



**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: September 20, 2018

To: Humboldt County Planning Commission

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

Subject: **HUMBOLDT COMMUNITY SERVICES DISTRICT General Plan Conformance Review and Special Permit**
Application Number 14243
Case Numbers GPC-18-003 and SP-18-100
Assessor's Parcel Numbers (APNs) 018-281-003, 018-291-005, 019-031-002 and -003, and temporary staging areas at APNs 019-071-003 and 018-271-004.
40 Spruce Street, 4255 and 4305 Union Street, Eureka/Pine Hill area

Table of Contents	Page
Agenda Item Transmittal	2
Executive Summary and Recommended Action	4
Record of Action	6
Draft Resolution	7
 Maps	
Location Map	8
Aerial Map	9
Assessor Parcel Map	10
Zoning Map	13
Topo Map	14
Site Plan	15
 Attachments	
Attachment 1: Special Permit Recommended Conditions of Approval	16
Attachment 2: Staff Analysis of Evidence Supporting the Required Findings	18
Attachment 3: Applicant's Evidence in Support of Required Findings	25
Attachment 4: Referral Agency Recommendations	26
Attachment 5: California Government Code Section 65402	27

Please contact Joshua Dorris, Planner, at (707) 445-7541 or email at jdorris@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 20, 2018	General Plan Conformance Review and Special Permit	Joshua Dorris

Project Description: This proposed project includes two (2) elements: 1) a General Plan Conformance (GPC) review, and 2) Special Permit (SP) for installation of sewer infrastructure in a Streamside Management Area (SMA). The GPC evaluates the Humboldt Community Services District's (HCSD) proposed acquisition of an approximately one-thousand six-hundred feet (1,600') long by twenty-foot (20') wide, permanent easement for the construction and maintenance of the Sea Avenue Sewer Main. The sewer main is part of Phase 3 of the Martin Slough Interceptor (MSI) project and involves the construction of a new wastewater transmission line for a distance of approximately one-thousand six-hundred feet (1,600') from the existing Sea Avenue lift station easterly to the newly installed MSI "2.0 Line" force main. The proposal also includes a ten-foot (10') wide temporary easement and two (2) temporary staging areas (APNs 019-071-003 and 018-271-004) for use during construction. The SP would authorize construction of the sewer line within an SMA, pursuant to Humboldt County Code Section 314-61.1.5. No trees would be removed as part of the proposal. Note: As Lead Agency, the City of Eureka prepared an *Environmental Impact Report* (SCH #2002082043 – adopted October 5, 2004) and subsequent Addendum (2012) for the MSI project.

Project Location: The project is located in Humboldt County, in the Eureka/Pine Hill area, on the east side of Union Street, approximately 245 feet south from the intersection of Sea Avenue and Union Street, on the property known as 40 Spruce Street, 4255 and 4305 Union Street and the property known to be in the southeast quarter of the southeast quarter of the southwest quarter of Section 34, Township 05 North, Range 01 West.

Present Plan Land Use Designations: Residential/Low Density (RL), Eureka Community Plan (ECP), Density: 1 to 8 dwelling units per acre, Slope Stability: Relatively Stable (0), Low Instability (1) and Moderate Instability (2).

Present Zoning: R-1*/GO: Residential One-Family (R-1), Greenway and Open Space (GO)

Case Numbers: GPC-18-003, SP-18-100

Application Number: 14243

Assessor's Parcel Numbers: 018-281-003, 018-291-005, 019-031-002 and -003

Applicant

Humboldt Community Services District
Attn.: David Hull
5055 Walnut Dr.
Eureka, CA 95503

Owner

Jim and Sharon Redd
PO Box 6433
Eureka, CA 95502-6433

Agent

SHN
Attn.: Stein Coriell
1062 G St., Ste. 1
Arcata, CA 95521

Additional Owners: Sundquist Frederick A Jr & Linda K Tr, 40 Spruce St., Eureka, CA 95503; Spaulding Kenneth C II Tr., 2501 Union St., Eureka, CA 95501

Environmental Review: General Plan conformance review pursuant to Government Code Section 65402(a) is not a project.

As Lead Agency, the City of Eureka prepared an *Environmental Impact Report* (SCH #2002082043 – adopted October 5, 2004) and subsequent *Addendum* (2012) for the Martin Slough Interceptor project, with the inclusion of the Sea Avenue Sewer Main.

As a Responsible Agency, the HCSD filed a Notice of Decision (June 25, 2013) approving the EIR.

Pursuant to Section 15096 (Process for a Responsible Agency) of the CEQA Guidelines, Humboldt County Planning and Building Department, as the CEQA Responsible Agency, is obligated to make a CEQA determination regarding the activity that is proposed to be undertaken.

Major Issues: None

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

**HUMBOLDT COMMUNITY SERVICES DISTRICT
GENERAL PLAN CONFORMANCE REVIEW AND SPECIAL PERMIT**

Case Numbers GPC-18-003 and SP-18-100
Assessor's Parcel Numbers 018-281-003, 018-291-005, 019-031-002 and -003

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:

Find the proposed acquisition of the approximately 1,600' long by 20' wide, permanent easement for the construction and maintenance of the Sea Avenue Sewer Main by Humboldt Community Services District (HCSD) to be consistent with policies in the General Plan as required by Government Code Section 65402 and, find the proposed installation of the sewer line within the Streamside Management Area consistent with Section 15096 (Process for a Responsible Agency) of the CEQA Guidelines, that all significant environmental impacts have been addressed in the EIR for the project, and that no new changes or alterations have been made that require additional environmental review, and make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed HCSD Special Permit subject to the recommended conditions.

A report on conformance with the general plan is required under California Government Code Section 65402 when a local agency acts to acquire or dispose of real property or intends to construct a new public building or structure. The applicable code is included as Attachment 3 to this staff report.

