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W-17a

Filed: May 31, 2007
49th Day: Waived
Staff: Sarah Christie
Staff Report: October 30, 2008
Hearing Date: November 12, 2008
Commission Action:

STAFF REPORT: APPEAL**SUBSTANTIAL ISSUE & DE NOVO**

APPEAL NO.: A-1-DNC-07-023

APPLICANT: Harry & Lucille Park

AGENT: Mark E. Killops, Killops Land Surveying

LOCAL GOVERNMENT: County of Del Norte

DECISION: Approval with Conditions

PROJECT LOCATION: The parcel is located in the unincorporated area of Del Norte County just outside the city limits of Crescent City, at the corner of South Railroad Avenue extension and Washington Blvd. extension, between Parkway Drive and Malaney Drive, east of Highway One (APN 117-020-52).

PROJECT DESCRIPTION: Subdivide a relatively flat, 25.5-acre parcel into four parcels of 0.78 (parcel 1), 0.75(parcel 2), and 1.34 acres (parcels 3 and 4), and one remainder parcel of 21.24 acres. The zoning designation is Light Commercial. The parcel is currently undeveloped.

APPELLANTS: Eileen Cooper, on behalf of Friends of Del Norte.

SUBSTANTIVE FILE
DOCUMENTS:

1) Del Norte County File Permit # MS0712C, and:
2) Del Norte County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATIONS:

The staff recommends that the Commission, do the following:

- I. Determine that a SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed, and;
- II. Hold a DE NOVO hearing and APPROVE the coastal development permit for the proposed development with the conditions recommended by staff on the basis that the development as conditioned is consistent with the certified Local Coastal Program (LCP).

**I. STAFF RECOMMENDATION, MOTION AND RESOLUTION ON
SUBSTANTIAL ISSUE**

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

Motion:

I move that the Commission determine that Appeal No. A-1-DNC-07-023 raises no Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation:

Staff recommends a **NO** vote. Following the staff recommendation will result in the Commission conducting a *de novo* review of the application, and adoption of the following resolution and findings. Passage of this motion via a “yes” vote will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find Substantial Issue:

The Commission hereby finds that Appeal No. A-1-DNC-07-023 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved project with the Certified Local Coastal Plan.

II. STAFF RECOMMENDATION, MOTION AND RESOLUTION ON *DE NOVO*

Motion:

I move that the Commission approve Coastal Development Permit No. A-1-DNC-07-023 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves coastal development permit A-1-DNC-07-023 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified Del Norte County LCP. Approval of the permit complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

PART ONE – SUBSTANTIAL ISSUE

A. STAFF NOTES:

Appeal Process

The Coastal Commission effectively certified the County of Del Norte's LCP in 1983. After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream, or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area, such as designated "special communities."

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act and Section 21.52.020 A.2 of the Del Norte County LCP because (a) the approved development is located within 100' of a wetland, and (b) a land division is a development that is not listed in the certified LCP as the principal permitted use in the zoning district where the development is located.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal

raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised.

The only persons qualified to testify before the Commission on the substantial issue question are the applicants, the appellant and persons who made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* motion of the appeal hearing and review the merits of the proposed project. If the Commission were to conduct a *de novo* hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

The Commission received the County's Final Local Action Notice on May 4, 2007 (**Exhibit No. 6**). The local appeal period ended on May 14, 2007. The Coastal Commission appeal period began May 15, 2007, and ended May 29, 2007. An appeal from Eileen Cooper on behalf of the Friends of Del Norte was submitted to the Commission by fax on May 29, 2007 (**Exhibit No. 7**). The appeal was filed with the Commission in a timely manner.

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. On June 21, 2007, prior to the 49th day after the filing of the appeal, the applicants submitted a signed 49-Day Waiver waiving the applicants' right to have a hearing set within 49 days from the date the appeal had been filed.

B. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

The development, as approved by the County, MS0712C, consists of (1) the subdivision of an approximately 25.5-acre parcel into five parcels of 0.78 acres (parcel 1), 0.75 acres (parcel 2), and 1.34 acres (parcels 3 and 4), and one remainder parcel of 21.24 acres, (2) construction of A2-6 standard curb, gutter, sidewalk and storm drain improvements for the full property frontage along Washington Blvd. East, (3) construction of a turnaround at the terminus of Railroad Ave., (4) connection to Crescent City's regional water supply system, and, (5) construction of on-site sewage systems.

The project site is an approximately 25-acre undeveloped parcel located in the unincorporated area of Del Norte County, but within the Urban Service Boundary (USB) of Crescent City. The property is zoned C-2 Light Commercial. Adjacent developed parcels are currently supporting a variety of commercial business and government offices. Adjacent vacant parcels are zoned C-2 Light Commercial, C-4 General

Commercial and CR Commercial Recreational. Washington Boulevard extension also supports existing residential development to the East of the project site.

The topography of the site is flat to slightly undulating, and characterized by open areas that support both native and non-native grasses, forbes and trees. An area of approximately 0.75 acres on the Southwest portion of the property was designated as a "Wetland No-Disturbance Area" in 1998 as a condition of a previous tentative parcel map approval (MS9109C).

The decision of the Planning Commission was not appealed at the local level to the County Board of "Supervisors. Section 13573 of the Commission's regulations allows for appeals of local approval to be made directly to the Commission without first having exhausted all local appeals when, as here the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

The Commission received the County's Final Local Action Notice on May 4, 2007 (**Exhibit No. 6**). The local appeal period ended on May 14, 2007. The Coastal Commission appeal period began May 15, 2007, and ended May 29, 2007. An appeal from Eileen Cooper on behalf of the Friends of Del Norte was submitted to the Commission by fax on May 29, 2007 (**Exhibit No. 7**). The appeal was filed with the Commission in a timely manner.

Substantial Issue Analysis

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

The contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code

Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County presents a substantial issue with regard to appellants' contentions relating to potential impacts on environmentally sensitive habitat areas, and visual resources.

a. Allegation Raising a Substantial Issue

Protection of ESHA (Wetlands and Riparian Areas) and Water Quality.

The primary issue raised by the appellants is an allegation that the County's approval of the project is inconsistent with requirements of the Del County LCP relating to the protection of ESHA (wetlands and riparian areas) and water quality under the LCP. At the time of the local hearing, no biological surveys or wetland delineations had been conducted on one of the parcels to be created, the remainder parcel. As part of the appeal, the appellants submitted an aerial photograph of the site dated May 31, 2006, which documents what appear to be scattered emergent wetlands throughout the parcel in a drainage associated with nearby Elk Creek.

There is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the ESHA and wetland protection policies of the LCP because the County staff report and findings for approval provide no determination about the presence or absence of wetlands or ESHA on one of the five parcels to be created, the

remainder parcel. Specifically, the appellants contend that the development would be inconsistent with:

- LCP Policy V11.D: Wetlands, 4 , which requires 100' buffers around wetlands;
- LCP Policy V11.D: Wetlands,4 (g) which allows the County to resolve disputes over the specific boundary limits of ESHA by requiring the applicant to provide vegetation and/or soils maps (i.e. a wetland delineation);
- LCP Policy VI.C 1-6: Marine and Water Resources, which state that water quality shall be maintained and enhanced, protects ESHA from any significant disruption of habitat values and restricts uses to those that are dependent on such resources, and requires that development in areas adjacent to ESHAs shall be designed to prevent impacts that significantly degrade such areas, and be compatible with the continuance of such habitat areas; and
- LCP Marine and Water Resources VII.E. Riparian Vegetation 4.a, which requires that riparian vegetation along creeks, streams and sloughs shall be maintained for their habitat value and as bank stabilization.

