



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: June 20, 2019

To: Humboldt County Planning Commission

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

Subject: **Willem Bouterse Parcel Map Subdivision**
Application Number 11542
Case Numbers PMS-16-012
Assessor Parcel Number 510-193-029
1130 West Bates Road, McKinleyville

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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
June 20, 2019	Parcel Map Subdivision	Trevor Estlow

Project Description: A Minor Subdivision to divide an approximately 19,847 square foot parcel into two parcels of 11,269 square feet and 8,578 square feet. The parcel is currently developed with a single family residence and detached secondary dwelling unit that will remain on proposed Parcel 1. Proposed Parcel 2 will be created as a flag lot. Pursuant to Section 325-9 of the Humboldt County Code, exception requests have been submitted for a reduced right of way width for West Bates Road, and to eliminate the sidewalk requirement. The parcels will be served with community water and sewer by the McKinleyville Community Services District.

Project Location: The project site is located in the McKinleyville area, on the south side of West Bates Road, approximately 500 feet west of the intersection of West Bates Road and McKinleyville Avenue, on the property known as 1130 West Bates Road.

Present Plan Land Use Designation: Residential Low Density (RL); 2017 General Plan; McKinleyville Community Plan (MCCP); density: one to seven dwelling units per acre.

Present Zoning: Residential One-Family (R-1).

Application Number: 11542

Case Numbers: PMS-16-012

Assessor Parcel Number: 510-193-029-000

Applicant

Willem Bouterse
PO Box 458
Arcata, CA 95518

Owner

Same as Applicant

Agent

Pacific Affiliates
990 W. Waterfront Dr.
Eureka, CA 95501

Environmental Review: Environmental review is required.

Major Issues: None.

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

BOUTERSE PARCEL MAP SUBDIVISION

Case Number PMS-16-012

Assessor Parcel Number 510-193-029

Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Allow the staff to present the project.
3. Open the public hearing; and
4. After receiving testimony, close the hearing and make a motion to:

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

Executive Summary: The applicant is proposing the subdivision of an approximately 19,847 square foot parcel into two parcels of 11,229 square feet and 8,578 square feet. The parcel is currently developed with a single family residence and an Accessory Dwelling Unit (ADU) that will be sited on proposed Parcel 1. Proposed Parcel 2 will be vacant and suitable for residential development. All parcels will be served with water and sewer by the McKinleyville Community Services District.

The parcel is located along West Bates Road, a private road with a 20-foot right of way in front of the subject parcel. The subdivision will create a flag lot (Parcel 2) that will be accessed via a 20-foot wide access to West Bates Road. The applicant has submitted two exception requests pursuant to County Code Section 325-9, one to eliminate the sidewalk requirement along the parcel frontage and the other to request a reduced right of way width for West Bates Road (Attachment 3). The Department of Public Works (DPW) has reviewed both exceptions and does not support either as proposed (Attachment 5). Regarding the sidewalk exception, DPW does not support the removal of the sidewalk as inadequate justification was provided. There is 27.8 feet from the existing right of way to the existing house which leaves up to 7.8 feet for the sidewalk. Regarding the right of way exception, DPW does not support the reduction to 20 feet for the same reasons mentioned above. There is 27.8 feet from the existing right of way to the existing house which leaves up to 7.8 feet for road improvements. There is ample room to provide a wider right of way along the frontage of the subdivision. The Planning Commission may choose to approve both exceptions, just one or approve the project as presented with no exceptions granted. Regardless of the action on the exceptions, the findings for subdivision approval can still be made.

The site is relatively flat, with a gradual slope to the southwest. The Department of Public Works has recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant is required to provide Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased."

The site is in a developed part of McKinleyville with single family homes on adjacent parcels. The geologic hazards map for this area shows the soils to be relatively stable. There are no flood hazards on the property, no mapped archaeological resources, and no mapped biological resources.

Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff has found that the project will not

result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed subdivision per the Recommended Commission Action.

Alternative 1: The Planning Commission could elect to approve one or both of the exception requests submitted by the applicant. This alternative should be implemented if your Commission is able to make all of the required findings to support the exception. Planning Division staff and Public Works staff has found that the required findings cannot be made and does not support the exceptions.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Case Numbers PMS-17-003
Assessor Parcel Number 510-142-031**

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

WHEREAS, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision; and

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

WHEREAS, the Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has prepared a draft Mitigated Negative Declaration (MND) for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision (Case Number PMS-16-012); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on June 20, 2019.

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

1. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program in Attachment 4 is adopted; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number PMS-16-012 support approval of the project based on the submitted evidence; and
3. The Parcel Map Subdivision Case Number PMS-16-012 is approved as recommended and conditioned in Attachment 1.

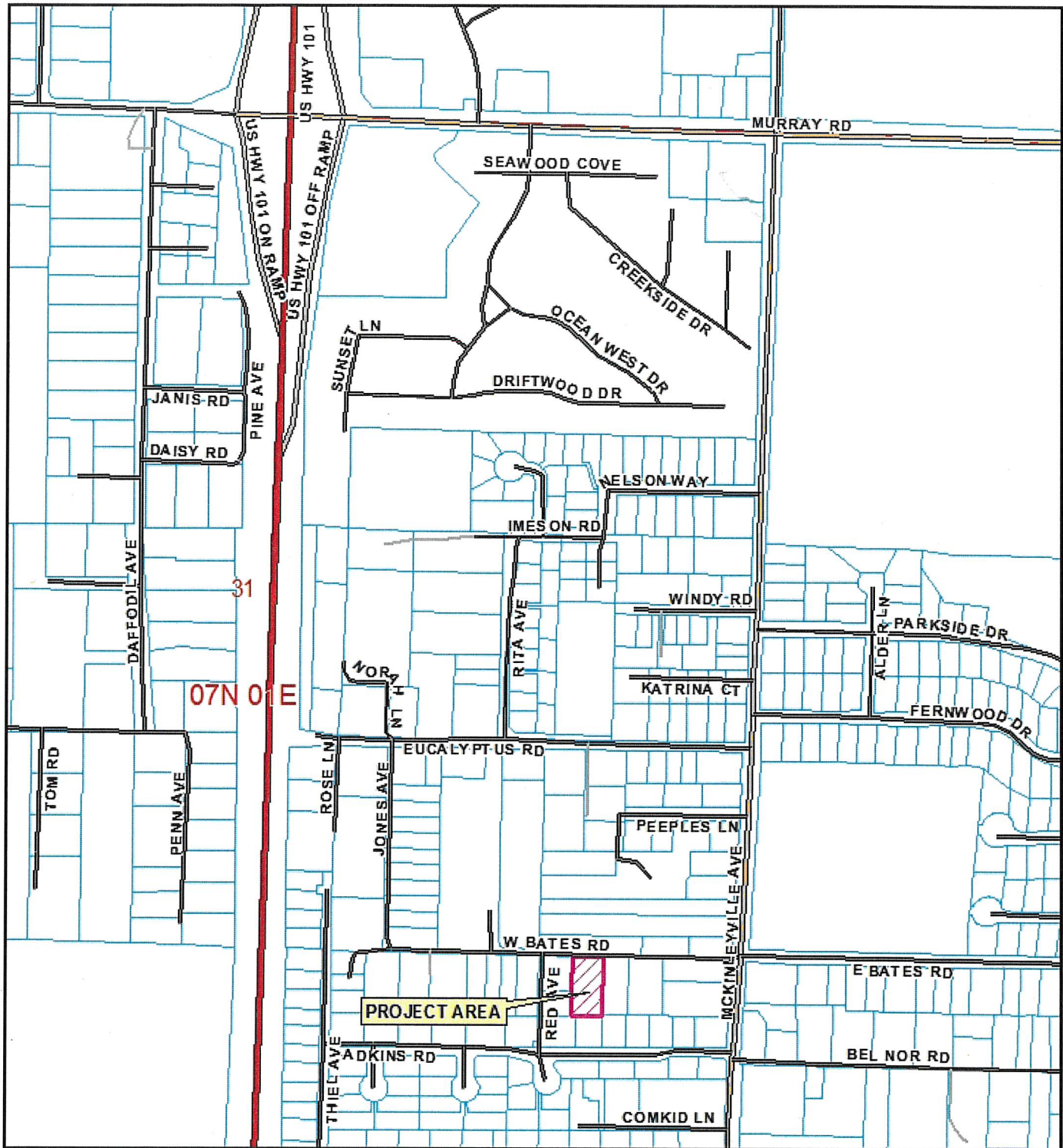
Adopted after review and consideration of all the evidence on June 20, 2019.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: 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 H. Ford
Director, Planning and Building Department



