



**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: November 7, 2019

To: Humboldt County Zoning Administrator

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

Subject: **Sequoia Investments XI, LLC Lot Line Adjustment and Coastal Development Permit**  
Case Number: PLN-2019-15420  
Assessor Parcel Number: 401-021-029 (por.)  
1400 New Navy Base Road, Samoa area

<b>Table of Contents</b>	<b>Page</b>
Agenda Item Transmittal Form	2
Executive Summary	3
Draft Zoning Administrator Resolution	4
Maps	5
Location Map	7
Zoning Map	8
Assessor Parcel Map	9
Aerial Map	
Project Proposal Map	
Attachments	
Attachment 1: Recommended Conditions of Approval	10
Attachment 2: Staff Analysis of Required Findings	12
Attachment 3: Applicant's Evidence Supporting the Findings	17
Attachment 4: Referral Agency Comments	18

Please contact Trevor Estlow, Senior Planner, at 268-3740 if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 7, 2019	Lot Line Adjustment and Coastal Development Permit	Trevor Estlow

**Project:** A Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 9.72 acres and 72.8 acres. The smaller resultant parcel will contain an old historic landfill. The larger resultant parcel will remain vacant. The purpose of the LLA is to constrain the landfill on its own parcel while allowing the remainder to be conveyed separately. The project is located in the Coastal Zone, therefore, a Coastal Development Permit (CDP) is required.

**Project Location:** The project site is located in the Samoa area, on the west side of New Navy Base Road, west of the intersection of New Navy Base Road and the Samoa Bridge, on the property located in the Southeast Quarter of Section 9, Township 5 North, Range 1 West, Humboldt Meridian.

**Present Plan Designation:** Natural Resources (NR); Humboldt Bay Area Plan (HBAP). Density: n/a. Slope Stability: Relatively Stable and Moderate Instability.

**Present Zoning:** Natural Resources with combining zones for Coastal Wetlands and Beach and Dunes (NR/W,B).

**Case Number:** PLN-2019-15420

**Assessor Parcel Number:** 401-021-029 (por.)

**Applicant**  
Sequoia Investments XI, LLC  
Tim Callison  
323 Fifth Street  
Eureka, CA 95501

**Owner(s)**  
same as applicant

**Agent**  
NorthPoint Consulting Group  
Praj White  
PO Box 44  
Eureka, CA 95502

**Environmental Review:** Project is categorically exempt from environmental review per Section 15305(a) of the California Environmental Quality Act (CEQA).

**Major Issues:** None

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

## SEQUOIA INVESTMENTS XI, LLC LOT LINE ADJUSTMENT AND COASTAL DEVELOPMENT PERMIT

Case Number: PLN-2019-15420

Assessor Parcel Number: 401-021-029 (por.)

### Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda;
2. Call for public testimony regarding the agenda item;
3. If no one requests discussion take the following action:

*Find the project exempt from environmental review pursuant to Section 15305 of the State CEQA Guidelines, make all of the required findings for approval of the Lot Line Adjustment and Coastal Development Permit, based on evidence in the staff report, and adopt the Resolution approving the Sequoia Investments XI, LLC project subject to the recommended conditions.*

**Executive Summary:** The applicant is proposing a Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 9.72 acres and 72.8 acres. The smaller resultant parcel will contain an old historic landfill. The larger resultant parcel will remain vacant. The purpose of the LLA is to constrain the landfill on its own parcel while allowing the remainder to be conveyed separately. The parcels are within the appeals jurisdiction of the Coastal Zone; therefore, a Coastal Development Permit is required for the Lot Line Adjustment.

The parcels within this LLA were reviewed for consistency with the Subdivision Map Act in a Determination of Status (DS) completed in 2008 (DS-07-003). The DS found that the westerly 43.6-acre parcel was created by an Indenture in 1917 that conveyed these lands from Hammond Lumber Company New Jersey to Hammond Lumber Company Delaware. The DS also found that the easterly 38.9-acre parcel was created by a Patent issued December 18, 1876 to Amanda P. Flaglor. The parcels are referred to as Parcel 3 and Parcel 4, respectively, in the Certificate of Subdivision Compliance, recorded as Document No. 2008-29427-2 on December 18, 2008. Therefore, both parcels were created in compliance with the Subdivision Map Act.

The parcels are located in the Samoa area, just north of the property known as the "Dog Ranch". The landfill site was permitted in 1979 with a Conditional Use Permit that established a solid waste landfill site for the disposal of the inert fly ash, sand and carbonized wood from the power boiler scrubbers at the Louisiana-Pacific Samoa complex. Although the site is not on any Hazardous Waste and Substances Sites List, Simpson Investment Company maintains an easement for the landfill site and an access easement to the site.

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

**ALTERNATIVES:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Case Number PLN-2019-15420  
Assessor Parcel Numbers 401-021-029 (por.)**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Sequoia Investments XI, LLC Lot Line Adjustment and Coastal Development Permit.**

**WHEREAS**, Praj White, on behalf of the owner, submitted an application and evidence in support of approving a Lot Line Adjustment and Coastal Development Permit; and

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

**WHEREAS**, the project is categorically exempt from environmental review pursuant to Section 15305, Class 5, Minor Alterations in Land Use Limitations, of 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 Lot Line Adjustment and Coastal Development Permit (Case Number PLN-2019-15420); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on November 7, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Zoning Administrator that:

1. The application is categorically exempt from environmental review pursuant to Section 15305, Class 5 of the CEQA Guidelines; and
2. Makes the findings in Attachment 2 of the Planning Division staff report for Case Number PLN-2019-15420 based on the submitted evidence; and
3. Approves the Lot Line Adjustment and Coastal Development Permit applied for as recommended and conditioned for Case Number PLN-2019-15420.

