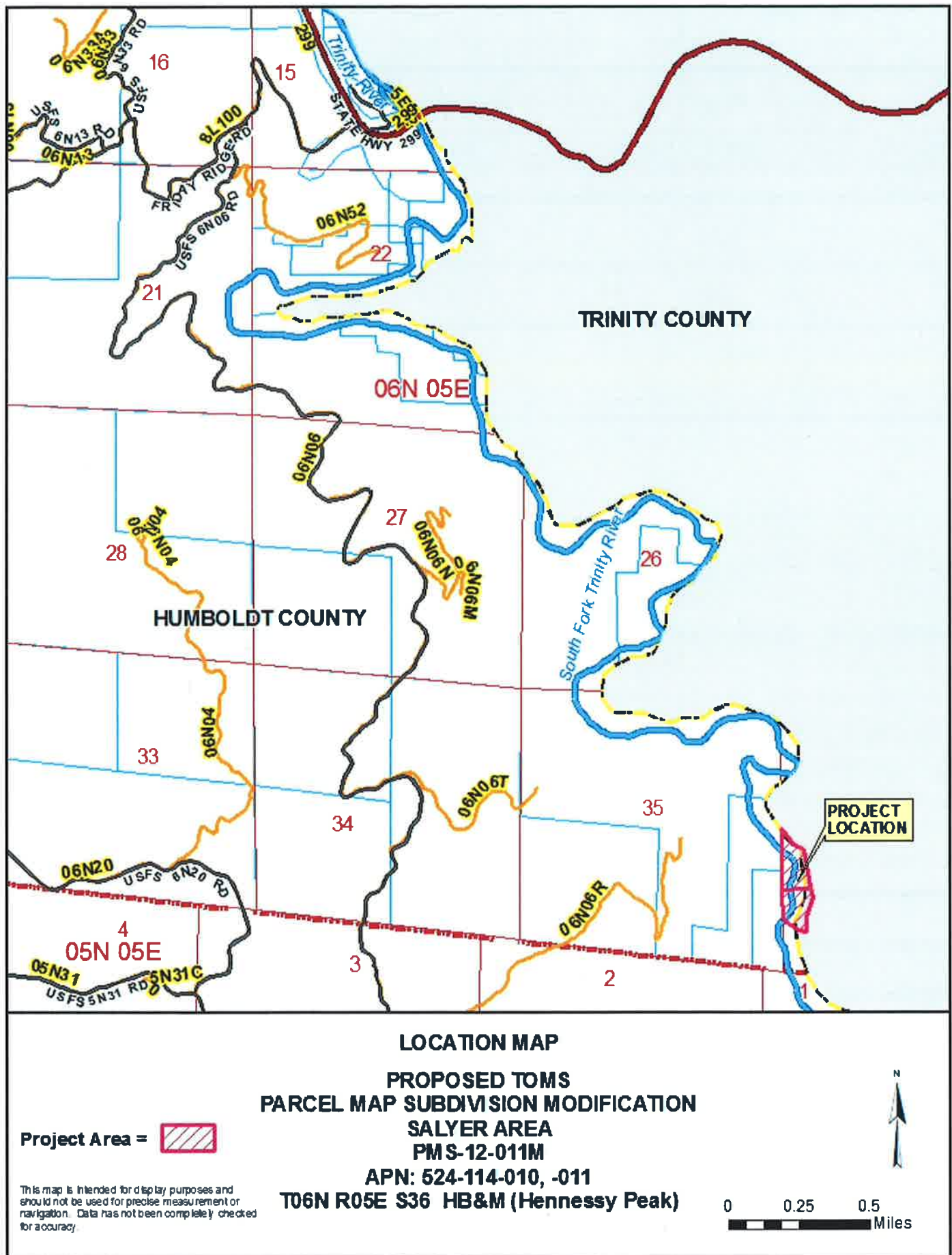
NOES: Commissioners:

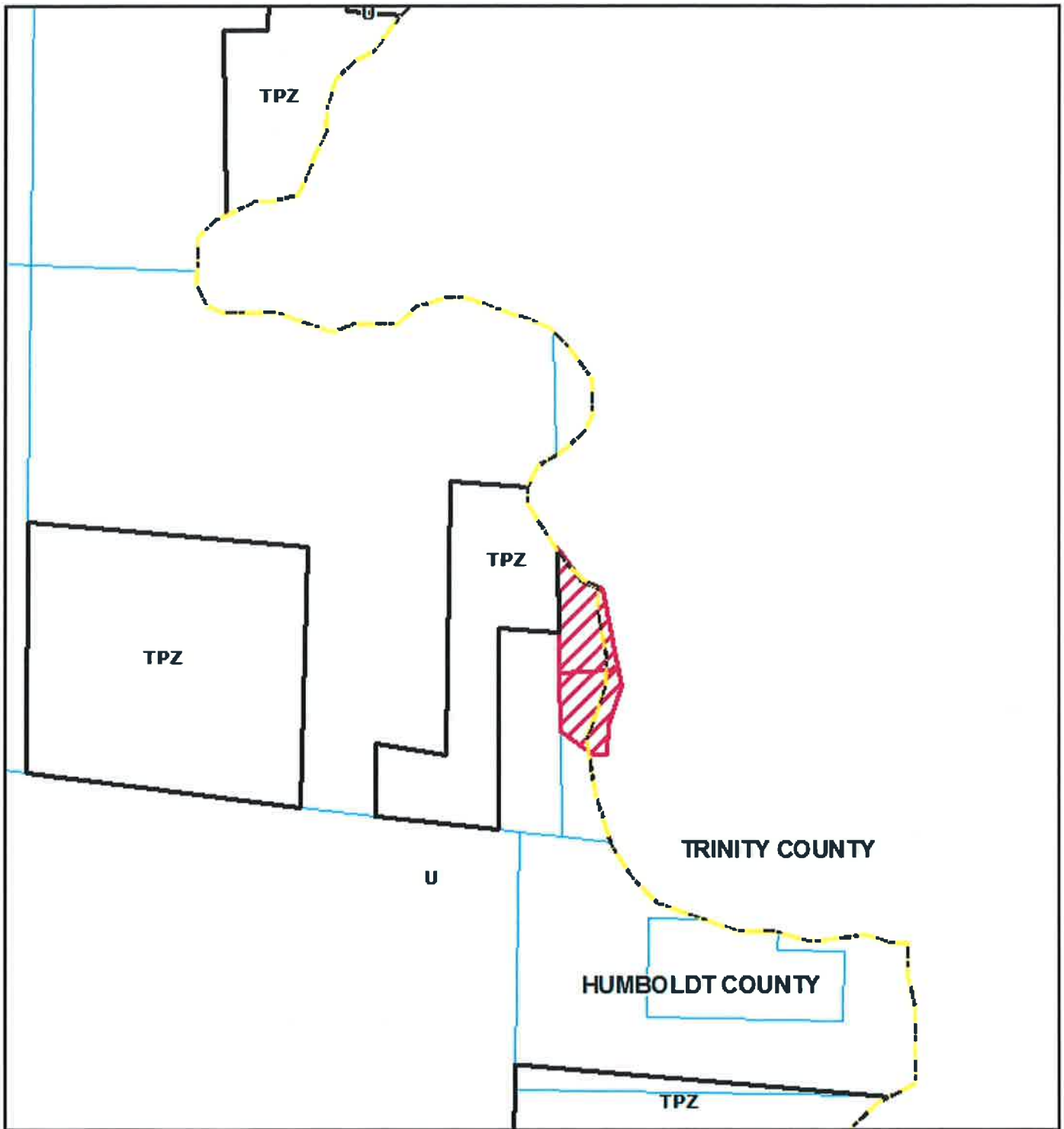
ABSTAIN: Commissioners:

ABSENT: Commissioners:

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

John Ford
Director, Planning and Building Department





ZONING MAP

PROPOSED TOMS PARCEL MAP SUBDIVISION MODIFICATION

**SALYER AREA
PMS-12-011M**

APN: 524-114-010, -011

T06N R05E S36 HB&M (Hennessy Peak)

Project Area = 

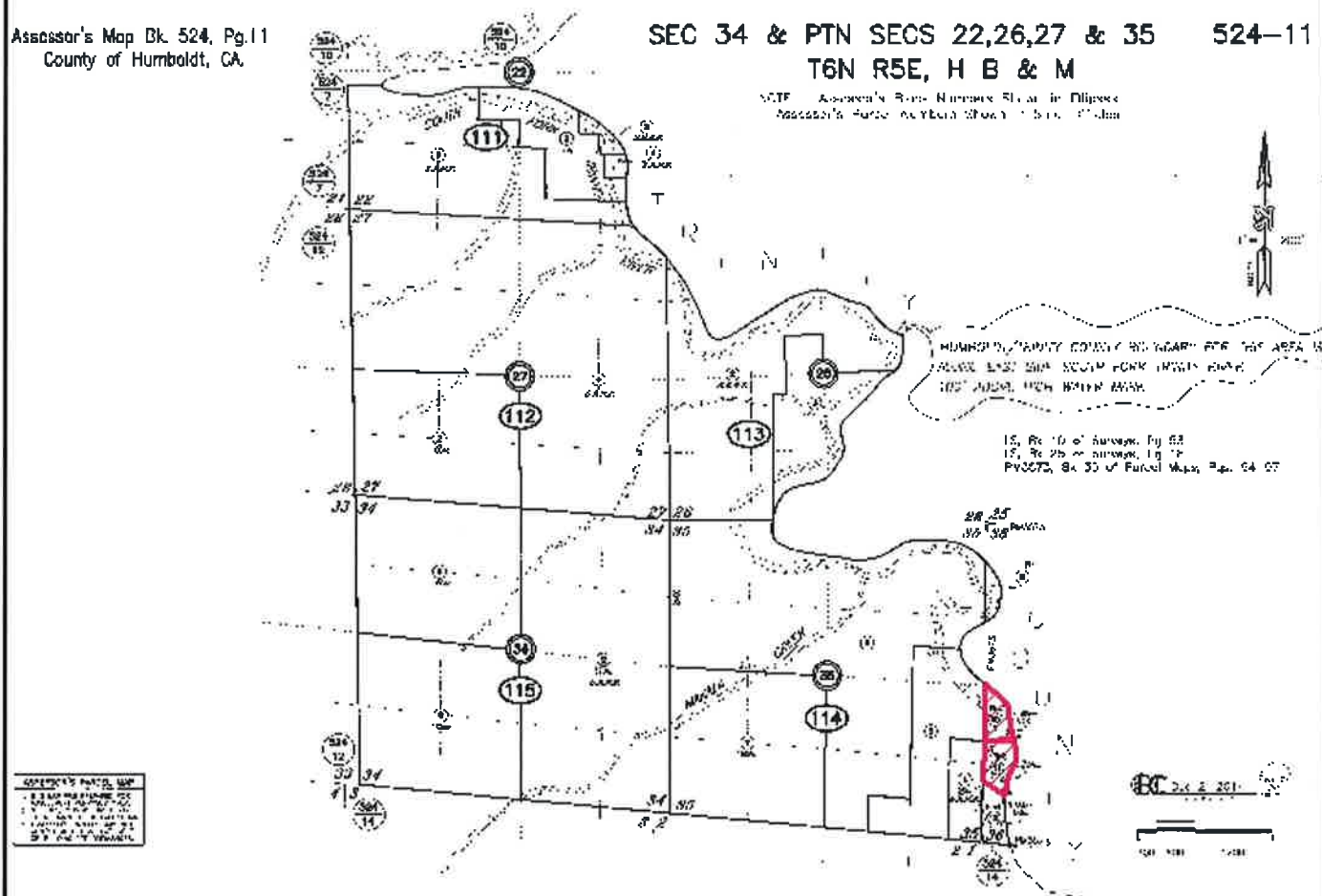
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 0.25
Miles

SEC 34 & PTN SECS 22,26,27 & 35 524-11
T6N R5E, H B & M

NOTE: Andersen's Book-Nutrition Clinic in Philippine
 555-5555's phone number (555) 555-5555