LOCATION MAP

**PROPOSED BOUTERSE
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA
PMS-16-012**

APN: 510-193-029

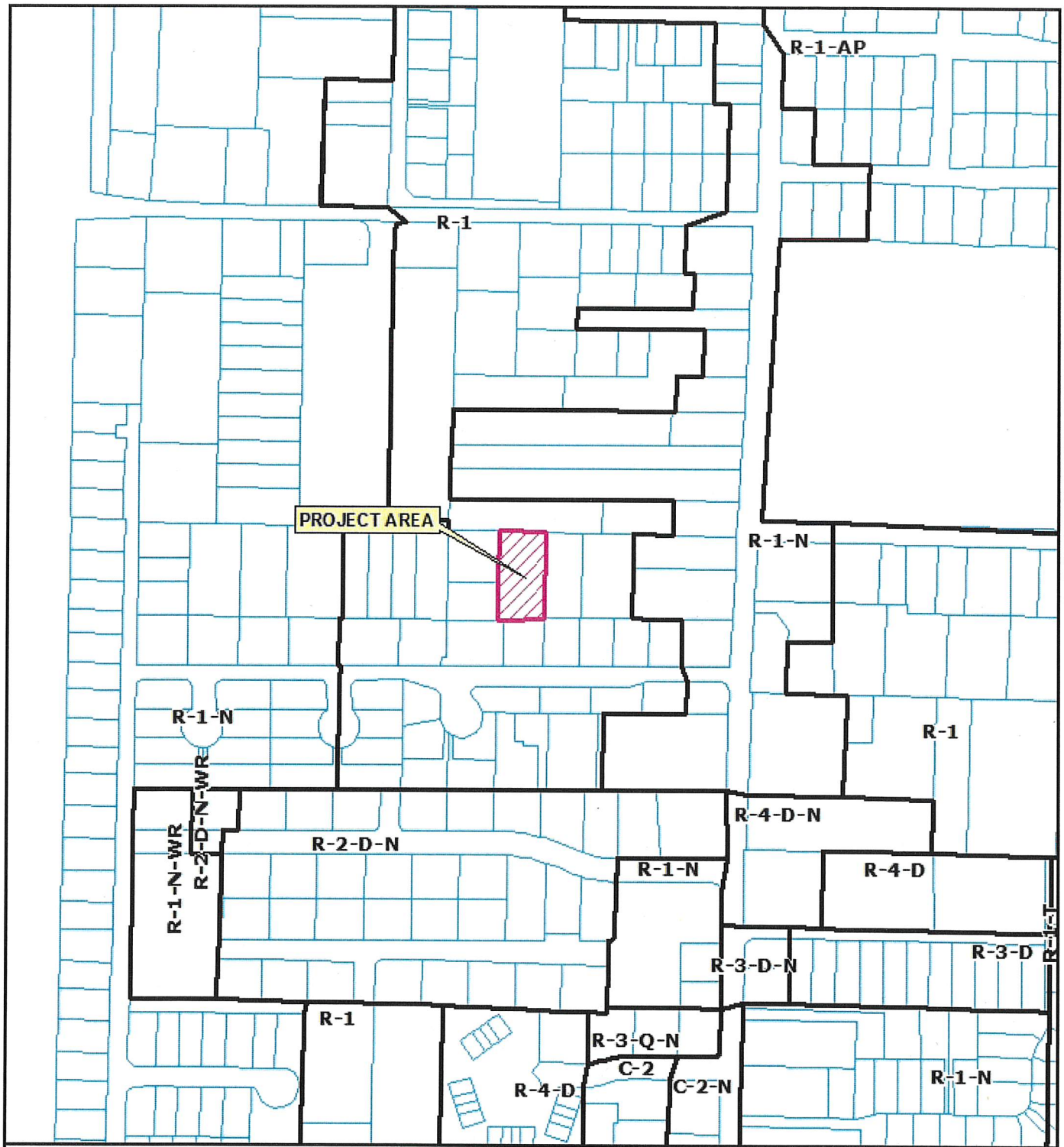
T07N R01E S31 HB&M (Arcata North)

Project Area = 

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



0 250 500
Feet



ZONING MAP

PROPOSED BOUTERSE PARCEL MAP SUBDIVISION MCKINLEYVILLE AREA PMS-16-012

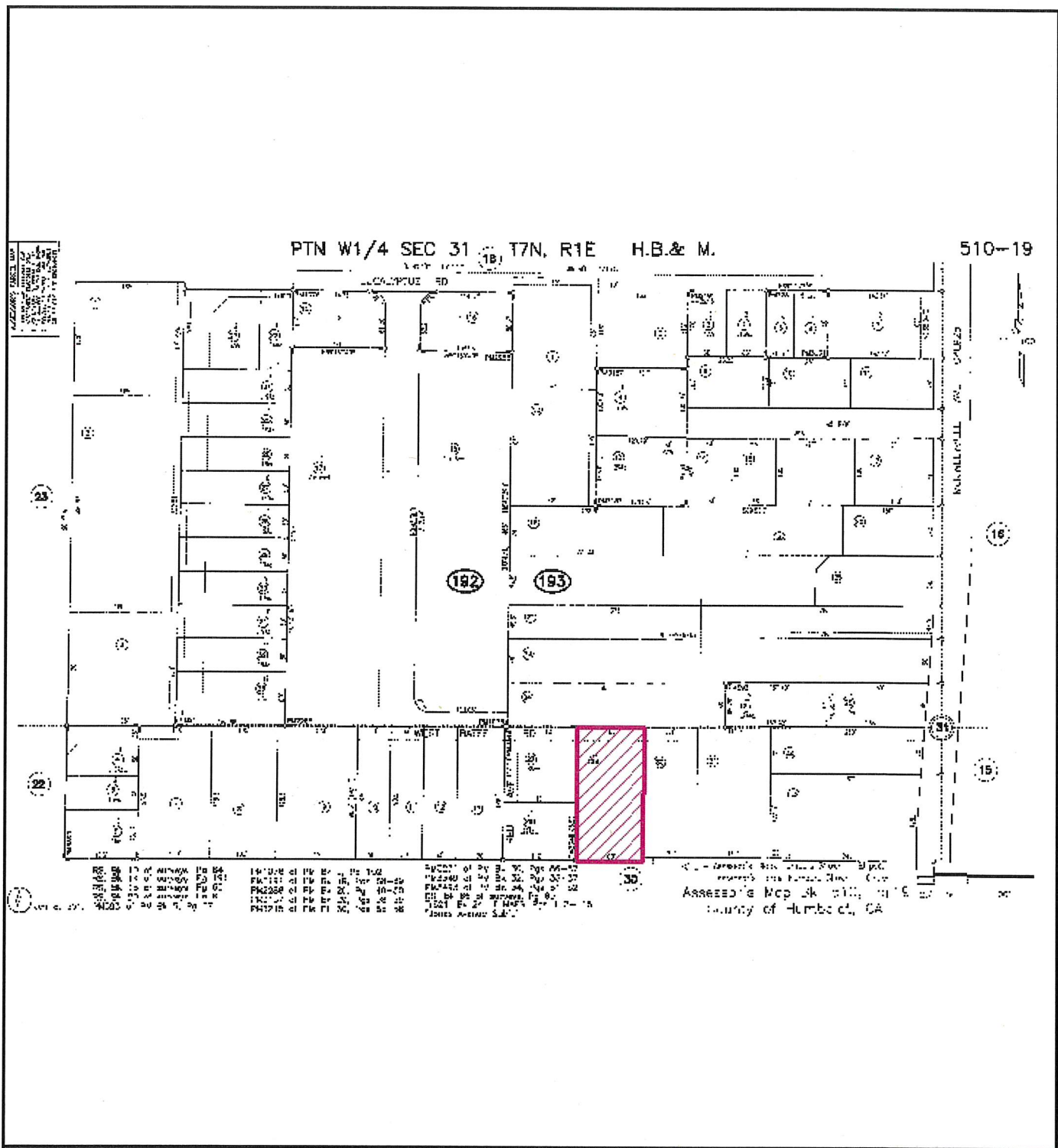
**APN: 510-193-029
T07N R01E S31 HB&M (Arcata North)**

Project Area = 

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



0 250
Feet



ASSESSOR PARCEL MAP
PROPOSED BOUTERSE
PARCEL MAP SUBDIVISION
MCKINLEYVILLE AREA
PMS-16-012

APN: 510-193-029
T07N R01E S31 HB&M (Arcata North)

MAP NOT TO SCALE

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.