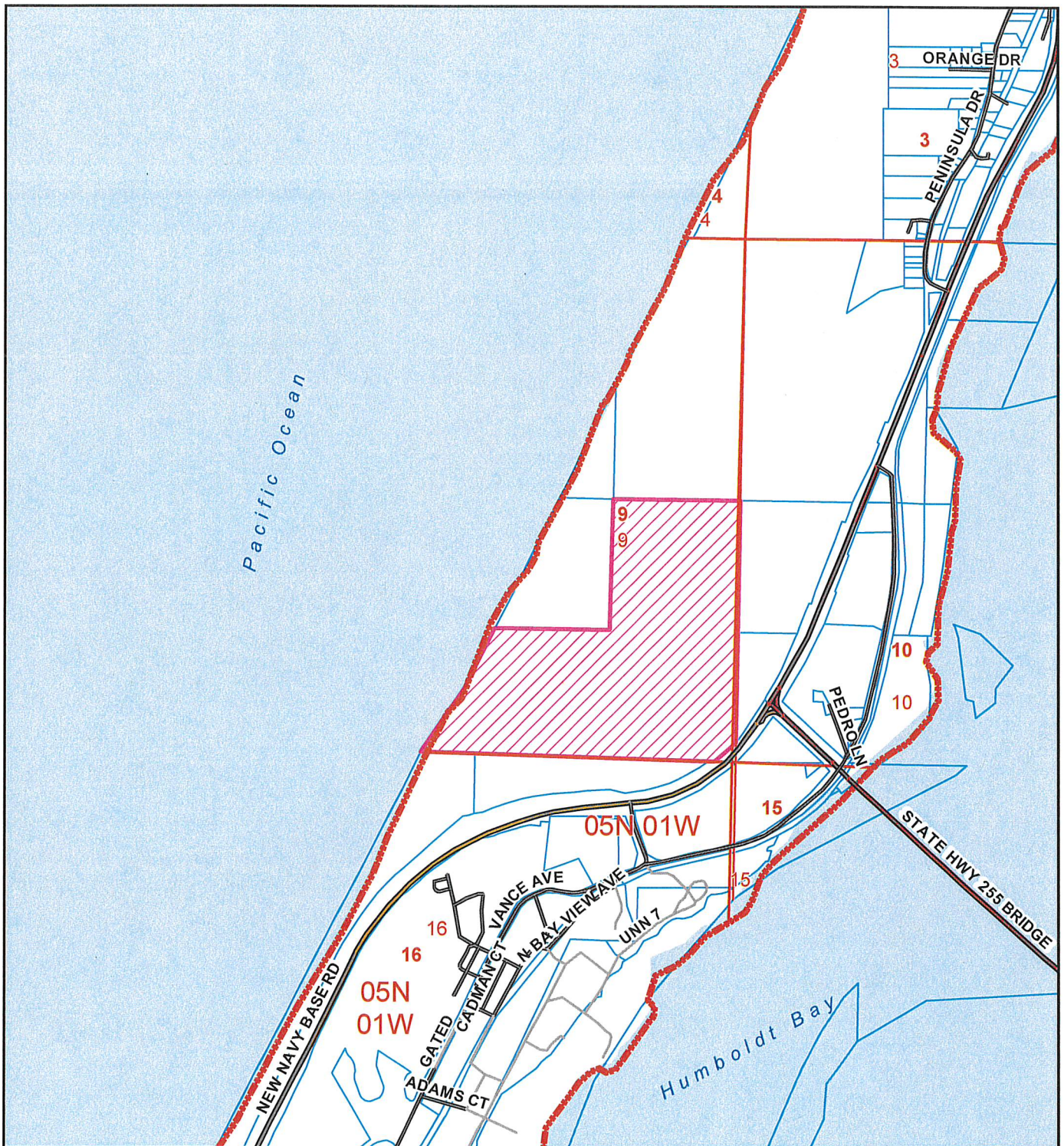
Adopted after review and consideration of all the evidence on November 7, 2019.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

---

John H. Ford,  
Zoning Administrator, Planning and Building Department





# LOCATION MAP

PROPOSED SEQUOIA XI  
COASTAL DEVELOPMENT PERMIT &  
LOT LINE ADJUSTMENT  
SAMOA AREA  
PLN-2019-15420  
APN: 401-021-029  
T05N R01W S09 HB&M (Eureka)