**PROPOSED TOMS
PARCEL MAP SUBDIVISION MODIFICATION
SALYER AREA
PM S-12-011M**

Project Area = 

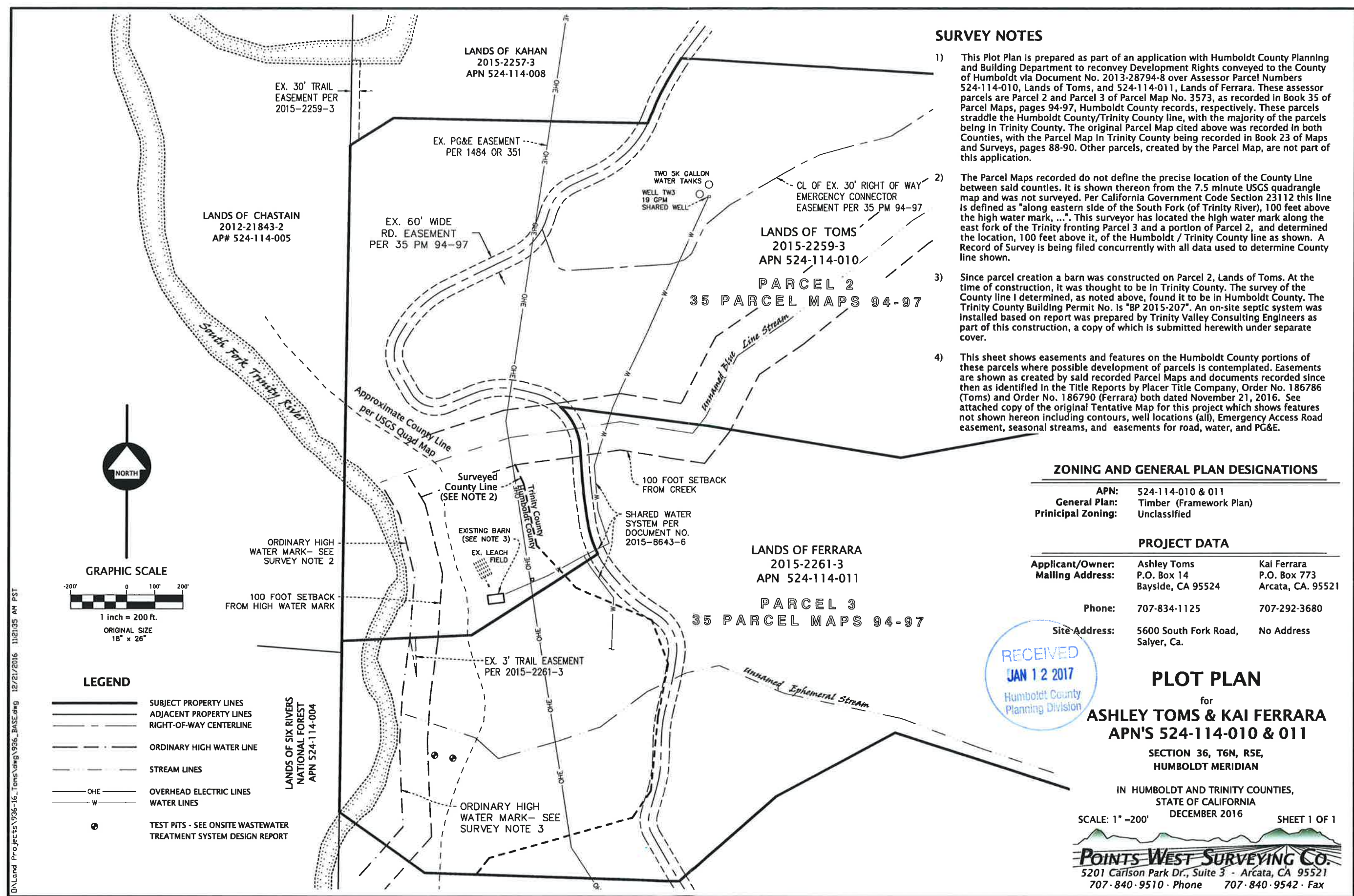
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

APN: 524-114-010, -011
T06N R05E S36 HB&M (Hennessy Peak)

MAP NOT TO SCALE



0 250 500 750 1,000 Feet



SURVEY NOTES

- 1) This Plot Plan is prepared as part of an application with Humboldt County Planning and Building Department to reconvey Development Rights conveyed to the County of Humboldt via Document No. 2013-28794-8 over Assessor Parcel Numbers 524-114-010, Lands of Toms, and 524-114-011, Lands of Ferrara. These assessor parcels are Parcel 2 and Parcel 3 of Parcel Map No. 3573, as recorded in Book 35 of Parcel Maps, pages 94-97, Humboldt County records, respectively. These parcels straddle the Humboldt County/Trinity County line, with the majority of the parcels being in Trinity County. The original Parcel Map cited above was recorded in both Counties, with the Parcel Map in Trinity County being recorded in Book 23 of Maps and Surveys, pages 88-90. Other parcels, created by the Parcel Map, are not part of this application.
- 2) The Parcel Maps recorded do not define the precise location of the County Line between said counties. It is shown thereon from the 7.5 minute USGS quadrangle map and was not surveyed. Per California Government Code Section 23112 this line is defined as "along eastern side of the South Fork (of Trinity River), 100 feet above the high water mark, ...". This surveyor has located the high water mark along the east fork of the Trinity fronting Parcel 3 and a portion of Parcel 2, and determined the location, 100 feet above it, of the Humboldt / Trinity County line as shown. A Record of Survey is being filed concurrently with all data used to determine County line shown.
- 3) Since parcel creation a barn was constructed on Parcel 2, Lands of Toms. At the time of construction, it was thought to be in Trinity County. The survey of the County line I determined, as noted above, found it to be in Humboldt County. The Trinity County Building Permit No. is "BP 2015-207". An on-site septic system was installed based on report was prepared by Trinity Valley Consulting Engineers as part of this construction, a copy of which is submitted herewith under separate cover.
- 4) This sheet shows easements and features on the Humboldt County portions of these parcels where possible development of parcels is contemplated. Easements are shown as created by said recorded Parcel Maps and documents recorded since then as identified in the Title Reports by Placer Title Company, Order No. 186786 (Toms) and Order No. 186790 (Ferrara) both dated November 21, 2016. See attached copy of the original Tentative Map for this project which shows features not shown hereon including contours, well locations (all), Emergency Access Road easement, seasonal streams, and easements for road, water, and PG&E.

ZONING AND GENERAL PLAN DESIGNATIONS

APN:	524-114-010 & 011
General Plan:	Timber (Framework Plan)
Principal Zoning:	Unclassified

PROJECT DATA

Applicant/Owner:	Ashley Toms	Kai Ferrara
Mailing Address:	P.O. Box 14 Bayside, CA 95524	P.O. Box 773 Arcata, CA. 95521
Phone:	707-834-1125	707-292-3680
Site Address:	5600 South Fork Road, Salier, Ca.	No Address

PLOT PLAN

for
ASHLEY TOMS & KAI FERRARA
APN'S 524-114-010 & 011

SECTION 36, T6N, R5E,
HUMBOLDT MERIDIAN

IN HUMBOLDT AND TRINITY COUNTIES,
STATE OF CALIFORNIA
DECEMBER 2016

SCALE: 1" = 200'

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

ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL FOR 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:

1. The applicant shall record a Quitclaim and Partial Reconveyance of development rights with the County of Humboldt to allow all uses for those portions of Parcels 2 and 3 located within Humboldt County. Legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00) will be required.
2. The applicant shall file a Record of Survey with the Humboldt County Recorder.
3. 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 minimize the cost for this review.
4. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. (Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.)
5. The applicant shall submit at least two (2) 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) Streamside Management Area (SMA) for the South Fork Trinity River labeled "non-buildable".
 - (2) Humboldt-Trinity County line as surveyed by Points West Surveying Co.
 - (3) Culturally sensitive area as depicted on Cultural Resource Investigation Report prepared by Roscoe and Associates (July 2017).
 - B. Notes to be placed on the Development Plan:
 - (1) "The project site is located in an area known to be culturally sensitive. No new substantial ground-disturbance or heavy equipment use can occur within area labeled 'Culturally Sensitive Area'. Should future ground disturbing work be proposed within the 'Culturally Sensitive Area', a professional archaeologist shall review the proposed actions and, in cooperation with the Tsnungwe Tribe, will develop mitigation measures as appropriate".
 - (2) "Development within Streamside Management Areas shall be limited to the following uses:
 - a. Development permitted within stream channels pursuant to Section 3432.6 of the General Plan (Volume I, Framework).
 - b. Timber management and harvests not otherwise excluded by Applicability Section as well as noncommercial cutting of firewood and clearing for pasture, provided that cottonwoods are retained and remaining willows and

alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage.