AERIAL MAP

PROPOSED BOUTERSE PARCEL MAP SUBDIVISION MCKINLEYVILLE AREA PMS-16-012

**APN: 510-193-029
T07N R01E S31 HB&M (Arcata North)**

Project Area = 

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



0 100 Feet



TENTATIVE PARCEL MAP
FOR WILLEM BOUTERSE
1130 W. BATES ROAD
BEING A PORTION OF THE NORTHEAST
QUARTER OF THE SOUTHWEST QUARTER
OF SECTION 31, TOWNSHIP 7 NORTH,
RANGE 1 EAST, HUMBOLDT MERIDIAN
COUNTY OF HUMBOLDT, STATE OF
CALIFORNIA
SCALE 1"=30' OCTOBER 2016

PROJECT INFORMATION

SITE: 1130 WEST BATES ROAD
MCKINLEYVILLE, CA 95519
APN: 510-193-029
ZONE: R-1
FIRM: ZONE C
OWNER: WILLEM C BOUTERSE
SURVEYOR: JOHN C MARSAU
PACIFIC AFFILIATES
990 W. WATERFRONT DRIVE
EUREKA, CA 95501
DEED: 2016-002852-2

LEGAL DESCRIPTION:
THAT REAL PROPERTY SITUATE IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 1 EAST, HUMBOLDT MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING ON THE QUARTER SECTION LINE AT A POINT THAT IS DISTANT 451.7 FEET WEST FROM THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 31;
THENCE WEST ON THE QUARTER SECTION LINE, 100 FEET;
THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 188.5 FEET;
THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, 100 FEET;
THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, 188.5 FEET TO THE POINT OF BEGINNING.

PARCEL 2

A NON-EXCLUSIVE RIGHT OF WAY OVER A STRIP OF LAND 20 FEET WIDE, THE NORTH LINE OF WHICH BEGINS AT THE NORTHEAST OF THE LAND DESCRIBED ABOVE AND RUNS EAST ALONG THE QUARTER SECTION LINE TO THE INTERIOR QUARTER CORNER OF SAID SECTION.

EASEMENTS:

- (A) HAROLD B. BONNIKSON AND EILEEN L. BONNIKSON, HUSBAND AND WIFE AS JOINT TENANTS.
FOR THE PURPOSES OF A ROAD
AFFECTS THE NORTH 20 FEET OF THE PROPERTY
MAY 28, 1953 UNDER RECORDERS SERIAL NO. 6994, HUMBOLDT COUNTY RECORDS
SAID EASEMENT WAS ALSO RESERVED AND/OR CONVEYED TO VARIOUS PARTIES BY VARIOUS INSTRUMENTS OF RECORD WHICH BENEFIT ADDITIONAL LANDS WHICH HAVE NOT BEEN IDENTIFIED.
- (B) PACIFIC GAS AND ELECTRIC COMPANY
INGRESS AND EGRESS FOR THE MAINTENANCE OF PUBLIC UTILITIES
AFFECTS THE NORTH 20 FEET OF THE PROPERTY
FEBRUARY 27 1967, BOOK 913 OR, PAGE 511, RECORDERS SERIAL NO. 2873, HUMBOLDT COUNTY RECORDS
- (C) MCKINLEYVILLE COMMUNITY SERVICES DISTRICT
INGRESS AND EGRESS FOR THE MAINTENANCE OF PUBLIC UTILITIES
AFFECTS THE NORTH 20 FEET OF THE PROPERTY
APRIL 28, 1972, BOOK 1134 OR, PAGES 591, RECORDERS SERIAL NO. 6911 HUMBOLDT COUNTY RECORDS

ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.

DESCRIPTION OF PROJECT:

SPLITTING ONE LARGE SINGLE FAMILY LOT, 19,847 SQUARE FEET, MORE OR LESS, INTO TWO SMALLER LOTS, PARCEL 1, 11,266 SQUARE FEET, MORE OR LESS, AND PARCEL 2, 8,578 SQUARE FEET, MORE OR LESS.

NOTES:

ALL ACCESS TO THE SUBJECT PARCELS VIA WEST BATES ROAD.

WATER, GAS, AND SANITARY SEWER VIA UNDERGROUND CONNECTIONS IN WEST BATES ROAD. ELECTRICAL CONNECTION VIA OVERHEAD LINES.