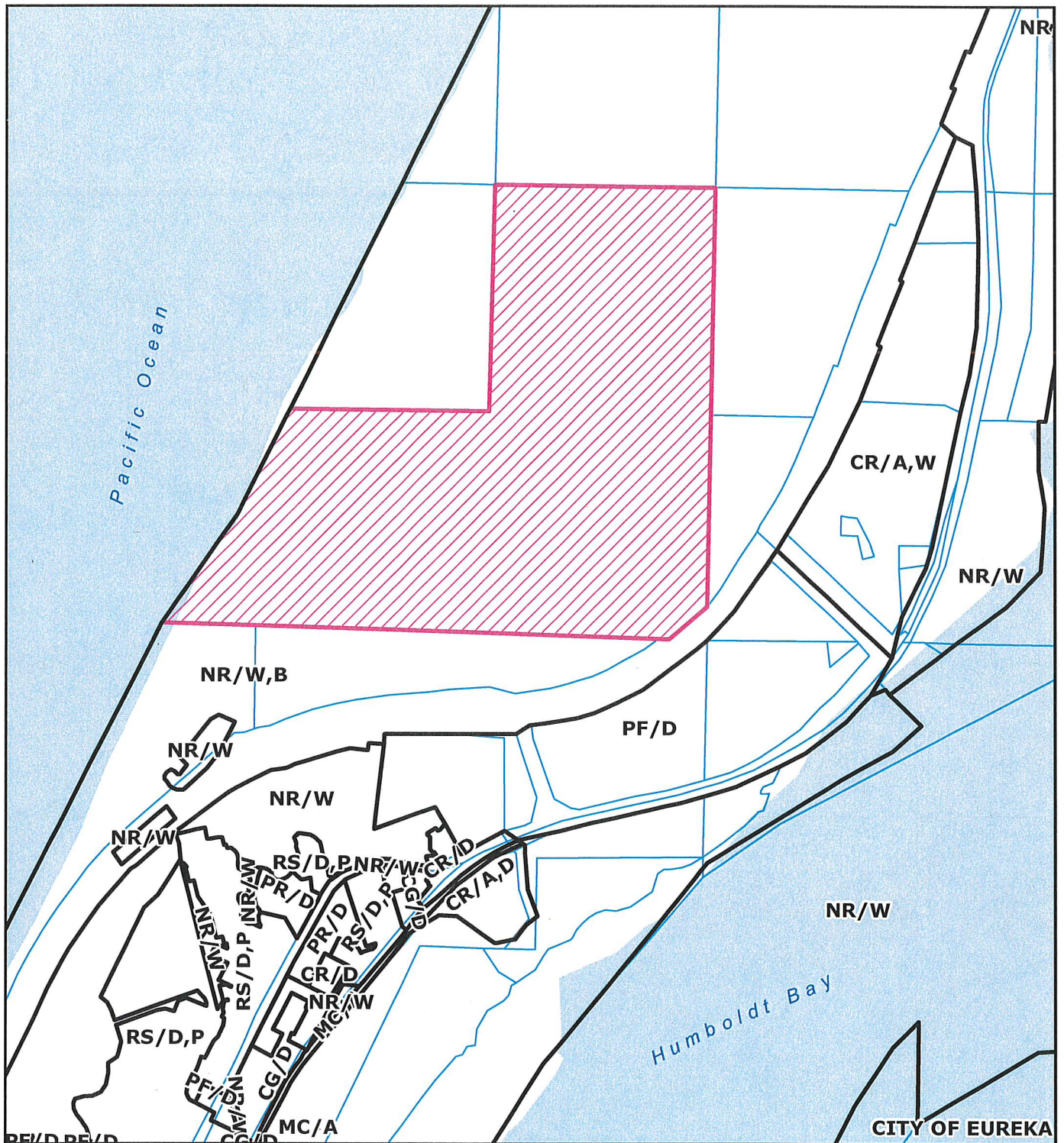
Project Area = 

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



0 0.25  
Miles





## ZONING MAP

### PROPOSED SEQUOIA XI COASTAL DEVELOPMENT PERMIT & LOT LINE ADJUSTMENT

SAMOA AREA

PLN-2019-15420

APN: 401-021-029

T05N R01W S09 HB&M (Eureka)