Executive Summary: A General Plan Conformance (GPC) Review and Special Permit (SP) for Humboldt Community Services District (HCSD). The GPC evaluates the HCSD's acquisition of an approximately one-thousand six-hundred feet (1,600') long by twenty-foot (20') wide, permanent easement for the construction and maintenance of the Sea Avenue Sewer Main. The SP would authorize construction of the sewer line within a Streamside Management Area (SMA), pursuant to Humboldt County Code Section 314-16.1. HCSD proposes to construct a new wastewater transmission line (force main) for a distance of approximately one-thousand six-hundred feet (1,600') between the existing Sea Avenue lift station and the newly installed Martin Slough Interceptor (MSI) "2.0 Line" force main. The permanent easement would be twenty-feet (20') wide by approximately one-thousand six-hundred feet (1,600') long and span four (4) parcels of privately-held land identified as APNs 018-281-003, 018-291-005, 019-031-002 and -003. HCSD and City of Eureka partnered on construction of the "2.0 Line". The proposed project would modify the route the wastewater follows on its way to City of Eureka's wastewater treatment facility and would eliminate three (3) major and three (3) minor City and ten (10) minor HCSD lift stations. The proposed project would also reduce the incidences of sewer overflows in the Martin Slough watershed, thereby avoiding reductions in water quality in the aquatic environment. The new line would not extend sewer into areas not previously served by sewer. It would reduce the large pumping and maintenance costs associated with pumping into a cascading lift station system, which has to be pumped along an indirect route, completely around the City. Sewer capacity levels are consistent with growth projections for planned uses in the GP and ECP and were considered in the adoption of the EIRs for the GP and ECP. The proposed project would not constitute an expansion of capacity in excess of that necessary to provide services in the serviceable area as defined and mapped in the GP and ECP. Densities of proposed new development would need to be consistent with the densities identified in the GP and ECP. The Martin Slough Interceptor Project, was approved and is being designed to accommodate only growth that is currently approved through existing general plans

within the City and County. Starting at the Sea Avenue lift station and going eastward, approximately one-thousand fifty feet (1,050') of six-inch (6") diameter PVC would be installed by open trench methods and the remaining approximately five-hundred fifty (550) linear feet would consist of eight-inch (8") fused pressure pipe installed by horizontal directional drilling. The horizontal drilling method would allow the pipe to be installed at a minimum depth of fifteen-feet (15') below the bottom of the slough channel and ground surface within the SMA. In all areas subject to soil disturbance, the upper six-twelve inches (6-12") of topsoil excavated would be separately stockpiled and kept moist and would be replaced at the top of the trench or pit as soon as possible. Approximately 390 cubic yards (CY) of soil would be removed in order to perform pipe placement. After pipe placement, the trench would be backfilled with approximately 300 CY of the removed soil and the remaining, approximately 90 CY would be disposed of at an appropriate site. No trees would be removed as part of the proposed project. There would be one staging area near the western end (APN 019-071-003) and one near the eastern end (APN 018-271-004) of the proposed project site. Access to the western end would be from a private driveway located off of Union Street and the eastern end would be accessed from a private driveway off of Spruce Street.

Project Location The project is located in Humboldt County, in the Eureka/Pine Hill area, on the east side of Union Street, approximately 245 feet south from the intersection of Sea Avenue and Union Street, on the property known as 40 Spruce Street, 4255 and 4305 Union Street and the property known to be in the southeast quarter of the southeast quarter of the southwest quarter of Section 34, Township 05 North, Range 01 West.

General Plan Designation: Residential/Low Density (RL), Eureka Community Plan (ECP), Density: 1 to 8 dwelling units per acre, Slope Stability: Relatively Stable (0), Low Instability (1) and Moderate Instability (2). The goals and policies for the RL land use is discussed in two documents – the General Plan (updated in 2017) and the Eureka Community Plan (ECP) (adopted in 1995). The ECP discusses the character of the RL land use designation as land that is in urban areas of the County where ...utilities... make the area suitable for such residential development [Section 2732]. The ECP discusses wastewater facilities [Section 4502] with a goal of "ensuring a safe means for waste disposal and protect the County's water resources for the public's health and safety" [Section 4510]. The ECP also contains policies to protect the area's numerous natural drainage channels (greenway/open space areas) [Urban Land Use Section 2600]. One result of the proposed project would be reduced incidences of sewer overflows in the Martin Slough watershed, thereby avoiding reductions in water quality in the aquatic environment.

**RECORD OF ACTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Case Number GPC-18-003

Assessor's Parcel Numbers 018-281-003, 018-291-005, 019-031-002 and -003

Humboldt Community Services District, Eureka area. A General Plan Conformance review for the Humboldt Community Services District's intent to acquire a permanent easement for the construction and maintenance of the Sea Avenue Sewer Main which would connect the Sea Avenue lift station to the Martin Slough Interceptor "2.0" force main.

Recommendation

- ☒ Find project to be in conformance with the General Plan based on findings in the staff report.
- ☐ Adopt finding that project does not conform with the General Plan for the reasons specified in the staff report.

Record of Action

- ☒ Adopt Planning Division's recommendation.
- ☐ Adopt Planning Division's recommendation with revisions as made by the Planning Commission.

Adopted after review and consideration of all the evidence on September 20, 2018.

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

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

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

John H. Ford
Director, Planning and Building Department

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-
Case Number: SP-18-100
Assessor's Parcel Numbers 018-281-003, 018-291-005, 019-031-002 and -003**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Humboldt Community Services District (HCSD) Special Permit request.

WHEREAS, HCSD submitted an application and evidence in support of approving the Special Permit to authorize construction of the Sea Avenue Sewer Main line within a Streamside Management Area; and
WHEREAS, the County Planning Division reviewed the submitted application and supporting substantial evidence and referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, pursuant to Section 15096 (Process for a Responsible Agency) of the California Environmental Quality Act (CEQA) Guidelines, Humboldt County Planning and Building Department, as the CEQA Responsible Agency, is obligated to make a CEQA determination regarding the activity that is proposed to be undertaken; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP-18-100); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 20, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed project was evaluated under the EIR for the Martin Slough Interceptor project, and the County of Humboldt, as Responsible Agency pursuant to Section 15096 of the California Environmental Quality Act (CEQA) Guidelines, determined that no new changes or alterations have been made that require additional environmental review; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP-18-100 based on the submitted evidence; and
3. Approves the Special Permit Case Number SP-18-100 as recommended and conditioned in Attachment 1.