CONTOURS AT 1' AND 5' INTERVALS

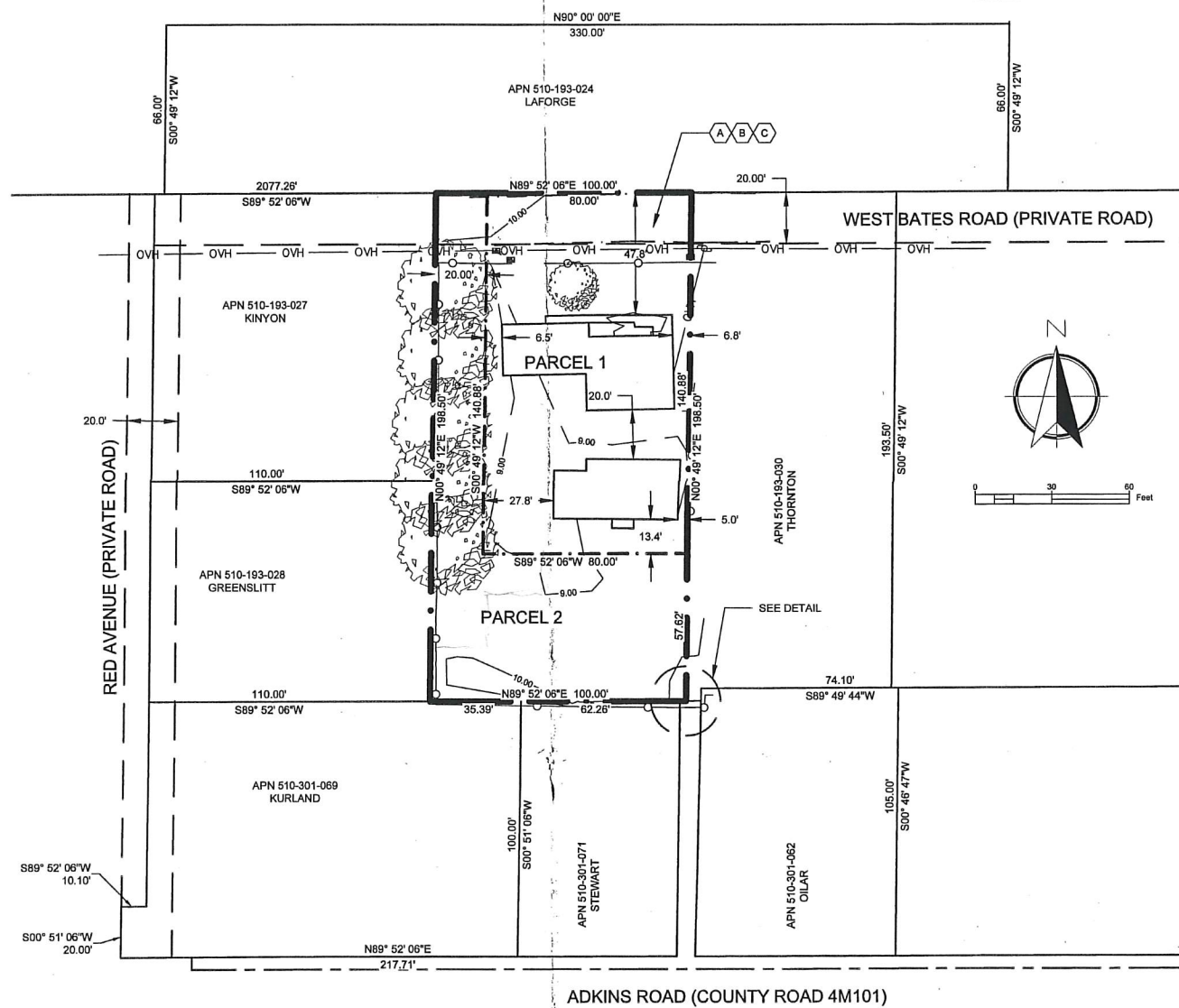
REVISIONS	BY

PACIFIC AFFILIATES
CONSULTING ENGINEERS
990 W. WATERFRONT DRIVE, EUREKA, CA 95501
TEL (707) 445-3001 FAX (707) 445-3003



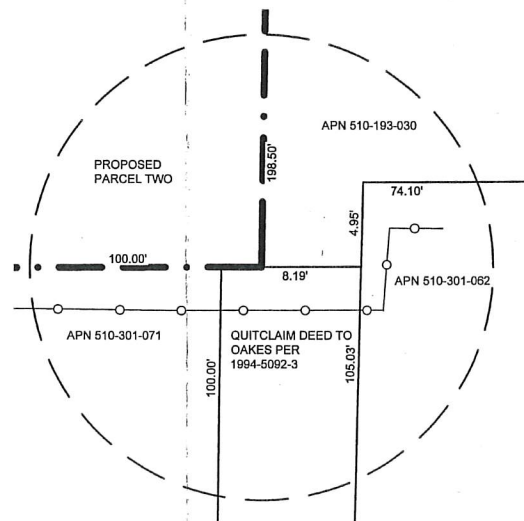
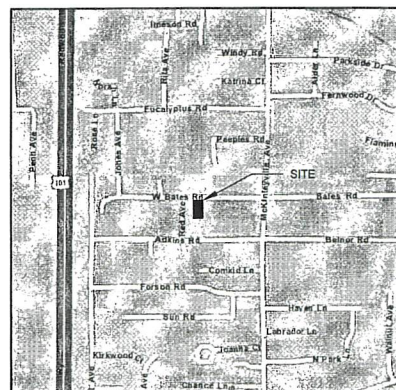
TENTATIVE PARCEL MAP
1130 W. BATES ROAD

PAGE
1
OF
1



LEGEND

- • — EXISTING PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- — — EXISTING LOT LINE
- - - EASEMENT LINE
- — — CENTERLINE
- ○ — FENCE LINE
- OVH — OVH — OVERHEAD UTILITY LINE
- WM WATER METER
- MB MAIL BOX
- U UTILITY POLE



ATTACHMENT 1

CONDITIONS OF APPROVAL

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. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated January 5, 2017 included herein as Exhibit A shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$110.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. Parkland dedication fees of \$3,067.92 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$2,346.96 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for an accessory dwelling unit on Parcel 2. Note: proposed Parcel 1 is already developed with an accessory dwelling unit. Release from the Conveyance and Agreement may be pursued upon payment of the \$720.96 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Parcel Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, 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 \$415.00) will be required.
6. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
 - A. Mapping

- (1) Topography of the land in 1-foot contour intervals;
- (2) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program;
- (3) Development standards including setbacks, maximum lot coverage, maximum height and two (2) parking spaces on Parcel 1 and four (4) parking spaces on Parcel 2 consistent with Section 314-109.1 Humboldt County Code;

B. Notes to be placed on the Development Plan:

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

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

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

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

- (3) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
 - Prohibition of open fireplaces.

- Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- (4) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday."
 - (5) If applicable "Development rights for accessory dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for an accessory dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."
 - (6) "The subdivision is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."
 - (7) "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."
 - (8) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
7. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$415.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.

8. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,404.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
9. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

Informational Notes

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

If cultural resources are encountered 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) is 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.

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

ATTACHMENT 1 – EXHIBIT A
PUBLIC WORKS SUBDIVISION REQUIREMENTS

EXHIBIT A

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401


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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE
APPLICATION OF BOUTERSE, APN 510-193-029, PMS 16-012 FOR
APPROVAL OF A TENTATIVE MAP, CONSISTING OF 0.46 ACRES INTO
2 LOTS

DATE: 01/05/2017

— — — — —

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

These recommendations are based on the tentative map prepared by Pacific Affiliates Consulting Engineers dated October 2016, and dated as received by the Humboldt County Planning Division November 29, 2016.

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

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

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

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

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

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

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

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

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **PROOF OF LEGAL ACCESS:** Applicant shall provide, to the satisfaction of this Department, proof of recorded access from a publicly maintained road to the subject property. The width of the access shall be 50 feet and shall be shown on the subdivision map. [Reference: Roadway design standards/classification plats in Section 4.2 of Appendix A of the County Subdivision Ordinance]
- 1.5 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.6 **FURTHER SUBDIVISION:** At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.
- 1.7 **PRIVATE ROADS:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

"If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the County for the benefit of the lot owners on such lane rather than the benefits of the County generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specification as contained in the then applicable subdivision regulations relating to public streets."
[County Code Section 323-2 appears after Section 324-1 in County Code]

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

(a) WEST BATES ROAD (NOT COUNTY MAINTAINED)

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive 25 foot wide easement for ingress, egress, and public utilities for the benefit of the parcels/lots within the subdivision in a manner approved by this Department.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

The applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easement for the road.

Sidewalks: Applicant shall cause to be dedicated on the subdivision map a non-exclusive 10 foot wide easement for sidewalk purposes lying adjacent to the right of way of the access roads within the subdivision. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department. This easement may overlap a public utility easement.

- (b) NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU.

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

2.0 IMPROVEMENTS

- 2.1 **CONSTRUCTION PLANS:** Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. Construction plans shall be on a sheet size of 22" x 34", unless approved otherwise by this Department. Construction of the improvements shall not commence until authorized by this Department. This Department will require the submittal of 1 full size (22" x 34") set and 1 reduced (11" x 17") set of the approved construction plans prior to start of work.

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

Construction plans shall be tied into elevation datum approved by this Department. Projects located within McKinleyville Community Services District (MCSD) area shall be tied to MCSD elevation datum unless waived by this Department.

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

2.2 **CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

2.3 **ADA FACILITIES:** All pedestrian facilities shall be ADA compliant. This includes, but is not limited to, providing curb ramps at intersections and sidewalks behind driveway aprons (or ADA compliant driveway aprons).

Fire hydrants, neighborhood box units for mail, utility poles (including down guys), street lights, or other obstructions will not be allowed in sidewalks unless approved by this Department.

2.4 **ACCESS ROAD:** The surface of the access road shall conform to the Structural Section requirements within this document. The access road serving the subdivision shall be constructed to the satisfaction of this Department as follows;

(a) **WEST BATES ROAD** along the frontage of the subdivision shall be widened to provide a 20 foot wide road with a Caltrans Type A2-6 portland cement concrete curb, a 5 foot wide landscape strip (4.5 foot wide useable), and a 5 foot wide PCC sidewalk on the southerly side. This section does not permit on-street parking and the curb shall be painted red.

As an alternative, the road may be widened from 20 feet to 26 feet to provide an 18 foot wide travel way and an 8 foot wide parking lane. This would allow a reduction in the amount of off-street parking requirements (County Code Section 314-109.1). This alternative will also require the dedication of an additional 1 foot of right of way (See Item 1.8(a)).

(b) **FLAG LOT ACCESS ROAD:** The first 25 feet of the flag lot access road shall be paved. If Parcel 1 will also use the flag lot access road, then the flag lot access road shall be paved from West Bates Road to the last driveway for Parcel 1.

(c) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.

(d) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and

Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.

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

- (a) **For paved road surfaces,** the structural section shall include a minimum of 0.2 foot of Caltrans Type B hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.