Project Area = 

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



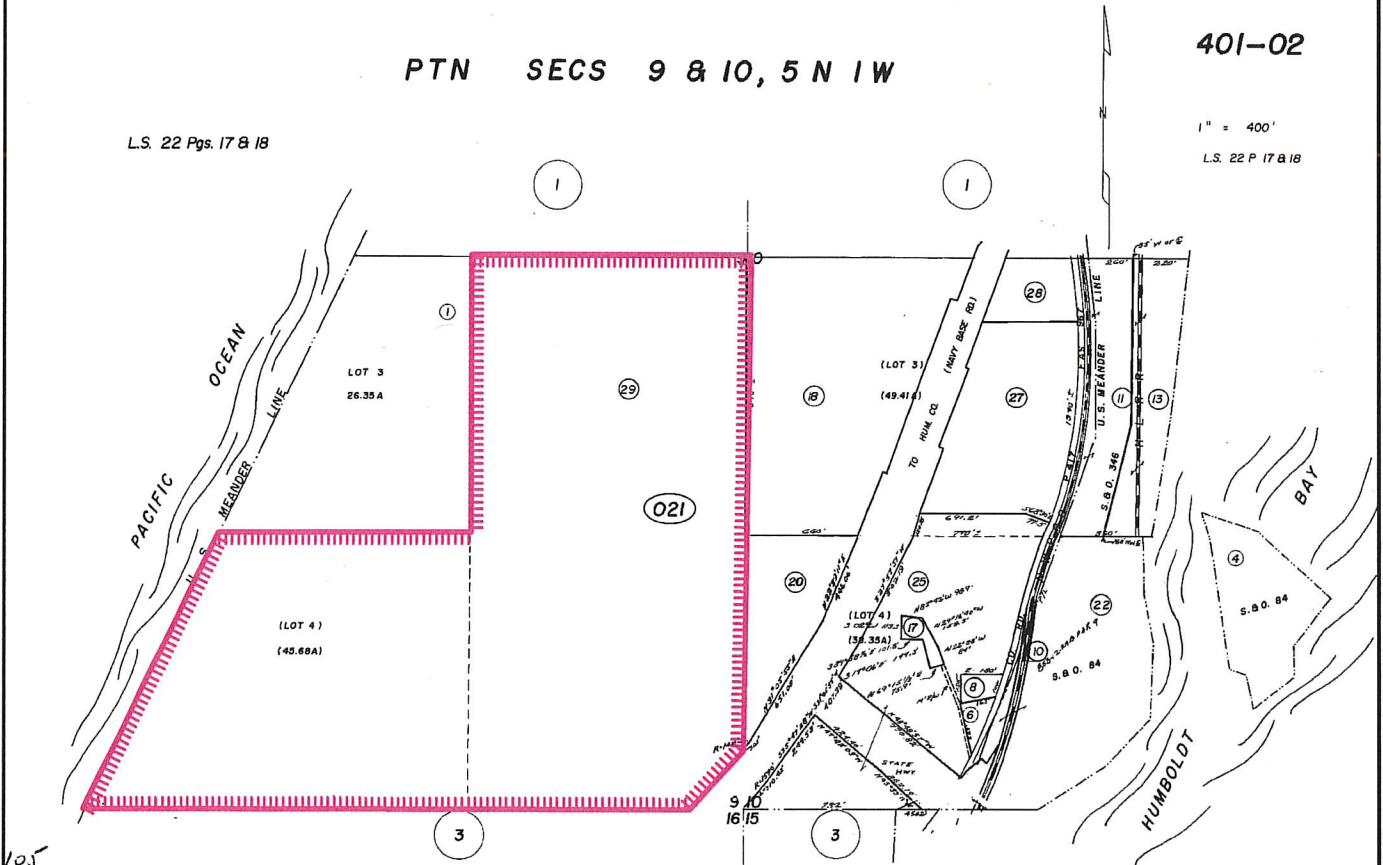
0 250 500 750 1,000  
Feet

PTN SECS 9 & 10, 5 N 1 W

401-02

L.S. 22 Pgs. 17 & 18

1" = 400'  
L.S. 22 P 17 & 18



**ASSESSOR PARCEL MAP**  
**PROPOSED SEQUOIA XI**  
**COASTAL DEVELOPMENT PERMIT &**  
**LOT LINE ADJUSTMENT**  
**SAMOA AREA**  
**PLN-2019-15420**  
**APN: 401-021-029**  
**T05N R01W S09 HB&M (Eureka)**