- c. Road and bridge replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
- d. Removal of vegetation for disease control or public safety purposes.

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

- (3) "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".
- 6. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00 plus applicable recordation fees) will be required.
- 7. Applicant shall obtain any necessary building permits for structures located within Humboldt County.

Informational Notes:

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

Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. _____ Condition _____
(Specify) (Specify)

- 2. 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.

ATTACHMENT 2
Staff Analysis of the Evidence Supporting the Required Findings

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

- A. Subdivision Findings: Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (HCC) specify the findings that must be made to approve tentative subdivision maps. Basically, the Hearing Officer may approve a tentative map and the special permit if the applicants have submitted evidence which supports making all of the following findings:
1. That the proposed subdivision together with the provisions for its design and improvements, is consistent with the County's General Plan.
 2. That the tentative subdivision map conforms with the requirements and standards of the County's subdivision regulations.
 3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
 4. The proposed subdivision is not likely to cause substantial environmental damage.
 5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (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 which is subject to the regulations of CEQA.

Staff Analysis:
SUBDIVISION AND SPECIAL PERMIT FINDINGS

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

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Supporting the General Plan Conformance Finding
Housing FP 2420-2430	Encourage innovative designs, which facilitate optimum use of sites. Concentrate new development around existing public services and around existing communities.	The proposed subdivision modification reconveys development rights to Parcels 2 and 3 of Parcel Map No. 3573. The applicant has demonstrated adequate site suitability for both involved parcels.
Land Use FRWK 2721 - T	One unit per 160 – 20 acres	The parcels are both approximately 143.5 acres each. The modification to the subdivision will allow all uses permitted within the Timber (T) land use designation. Currently, uses are restricted to general agriculture and open space.
Geologic WCCP 3210	New construction shall be built to help protect occupants from geologic hazards	The project site is located in an area mapped as having moderate slope instability ratings. The applicant has demonstrated adequate building sites free from hazards to the satisfaction of the Building Department.
Flood Hazards WCCP 3220	All new development shall conform to the County Flood Insurance Program and certificate regulations.	According to FIRM Map Panel 900, the lands within Humboldt County are located in flood zone "D" (areas of undetermined flood hazards). A precise survey was conducted to locate the County line which is defined as 100 feet above the high water mark. Although no base flood elevation is determined, all development is well above the high water mark of the Trinity River. No flood hazards are expected from this project.
Fire Hazards FP 3291(4)	Use appropriate sections of the Firesafe Ordinance (FSO) for review of residential development in rural areas.	The General Plan Fire Hazard map indicates that the property is located in an area of a high fire hazard rating.

Biological Resources WCCP 3400	To protect designated sensitive habitats and cultural resources.	The Trinity River runs along the western boundary of the parcel. A minimum of a 100 foot setback (for development or vegetation removal) is required pursuant to the Streamside Management Area Ordinance. The Mitigated Negative Declaration, prepared by Trinity County Planning Department, requires a setback of 150 feet of the top of bank or 50 feet from the outer edge of the riparian vegetation drip line, whichever is greater, of the South Fork Trinity River. Similarly, a 50 foot no development or vegetation removal setback shall be observed from the two creeks which are tributary to the South Fork Trinity River that bisect the proposed parcels. Existing development meets these requirements.
Cultural Resources FP 3530	To protect designated historical and archeological resources.	A Cultural Resource Study was performed by Roscoe and Associated and found a portion of the site to be culturally sensitive. The Tsnungwe Tribe worked closely with Roscoe and Associates and recommended mitigation measures in order to avoid any impacts to cultural resources. This has been included in the conditions of approval as a note on the Development Plan. Further consultation with the tribe will be required should the applicant propose significant ground disturbance within the mapped culturally sensitive area.

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

Section(s)	Applicable Subdivision Requirements	Evidence Supporting Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The subdivision modification will reconvey development rights to Parcels 2 and 3 of Parcel Map No. 3573. The applicant has demonstrated adequate water, sewage disposal, building site and access for the lands within Humboldt County.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	The subdivision is accessed from both South Fork Road and Hennessy Road within Trinity County. Conditions of approval required a dedication of a 60 foot right of way on both South Fork Road and Hennessy Road. The parcels currently drain toward the west into the South Fork Trinity River. The parcels vary from steeper slopes in the east to flatter portions to the west and near the river. The sites are large enough that drainage can be handled on site.
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	The parcels will be served by on-site water (wells) and on-site sewage disposal systems. The applicant has demonstrated adequate water and septic availability to the satisfaction of the Division of Environmental Health.
Access Road Appendix 4-1	Roadway design must incorporate a 40-foot right of way.	The parcels are served by South Fork Road and Hennessy Road, both roads with a 60 foot right of way.
Parking Appendix 4-2	If the subdivision does not provide for on-street parking, subdivision must provide for 5 on-site parking spaces.	The parcels are both 143.5 acres in size with sufficient parking area.

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

Zoning Section	Summary of Applicable Requirement	Evidence
Unclassified §314-8.1	Principal permitted uses include one-family dwellings and general agriculture.	The proposed subdivision modification will reconvey development rights to Parcels 2 and 3 of Parcel Map No. 3573. The applicant has demonstrated adequate water, sewage disposal, building site and access for the lands within Humboldt County. Parcel 2 is developed with a barn and septic system and Parcel 3 is vacant.
Min. Parcel Sizes	6,000 square feet	Both parcels will be 143.5 acres in size.
Min. Lot Width	60 feet	Both parcels meet this requirement.
Min. Lot Depth	three (3) times the width	The lands within Humboldt County generally do not meet this requirement, however, the parcels span both Humboldt and Trinity Counties with the majority of the lands in Trinity County and zoned TPZ.
Lot Coverage	40% maximum	Parcel 2: less than 1% Parcel 3: vacant
Yard Setbacks:		
<i>Each parcel is subject to Firesafe setbacks of 30' from all property lines.</i>		

A.4. Environmental Impact:

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

The project was found subject to CEQA and an Addendum to the previously adopted Negative Declaration was prepared. Because an Addendum was prepared and no changes were required to the Negative Declaration, the provisions of Section 711.4 of the California Fish and Wildlife Code do not apply to this project. Within five (5) days of the effective date of the approval of this project, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. This requirement appears as Condition 4 of Attachment 1.