The contentions raised by the Appellant regarding ESHA and water quality impacts focus primarily on wetlands located on one of the five parcels to be created, the 21.24 acre remainder parcel. The County's findings for approval provide no details about the existence of wetlands or sensitive species on this portion of the property, other than a reference to the "Wetland No-Disturbance Area" noted on the Southwest corner of the parcel on a previously approved parcel map. The County's staff report noted that this designation would be noted on the new map, and that any further subdivision of the remainder parcel would require a biological assessment.

The Appellant asserts that because no wetland delineation or biological surveys had been conducted on the remainder parcel, it is reasonably foreseeable that impacts of development on that parcel could impair habitat values, water quality and biological resources located on the remainder parcel. The appellant's field observations and aerial photographs provided credible evidence of the potential presence of wetlands. The County did not request additional soils or vegetative maps as required by LCP Policy V11.D: Wetlands, 4 (g). Furthermore, as noted above, the County's staff report and findings for approval provide no details about the presence or absence of wetlands or ESHA on the 21.24 acre remainder parcel.

In addition, the applicant demurred on the question of Substantial Issue being raised, granted a 49-day hearing waiver, and authorized their agents to prepare and present, for the Commission staff, a supplemental wetland delineation and biological assessment.

C. CONCLUSION OF PART ONE: SUBSTANTIAL ISSUE FINDINGS

The foregoing contentions raised by the appellants have been evaluated against the claim that the approved development raises a substantial issue in regard to conformance of the

local approval with the certified LCP. There is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the ESHA and wetland protection policies of the LCP because the County staff report and findings for approval provide no determination about the presence or absence of wetlands or ESHA on one of the five parcels to be created, the 21.24 acre remainder parcel.

Therefore, for all of the above reasons, the Commission finds that the appeal raises a substantial issue of conformance of the project as approved by the County with the certified LCP policies with respect to the contentions raised concerning the protection of environmentally sensitive habitat and water quality, including, but not limited to, LUP Policies VI.C.6, VII.D.4, VII.E.4, and IV.D.1.f, as the approved development raises a substantial issue as to whether the development would (1) protect environmentally sensitive habitat areas from any significant disruption of habitat values, (2) prevent impacts from new development on adjacent environmentally sensitive habitat areas, (3) adequately buffer wetlands to reduce impacts from adjacent development (4) be subordinate to the character of its setting, and (4) maintain riparian vegetation within the Coastal Zone for wildlife habitat, and stream buffer zones.

PART TWO – DE NOVO

I. STAFF NOTES

1. DE NOVO PROCESS

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program, the applicable standard of review for the Commission to consider is whether the development is consistent with Del Norte County's certified Local Coastal Program (LCP). Testimony may be taken from all interested persons at the *de novo* hearing.

There is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the ESHA and wetland protection policies of the LCP because the County staff report and findings for approval provide no determination about the presence or absence of wetlands or ESHA on one of the five parcels to be created, the remainder parcel.

II. FINDINGS AND DECLARATIONS:

The Commission hereby declares and finds as follows:

The Commission hereby incorporates by reference the Substantial Issue Findings above into its findings on the de novo review of the project.

The Commission finds that as conditioned herein, the proposed development is consistent with the certified Del Norte County LCP. To adequately protect sensitive wetland habitat and water quality, ensure the effectiveness of the wetland buffers, achieve consistency with LCP ESHA protection policies and reduce impacts to wildlife, the Commission attaches Special Condition Nos. 1-7. Special Condition 1 requires that the applicant record open space deed restrictions over the wetlands and wetland buffer areas to prohibit all future development. Special Condition 2 requires the applicant or any subsequent owners to prepare a subsequent wetland delineation before undertaking any development, including further subdivision, of the remainder parcel. Special Condition 3 requires the applicant to prepare a drainage plan to reduce impacts of polluted runoff on sensitive habitat. Special Condition 4 requires that all exterior lighting be shielded and directed away from wetland areas, to minimize light-related disturbance to sensitive species. Special Conditions 5 contains provisions to protect archeological resources, and Special Conditions 6 and 7 relate to the submittal and filing of the revised and final parcel maps.