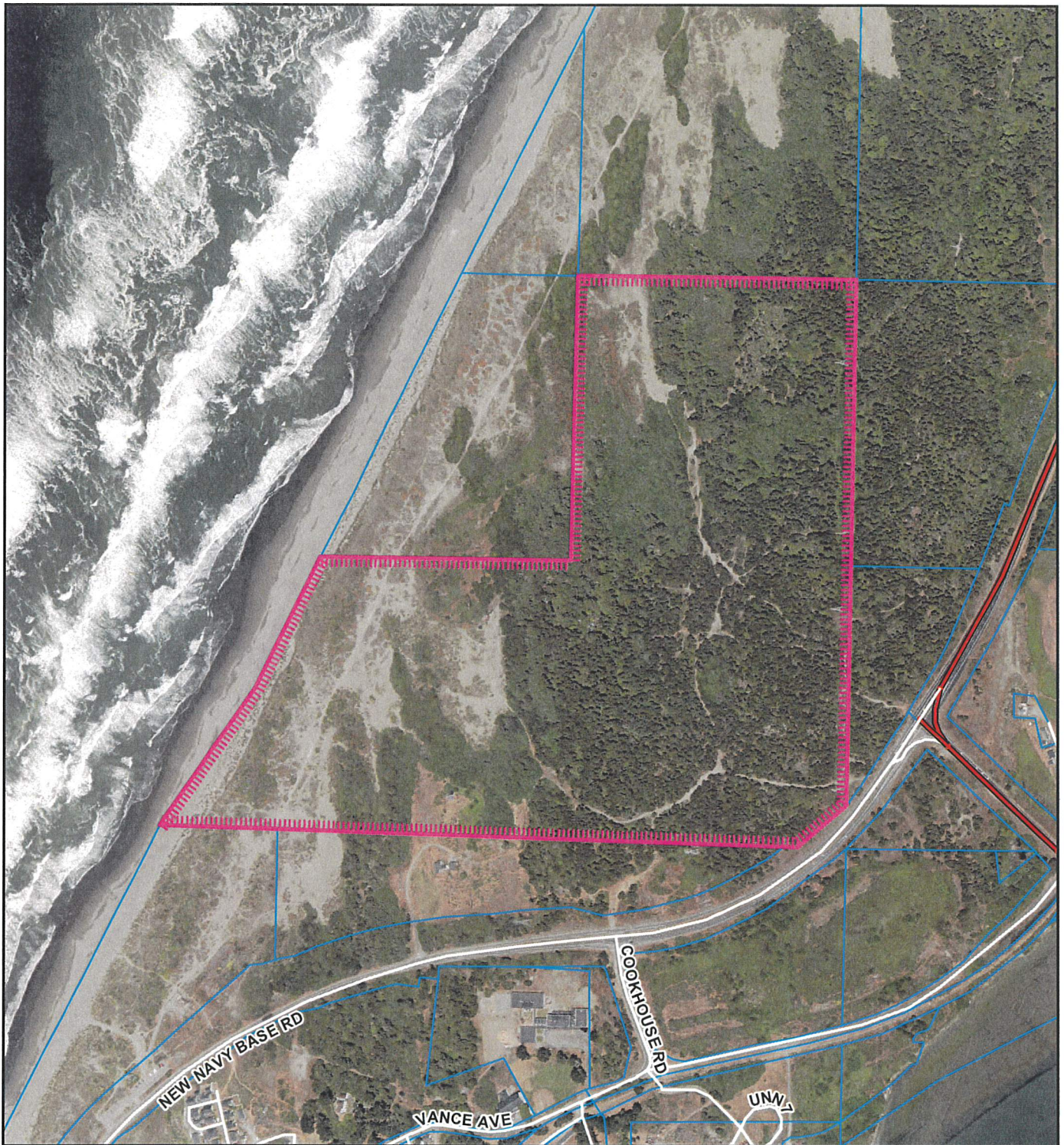
Project Area = 

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



MAP NOT TO SCALE





# **AERIAL MAP**

## **PROPOSED SEQUOIA XI COASTAL DEVELOPMENT PERMIT & LOT LINE ADJUSTMENT**

**SAMOA AREA  
PLN-2019-15420**

**APN: 401-021-029**

**T05N R01W S09 HB&M (Eureka)**

**Project Area =** 

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



0 250 500 750 Feet





VICINITY MAP  
NOT TO SCALE

PROJECT DESCRIPTION:

THE PURPOSE OF THE LOT LINE ADJUSTMENT IS TO CONSTRAIN A HISTORIC LANDFILL SITE ONTO A SINGLE PARCEL TO ALLOW THE REMAINDER OF THE PARCEL TO BE SOLD FOR PROPOSED CONSERVATION. THE PROJECT INCLUDES THE ADJUSTMENT OF A LOT LINE BETWEEN LEGAL PARCELS 3 AND 4 AS SHOWN.

GENERAL NOTES:\*

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.

LANDFILL EASEMENT DESCRIPTION:\*

BEGINNING AT A POINT THAT BEARS N 41° DEG 49' 22" W, 2226.72 FEET FROM THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN; THENCE N 49° 11' 29" W, 320.52 FEET; THENCE S 33° 32' 30" W, 829.17 FEET; THENCE S 27° 58' 55" E, 864.47 FEET; THENCE N 45° 29' 41" E, 267.47 FEET; THENCE N 5° 38' 15" E, 1062.70 FEET TO THE POINT OF BEGINNING.

ACCESS EASEMENT DESCRIPTION:\*

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO THE LANDFILL PARCEL DESCRIBED ABOVE,

BEING 50 FEET IN WIDTH, LYING 25- FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST CORNER OF THE LANDFILL EASEMENT PARCEL DESCRIBED ABOVE, SAID POINT BEING A POINT THAT BEARS N 41° 49' 22" W, 2226.72 FEET FROM THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN;

THENCE S 84° 21' 45" E, 25.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S 5° 38' 15" W, PARALLEL WITH THE EAST LINE OF SAID LANDFILL EASEMENT PARCEL, 1062.70 FEET; THENCE S 28° 52' 31" E, 309.28 FEET;

THENCE S 45° 21' 47" E, 132.85 FEET; THENCE S 63° 01' 16" E, 240.17 FEET; THENCE S 82° 23' 38" E, 48.67 FEET; THENCE S 64° 42' 26" E, 133.77 FEET; THENCE S 16° 52' 36" W, 94.01 FEET; THENCE S 29° 44' 20" W, 112.85 FEET; THENCE S 65° 37' 28" W, 106.43 FEET; THENCE S 41° 36' 15" W, 68.29 FEET; THENCE S 17° 22' 07" W, 64.53 FEET; THENCE S 5° 32' 04" W, 20 FEET MORE OR LESS TO THE NORTH LINE OF NEW NAVY BASE ROAD, AS DESCRIBED IN A DEED FROM GEORGIA PACIFIC CORPORATION TO THE COUNTY OF HUMBOLDT, RECORDED IN BOOK 1160 OFFICIAL RECORDS, PAGE 623, HUMBOLDT COUNTY RECORDS.