A.5./B.5. Impact on Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>312-17.1.5 and 322-3.1</p> <p>Housing Element Densities</p>	<p>The proposed subdivision/ 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 proposed project will reconvey development rights on two parcels created by subdivision. These parcels are considered resource lands and were not utilized by the Department of Housing and Community Development in determining compliance with housing element law. Therefore, this subdivision modification complies with this requirement.</p>

ATTACHMENT 3

Applicants' Evidence In Support of the Required Findings

Document	Location
Tentative Map Checklist	On file with Planning
Tentative Subdivision Map (previously approved)	On file with Planning
Plot Plan for involved parcels	Attached
Record of Survey (proposed)	Attached
Application Form	On file with Planning
Preliminary Title Report	On file with Planning
Cultural Resource Investigation	On file with Planning

ATTACHMENT 4
Addendum to Initial Study and Mitigated Negative Declaration

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

TOMS MODIFICATION PROJECT

***APNs 524-114-010, 524-114-011, Salyer area,
Humboldt County and Trinity County***

DRAFT

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

August 2017

Background

Modified Project Description and Project History - The project involves a Modification to a previously approved Parcel Map Subdivision approved October 4, 2012. The original project was for the subdivision of an approximately 574 acre parcel to create four parcels of 143.5 acres each. The property lies almost entirely within Trinity County with an approximate 32 acres being located in Humboldt County, mostly river bar. The majority of each resultant parcel, including the proposed building sites and access roads, is located within Trinity County. The subdivision was been approved by the Trinity County Board of Supervisors on June 5, 2012. The Modification proposes to reconvey development rights to Parcel 2 and Parcel 3 of Parcel Map No. 3573, filed in Book 35 of Parcel Maps, pages 94 through 97. The previous subdivision did not propose any development on the Humboldt County portion of the subdivision, however, a field survey accurately determined the County line and development is now proposed or exists in that area. This modification will be heard by the Planning Commission.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original project's recommended mitigations.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION

See **Purpose** statement above.

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

FINDINGS

1. The proposed project modification reconveys development rights that were conveyed with the original subdivision. The nature of the project modification does not trigger any new environmental impacts that were not previously discussed. The mitigation measures adopted with the original project will continue to apply.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the modified project there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete. Furthermore, it is concluded that: the current project will not have one or more significant effects not discussed in the previous MND. Also, significant effects previously examined will not be substantially more severe than shown in the previous MND. There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

CONCLUSION

Based on these findings it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND are applicable to the current project proposal.

APPENDICES

TOMS SUBDIVISION MODIFICATION PROJECT

- Appendix A. Humboldt County Planning Commission Resolution Adopting the Mitigated Negative Declaration
- Appendix B. Initial Study and Mitigated Negative Declaration

APPENDIX A

Humboldt County Planning Commission Resolution Adopting the Mitigated Negative Declaration

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 12-35**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE SOUTH FORK TRINITY RIVER
LLC PARCEL MAP SUBDIVISION APPLICATION; CASE NO.: PMS-12-011;
ASSESSOR PARCEL NUMBERS: 524-114-003 & 524-114-008**

WHEREAS, Erikson Consulting & Surveying, on behalf of the owners, South Fork Trinity River LLC, submitted an application and evidence in support of approving an application for the Parcel Map Subdivision of an approximately 574 acre parcel into 4 lots of 143.5 acres each; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Trinity County Planning Department, as the lead agency, prepared a draft Mitigated Negative Declaration included in Attachment 5; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed subdivision;

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

- (1) The Planning Commission adopts the Mitigated Negative Declaration for the project adopted and certified by the Trinity County Board of Supervisors as Lead Agency included as Attachment 5 of the Planning Division staff report as required by Section 15096 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
- (2) The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Nos. PMS-12-011 based on the submitted evidence.
- (3) The Planning Commission approves the proposed project applied for as recommended and conditioned in Attachment 1 for Case No. PMS-12-011.

Adopted after review and consideration of all the evidence on October 4, 2012.

The motion was made by Commissioner Kreb and seconded by Commissioner Disiere.

AYES: Commissioners: Kreb, Disiere, Faust, Nelson

NOES: Commissioners: None

ABSTAIN: Commissioners: None

ABSENT: Commissioners: Edmonds and Masten

DECISION: Motion Carries 4/0.


Ralph Faust, Chair

I, Catherine Munsee, 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.

By: *C. Munsee*
Catherine Munsee, Planning Commission Clerk

APPENDIX B

Initial Study and Mitigated Negative Declaration

TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

OWNER: South Fork Trinity River LLC**REPORT BY:** Frank Lynch, Senior Planner**AGENT:** Erikson Consulting**APN:** 008-080-08**APPLICATION:** Proposed Negative Declaration
Parcel Map**PROPOSAL:** Parcel Map to create four parcels of 143.5 acres each. Project includes a requested exception to minimum lot size due to the property lying within "short section," i.e. less than a 640 square foot section per Trinity County Zoning Ordinance Section 30.3**LOCATION:** Approximately 2.5 miles S of the community of Salyer, lying on both sides of South Fork Road, 2.5+- miles S of its intersection with Highway 299.**PROJECT INFORMATION:**

- A) Planning Area: Down River
- B) Existing General Plan Designation: Resource
- C) Existing Zoning: Timber Production
- D) Existing Land Use: vacant
- E) Adjacent Land Use Information:

	<u>Land Use</u>	<u>Zoning</u>	<u>General Plan Des.</u>
North:	Resource/Residential	Unclassified	Resource
South:	Resource/Residential	Unclassified	Resource
East:	Resource/Residential	Unclassified	Resource
West:	County of Humboldt	County of Humboldt	County of Humboldt

PROJECT DESCRIPTION: The subdivider, South Fork Trinity River LLC, proposes to subdivide a 574.4+- acre parcel into four parcels of 143.59+- acres each. The property is currently vacant and has had its timber harvested in the relatively recent past. The property is oriented on a west facing slope that rises from the level of the Trinity River, which as this point is at the 800 foot elevation, to a high point of approximately 2000 feet. The upland slopes of the property, per the tentative map contain slopes as steep as 72%, with the terrace land closer to South Fork Road and the River being far gentler e.g. five to 11 percent slopes. The property is surrounded by a mix of private properties and lands under the stewardship of the U.S. Forest Service. Vegetation in the project area is predominately mixed conifer, with some grasslands and low lying brush evident in harvested areas.