The project, as amended by special and standard conditions of approval contained in this staff report in Exhibits A and B, is consistent with the applicable provisions of the Del Norte County LCP.

A. SITE DESCRIPTION

The parcel is located in the unincorporated area of Del Norte County just outside the city limits of Crescent City, at the corner of South Railroad Avenue extension and Washington Blvd. extension, between Parkway Drive and Malaney Drive, east of Highway One (APN 117-020-52).

The project site is an approximately 25-acre undeveloped parcel located in the unincorporated area of Del Norte County, but within the Urban Service Boundary (USB) of Crescent City. The property is zoned C-2 Light Commercial. Adjacent and nearby developed parcels currently support a variety of commercial business and government offices. Adjacent vacant parcels are zoned C-2 Light Commercial, C-4 General Commercial and CR Commercial Recreational. Washington Boulevard extension also supports existing residential development to the East of the project site.

The topography of the site is flat to slightly undulating, and characterized by open areas that support both native and non-native grasses, forbes and trees. Emergent wetlands are scattered throughout the interior of the site, which is a drainage of Elk Creek. A drainage swale supports a variety of riparian and wetland vegetation, including hardhack (*Spiraea*

douglasi), an obligate wetland species, as well as other obligate/hydric species indicative of mesic conditions such as slough sedge (*Carex obnupta*), willows (*Salix sp.*) and native blackberry (*Rubus ursinus*).

B. PROJECT DESCRIPTION

The proposed development consists of (1) the subdivision of an approximately 25.5 acre parcel into five parcels of 0.78 (parcel 1), 0.75(parcel 2), 1.34 acres (parcels 3 and 4), and a remainder parcel of 21.24 acres, (2) construction of A2-6 standard curb, gutter, sidewalk and storm drain improvements for the full property frontage along Washington Blvd. East, (3) a turnaround at the terminus of Railroad Ave., (4) connection to Crescent City's regional water supply system, and, (5) construction of on-site sewage systems.

An area of approximately 0.75 acres on the southwest portion of the property was designated as a "Wetland No-Disturbance Area" in 1998 as a condition of a previous, County-approved, tentative parcel map approval (MS9819C), and the County's approval of a tentative parcel map for the currently proposed development would carry this designation over as a note on the recorded final parcel map for this project.

The project site is an approximately 25.5 acre undeveloped parcel located in the unincorporated area of Del Norte County, but within the Urban Service Boundary (USB) of Crescent City. The property is within the Elk Creek drainage, approximately 0.5 miles from Elk Creek, and zoned C-2 Light Commercial. Adjacent developed parcels are currently supporting a variety of commercial business and government offices. Adjacent vacant parcels are zoned C-2 Light Commercial, C-4 General Commercial and CR Commercial Recreational. Washington Boulevard extension also supports existing residential development to the East of the project site.

Additional Background Information

For the purposes of *de novo* review by the Commission, the applicants submitted a biological assessment and wetland delineation in July, 2007, (**Exhibit No. 5**) with two addenda dated 11/15/07 and 1/14/08 (**Exhibit No. 9**). These reports, performed by Galea Wildlife Consulting, in conjunction with site visits conducted by Commission staff and biologist Dr. John Dixon on September 13, 2007, and February 12, 2008, confirmed the presence of emergent wetlands on approximately half of the remainder parcel. Dr. Dixon and staff have determined that the delineation report and addenda, as prepared by Galea Wildlife Consulting, adequately delineated the wetlands on the portions of the remainder parcel that extend through the site as well as the area to the southeast toward Elk Creek. The delineation report and addenda do not address the southwest portion of the subject property. The applicants have also submitted a revised tentative tract map based on the findings in the wetland delineation for the site (**Exhibit No. 4**). The revised tentative tract map has not been submitted for County approval. As mapped by the Galea delineation, and shown on the revised tentative parcel map, parcels 1-4 will not encroach into the 100' wetland buffer areas.