NOTE:\*

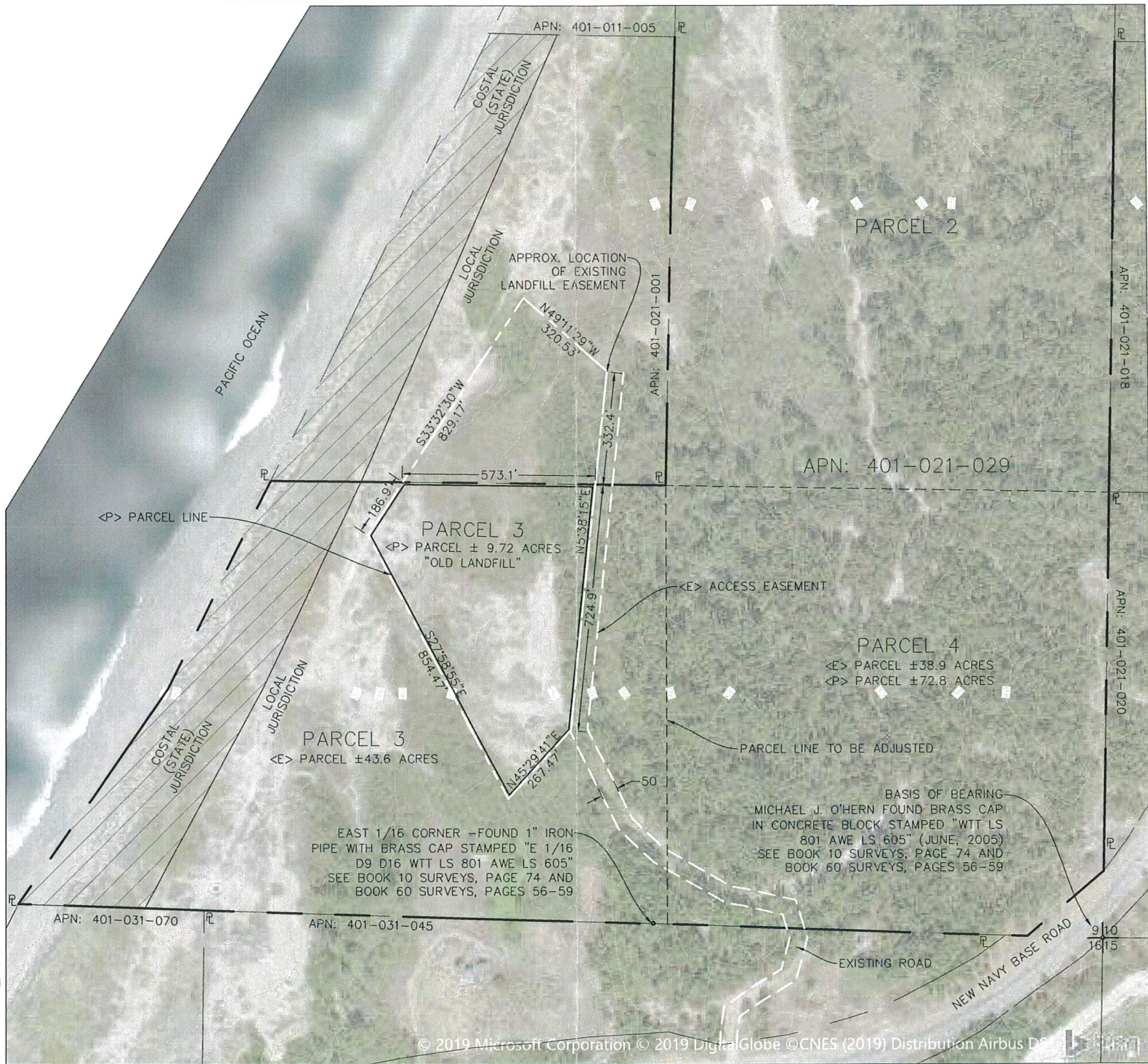
EASEMENT DESCRIPTION TO BE VERIFIED BY A LAND SURVEYOR PRIOR TO RECORDATION OF LOT LINE ADJUSTMENT. DESCRIPTIONS ARE MADE FROM EXHIBITS CREATED BY KELLY O'HERN & ASSOCIATES.

DIRECTIONS TO SITE:

FROM EUREKA, CA

- CONTINUE ON CA-255 N/R ST.
- TURN LEFT ONTO NEW NAVY BASE ROAD
- SITE ON THE RIGHT

SEQUOIA INVESTMENTS XI, LLC.  
TENTATIVE MAP FOR PROPOSED LOT LINE  
ADJUSTMENT ON KEY APN: 401-021-029



PLOT PLAN

22x34 SHEET: 1"=200'  
11x17 SHEET: 1"=400'  
0 100 200 400

PROJECT INFORMATION:

APPLICANT:  
SEQUOIA INVESTMENTS XI, LLC  
232 5TH ST,  
EUREKA, CA 95501

PROPERTY OWNER:  
SEQUOIA INVESTMENTS XI, LLC  
232 5TH ST,  
EUREKA, CA 95501

APPLICANTS AGENT:  
NORTHPOINT CONSULTING GROUP, INC  
317 3RD STREET, SUITE 15  
EUREKA, CA 95501  
(707) 798-6438

SITE ADDRESS:  
APN: 401-021-029  
1400 NEW NAVY BASE RD  
ARCATA, CA 95521

TREES TO BE REMOVED = NONE

ZONING = NR/W,B

GENERAL PLAN DESIGNATION = NR

BUILDING SETBACKS:

	NR
FRONT	20'
SIDE	5'
REAR	10'

SRA AREA: = NO  
IN COASTAL ZONE: = YES  
IN 100 YR FLOOD ZONE: = YES

RECEIVED  
FEB 28 2019  
Humboldt County  
Planning Division

PROJECT NOTES:\*

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS BOOK 60 OF SURVEYS, PAGES, 56-59, HUMBOLDT COUNTY RECORDS. SURVEY CONDUCTED JUNE 2005.