When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.

- (b) Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way**, unless approved in writing by this Department.

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

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

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

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

2.8 **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES.** When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department.

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

2.9 **COMPLETION OF SIDEWALK IMPROVEMENTS:** Sidewalk improvements may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the "final" of the building permit. Any sidewalk damaged during construction will need to be replaced prior to the "final" of the building permit.

2.10 **COMPLETION OF IMPROVEMENTS:** Pursuant to Government Code section 66411.1 improvement timing. Fulfillment of reasonable on- and off-site construction requirements may be imposed prior to Parcel Map recordation if found necessary for the public health or safety or orderly development of the area.

3.0 DRAINAGE

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

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

3.3 **STORM WATER QUALITY:** Applicant shall include within the project site the implementation of Best Management Practices (BMPs) to prevent storm water pollution. BMPs include, but are not limited to, stenciling drainage inlets

3.4 **DETENTION FACILITIES:** Pursuant to McKinleyville Community Plan Policy 3310 (5), this project is required to construct detention facilities in a manner and location approved by this Department. In general, storm flows from the 100-year (Q_{100}) storm shall be detained so as to release water from the site at a rate no greater than the predevelopment 2-year (Q_2) storm flows. Contact this Department regarding any questions.

If the site conditions do not allow for detention, then infiltration may be considered by the Department as an alternative.

3.5 **DRAINAGE FEES:** Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.

3.6 **LOW IMPACT DEVELOPMENT (LID):** The subdivision as proposed is a small project and is required to comply with County Code Section 337-13. At the time of issuance of a building permit, the applicant must comply with County Code Section 337-13.

Note: At time of issuance of a building permit for the vacant parcel, if the total proposed impervious area exceeds 5,000 SF, then that parcel shall be developed as a regulated project.

4.0 GRADING

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

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

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

If sidewalk is not required, then the driveway slope will be measured to the back of driveway apron.

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

4.4 **DATUM:** Grading plans shall be tied into elevation datum approved by this Department. Projects located within McKinleyville Community Services District (MCSD) area shall be tied to MCSD elevation datum unless waived by this Department.

4.5 **EROSION CONTROL:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(d)(1) and 337-13(c), an erosion control plan (aka, sediment control plan, Storm Water Pollution Prevention Plan, etc.) addressing erosion from storm water runoff and wind shall accompany the grading plan.

5.0 MAINTENANCE

5.1 **MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 323-2* (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be required. [*Section 323-2 is listed in County Code after Section 324-1]

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

- A maintenance plan for the non-county maintained road known as West Bates Road.

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

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

- 5.2 **MAINTENANCE AGREEMENTS:** Any agreements regarding the maintenance of the detention facilities between the applicant and a public entity or Homeowners Association may be required to be approved by County Counsel and the County Risk Manager.

6.0 DEVELOPMENT PLAN

- 6.1 The following note shall be placed on the development plan: "**LOW IMPACT DEVELOPMENT (LID) NOTE:** This subdivision is approved as a small project and is required to comply with County Code Section 337-13. Each parcel within the subdivision is considered a small project. At the time of issuance of a building permit, the applicant shall demonstrate compliance with County Code Section 337-13.

Note: At time of issuance of a building permit for the vacant parcel, if the total proposed impervious area for the parcel exceeds 5,000 SF, then that parcel shall be developed as a regulated project."

7.0 LANDSCAPING

<NONE>

// END //

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

A. Subdivision Findings: 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 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 improvement is consistent with the County's General Plan.
2. That the tentative subdivision map conforms to the requirements and standards of the County's subdivision regulations.
3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
4. The proposed subdivision is not likely to cause substantial environmental damage.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; 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.
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:
 - a. The project is either categorically or statutorily exempt; or
 - b. There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
 - c. An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

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 of the Humboldt County General Plan and the McKinleyville Community Plan (MCCP).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	Residential Low Density (RL) Primary and compatible uses include single family residential use. Density Range – 1 - 7 dwelling units per acre.	The existing parcel is currently developed with a single family residence and Accessory Dwelling Unit (ADU) that will remain on proposed Parcel 1. Proposed Parcel 2 will be vacant and suitable for residential development.
Urban Limits: §2600 (MCCP)	New development shall be located within existing developed areas or in areas with adequate public services.	All proposed parcels are within the Urban Limit line and are served by public water and sewer. The parcels will be served by West Bates Road, a privately maintained road.
Housing: §2400 (MCCP)	Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.	The proposal results in one additional building site for residential development. The site was not utilized by the Department of Housing and Community Development in determining compliance with housing element law. Therefore, the additional parcel created by this subdivision is in addition to those identified in the 2014 Housing Element.
Hazards: §3200 (MCCP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards. Geologic Fire Flood Hazards	The area of the proposed building site is within Geologic Hazard Rating 0 - "Relatively Stable" and is not within the Alquist-Priolo Fault Hazard Area. The proposed subdivision site is in an area of low fire hazard. The Arcata Fire Protection District has reviewed the subdivision design and recommended approval. The parcel does not have any flood hazards as shown on FIRM Map #680.
Sensitive and Critical Habitats: §3420 (MCCP)	To protect designated sensitive and critical resource habitats.	The parcel does not have any mapped constraints as shown on the biological resource map. It is located within a developed residential area which is not known to possess wetlands, natural drainages or other types of Sensitive or Critical Habitats.

Cultural Resource Protection: §3500 (FP)	New development shall protect cultural, archeological and paleontological resources.	The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included. This is included in the Conditions of Approval and will be noted on the Development Plan.
Parkland: §4420 (MCCP)	To establish recreational facilities to meet the needs of Eureka residents.	<u>Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$100,000/acre or: $2(2(130 \times 2.57/43,560)) \times \\$100,000 = \\$3,067.92$ without the conveyance of accessory dwelling unit rights; or \$720.96 with the conveyance of secondary dwelling unit rights on Parcel 2.</u>

Parkland Dedication Fee Calculations

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	<u>2.57</u>	Persons per average McKinleyville household (Source: 2000 U.S. Census)
	334.10	Parkland dedication per average household in square feet
/	<u>43,560</u>	Square feet per acre
	0.007	Parkland dedication per average household in acres
X	2	Number of parcels being created by the subdivision,
X	2	Number of dwellings per legal parcel or lot, including potential accessory dwelling units
X	100%	Percentage of these parcels within the McKinleyville Community Planning Area
X	<u>\$100,000</u>	Value of one acre of land in the vicinity of the subdivision project
	\$3,067.92	Parkland Dedication In-lieu Fee for the Bouterse Subdivision

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 project will result in Parcels 1 and 2 of 11,269 square feet and 8,578 square feet, respectively. Both parcels will be suitable for single-family residential development.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	The parcel has frontage on West Bates Road, a privately maintained road within a 20-foot right of way. The applicant has submitted an exception to the right of way width pursuant to Section 325-9 (see Attachment 3). Public Works does not support this exception (Attachment 5) and has provided Subdivision Requirements for the subdivision that include the additional dedication of right of way (Attachment 1, Exhibit A).
Sewer & Water 324-1 (d)	Sewer and water systems shall be constructed to appropriate standards.	Resultant parcels are served by community water and sewer provided by the McKinleyville Community Services District (MCSD). MCSD has stated that they have the capacity to serve the subdivision
322-3.1 Housing Element Densities The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.		The proposal results in one additional building site for residential development. This parcel was not identified as providing any additional dwelling units in the most recent Housing Inventory, therefore, the one parcel created by this subdivision will provide an additional unit above and beyond those identified in the Housing Element.