Field observations in the report confirmed that a drainage swale with several low spots begins mid-property and spreads out to the east/southeast. While no standing water or damp soil was present during the July survey, some areas showed evidence of seasonal inundation and habitat suitable for the northern red-legged frog (*Rana aurora aurora*) was identified.

Field surveys noted the presence of hardhack (*Spiraea douglasi*), an obligate wetland species, as well as other species indicative of hydric and/or mesic conditions such as slough sedge (*Carex obnupta*), and willows (*Salix sp.*). Native blackberry (*Rubus ursinus*) which can be a facultative-plus species in parts of the state, is present in scattered locations throughout the remainder parcel, but was not considered a definitive wetland indicator species on this site. Blackberry can be considered a phreatophyte under certain conditions, because their roots have the ability tap into deeper sources of sub-surface water. These deeper root systems occasionally allow blackberry to become established in distinctly upland habitats where other hydrophytes could not survive. The site-specific conditions of the remainder parcel, including soil type and average annual rainfall, have allowed native blackberry to become established in locations throughout the remainder parcel that the Commission staff do not consider to exhibit any wetland characteristics.

Likewise, willows can also function as phreatophytes under certain conditions. Not all willows on the site were considered hydrophytes for the purpose of this delineation. One small stand of willows on the site was found to occur outside of any wetland buffer. At the request of Dr. Dixon, additional surveys, including soil samples were performed in January of 2008 on the willow group in question, after several weeks of rain. The applicant's biologist concluded, with Dr. Dixon's concurrence, that this grouping is not hydrologically connected to any of the delineated wetlands for the following reasons; (1) It is 350' away from the nearest delineated wetland area, separated by an elevated rise approximately 100' in length, (2) species growing immediately at the base of these willows and immediately surrounding them are all upland species, including Himalaya blackberry (*Rubus discolor*), sword fern (*Polystichum munitum*) Scotchbroom (*Cytisus scoparius*) and coyote bush (*Baccharis pilularis*), (3) Soils samples showed no sign of hydric soils.

Thus, it has been determined that this isolated stand of willows is growing phreatophytically within an area that lacks any wetland indicators and is therefore considered upland habitat.

All other hydrophytic species were considered wetland indicators on the site. Using the presence of hydrophytic vegetation to determine wetland locations, a GPS system was used to map 100' buffers around identified areas. The resulting delineation resulted in approximately 1/3 of the total site (approximately half of the remainder parcel) being classified as wetland or non-development wetland buffer. Parcels 1-4 do not encroach

into the wetland buffer areas. Wetland and buffer areas are depicted in the revised tentative tract map prepared by Killops Land Surveying, dated 07/29/07 (Exhibit 2-D).

Site surveys by Coastal Commission staff also revealed the presence of what was originally thought to be a sensitive plant species, Wolf's evening primrose (*Oenothera wolffi*) which is included on the California Native Plant Society (CNPS) 1B List and is also a Federally-listed Candidate 2 species. However, closer inspection of plant specimens by USFWS staff on 12/5/07 determined that the four individuals present on site, growing on disturbed soil adjacent to an access road, were likely to be naturally occurring hybrids. In the opinion of USFWS staff, *Oenothera* hybrids are not rare or endangered, and in fact pose a threat of genetic pollution to *Oenothera wolffi*. Therefore, no special conditions to mitigate impacts to *Oenothera* hybrids have been imposed.

C. LCP CONSISTENCY DETERMINATION

Planning and Locating New Development

LCP Provisions:

The Land Use Map designates the project site as "General Commercial." Recognized uses in the General Commercial category range from convenience activities, central business, district activities, mobilehome parks, and service commercial to wholesale facilities which support agricultural activities. The Coastal Zoning Ordinance implements the land use plan designation by zoning the subject property as Light Commercial (C-2). Chapter 21.26 establishes the prescriptive standards and allowable uses for the C-2 zoning district. Section 21.26.010 states, in applicable part:

This district classification is designed to be applied to areas such as small community shopping centers and business districts which cater to quiet enclosed businesses which are accessory to residential, urban, or suburban living. Shops and services which cater to residential needs are to be encouraged to the exclusion of other businesses. Changes of district from light commercial to another classification are to be made only where such uses are in accord with the General Plan or adopted specific plan....