The tentative map illustrates that the current configuration of the property includes lands that lie to the west of the Trinity River, and is so designed that each of the parcels created will have small portions of their ownerships in Humboldt County. The County line in this area is actually located at a point 100 feet above the high water of the river on the Trinity County side. Therefore, of the 143.59 acres provided for each lot approximately, up to 8-10 acres of the individual parcel may lie in Humboldt County. While it is not that unusual to have a parcel split by jurisdictional boundaries, it may have bearing on the project to be evaluated. For example, the property located in Trinity County within this project area is zoned Timber Production, while the Humboldt County side is not. The subdivider will have to go through an independent subdivision process for to divide those lands in Humboldt; however as the vast majority of land lies within Trinity County, this process is taking place first. (Humboldt County staff advises that they may utilize this County's environmental analysis as part of their review).

Staff must also point out a provision of the Trinity County Subdivision Ordinance, specifically Section 16.49.190(E) which states:

No lot shall be divided by a Special District or County boundary line.

In assessing this provision, it must be acknowledged that the property already is within dual jurisdictions. In reviewing the intent of the provision, staff assumes the concern was creating lands that would not support services that may be provided by the potentially competing districts; however the exact motive is not fully understood at this time.

Finally, the lot sizes requested are below the 160 acre minimum required by the TP zoning and Resource general plan designation. The agent for the project has referenced Section 30.3(A) as the basis for this deviation from the standard. This section states:

SUBSTANDARD SIZE (SHORT) SECTION: This provision shall apply to the division of land with Resource (RE) or Agricultural (AG) general plan land use designations, located within a substandard sized (short) section, and zoned with minimum lot densities of 40 acres or greater (AF-160, AF-40, A-40, etc.).

1. When new parcels will be created by aliquot parts within a substandard size (short) section, the minimum parcel size may be reduced to a ratio that is proportional to the difference between the substandard section and 640 acres (standard section size). However, in no event shall the parcel sizes be less than 90% of that required by zoning or 36 acres, whichever is more restrictive.

Example: Property with AF-40 zoning within a substandard section of 600 acres (945 the size of a standard section). A quarter, quarter waiver land division utilizing this provision could result in parcels with minimum sizes of 37.5 acres.

While this section provides a unique interpretation of density, even considering the 90% standard for a short section (this being in one of those areas that have an oddly configured, reduced acreage), the 143.59 acres proposed as the minimum lot size is approximately 0.41 acres less than the 90% standards. While is not a vastly significant amount individually, non-the-less it does not meet even the reduced standard for meeting general plan or zoning consistency.

For all of the above reasons, the consideration of lands outside of the County's boundaries as being credited toward meeting minimum lot size, the split jurisdictional configuration and most significantly the lack of the lot size meeting general plan and zoning standards for minimum lot size, staff has advised the owners and agent that it would not support the project as submitted. Staff has suggested reducing the project from four to three parcels (however, there are evidently four owners with the LLC currently holding title) and/or finding some adjacent land to add to the property to insure that minimum lot size is met. To date, these alternatives have not been chosen and the applicants have asked that the project be brought to hearing to resolve the issue. Correspondence has been submitted by the applicants in support of their request and is attached for review.

ENVIRONMENTAL EVALUATION:

In consideration of the project, an evaluation of environmental impact (Initial Study) was prepared for this project pursuant to the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration of Environmental Impact was prepared for consideration should the Commission chose to approve the project. That evaluation follows:

Environmental Checklist and Explanatory Notes

I. AESTHETICS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

glare that would adversely affect day or nighttime views in the area?				
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I(a-d): The project lies along both sides of the South Fork of the Trinity River. This stretch of the river is within a designated Wild and Scenic River designated area. Building sites for the individual parcels are not designated but due to this scenic designation and biological factors discussed below, a setback from the river's high water area is recommended. As conditioned visual impacts from the creation of building sites should not create any significant impacts on visual resources.

Mitigation Measure:

A Notice of Environmental Constraint (NOEC) shall be recorded concurrent with the parcel map which shall create a 150 foot no disturbance buffer area from the South Fork of the Trinity River, or any tributary stream, as measured from the top of the bank or the outer edge of any associated riparian habitat, as defined by a qualified biologist. This restriction shall include all development, i.e. roads, building pads and sites, septic fields, vegetation removal, except for non-native invasive species or as authorized by a resources agency having jurisdiction.

II. AGRICULTURE RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program in the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, timberland (as defined by Public Resources Code section 4526), or timberland zoned timber production (TPZ) as defined by Government Code Section 51104(g)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II(a-e): The project site within Trinity County is zoned Timber Production. Section 51119.5 of the Californian Government Code states:

Parcels zoned as timberland production under this chapter may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. The deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. The division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.

The subject property was fairly recently harvested by Seirra Pacific Industries, who prepared a Timber Harvest Plan for that operation. Subsequent to the harvest, the land was sold and the THP did not provide any guidance for this subsequent action to split the property. The subdivider has been notified of the requirement but as they also been advised that staff cannot support the application regardless due to the insufficient lots sizes, they have requested that this joint timber management plan be made a condition of any approval. While understandable, they do not want to incur additional costs for preparation of the report when the project's outcome is already in doubt, however staff believes that this type of report is subjective in nature and should be made available as part of the project's consideration. A joint management plan would provide for assessment of individual property resources, insuring that minimum stocking standards are met throughout the project, notification of forest practices to be expected to new property owners, as well as requirements for access, right of ways, and other practical needs for overall timber management and cooperative needs for timber management.

Again, the applicants have elected not to prepare such document at this time. Should the project be approved as submitted, the preparation of a joint timber management plan as well as CALFire review and approval of the document shall be required..

III. 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:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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III(a-e): The project would not create objectionable odors or otherwise degrade the atmospheric environment. The amount of grading will be insignificant to develop the access to each parcel as it will align along a developed driveway which is already graveled and covers relatively flat terrain. Some minor temporary dust may be created at the time of any new development on the vacant parcel. After construction, the project will not generate any significant airborne contaminants.

Trinity County generally has good air quality. The County is in attainment with all federal standards. However, the County is in non-attainment for Particulate Matter according to California State PM standards (Trinity County Safety Element of the General Plan). The parcels are accessed directly from improved State and county roads. Any additional traffic generated from new development and its air pollution impacts, as well as any heating by woodstoves, are calculated to be minimal concerns that would only have insignificant impacts when considered individually. Cumulative impacts on global conditions, e.g. global warming, are more realistically addressed via programmatic changes to development standards and are beyond the reach of this individual project.

This individual project is not expected to contribute significant odors, produce substantial pollutant concentrations, or otherwise degrade the atmospheric environment. The proposed project will not substantially alter air movement, moisture, temperature or other aspects of climate. The project will not otherwise degrade the atmospheric environment, nor substantially alter air movement, moisture, temperature or other aspects of the climate..