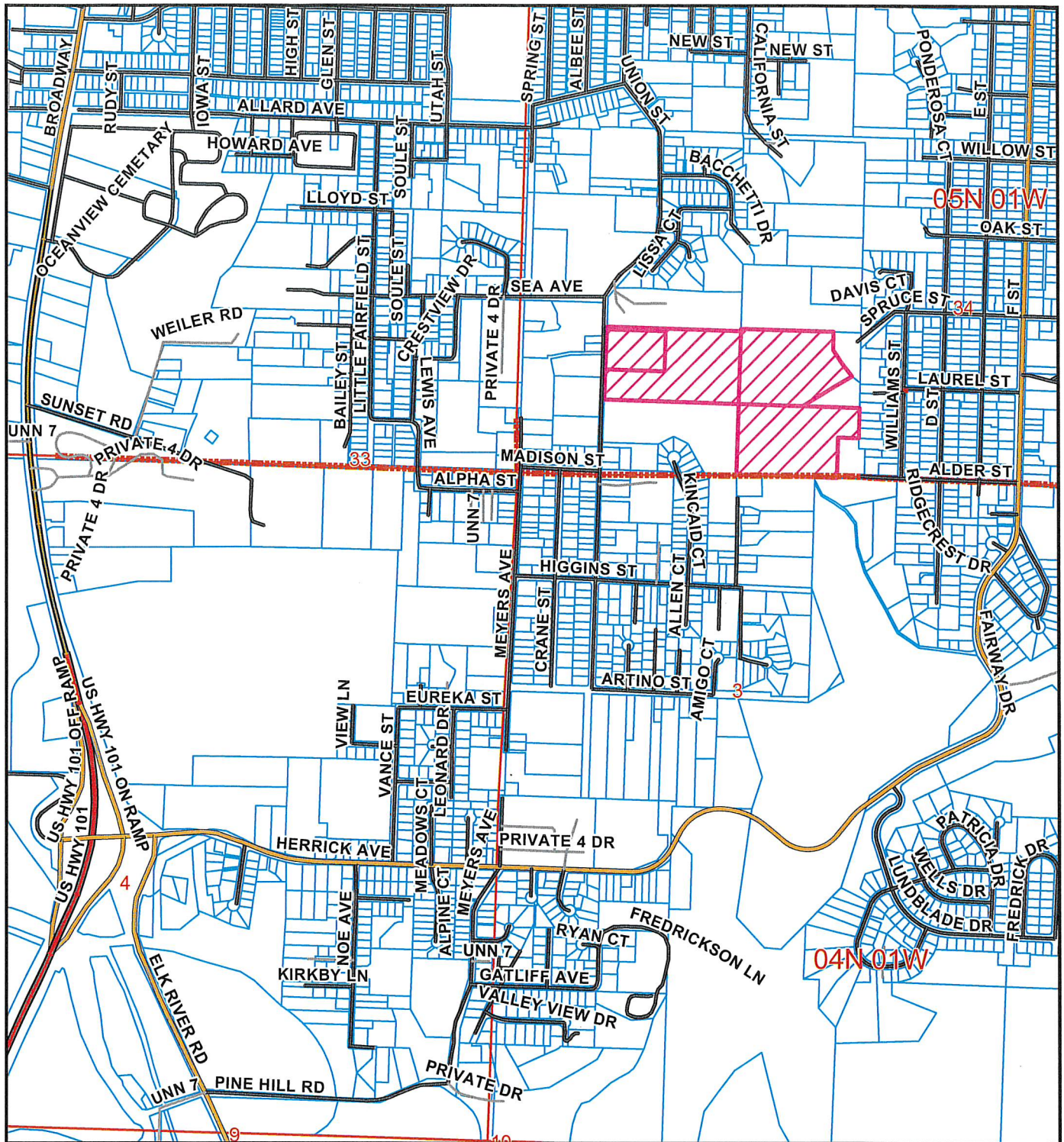
Adopted after review and consideration of all the evidence on September 20, 2018.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

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



LOCATION MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT SPECIAL PERMIT EUREKA AREA SP-18-100

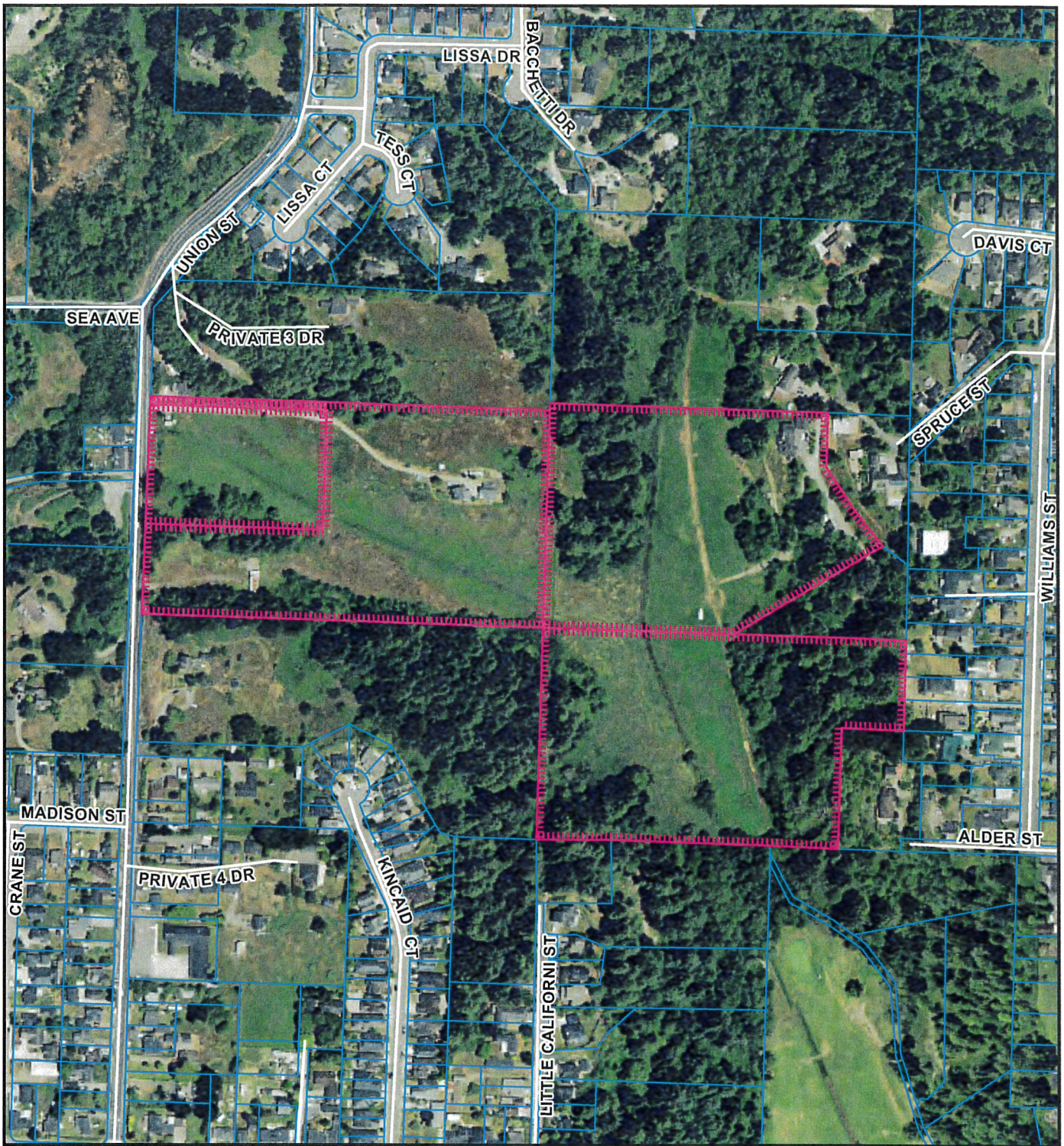
APN: 019-031-002 et seq
T05N R01W S34 HB&M (Eureka)

Project Area = 

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

0 500 1,000
Feet





AERIAL MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT SPECIAL PERMIT EUREKA AREA SP-18-100

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.