Section 21.26.020, "The principal permitted use," states:

The principal permitted light commercial use includes uses such as:

A. *Retail stores and shops of a light commercial character and conducted within a building; including appliance stores, bakeries, banks, barbershops, beauty parlors, boat and trailer sales yards, bookstores, bus terminals, cleaner and laundry agencies, clubs and lodges, commercial recreational facilities, department stores, dress shops, drug stores, furniture stores, grocery stores,*

general merchandising establishments, hotels, laundrettes, millinery shops, office buildings, professional offices, real estate offices, regional shopping centers, restaurants, refreshment stands, clinics, shoe shops, storage garages, studios, theaters and tailor shops; except those which contain department store, variety store or dry goods sales area of greater than five thousand square feet;

B. New and used car lots and service stations;

C. Agriculture where site area is one acre or more;

D. Accessory buildings and accessory uses appurtenant to a permitted use including on-site signs. (Ord. 83-03 (part))

Section 21.26.030, “Uses permitted by a use permit,” states:

Uses permitted with a use permit shall be as follows:

A. Public and quasi-public uses;

B. Mobilehome parks;

C. A one-family residence, mobilehome or a manufactured home;

D. Multiple dwellings and dwelling groups subject to the height limit, building site area, average lot width and yard requirements specified for R-3 districts;

E. Off-site advertising signs. (Ord. 95-06 §4 (part), 1995; Ord. 83-03 (part))

Section 21.26.050, “Minimum lot area,” states in applicable part:

A. Minimum lot area shall be three thousand square feet where both a public or mutual water supply and public sanitary system is available. Where water and/or sanitary facilities are contained on the property, all state and county health regulations shall apply. (See also Section 21.46.080.) (Ord. 83-03 (part))

Discussion:

The subject property is located within the Urban Service Boundary (USB) of the Crescent City Planning Area, in an area that has been planned for extension of urban services. The city has included the subject property as part of its calculations for current and future community services infrastructure capacity.

The subject property is designated in the Land Use Plan as C-2 Light Commercial. Local Coastal Program Zoning Enabling Ordinance Chapter 21.26 recognizes a wide variety of uses as principally or conditionally permissible uses, including retail sales, professional service, agricultural, and multi-family residential development types, and establishes the prescriptive standards for development within Light Commercial zoning districts. As no specific uses or site improvements are proposed at this time, the applicable C-2 development standards are limited to those addressing land division minimum lot area and width.

Conformance with Land Use Plan and Zoning Density Requirements

Local Coastal Program Zoning Enabling Ordinance Chapter 21.26.050 states that the minimum lot area shall be 3,000 square feet, where both a public or mutual water supply and public sanitary system are available. Projects that are not served by public water and wastewater facilities shall comply with all state and county health regulations.

The subject property is located within the urban services boundary and will be served by a municipal water system. Although the subject property is within the assessment district for municipal sewer services, the applicant is proposing on-site septic systems because the city has not yet extended the sewer line to this parcel.

Because on-site septic systems will be engineered to meet county and state health department standards, the proposed subdivision is consistent with the applicable zoning density requirements.

Adequate Services:

As noted above, the project site is located within the urban service line surrounding Crescent City that is designated in the County's LUP. Thus the development is located within an area planned for urban growth served by municipal services. Water service for the proposed subdivision will be provided by the City of Crescent City, as evidenced by a letter dated February 22, 2007, signed by the Director of Public Works stating that "Water service will be available to the above-mentioned minor subdivision and can be obtained at the time a building parcel is secured for the project needing water service." The development will need to extend the city's water main line along Railroad Avenue to the entrance to the property.