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

Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
That there are special circumstances or conditions affecting said property.	The applicant's request for exception (Attachment 3) states that by providing additional right of way, the required setbacks to the existing residence could not be met. Currently, the residence is approximately twenty-eight feet (28') from the edge of the right of way, which would allow up to eight feet of additional right of way. A subdivision completed in 2005 on the parcel immediately to the west, provided an additional five feet of right of way. Regarding the sidewalk requirement, the applicant states that the sidewalk improvements are cost prohibitive and not necessary (Attachment 3). Public Works has provided comments on both exception requests and states that inadequate justification has been provided.
That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.	The applicant states that "Approval of the exception will provide for the subdivision while allowing for existing infrastructure (driveway/encroachment and residence) to remain viable and conform to the setbacks. While this is a true statement, it appears that additional right of way and sidewalks can be provided. The proposed subdivision will result in two (2) parcels consistent with the General Plan and the R-1 zoning. The lots will be similar to other lots within the neighborhood, and the subdivision is in keeping with the existing pattern of development, and the character of the immediate area.
That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.	The exception would allow subdivision of the subject parcel similar to others in the immediate vicinity. There is no indication that the development of the surrounding lands will be adversely impacted by this exception. All referral agencies have recommended approval of the subdivision, however, the Department of Public Works do not support the exceptions for the reasons discussed above.

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

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
Residential One-Family (R-1)	One-family dwellings are compatible uses.	The subdivision will divide a parcel into two. The existing residence and accessory dwelling unit will be sited on proposed Parcel 1 and proposed Parcel 2 will be vacant and suitable for residential development.
Minimum Parcel Size	5,000 square feet	The subdivision results in two parcels of 11,229 square feet and 8,578 square feet. Parcel 2 (flag lot), less access and turnaround, is 4,600 square feet in size.
Minimum Yard Setbacks per Zoning:	Front: 20 feet Rear: 10 feet Interior Side: 5 feet Exterior Side: 10 feet	Parcel 1: Front: 20 feet; Rear: 13 feet; Interior Side: 5 feet. Future development on Parcel 2 must comply with standards of the zone.
Minimum Lot Width	50 feet (measured at front yard setback line)	Parcel 1: 80 feet Parcel 2: 58 feet
Maximum Lot Depth	3 time lot width	Parcel 1: 141 feet (average) Parcel 2: 100 feet
Maximum Ground Coverage	35%	Parcel 1: approximately 20% Future development on Parcel 2 must comply with standards of the zone.
Maximum Structure Height	35 feet	Parcel 1: 16 feet Future development must comply with standards of the zone.
314-109.1 Parking	Within mapped Housing Opportunity Zones, the parking required in 109.1.3.1.1.1 is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less in total gross floor area. Within mapped Housing Opportunity Zones, no additional parking shall be required for dwelling units 1,000 square feet or less in total gross floor area, regardless of the number of bedrooms, on roads improved to less than forty feet (40') wide.	The two parking spaces provided in the existing garage is sufficient for the parking requirements on proposed Parcel 1. Proposed Parcel 2 has adequate area for the required parking. The applicant may choose to install a parking lane along the road frontage, however, it is not required.

4. Public Health, Safety and Welfare.

The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:	Evidence supporting the finding
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 4, Referral agency recommendations.
The proposed project is consistent with the general plan.	See previous discussion.
The proposed project is consistent with the zoning.	See previous discussion.
The proposed project will not cause environmental damage.	See following discussion.

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

6. Environmental Impact. Please see the attached draft Negative Declaration.

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

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,404.75. [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.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #8 of Attachment 1.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Document	Location
Tentative Subdivision Map	Attached in Maps Section
Application Form	On file with Planning
Preliminary Title Report	On file with Planning
Stormwater Information Sheet	On file with Planning
Exception Requests dated March 20, 2019	Attached



PACIFIC AFFILIATES
CONSULTING ENGINEERS

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March 20, 2019

Mr. Trevor Estlow
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Humboldt County Planning Department
3015 H Street
Eureka, CA 95501



Re: Petition for Exception Request to Required Right of Way Width
For Willem Bouterse
1130 W. Bates Road
McKinleyville, CA 95519
APN 510-193-029

Mr. Estlow:

Pursuant to Humboldt County Code Section 325-9, I am requesting an exception to the minimum right of way width requirements, as specified in the Appendix to Title IV, Division 2, Humboldt County Code Section 7-2, to allow the two proposed parcels of Willem Bouterse's Subdivision to gain access to West Bates Road, (a private road) with the existing right of way width that is roughly 20 feet. There is currently one residence with a secondary unit on APN 510-193-029 which are both served by an existing driveway. The proposed flag lot will gain access off of West Bates Road by a new 20-foot wide easement.

Justification for the requested exception to the requirements and regulations of the code is as follows:

- 1) **That there are special circumstances or conditions affecting said property.**
The project proposes to subdivide a residential parcel that includes an existing single-family residence, secondary unit, and driveway. The location of the existing residence, driveway/encroachment will not allow adequate setbacks from the residence to be provided without a reduction in the required right-of-way width. In addition, it would be infeasible to obtain additional right-of-way width from the adjacent land owners.
- 2) **That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.**
Approval of the exception will provide for the subdivision while allowing for existing infrastructure (driveway/encroachment and residence) to remain viable and conform to setbacks.
- 3) **That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.**
Approval of the exception request will allow the existing development pattern and traffic circulation to be maintained, helping ensure continued harmony with neighboring residential development found on adjacent properties.

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

The proposed parcels, as shown on the Tentative Map, are consistent with the prescribed density building setbacks, parking regulations, and other development criteria of the applicable regulations. The proposed subdivision is consistent with planned growth of the area, and the General Plan supported in-fill development. It does not appear as though the subject project provides special privileges not available to others. The subject project maintains the preservation and substantial property right of the landowner. Denial of the exception request denies the subdivision of the subject property and the ability to maximize the potential of the existing land to meet the current zoning requirements as set forth in the existing General Plan.

In closing, the above described request does not appear to be detrimental to the public welfare or injurious to other property in the neighborhood in which the property is located, therefore I respectfully petition that this request be granted

Should you have any questions or require additional information, please contact this office.

Sincerely,



Travis Schneider
R.C.E. 67393

cc: File 19-1956

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PACIFIC AFFILIATES
CONSULTING ENGINEERS

990 W. WATERFRONT DRIVE, EUREKA, CA 95501 • TEL (707) 445-3001 FAX (707) 445-3003

March 20, 2019

Mr. Trevor Estlow
Senior Planner
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501



Re: Petition for Exception Request for Sidewalk Improvements
For Willem Bouterse
1130 W. Bates Road
McKinleyville, CA 95519
APN 510-193-029

Mr. Estlow:

Pursuant to Humboldt County Code Section 325-9, I hereby request an exception to the subdivision requirement of sidewalk improvements connecting the subject property to the existing pedestrian network outside of the subdivision, as specified in the County's Subdivision Ordinance.

Justification for the requested exception to the requirements and regulations of the code is as follows:

- 1) **That there are special circumstances or conditions affecting said property.**
The project proposes to subdivide a residential parcel that includes an existing single-family residence, secondary unit, and driveway. The distance between the subject property and the existing pedestrian network, connecting the subject property to the existing pedestrian network is cost prohibitive for the minor subdivision. In addition, the development on the non-county maintained West Bates Road is nearing zoned capacity, therefore, improvements to the right-of-way are not necessary.
- 2) **That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.**
Approval of the exception will provide for the subdivision while allowing for existing infrastructure (driveway/encroachment and residence) to remain viable and conform to setbacks.
- 3) **That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.**
Approval of the exception request will allow the existing development pattern and traffic circulation to be maintained, helping ensure continued harmony with neighboring residential development found on adjacent properties.

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

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The proposed parcels, as shown on the Tentative Map, are consistent with the prescribed density building setbacks, parking regulations, and other development criteria of the applicable regulations. The proposed subdivision is consistent with planned growth of the area, and the General Plan supported in-fill development. It does not appear as though the subject project provides special privileges not available to others. The subject project maintains the preservation and substantial property right of the landowner. Denial of the exception request denies the subdivision of the subject property and the ability to maximize the potential of the existing land to meet the current zoning requirements as set forth in the existing General Plan.

In closing, the above described request does not appear to be detrimental to the public welfare or injurious to other property in the neighborhood in which the property is located, therefore I respectfully petition that this request be granted

Should you have any questions or require additional information, please contact this office.

Sincerely,



Travis Schneider
R.C.E. 67393

cc: File 19-1956

ATTACHMENT 4

INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

Project Information

Project Title: Bouterse Parcel Map Subdivision

Lead Agency

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

Property Owner

Willem Bouterse
PO Box 458
Arcata, CA 95518

Project Applicant

Same as owner

Project Location

The project site is located in the McKinleyville area, on the south side of West Bates Road, approximately 500 feet west of the intersection of West Bates Road and McKinleyville Avenue, on the property known as 1130 West Bates Road.