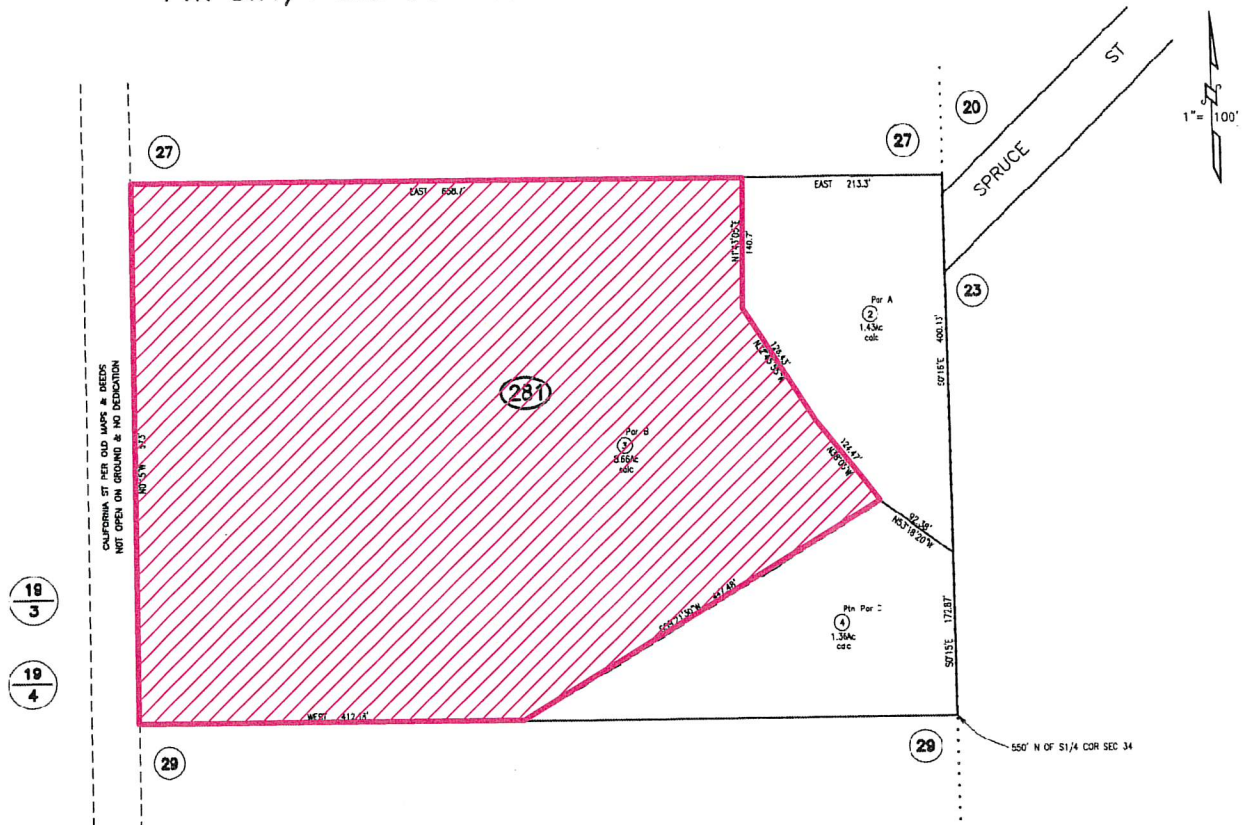
APN: 019-031-002 et seq
T05N R01W S34 HB&M (Eureka)



0 250
Feet

PTN SW1/4 SEC 34 T5N R1W H.B.& M.

18-28



PARCEL MAP
PREPARED FOR
USES ONLY.
SHOWN FOR
E DATA SHOWN
S MAY NOT
S LOT-SPLIT
ORDINANCES.

RS, Bk 65 of surveys, Pgs 98-99

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.
Assessor's Map Bk. 18, Pg.28
County of Humboldt, CA.

25' 50' 100'
4 Oct 8, 2008

ASSESSOR PARCEL MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT
SPECIAL PERMIT
EUREKA AREA
SP-18-100

Project Area =

APN: 019-031-002 et seq
T05N R01W S34 HB&M (Eureka)

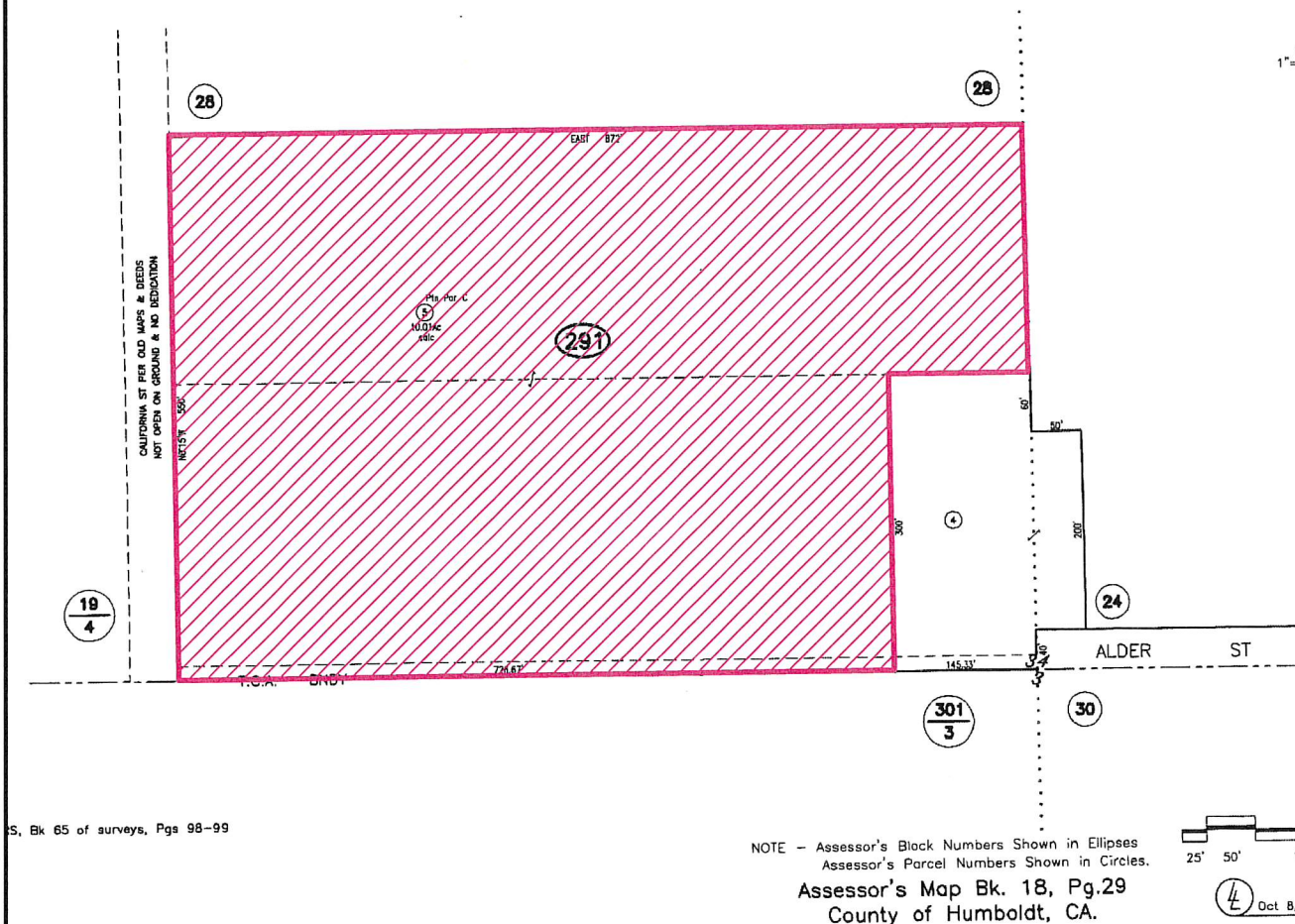
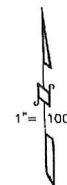
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