On-site septic systems are proposed for sewage treatment. Percolation tests were performed on the site Gray Sky Engineering on February 21, 2007, with a representative of the County Health Department present. Test borings indicate that there is sufficient area on each of the proposed parcels to accommodate a Wisconsin Mound Soil Absorption System septic system design, consistent with the Del Norte County On-site Disposal Ordinance and the North Coast Region Basin Plan.

Conclusion:

The proposed development is consistent with the land use category and zoning designations for the site, and the future development of the property with light commercial uses on lots ranging in size from 0.75-acre to 1.3-acres is consistent with the minimum parcel size limitations of the certified LCP. Adequate water services are available to serve the development. On-site septic systems will be designed to state standards. The property will be eligible to hook up to city sewer services in the future. Therefore, the proposed development will be located within an area planned for urban growth with adequate services available to serve the development.

Consistency with Wetland and Environmentally Sensitive Habitat Policies

LCP Provisions:

- Section VI.C.6 of the County of Del Norte LUP's Marine and Water Resources chapter states:

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

- Section VII.D.4 of the LUP's Marine and Water Resources chapter sets policy directives for the review of development in a variety of biologically significant areas and types, stating in particular regard to the establishment of wetland buffers: ...

d. Performance standards shall be developed and implemented which will guide development in and adjacent to wetlands, both natural and man-made, so as to allow utilization of land areas compatible with other policies while providing adequate protection of the subject wetland...

f. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of one-hundred feet in width. A buffer of less than one-hundred feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than one-hundred feet shall be done in cooperation with the California Department of Fish and Game and the County's [or the Commission's on appeal] determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within one-hundred foot buffer areas....

Discussion:

The subject property contains scattered wetlands, assumed to be hydrologically connected to Elk Creek, 0.5 miles to the east. The delineated wetlands are associated with a drainage that trends from the center of the property to the southeastern corner of the property (**Exhibit No. 3,4**). A smaller wetland area located at the southwestern corner of the parcel was not included in this delineation, but was noted as a "Wetland No-Disturbance Area" as a condition of a previous parcel map approval in 1998. The subject wetlands include the drainage courses themselves, riparian wetlands surrounding the drainage courses, and seasonal wetlands in the vicinity of the drainage courses that support wetland vegetation. The subject areas meet the definition of environmentally sensitive habitat areas (ESHA) under the Del Norte County LCP.

Section VI.C.6 of the County of Del Norte LUP's Marine and Water Resources chapter requires that ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. LUP Marine and Water Resources Policy VII.D.4f states that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. This policy further states that the primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of one-hundred feet in width. This policy only allows for a buffer of less than 100 feet if an applicant can demonstrate that there will be no adverse impacts to wetlands caused by the proposed development. To make this determination, specific findings must be adopted by the permitting authority, in cooperation with the California Department of Fish and Game (CDFG), as to the adequacy of a reduced buffer to protect the resource area. These findings have not been made by CDFG for the subject property.

Ecologically, a buffer is a transition zone between one type of habitat and another. Depending upon the species utilizing the wetlands and riparian areas, functional relationships may exist between these ESHAs and the adjoining buffer areas. For example, while the more hydric/mesic resource-dependent species, such as amphibians or waterfowl may restrict their habitat use to the immediate wetland and riparian vegetated areas where they are dependent upon such areas during breeding seasons, these species also require adjacent buffer areas for wintering habitat. In addition, species with broader ecological niches, such as raptors and passerine songbirds, deer, bear, raccoon, skunks, or rabbits may spend a significant portion of their lifecycles traversing these adjoining upland areas hunting or browsing for food. Buffers also provide an area of refuge for plants and animals between their normal or preferred habitat and human activities. Furthermore, buffers also serve to lessen the impacts caused by road and paved area runoff, landscape fertilizing, and spills of other household hazardous materials that could severely reduce a wetland's ecological value

and the quality of the water flowing outward or downward into surface or sub-surface waters.