General Plan Designation

Residential Low Density (RL); Humboldt County General Plan, McKinleyville Community Plan (MCCP); density one to seven dwelling units per acre.

Zoning

Residential One-Family (R-1).

Project Description

A Minor Subdivision to divide an approximately 19,847 square foot parcel into two parcels of 11,269 square feet and 8,578 square feet. The parcel is currently developed with a single family residence and detached secondary dwelling unit that will remain on proposed Parcel 1. Proposed Parcel 2 will be created as a flag lot. Pursuant to Section 325-9 of the Humboldt County Code, exception requests have been submitted for a reduced right of way width for West Bates Road, and to eliminate the sidewalk requirement. The parcels are or will be served with community water and sewer by the McKinleyville Community Services District.

Baseline Conditions: Surrounding Land Uses and Setting

The project site is located along West Bates Road, approximately 1.5 miles south of the California Redwood Coast – Humboldt County Airport. It is in a developed neighborhood and surrounded by other similarly sized residential parcels.

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

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? No. If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? n/a

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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

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

Determination: On the basis of this initial evaluation:

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

Signature

Date

Trevor Estlow, Senior Planner
Printed Name

Humboldt County Planning
and Building Department
For

Evaluation of Environmental Impacts

- (1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- (4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c) (3) (D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review. **N/A**
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis. **N/A**
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project. **N/A**

Environmental Checklist

Checklist and Evaluation of Environmental Impacts: An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the **Checklist**, the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

I. Aesthetics. Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

Discussion:

(a-d) Less Than Significant Impact: The project site is not within an area mapped or designated with scenic vistas or resources nor is it in the Coastal Zone where specified areas of scenic values are mapped and certified by the state. The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area. The parcels will be served by West Bates Road, a privately maintained road. There are several trees along the westerly property line that may be removed to facilitate development of the lots, however, these trees are not mapped or identified as any type of scenic resource. The Department finds no evidence that the creation of one additional parcel within an area characterized as urban residential will have a substantial adverse aesthetic impact. There is no indication that the future development likely to occur on the site will significantly increase light or glare or effect nighttime views in the vicinity.

<p>II. Agriculture and Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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:</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<p>Discussion:</p> <p>(a-e) No Impact: Neither the subject property nor adjacent lands are within a Williamson Act contract. Although the site is mapped as agricultural soils, the lands were converted to residential uses with prior General Plans decades ago. The site does not contain unique farmland and is not used for agricultural purposes. The neighborhood is characterized by urban residential development with services provided by the McKinleyville Community Services District. The proposed subdivision infills an established development pattern. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. General agriculture is not a use allowed in the R-1 zone, nor are there any intensive agricultural uses in the immediate vicinity. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.</p>				

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 Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Discussion:

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

The proposed subdivision results in one additional parcel suitable for residential development and would not: (1) obstruct implementation of the applicable air quality plan; (2) violate air quality standards; (3) contribute substantially to an existing or projected air quality violation; (4) expose sensitive receptors to substantial pollutant concentrations; or (5) create objectionable odors. The Department finds no evidence that the project will result in a significant adverse impact to air quality.

IV. Biological Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	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?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	
<p>Discussion:</p> <p>(b, c, e, f) Less Than Significant: Per County resource maps, there are no sensitive biological resources on, or in the vicinity of, the project site. There are no wetlands or wetland habitat present on the site. The project does not involve any development within a streamside management area. The project site is not within an adopted or proposed habitat conservation plan. The project was referred to the Eureka office of the California Department of Fish and Wildlife which did not respond with concerns. The area is developed to urban residential levels. The Department finds no evidence that the project will result in a significant adverse impact on biological resources.</p> <p>(a, d) Less Than Significant with Mitigation Incorporated: The project may result in the removal of several trees along the westerly property line in order to facilitate development. In order to comply with the Migratory Bird Treaty Act and Fish and Game Code, tree removal and brush clearing must be conducted outside of the nesting season. This measure is included in Mitigation Measure No. 1.</p>				

Mitigation Measure No.1. The Development Plan shall include the following language: "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."

V. Cultural Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

Discussion:

(a) No Impact: No historical resources have been documented on site. The site is currently developed with a single family residence and an accessory dwelling unit that show no evidence of being considered a historical resource, therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) §15064.5.

(b,d) Less Than Significant with Mitigation Incorporated: The project was referred to the Northwest Information Center (NWIC), the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. If archaeological resources are encountered during construction activities, the contractor will execute Mitigation Measure No. 2. by halting construction and coordinating with a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines and appropriate tribes so resources can be evaluated so that there is not a substantial adverse change in the significance of an archaeological resource. The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 2 has been included in the event that human remains are accidentally discovered during construction.

(c) No Impact: No paleontological, geologic, or physical features are known to exist on the proposed project site; therefore, the project will not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.

Mitigation Measure No. 2. The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, the Calfire project representative (if applicable) and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and Calfire officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

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

VI. Energy. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Discussion:

(a-b) Less Than Significant Impact: The project will result in short-term energy consumption during the construction phase, with long-term energy consumption associated with the ongoing occupancy of the homes. The construction phase is not anticipated to utilize excessive energy and the homes will be constructed compliant with the energy requirements of Title 24 of the Building Code. Therefore, a less than significant impact will occur.

VII. Geology and Soils. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
<p>Discussion:</p> <p>(a) No Impact: There are no known earthquake faults located within the site.</p> <p>(i-iv) No impact: The project site is located outside an Alquist-Priolo Earthquake Fault Zone. The proposed project divides one parcel into two. One of the parcels will be vacant and suitable for residential development. All development associated with the subdivision will not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. The project is not within an area subject to landslides; therefore the project will not expose people or structures to risk of lost, injury, or death involving landslides.</p> <p>(b) Less Than Significant impact: Any future home construction or road improvements will utilize appropriate Best Management Practices (BMPs) which will prevent soil erosion and loss of topsoil.</p> <p>(c) No impact: The project is not located on geologic units or soils that are unstable or that will become unstable as a result of the project. The project will not result in the creation of new unstable</p>				

areas either on or off site due to physical changes in a hill slope affecting mass balance or material strength.

(d) No impact: The project site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994); therefore, the project will not create substantial risks to life or property.

(e) No Impact: The project will connect to community sewer provided by the McKinleyville Community Services District.

(f) No Impact: There are no known paleontological resources or unique geologic features on site.

VIII. Greenhouse Gas Emissions. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion:

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

The proposed project involves creation of two parcels, all suitable for residential development. The eventual residential construction on the vacant lot would contribute temporary, short-term increases in air pollution from equipment usage. Because of the temporary nature of the greenhouse gas contributions, coupled with the modest quantity of emission, the proposed project would not have a significant impact on the environment, nor conflict with applicable plan, policy, or regulation for the purposes of reducing greenhouse gas emissions. Future residential use would emit limited greenhouse gases.

IX. Hazards and Hazardous Materials. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?			X	

Discussion:

(a-g) Less Than Significant impact: The project site is not included on a list of hazardous material sites, nor does the proposed subdivision involve routine transport, use or disposal of hazardous materials. The project site is approximately 1.5 miles from the nearest airport and located outside of any compatibility zone associated with the California Redwood Coast – Humboldt County Airport. There are no private airstrips within the vicinity of the project site. The site will not result in unanticipated risk to the occupants of the site. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan. The site is within the Arcata Fire Protection District. Future development of the site will require compliance with the Uniform Fire Code and UBC. According to the Fire Hazard map, the parcel is located in a low fire hazard area. Arcata Fire Protection District approved the proposed project. For these reasons, the Planning Division expects that the subdivision will not result in significant impacts in terms of hazardous materials.