MAP NOT TO SCALE

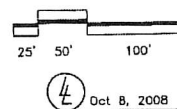
PTN S1/2 SEC 34 T5N R1W H.B.& M.

18-29



S, Bk 65 of surveys, Pgs 98-99

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.
Assessor's Map Bk. 18, Pg.29
County of Humboldt, CA.



ASSESSOR PARCEL MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT SPECIAL PERMIT EUREKA AREA SP-18-100

Project Area = 

APN: 019-031-002 et seq
T05N R01W S34 HB&M (Eureka)

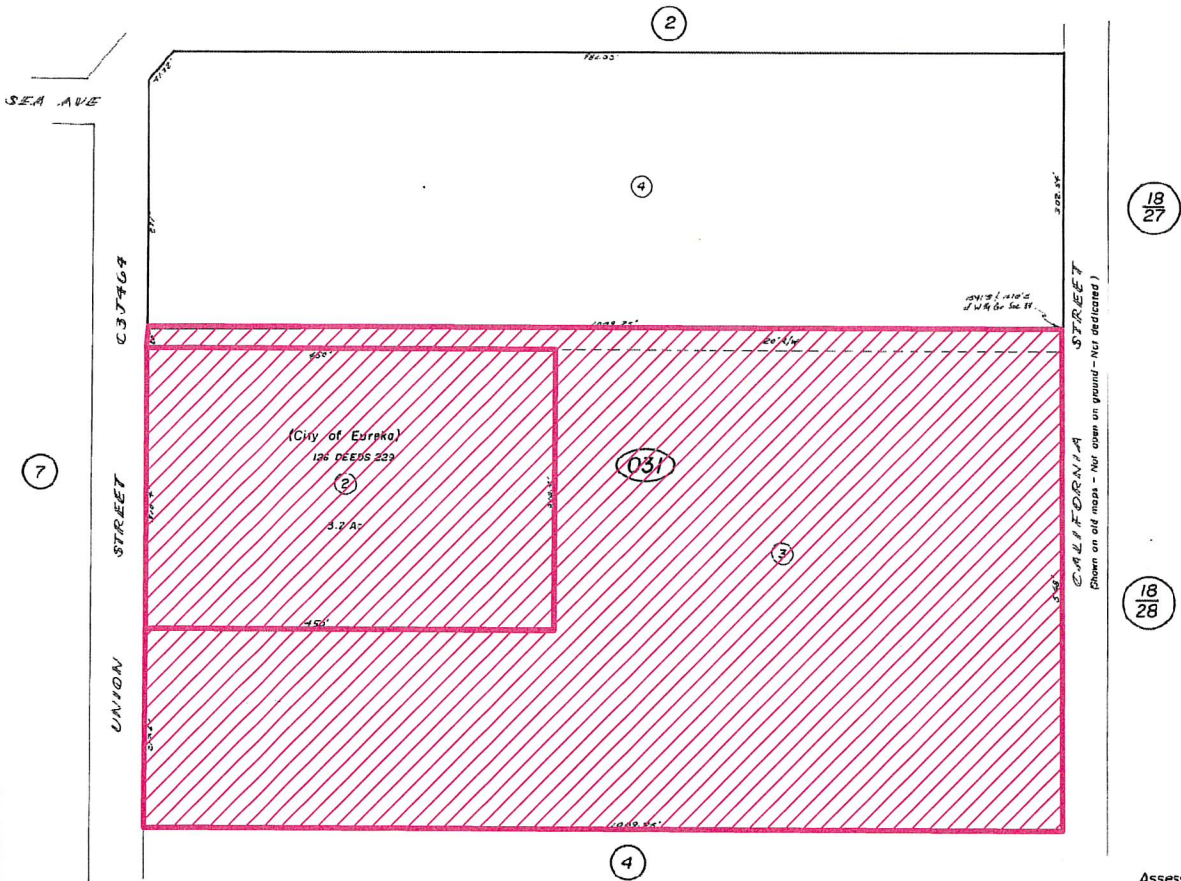


MAP NOT TO SCALE

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.