SURVEY AND LEGAL EASEMENT DESCRIPTIONS PREPARED BY MICHAEL J. O'HERN (LS NO. 4829)

SHEET INDEX:

CO - TENTATIVE MAP

NORTHPOINT  
CONSULTING GROUP, INC.  
317 3rd Street, Ste. 15 Eureka, CA 95501

TENTATIVE PLOT PLAN  
SEQUOIA INVESTMENTS XI, LLC. / APN:401-021-029  
PLOT PLAN, PROJECT NOTES, AND VICINITY MAP

PROJ. WDR: PW  
DRAWN BY: CG  
DATE: 02/26/19  
SCALE: AS SHOWN  
SHEET  
CO  
19-009



## ATTACHMENT 1

### CONDITIONS OF APPROVAL

APPROVAL OF THE LOT LINE ADJUSTMENT, COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT:

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Preliminary Title Report regarding ownership of the parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" form for each parcel.
  - d. 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 per notice plus \$280.00 for each additional legal description plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. 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 \$80.00) as required by the County Assessor shall be paid to the Humboldt 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.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been 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 recording the Notices of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such*



*property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.*

**Informational Notes:**

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. This permit, including the Lot Line Adjustment and Coastal Development Permit, shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, as applicable.
5. There is a possibility that buried archaeological materials may be uncovered during future ground disturbing operations. If buried archaeological or historical resources are encountered during such operations, all work in the immediate area shall be called to a halt temporarily, and/or shifted to another area, and a qualified archaeologist and representative of the Wiyot Tribe are to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

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

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

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

The following tables provide evidence in support of the required findings for the (A) Lot Line Adjustment and the (B) Coastal Development Permit:

- A1. The Lot Line Adjustment application is complete;
- A2. The project is consistent with the Subdivision Map Act;
- A3/B1. The project conforms with zoning and building ordinances, and conforms with all applicable standards and requirements of the coastal zoning regulations;
- A4/B2. The project is consistent with the General Plan; and
- A5/B3. The project, and the conditions under which it may be operated or maintained, will not be detrimental to the public health, safety and welfare; will not adversely impact the environment; and the required CEQA findings can be made for any development which is subject to the regulations of CEQA.

**A1. The application is Complete:** The following table identifies the evidence which supports the finding that the applicant has submitted the information which is required by Section 325.5-6(a) of the Humboldt County Code.

Application Requirements	Submitted
Completed and Signed Application Form	✓
Copies of Present Owners Deeds	✓
Lot Book Report or Title Report	✓
Copy of the Creation Documents for the parcels	✓
6 Copies of a Lot Line Adjustment Plot Plan	✓
Required County Fees	✓
A Written Statement Explaining the Reasons For the Adjustment	✓

**A2. Consistency with the Subdivision Map Act:** The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code.

Parcel	Creation Document	Legal Status
401-021-029 (westerly por.)	Parcel 3 of Certificate of Subdivision Compliance, recorded as Document No. 2008-29427-2 on December 18, 2008.	One legal, separate parcel.
401-021-029 (easterly por.)	Parcel 4 of Certificate of Subdivision Compliance, recorded as Document No. 2008-29427-2 on December 18, 2008.	One legal, separate parcel.

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

**A3/B1. Conformance with Zoning and Building Ordinances:** The following tables identify the evidence which supports the finding that the lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformity with zoning and building ordinances.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that supports the zoning finding</b>
§313-5.4 Natural Resources (NR)	Fish and wildlife habitat management are principally permitted uses.	A portion of the westerly parcel is the site of an historic solid waste landfill site. The LLA will adjust the parcel lines between two parcels such that the historic landfill site is on an approximately 9.72-acre parcel. This will allow the larger parcel to be conveyed – along with other parcels – for conservation purposes. No development is proposed as part of this LLA.
Min. Parcel Size	Determined during subdivision approval process and in conformance with this zone and the General Plan.	Parcel 1: 9.72 acres Parcel 2: 72.8 acres
Min. Lot Width	Determined during subdivision approval process and in conformance with this zone and the General Plan.	Parcel 1: ±500 feet (average) Parcel 2: ±1,320 feet
Max. Lot Depth	None specified	Parcel 1: ±900 feet Parcel 2: ±2,600 feet (average)
Max. Bldg. Height	35 feet	Parcel 1: no structural development Parcel 2: no structural development
Max. Lot Coverage	None specified	Parcel 1: no structural development Parcel 2: no structural development
Min. Setbacks	Front: 20' Rear: 10' Side: 5'	no structural development
313-38.1 W: Coastal Wetland Areas	The purpose of these provisions is to establish regulations to provide that any development in coastal wetlands will not degrade the wetland but will maintain optimum populations of marine or freshwater organisms and, where feasible, will enhance wetland resources.	There are some mapped scrub/shrub and emergent wetlands on the subject properties, however, the purpose of the project is to isolate the historic landfill site to allow the remaining lands to be conveyed for conservation purposes. No impacts to wetlands are associated with this project.