X. Hydrology and Water Quality. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:				
(i) result in substantial erosion or siltation on- or off-site;			X	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Discussion:

(a-e) Less than significant Impact: The proposed subdivision infills an established development pattern, and is consistent with the planned build-out of the area, in terms of both the County's Housing Element, the McKinleyville Community Plan (MCCP) adopted in 2002 and the recently adopted Humboldt County General Plan 2017. The project site is an area served by community water and sewer. The McKinleyville Community Services District (MCSD) has indicated that it is able to provide water and sewer service to the proposed subdivision upon the payment of the appropriate fees. MCSD has not identified any concerns with regard to the project interfering with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 100 feet.

The Department of Public Works recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. The applicant will be required to provide Low Impact Development techniques to comply with the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be

allowed in such a manner that the downstream peak flows will not be increased." No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

XI. Land Use and Planning. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	
Discussion: (a-b) Less Than Significant Impact: The project site is designated Residential Low Density (RL) by the Humboldt County General Plan 2017, and is zoned Residential One-Family with a 5,000 square foot minimum parcel size. One-family residential is a primary and compatible use within the RL designation and is principally permitted in the R-1 zoning district. The neighborhood is characterized as urban residential. The creation of two parcels for residential development is consistent with the zoning and land use density (one to seven dwelling units per acre). The proposed subdivision infills an established development pattern, is consistent with the planned build-out of the area, and is consistent with the policies and regulations specified in the McKinleyville Community Plan and Humboldt County General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.				

XII. Mineral Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: (a and b) No Impact: On-site soils and geologic resources are not suitable as commodity materials that would be of value to the region or the state. The site is not designated as an important mineral resource recovery site by a local general plan, specific plan, or other land use plan.				

XIII. Noise. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
Discussion: (a-c) Less Than Significant Impact: Noises generated by the proposed project will result in a temporary increase during construction because the proposed project may require the use of heavy equipment (excavator, grader, loader and backhoe). The construction does not include equipment that would result in groundborne vibration. These activities are consistent with the current uses at the site and no permanent change in noise from the existing conditions would result from this project. The project area is approximately 1.5 miles from the California Redwood Coast – Humboldt County Airport, and is outside of any airport compatibility zone. The noise impacts associated with the airport are not anticipated to be excessive. Therefore, noise impacts will remain less than significant.				

XIV. Population and Housing. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	
Discussion: (a, b) Less Than Significant Impact. The proposed project divides a parcel into two parcels, one that will remain developed and one suitable for future residential development. One-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area, one to seven units per acre. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.				

XV. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	
Discussion: (a-e) Less Than Significant: The parcels will be accessed via West Bates Road, a privately maintained road. The Department of Public Works has recommended improvements to the access road to meet current standards. The Arcata Fire Protection District did not identify any fire protection issues. The Department finds no evidence that the project will result in a significant adverse impact on public services.				

XVI. Recreation. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?			X	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
Discussion: (a-b) Less Than Significant Impact: The project does not include recreational facilities. The project has been conditioned upon payment of parkland dedication fees in lieu of creating a neighborhood park on the site. The Department finds no evidence that the project will require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				

XVII. Transportation. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	
Discussion: (a-d) Less Than Significant Impact: The property is accessed by West Bates Road, a privately maintained road. The Land Use Division of Public Works has recommended standard conditions of approval including the improvement of the encroachment and improvement of the access road. The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in vehicle miles traveled beyond that expected, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; or will conflict with adopted policies supporting transportation. The project site is approximately 1.5 miles south of the California Redwood Coast – Humboldt County Airport, the closest airport.				

XVIII. Tribal Cultural Resources.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	

Discussion:

(a) Less Than Significant Impact: The project was referred to the Northwest Information Center at Sonoma State University, the Blue Lake Rancheria, the Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria. Although the response from the NWIC recommended a study, further consultation with the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe recommended approval with no further study provided a note regarding inadvertent discovery is included in the project. The standard condition of inadvertent discovery has been included as Mitigation Measure No. 2.

XIX. Utilities and Service Systems. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion:

(a-e) Less than significant: The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses. The lots will be served by community water and sewer provided by the McKinleyville Community Services District. The Department of Environmental Health has recommended approval of the project. The parcel currently drains southerly towards the proposed access road. Stormwater detention as well as Low Impact Development (LID) techniques will be utilized as part of the improvement plans submitted to Public Works in order to comply with the McKinleyville Community Plan requirement of no increase in downstream flows and the Regional Water Board's MS4 program. The Division of Public Works reviewed the project and did not identify any drainage issues. The applicant will be required to provide a complete hydraulic report and drainage plan. The Department finds the project impact to be less than significant.

XX. Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	
<p>Discussion:</p> <p>(a-d) Less than significant: The project is located within the Local Responsibility Area (LRA) for fire protection and served by the Arcata Fire Protection District. State responsibility lands are located approximately one mile to the east with the majority of these lands owned and managed by Green Diamond Resource Company. The project is within an urbanized area of McKinleyville and not subject to substantial wildfire risk. The Department finds the project impact to be less than significant.</p>				

XXI. Mandatory Findings of Significance.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).			X	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
<p>Discussion:</p> <p>(a through c) Less Than Significant Impact: The proposed project divides one parcel into two – one developed and one vacant and suitable for future residential development. Staff finds no evidence that the proposed project will significantly degrade the quality of the environment, nor will it have impacts that are individually limited but cumulatively considerable. Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.</p>				

Proposed Mitigation Measures, Monitoring, and Reporting Program

Biological Resources

Mitigation Measure No. 1. The Development Plan shall include the following language: "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

Cultural Resources

Mitigation Measure No. 2. The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, the Calfire project representative (if applicable) and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and Calfire officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

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

Timing for Implementation/Compliance: Throughout project construction

Person/Agency Responsible for Monitoring: Applicant and successors

Monitoring Frequency: Throughout construction

Evidence of Compliance: Visible evidence

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

Referral Agency	Recommendation	Location
Building Inspection Division	Approval	On file with Planning
Public Works Land Use Division	Conditional Approval	Attached as Exhibit A, Attachment 1
Public Works Land Use Division	Comments	Attached
Division Environmental Health	Approval	On file with Planning
McKinleyville Community Services District	Approval	On file with Planning
California Department of Fish and Wildlife	No response	
Arcata Fire Protection District	Approval	Attached
Northwest Information Center	Recommend study	On file with Planning
Bear River Band of the Rohnerville Rancheria	Conditional Approval	On file with Planning
Blue Lake Rancheria	Conditional Approval	On file with Planning
Wiyot Tribe	Conditional Approval	On file with Planning
PG&E	No response	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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 MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Jim P. Tomkins, Associate Civil Engineer *J.P.T.*

DATE: 03/27/2019

RE: **EXCEPTION REQUESTS FOR REDUCED RIGHT OF WAY &
SIDEWALKS, BOUTERSE SUBDIVISION, APN 510-193-029, PMS16-012**

The Department has received two exception requests dated 03/20/2019 from Pacific Affiliates Consulting Engineers for the above project. The Department has evaluated both exception requests and offers the following comments:

SIDEWALKS: The applicant is requesting an exception to the sidewalk improvements along West Bates Road. The Department does not support the exception request as inadequate justification has been provided. There is 27.8 feet from the existing right of way to the existing house which leaves up to 7.8 feet for the sidewalk.

The proposed subdivision is located in an urbanizing area on a narrow road without pedestrian facilities. It is the Department's recommendation that sidewalks be constructed on West Bates Road due to the narrow nature of the road. There are a couple of segments of exiting sidewalks near the westerly end of the road. This project would add another segment to the patchwork of sidewalk on West Bates Road.

RIGHT OF WAY: The Department does not support a reduced right of way of 20 feet for West Bates Road along the frontage of the subdivision. As noted above, there is 27.8 feet from the existing right of way to the existing house which leaves up to 7.8 feet for road improvements. There is ample room to provide a wider right of way along the frontage of the subdivision.

The Department can support the use of the existing 20 foot wide off-site access easement to serve the subdivision.

// END //



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

12/6/2016

PROJECT REFERRAL TO: Arcata Fire Protection District

Project Referred To The Following Agencies:

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

Applicant Name Willem Bouterse **Key Parcel Number** 510-193-029-000

Application (APPS#) 11542 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** PMS16-012

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 12/21/2016

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: Dec 19, 2016

PRINT NAME: Ed Ludlow