POR. SEC. 34, T 5N R 1W, H B & M

19-03



ASSESSOR PARCEL MAP

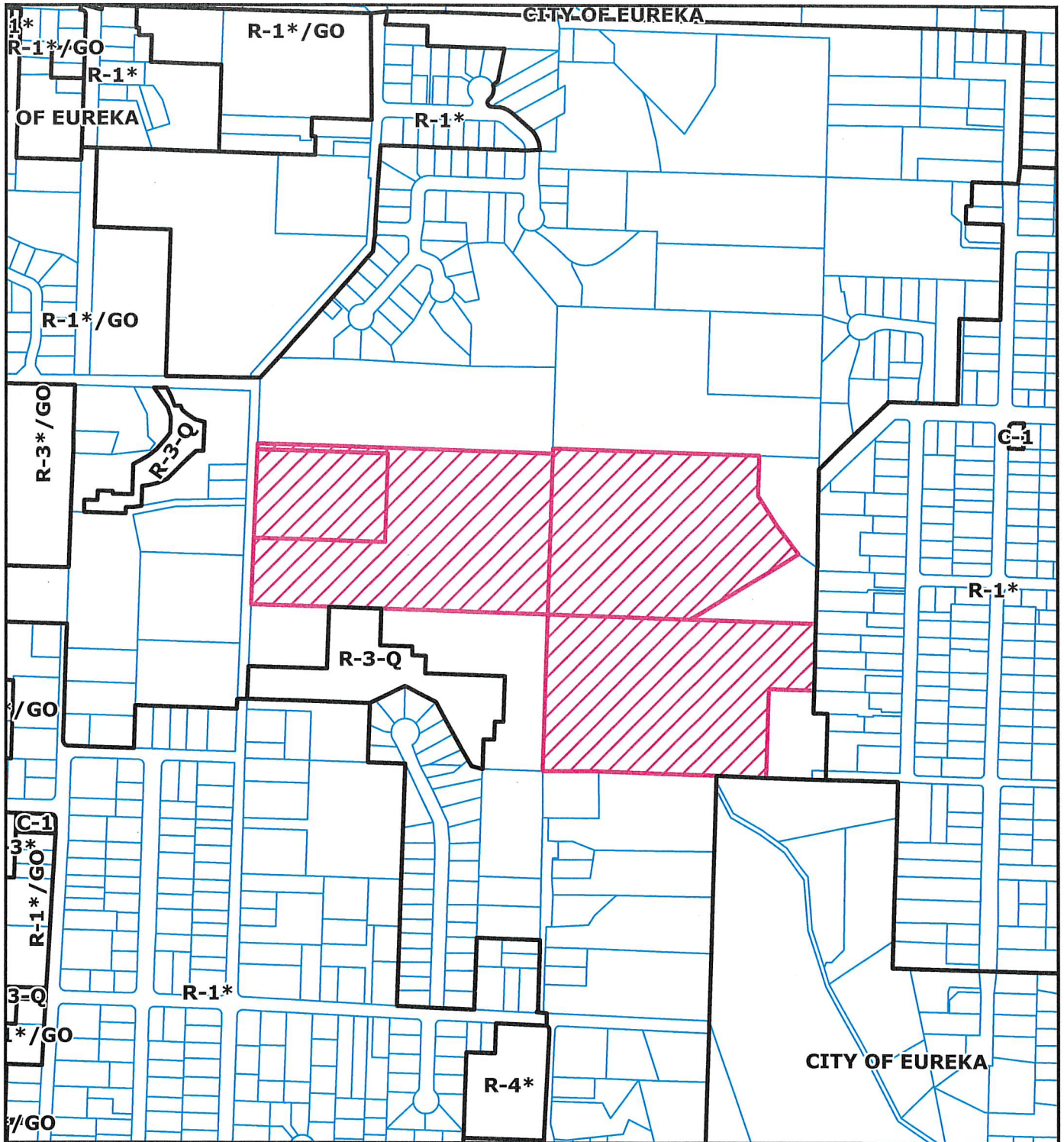
PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT
SPECIAL PERMIT
EUREKA AREA
SP-18-100

APN: 019-031-002 et seq
T05N R01W S34 HB&M (Eureka)

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.

MAP NOT TO SCALE



ZONING MAP

PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT SPECIAL PERMIT EUREKA AREA SP-18-100

APN: 019-031-002 et seq
T05N R01W S34 HB&M (Eureka)

Project Area = 

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



0 500
Feet

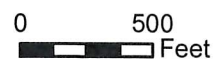
TOPO MAP

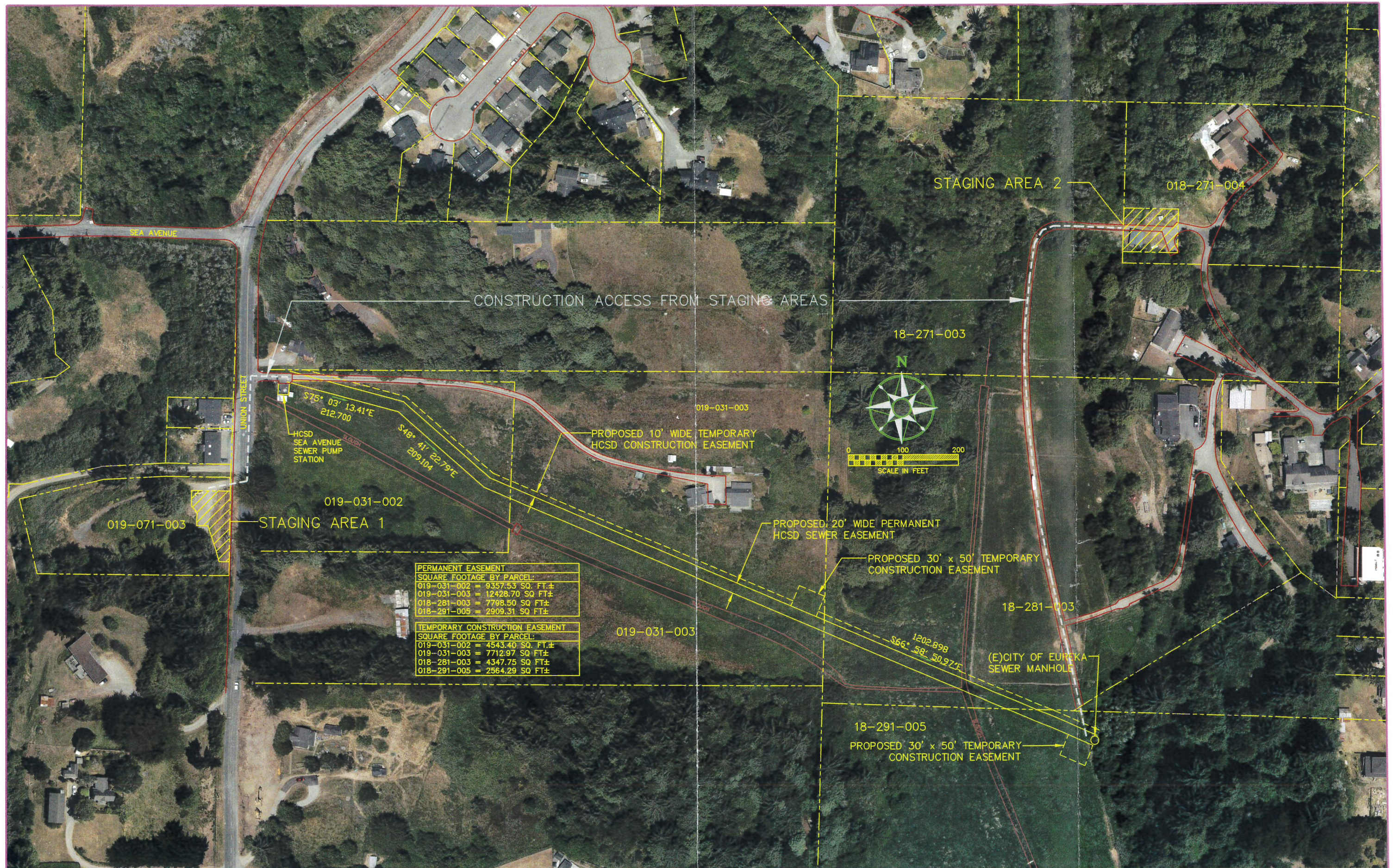
**PROPOSED HUMBOLDT COMMUNITY SERVICES DISTRICT
SPECIAL PERMIT
EUREKA AREA**

Project Area = 

**APN: 019-031-002 et seq
T05N R01W S34 HB&M (Eureka)**

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





ATTACHMENT 1
SPECIAL PERMIT RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Special Permit is conditioned upon the following terms and requirements which must be fulfilled prior to commencing development and shall remain in effect for the life of the project.