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IV (a – f) The project site is bisected by the South Fork Trinity River. While the river is located outside Trinity County's jurisdictional area, development that may result from the division could impact this resource. The Department of Fish and Game comments that after reviewing the previous Timber Harvest Plan and the site itself that the river and streams within the property are fish bearing and a 150 foot no disturbance buffer should be imposed from the top of bank or outer edge of the riparian habitat, whichever is greater. Further the agency comments that new riparian rights may be created by the project and further that new wells dug may be hydrologically connected to the river. The agency is concerned that impacts to the water systems may impact water courses during low flow periods.

The river itself should not be viewed as a potential water source for domestic use for each of the new parcels and development should be well buffered from river's edge to limit impacts to wildlife utilizing the area as well as to minimize visual impacts along this stretch of a designated wild and scenic river.

Based on the above, the following mitigation measures are recommended.

Mitigation Measures:

IV 1: A Notice of Environmental Constraint shall be recorded concurrent with the recordation of the Parcel Map which shall state that on-site water shall be developed at the time of the individual parcel development to the satisfaction of the Division of Environmental Health. No extraction of water from the South Fork Trinity River or any other surface water source shall be allowed.

IV 2: There shall be no development or vegetation removal within 150 feet of the top of bank or 50 feet from the outer edge of the riparian vegetation drip line, whichever is greater, of the South Fork Trinity River.

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

V(a-d): The site was assessed at the time of the Timber Harvest Plan, and subsequently the surface areas were disturbed by timber operations. No resources have However, since this parcel is situated near a waterway, there is always the possibility that Native Americans utilized this site and some archaeological find may occur during the construction activities. In order to protect any archeological find thing may surface, mitigation measures will be incorporated.

Mitigation Measures

V.1: In the event that previously unidentified cultural or paleontological resources are encountered during development of the parcel, there shall be no further excavation or disturbance of that area. The owner/developer shall avoid the materials and their contents. The Trinity County Planning Director shall be notified immediately, and an archaeologist consulted to determine if the find is significant and make recommendations for appropriate mitigation. Work shall not continue in the area until mitigations have been implemented and written authorization to resume work has been provided by the Planning Director.

V.2 In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per state law. If the Coroner determines the remains to be Native American, he/she will contact the Native American Heritage Commission who will contact the most likely descendent who will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work shall not continue in the area until the human remains have been dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating risks to life or property?.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Would the project result in disturbance of ultra-mafic rock or soils potentially	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

containing naturally occurring asbestos?				
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VII(a-f): There are no known faults crossing the project area. The County does not contain any Alquist-Priolo Earthquake Fault Zoning Areas. The likely areas that may be disturbed for development of building sites are lower areas on a terrace above the South Fork of the Trinity River. With the setbacks suggested above to avoid impacts to biological and visual resources associated with the river, no development would be located on any bank of the river. This will reduce areas that may be disturbed, so the potential for geologic risk is very low.

VII. GREENHOUSE GAS EMISSIONS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII(a): The level on anticipated development will not generate new significant traffic or otherwise generate emissions. No conflict with existing policy is foreseen as a result of the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use compatibility plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII(a-h): The project will not involve the use of hazardous materials, is not located near an airport and would not conflict with any adopted emergency plan. The project is however located in an area subject to wildfire and compliance with adopted building codes will be required for new residential development. Additionally, CalFire comments that 2500 gallons of water storage will be required on each lot at the time of development.

Mitigation Measure

VIII -1: A Notice of Environmental Constraint shall be recorded concurrent with the map for the subdivision that shall state: At the time of building permit issuance for any subsequent development of the individual parcels, the owner is responsible to place a 2500 gallon water storage tank on the property for emergency water use. Such installation shall be reviewed and approved by the California Department of Forestry and Fire Protection.

IX. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Violate any applicable water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year floodplain, as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year floodplain structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX(a-f): Some grading for site preparation will be required for parcel development. Some of this site preparation may also stem from the development of the Joint Timber Management Plan when access road, work areas and transportation routes are considered. Dependant on the amount of grading done, permitting from the Regional Water Quality Control Board may be warranted. Consideration of water quality issues should be addressed at this early stage of site development. (Also see Biological issues discussed above).

IX(g-j): The project is not depicted as being within a flood plain based on the Flood Insurance Maps published by FEMA and provided to Trinity County. However, it must be kept in mind that the river itself to the high water mark is within Humboldt County and future development within any areas of identified flood hazard within Humboldt County would need to comply with any regulatory provisions within that jurisdiction.

Mitigation Measure:

IX -1: Prior to any earth moving activities, a grading, drainage and erosion control plan shall be submitted to the Department of Transportation and the Planning Director for review and approval. The plan shall address access roads, building pads and any other planned development activity for individual parcel development. Any easements necessary for the management of drainage courses shall appear on the Parcel Map.

IX - 2: The applicant shall secure appropriate permits and clearances from the Regional Water Quality Control Board. Any permit requirement from that agency shall become a condition of this entitlement

IX - 3: All areas of potential flood hazard shall be identified on the Parcel Map based on the adopted FEMA Flood Insurance Rate Maps for either Trinity or Humboldt Counties.

X. LAND USE AND PLANNING Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X(a): The project will not physically divide a community but it will create more parcels that are within two counties. Staff does not necessarily view this as a significant environmental impact, but notes it for the record.

X(b): As noted in the introduction to this project, the applicant is seeking approval of parcel sizes that are less than that permitted within the zoning district. The applicants rely upon a provision of the code that permits parcel sizes to be within 90% of the required parcels size if the property is within a "short section." Within the attached letters the applicants compound the provisions of 30.3(A), cited earlier in this report with another code section, 30.3(D), by justifying the parcel size as being within 95% of the 90% reduced parcel size. That Section, 30.3(D) states:

D. MINOR VARIATION FROM MINIMUM SUBDIVISION SIZE: This provision is intended to allow flexibility for parcel map requests (4 or fewer lots) that fall just short of the minimum project and lot size standards as imposed by zoning.

1. A tentative parcel map proposing a minor variation from minimum lot size, as required by the applicable zoning, may be submitted when the total area of the subdivision is 95% or more of that required to create 2-4 lots. The Planning Commission, after review, may approve the minor variation when the following finding, as well as the findings contained in Section 30.3.B. (above), can be made:
Required Additional Finding:

a. The proposed minor variation from strict application of zoning lot density requirements is determined to be consistent with the general plan since creation of the proposed lots will not represent a significant increase in lot density within the neighborhood or surrounding community.

Example - Proposed division of a 9.86 acre parcel zoned RR-5, and required findings can be met. Application of this provision could allow the creation of two parcels, with one or both lots slightly under 5 acres in size (Lot#1 =4.9 ac., Lot#2 =4.96 ac.).

In reviewing this required finding staff notes that the property lies within an extensive area that has a Resource general plan land use designation however, it is the only parcel that is zoned TP as the remainder of the surrounding area is zoned Unclassified.