<p>313-17.1 B: Beach and Dune Areas</p>	<p>The purpose of these provisions is to ensure that development permitted in coastal beach and dune areas will not detract from the area's natural resource value or their potential for providing recreational opportunity.</p>	<p>The lot line adjustment will adjust the parcel lines between two parcels such that the historic landfill site is on an approximately 9.72-acre parcel. This will allow the larger parcel to be conveyed – along with other parcels – for conservation purposes. Therefore, the project is consistent with the purpose of the B combining zone.</p>
<p>§312-39.15 Supplemental Impact Findings – Coastal Beach and Dune Areas</p>	<p>Development will be sited and designed to prevent impacts which would significantly degrade beach and dune areas, and shall be compatible with the continuance of such habitat areas</p> <p>There is no less environmentally damaging feasible alternative.</p> <p>The development will not interfere with the protection of the dredge spoils disposal location designated on the Humboldt Bay Area Plan Resource Protection Maps.</p>	<p>No physical development is proposed. The only change will be to align the property lines to correspond to the existing easement for long term management of the former landfill site.</p> <p>The project will not have any discernable impact on dune resources. A lot line adjustment to separate the former landfill site from the balance of the property is a prerequisite of agency consideration of the property for acquisition for conservation purposes, so no other feasible alternatives exist.</p> <p>The development will not interfere with the protection of the dredge spoils disposal location designated on the Humboldt Bay Area Plan Resource Protection Maps.</p>

**A4/B2. (Coastal Zone) The proposed development must be consistent with the General Plan.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt Bay Area Plan (HBAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §4.10 (HBAP)	Principal uses include residential single-family development. Density: three to seven dwelling units per acre.	The LLA will adjust the parcel lines between two parcels such that an historic landfill site will be on an approximately 9.72-acre parcel. The purpose of the LLA is to constrain the landfill on its own parcel while allowing the remainder to be conveyed separately.
Rural Divisions §3.21 (HBAP)	Land divisions outside existing developed areas shall be permitted only where 50 percent of the useable parcels in the area have been developed and the created parcels would no smaller than the average size of surrounding parcels. Section 3.31 of the HBAP incorporates the policy language of Section 30250 of the Coastal Act. <sup>1</sup>	The subject property is not located inside the Urban Limit Lines as mapped in the Humboldt Bay Area Plan. However, Section 30250 of the Coastal Act applies to new residential, commercial, or industrial development. As these lands are planned and zoned for Natural Resources, this policy would not apply. Furthermore, according to Section 30106 of the Coastal Act, "Development" includes division of lands "except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use. As that is the purpose of this Lot Line Adjustment, the project complies with this policy.
Hazards: §3.29 (HBAP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The property is in an area of relatively stable soils, and a geologic report is discretionary. The Building Inspection Division did not identify the need for a soils report. The project is located within the Local Responsibility Area for fire protection with services provided by the Arcata Fire Protection District. The portion of the site along the coast is within Flood Zone VE associated with the Pacific Ocean with the remainder of the site outside of any flood zone.

<sup>1</sup> Pursuant to *Billings v. California Coastal Commission* (103 Cal.App. 3<sup>rd</sup> 729) the Court held that the Legislature did not define the arithmetic standard: "As no particular definition of 'average' was provided, we can only conclude that the Legislature used "average" in its everyday sense of the term, to mean typical or representative".

Archaeological and Paleontological Resources §3.29 (HBAP)	New development shall protect cultural, archaeological and paleontological resources.	The project was referred to the Northwest Information Center (NWIC) as well as the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC recommended a study and the Blue Lake Rancheria concurred. The applicant retained the services of William Rich and Associates to perform a Cultural Resources Investigation. The report concluded that the proposed project would not cause a substantial adverse change to historical or archaeological resources. It was recommended that the standard inadvertent discovery condition be included which has been made a condition of approval.
Resource Protection §3.30 (HBAP)	To protect designated sensitive and critical resource habitats.	According to the California Natural Diversity Database (NDDDB), the site has the potential to contain several listed species including the western snowy plover, the western bumble bee, the black-crowned night heron, twisted horsehair lichen, western sand-spurrey coastal marsh milk-vetch, marsh pea, dark-eyed gilia and beach layia. In addition, there are some mapped dune hollow and emergent wetlands on the subject properties. As the project is for financing purposes for the eventual conveyance to a public agency, and no development is proposed, no impacts to sensitive resources are expected. The project was sent to the California Department of Fish and Wildlife (CDFW) for their review and comments. CDFW did not respond with any comments or concerns.

**A5/B3. Public Health Safety & Welfare, and Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare.	All reviewing referral agencies have approved the proposed action.
§15305 CEQA	Categorically exempt from State environmental review.	Based on the above discussion, project is categorically exempt from State environmental review per Section 15305(a).



### **ATTACHMENT 3**

#### **Applicant's Evidence In Support of the Required Findings**

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

- Application Form (in file)
- Plot Plan/Tentative Map Checklist (in file)
- Plot Plan (attached)
- Present Owners' Deeds (in file)
- Preliminary Title Report (in file)
- Creation documents (in file)
- Cultural Resources Investigation (in file)

## ATTACHMENT 4

### Referral Agency Comments and Recommendation

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
County Public Works, Land Use Division	✓	Comments		✓
County Division of Environmental Health	✓	Conditional Approval		✓
Arcata Fire Protection District	✓	Approval		✓
Humboldt Bay Municipal Water District	✓	Approval		✓
California Coastal Commission	✓	Comments		✓
California Department of Fish and Wildlife				
Northwest Information Center	✓	Recommend Study		✓
Wiyot Tribe	✓	Conditional Approval		✓
Bear River Band of the Rohnerville Rancheria				
Blue Lake Rancheria	✓	Conditional Approval		✓
California Regional Water Quality Control Board				
North Coast Air Quality Management District				
California Department of Toxic Substances				
California Environmental Protection Agency				