1. Development shall be conducted consistent with the approved Project Description, Site Plan, and Mitigation Measures in the adopted EIR for the Martin Slough Interceptor project (SCH #2002082043).
2. The applicant shall provide traffic control signage for movement from staging areas to work site.
3. The approximately ninety (90) cubic yards of soil spoils from excavation of the pipe trench shall be disposed of at an approved location. Before initiation of the work, the applicant shall contact the Planning Division to determine if any land use permits are necessary at the disposal location(s) selected.
4. The applicant shall adhere to the recommended mitigation measures in the Biological and Wetland Assessment (BWA) prepared by SHN dated July 2018 including:
 - a) equipment and construction personnel staying within the approved work area;
 - b) install temporary fencing around construction area perimeter;
 - c) revegetate with native plant species, if needed;
 - d) incorporate BMPs during construction to prevent runoff and potential discharge into the surrounding wetland;
 - e) comply with Migratory Bird Treaty Act to avoid potential impacts to nesting birds;
 - f) project activity near amphibian habitat will occur from July 15 through October 31 to minimize potential impact; and
 - g) dewatering pump intakes will be fitted with a filter basket to prevent impacts to aquatic wildlife that may have entered the excavated trench.
5. The applicant shall provide to the Planning and Building Department, an annual written report summarizing revegetation activities of the wetland vegetation including plant cover, plant survivorship, and plant vigor in the disturbed areas, as outlined in the BWA. The monitoring and reporting shall be required for a period of three years, or until the areas of ground disturbance return to pre-project conditions.

Informational Notes:

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

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

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

2. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

General Plan Conformance Findings: Staff believes that the Planning Commission can find that the proposed project is consistent with the Humboldt County General Plan and the Eureka Community Plan based on the following:

- A. The proposed project involves the acquisition of an approximately one-thousand six-hundred feet (1,600') long by twenty-foot (20') wide, permanent easement for the construction and maintenance of the Sea Avenue Sewer Main by the Humboldt Community Services District.
- B. The properties owned by Jim and Sharon Redd (APNs 019-031-002 and -003), Frederick A Jr & Linda K Sundquist Tr. (APN 018-281-003), and Kenneth C Spaulding Tr. (APN 018-281-004), following acquisition of the sewer line easement, will have development potential, including subdivision, for the primary and compatible uses as enumerated in the Eureka Community Plan.
- C. All applicable policies of the General Plan and the Eureka Community Plan remain in full force.
- D. The applicant will be responsible for obtaining all necessary Federal, State and Local permits.
- E. The City of Eureka, acting as lead agency prepared an *Environmental Impact Report (SCH #2002082043 – adopted October 5, 2004)* and subsequent *Addendum (2012)* for the Martin Slough Interceptor project, with the inclusion of the Sea Avenue Sewer Main.
- F. The HCSD as Responsible Agency, filed a Notice of Decision on June 25, 2013, approving the EIR for the MSI project.

Special Permit Required Findings: To approve this project, the Planning Commission must determine that the applicant has submitted evidence in support of making **all** of the following required findings:

The County Zoning Ordinance, Section 312-17 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
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.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:

- a) is categorically or statutorily exempt; or
- b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
- c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. General Plan Consistency. The following table identifies the evidence which supports finding that the proposed acquisition of a permanent easement and construction of the sewer line is in conformance with all applicable policies and standards in the 2017 Humboldt County General Plan (GP) and the Eureka Community Plan (ECP).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Urban Land Use §2600 (ECP)	Ensure that new development will be provided with adequate infrastructure and services. Protect greenway/open spaces.	The easement would allow for the construction and maintenance of the new sewer line. This is best characterized as a civic use, which is allowed in all areas.
Land Use: Residential/ Low Density §2732 (ECP)	The RL designation is applied to urban areas where topography, access, utilities and public services make the area suitable for such development. Density range: 1 to 8 dwelling units per acre.	The easement would allow for the construction and maintenance of the new sewer line. This is best characterized as a civic use, which is allowed in all areas. The proposed force main has been sized to accommodate additional future flows based on development levels planned for in the GP and ECP.
Community Infrastructure and Services Chapter 5 (GP)	Goals and policies contained in this Chapter relate to adequate public infrastructure and services that are essential for community health, safety and quality of life. Related policies: IS-P1: Coordination with service providers. IS-P16: Support the efforts of water and wastewater system capital improvement programs.	The new line would not extend sewer into areas not previously served by sewer. It would reduce the large pumping and maintenance costs associated with pumping into a cascading lift station system, which has to be pumped along an indirect route, completely around the City. Sewer capacity levels are consistent with growth projections for planned uses in the GP and ECP and were considered in the adoption of the EIRs for the GP and ECP. The proposed project would not constitute an expansion of capacity in excess of that necessary to provide services in the serviceable area as defined and mapped in the GP and ECP. Densities of proposed new development would need to be consistent with the densities identified in the GP and ECP.
Water and Wastewater Facilities §4500 (ECP)	Ensure a safe means for waste disposal and protect the County's water resources.	The Martin Slough Interceptor Project, was approved and is being designed to accommodate only growth that is currently approved through existing general plans within the City and County.