While staff acknowledges the parcel sizes are close, at some point we feel obligated to state that there are minimums. If the Commission supports the request, the applicant should be directed to provide a Timber Management Plan prior to any Board of Supervisors action. (A division of lands zoned TP into parcels of less than 160 acres is required to have a 4/5ths Board approval).

X(c): The project site is not subject to any habitat conservation plan or natural community conservation plan.

Mitigation Measure X -1: The subdivider shall provide an acceptable Joint Timber Management Plan prior to final Board of Supervisors action on the project.

XI. MINERAL AND ENERGY RESOURCES				
Would the project:	Potentially	Less Than Significant	Less Than	

	Significant	With Mitigation	Significant	No Impact
a) Result in the loss of availability of a known mineral that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the use of energy or non-renewable resources in a wasteful or inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI(a-c): The project will not effect the availability of any mineral resources or result in the use of energy or non-renewable resources.

XII. NOISE Would the project result in:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to, or generation of, excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use compatibility plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII(a-d): The only noise generated or vibrations by this project would be during improvement to any of the individual lots. Noise would be typical construction noise such as equipment engines, grading, and compaction of soils and paving equipment. Trinity County does not have a noise ordinance. The Noise Element of the General Plan does not have standards that apply to construction activities. Most development activity will occur during the day and be temporary.

XII(e and f): The project is not located near an airport

XIII. POPULATION AND HOUSING Would the		Less Than		
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project:	Potentially Significant	Significant With Mitigation	Less Than Significant	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII(a-c): The project will have no effect on population, nor will it displace housing or businesses.

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

XIV(a) – (f): The project is being conditioned to comply with fire safe standards. Impacts to police protection and schools will occur given that density will increase but those impacts will be less than significant overall.

XV. RECREATION	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV(a-b): No significant impact to recreational facilities demand or use is anticipated.

XVI. TRANSPORTATION/TRAFFIC Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing a measure 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 system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI (a-f) The Department of Transportation has recommended a set of conditions to address transportation related impacts stemming from project development. These recommendations include dedication of right of way, preservation of emergency access and encroachment standards for areas served by County Roads.

Mitigation Measures

XVI – 1: A 60 – foot dedication, lying 30 feet either side of the existing centerline, along South Fork Road, Co. Rd. No. 447, where said dedication lies within the subject property.

XVII – 2: A 60 – foot dedication, lying 30 feet either side of the existing centerline, along Hennessy Road, Co. Rd. No. 435, where said dedication lies within the subject property

XVII - 3: An exclusive public easement for emergency ingress and egress on the road between Hennessy Road and South Fork Road that begins at Hennessy Road in the northeast portion of Parcel 1 and meanders in a generally southwest direction through Parcel 1 and a portion of Parcel 2 to where it intersects with South Fork

Road in the northwest portion of Parcel 2. This road would only be used by the public in emergency situations such as road closures due to slides, fire, construction, etc. and could be gated by the landowners when not in use.

XVII – 4: The access road that serves APN 008-080-07, shall conform to a Category D road design standard or Fire Safe Ordinance standard which ever is greater, from South Fork Road to the west line of Parcel 2.

XVII – 5: All existing or proposed encroachments onto South Fork Road shall conform to Department of Transportation standards. An “Encroachment Permit” is required for the access road to APN 008-080-07 prior to filing the Parcel Map.

Mitigation Measure XVII – 3: Access to the Remainder parcel shall be from Brown’s Ranch Road and an Encroachment Permit for this access will be required prior to any earth moving activities for development of this parcel. This requirement shall be included in a Notice of Environmental Constraint filed concurrently with the Parcel Map.

XVII. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII(a-e): The project will be served by on-site septic systems. With the mandatory setbacks from the river, the need to create new drainage facilities would be limited to drainage standards under building codes around individual structures. No significant impacts are anticipated.

XVII(f-g): The project will not generate sufficient waste to have an impact on landfill facilities. However, construction crews will be responsible for the disposal and/or recycling any construction waste, including the hazardous wastes described above, under "Hazards" as required by law.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects, as defined in Section 15130.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII(a - c): The project would create parcels below the minimum lot sized required by code and would therefore be inconsistent with the General Plan. Further, there has not been provided the required Joint Timber Management Plan and details of how sites could be developed to exist cooperatively with each other have not been vetted. Finally, this property has been provided a tax incentive to keep it in resource production and the division may impact future production viability.

The Planning Commission may find that these factors constitute a significant environmental issue or not.

STAFF RECOMMENDATION:

The request is essentially to allow, by cumulating exceptions to the minimum lot size standard, a parcel meet a bit more than 95% of 90% of the minimum lot size. Further, the applicants ask that the Joint Timber Management Plan be delayed until later in the process to such time that they feel more comfortable with the projects outcome. Staff's belief is that at some point standards should be followed and minimum densities should be met. Staff recommends that the project be denied finding the project is inconsistent with the zoning and General Plan in that the parcel sizes are below the required standard.

ALTERNATIVE MOTION:

Should the Planning Commission support the application the following motion is recommended:

1. The Planning Commission recommends to the Board of Supervisors adoption of a mitigated Negative Declaration, finding that on the basis of the whole record before the Planning Commission, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the commission's independent judgment and analysis; and
2. The Planning Commission recommends to the Board of Supervisors that the project be found to be consistent with the General Plan.
3. The Planning Commission recommends to the Board of Supervisors approval of the Tentative parcel map to create four parcels from APN 008-080-08 based on the findings of fact and conditions of approval as contained in resolution PC-2011-02.

ATTACHMENT 5

Referral Agency Comments and Recommendations

Referral Agency	Recommendation	Location
Building Inspection Division	Conditional Approval	Attached
Public Works Land Use Division	Conditional Approval	Attached
Division Environmental Health	Approval	On file with Planning
California Department of Fish & Wildlife	No response	
Northwest Information Center	Recommend Study	On file with Planning
Tsnungwe Tribe	Conditional Approval	On file with Planning
Trinity County	Comments	On file with Planning



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

1/26/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Assessor's Office, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Pacific Gas and Electric

Applicant Name Ashley Toms **Key Parcel Number** 524-114-010-000

Application (APPS#) 12495 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** PMS12-011M

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 2/10/2017

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: Obtain permits for all structures on parcel

DATE: 1-31-17

PRINT NAME: Gustin Dumber



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

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

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

DATE: 05/10/2017

RE: TOMS, APN 524-114-010, PMS 12-011M

The Parcel Map for the subject property was filed in Book 35, pages 94 through 97, of Parcel Maps, in the Office of the County Recorder of Humboldt County. The Parcel Map was also filed in Trinity County. This Parcel Map inaccurately depicts the location of the Humboldt County/Trinity County line.

The Department recommends that a Record of Survey be prepared and filed in both counties to more accurately document the location of the County line.

// END //