<p>Conservation and Open Space</p> <p>Chapter 10 (GP)</p> <p>Biological Resources</p> <p>Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species</p> <p>Related policies: BR-G2, Sensitive and Critical Habitat; BR-G3, Benefits of Biological Resources; BR-P5, Streamside Management Areas.</p>	<p>The applicant provided a Biological and Wetland Assessment prepared by SHN, which concluded that the site contains wetlands as well as potential habitat for special status species. The Assessment included measures to implement at the project site to minimize the potential impacts to special status plant and animal species, sensitive habitat, and wetlands.</p> <p>Additionally, the proposed project would reduce the incidences of sewer overflows in the Martin Slough watershed, thereby avoiding reductions in water quality in the aquatic environment.</p>
<p>Conservation and Open Space</p> <p>Chapter 10 (GP)</p> <p>Cultural Resources</p> <p>Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of cultural heritage, including historic, prehistoric, and architectural resources.</p> <p>Related policies: CU-P2, Native American Tribal Consultation.</p>	<p>The EIR for the MSI project identified no sensitive sites that would be impacted within the easement and construction area. Additionally, correspondence received from THPOs for previous phases of the project did not identify culturally-sensitive sites. A standard informational note is included in the conditions of approval which advises the applicant what measures to be taken if cultural resources are inadvertently encouraged during ground disturbing activities.</p>
<p>Safety Element</p> <p>Chapter 14 (GP)</p>	<p>Goals and policies contained in this Chapter relate to minimizing risks to life and property in areas of high geologic, flood, and fire hazard.</p>	<p>The Humboldt County General Plan (HCGP) Geologic/Seismic Hazards map locates the proposed project in an area designated as "Relatively, Low, and Moderate Instability".</p> <p>The associated Flood Insurance Rate Map (FIRM, Panel Number 060060 0775 C) places the subject parcel in Flood Zone C, which is defined as "areas of minimal flooding".</p> <p>Per the Humboldt County General Plan Fire Hazard map, the project site is within the Low Fire rating zone, and within the Humboldt No. 01 Fire Protection District boundary.</p>

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

Code Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-6.2 Residential One-Family Zone (R-1)	The R-1 Zone is intended to be applied in areas of the County suitable for low density residential development.	The proposed project is a public use allowed in all zoning districts and includes construction of a sewer main. Because the project would traverse a wetland, a Special Permit is necessary to facilitate such work within the Streamside Management Area pursuant to Humboldt County Code §314-61.1.5.
Min. Lot Size	5,000 square feet	N/A no subdivision is proposed.
Min. Lot Width	Fifty feet (50')	N/A no subdivision is proposed.
Yard Setbacks	Front - twenty feet (20'), Sides - five feet (5'), Rear - ten feet (10')	N/A as the sewer line would be subterranean
Max. Lot Coverage	Thirty-five percent (35%)	N/A
Max. Bldg. Height	Thirty-five feet (35')	N/A
§314-58.1 Public Uses	Public uses shall be permitted in any zone. However, the location of the proposed use shall be submitted to the Planning Commission for recommendation at least thirty (30) days prior to the acquisition of sites or rights-of-way for the public use.	The proposed sewer line is considered a public use and is permitted in all districts.

§314-61.1 Streamside Management Area (SMA)

Summary of Applicable Requirements: Allowed development in the SMA includes essential public projects, provided a Special Permit (§314-61.1.5) is secured. The proposed sewer line is considered an essential public project that would traverse an SMA. Development requires Mitigation Measures (§314-61.1.10) and relevant measures include replanting of disturbed areas with riparian vegetation and erosion control measures. An application for development also requires a site-specific biological report (§314-61.1.13) and the recommendations contained within the written report shall be incorporated into the development permit as conditions of approval (§314-61.1.14).

Evidence Which Supports Making the Required Findings: A Biological and Wetland Assessment (BWA) prepared by SHN was submitted with the application. The BWA contains a *Restoration of Pre-Project* section that states "in all areas subject to soil disturbance, the upper 6 to 12 inches of topsoil excavated would be separately stockpiled and kept moist and would be replaced at the top of the trench or pit as soon as possible. At the conclusion of the project, all areas of ground disturbance will be graded and seeded, as necessary, and returned to pre-project conditions."

The BWA also contains recommended mitigation measures to minimize potential impacts to the SMA, including:

- equipment and construction personnel staying within the approved work area;
- install temporary fencing around construction area perimeter;
- revegetate with native plant species, if needed;
- incorporate BMPs during construction to prevent runoff and potential discharge into the surrounding wetland;
- comply with Migratory Bird Treaty Act to avoid potential impacts to nesting birds;
- project activity near amphibian habitat will occur from July 15 through October 31 to minimize potential impact; and
- dewatering pump intakes will be fitted with a filter basket to prevent impacts to aquatic wildlife that may have entered the excavated trench.

Summary: The findings for approval of the SP can be made. The recommended mitigation measures have been incorporated as conditions of project approval.

4. Public Health, Safety, and Welfare and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed project will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment

Code Section	Summary of Applicable Requirement	Evidence that supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	No detrimental effects to public health, safety and welfare were identified. The proposed project would upgrade the sewer system and the work would be of a limited duration; therefore it would not be detrimental to property values in the vicinity nor pose any public health hazard.

CEQA Guidelines	<p>The acquisition of the permanent easement is not considered a project under CEQA.</p> <p>The construction of the MSI Phase 3 sewer line is considered a project subject to environmental review pursuant to the CEQA Guidelines.</p>	<p>*As Lead Agency, the City of Eureka prepared an Environmental Impact Report (EIR) (SCH #2002082043 – adopted October 5, 2004) and subsequent Addendum (2012) for the Martin Slough Interceptor project. The EIR specifically referenced the Sea Avenue lift station and the new sewer line in Table 2-2 <i>Collection System Elements Included in Project Design to Connect the Existing Lift Stations to the Proposed Interceptor</i>.</p>
§15096(h) Process for a Responsible Agency	<p>The Responsible Agency shall make the findings required in §15091 for each significant effect of the project.</p>	<p>As Responsible Agency, the HCSD filed a NOD on June 25, 2013 approving the project. The NOD indicated that the project would have a significant effect on the environment. Additionally, mitigation measures, mitigation reporting or monitoring plan, and a statement of Overriding Consideration were adopted for the project.</p>
§15091 Findings	<p>No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each significant effect.* Such findings may include project changes or new evidence that there would be a significant impact on the environment that was unknown at the time of EIR certification.</p>	<p>As Responsible Agency, the County makes the finding that the City of Eureka, as Lead Agency for the project, identified and reduced or eliminated all significant environmental impacts, and subsequently adopted the EIR. No new changes or alterations have been made that require additional environmental review.</p>

5. 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
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce or increase the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed SP would authorize work within the Streamside Management Area and does not affect the residential density of any parcel below that utilized by the Department of Housing and Community development in determining compliance with housing element law.

ATTACHMENT 3
APPLICANT'S EVIDENCE IN SUPPORT OF REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence that has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form [on file]
- Project Description [on file]
- Site Map [attached]
- Biological and Wetland Assessment [on file]

ATTACHMENT 4
REFERRAL AGENCY RECOMMENDATIONS

Referral Agency	Response	Recommendation
County Building Inspection Division	✓	Approval
County PW, Land Use Division	✓	Conditional Approval
County Division of Environmental Health	✓	Approval
CDFW		
Bear River Band		
Blue Lake Rancheria		
Wiyot Tribe		
NWIC	✓	Consult with local tribe(s)

ATTACHMENT 5

GOVERNMENT CODE SECTION 65402

- (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonment for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonment for street widening, or alignment projects are of a minor nature.
- (b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.
- (c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency. Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city