Because adverse impacts from adjacent development could impair sensitive wetland habitat values, including but not limited to noise, runoff, night lighting, erosion and physical disruption, a 100' "no development" buffer around all designated wetlands is appropriate for this site. Therefore, the Commission imposed Special Condition 1. To further enhance the effectiveness of the proposed wetland buffers, consistent with the ESHA protection provision in VI.C.6, the Commission has also imposed Special Conditions No. 4, restricting night lighting.

Because the remainder parcel may be subject to additional future development not specifically contemplated in this application, and because wetland conditions at the site may change over time, the Commission attaches Special Condition 2, requiring that future new development proposed on the remainder parcel be contingent on a full wetland delineation prior to approval of a coastal development permit for the development. This requirement will ensure that any newly emergent wetlands will be adequately protected, through buffers and other means, and that new physical development can be designed and sited in such a way that wetland and sensitive habitat will not be impacted by development not specifically contemplated in this application.

Special Condition No. 9 would require the applicants to record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the applicants and future purchasers of the property are notified of the prohibitions on development within the ESHA and buffer area established by Special Condition No. 1.

Therefore, the Commission finds that as conditioned, the proposed development will be sited and designed to prevent impacts which could significantly degrade adjoining environmentally sensitive habitat areas consistent with Sections VII.D.4f and VI.C.6 of the LUP's Marine and Water Resources chapter.

Consistency with Riparian Habitat and Water Quality Policies

LCP Provisions:

- Marine and Water Resources Policy VII.E.4.a of the County of Del Norte LUP states:

Riparian vegetation shall be maintained along streams, creeks and sloughs and other water courses within the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization. [Emphases added.]

The Marine and Water Resources chapter of the LUP includes “riparian vegetation systems” and “riparian vegetation” among its list of “sensitive habitat types,” defining such as areas, respectively, as:

The habitat type located along streams and river banks usually characterized by dense growths of trees and shrubs is termed riparian. Riparian systems are necessary to both the aquatic life and the quality of water courses and are important to a host of wildlife and birds;

and

Riparian vegetation is the plant cover normally found along water courses including rivers, streams, creeks and sloughs. Riparian vegetation is usually characterized by dense growths of trees and shrubs.

Discussion:

Section VII.E.4 of the County of Del Norte LUP's Marine and Water Resources chapter requires maintenance of riparian vegetation along...sloughs and other water courses for their qualities as wildlife habitat and stream buffer zones. The LUP further defines riparian vegetation as characterized by dense growths of trees and shrubs normally found along water courses. Although there is no stream or river on the remainder parcel, intermittent seasonal flows to Elk Creek constitute “other water courses within the Coastal Zone.” Therefore, section VII.E.4 requires maintenance of the riparian vegetation along these drainages, including willows, slough sedge and hardhack. The Commission finds that as conditioned, the proposed development will maintain riparian vegetation along water courses consistent with Marine and Water Resources Policy VII.E.4a of the certified LUP.

Consistency with Marine and Water Resources Buffer Policies

LCP Provisions:

- Section IV.D.1.f of the LUP’s Marine and Water Resources chapter establishes other standards for buffers, stating that:

Natural vegetation buffer strips may be incorporated to protect habitat areas from the possible impacts of adjacent land uses. These protective zones should be sufficient along water courses and around sensitive habitat areas to adequately minimize the potential impacts of adjacent land uses.

[Emphasis added.]

Discussion:

Section IV.D.1.f of the LUP provides additional rationale for buffer areas around sensitive habitat. Future development on both the remainder parcel and the newly created parcels 1-4 could adversely impact the adjacent habitat areas by disturbing wildlife and bird species dependant on wetland and riparian habitat and/or by contributing runoff from new development.

Because adverse impacts from adjacent development could impair sensitive wetland and riparian habitat values, including but not limited to noise, runoff, night lighting, erosion, and physical disruption, the 100' "no development" buffer around all designated wetlands that is also required by LCP policy VII.D.4.

Therefore, as discussed previously, the Commission attaches Special Condition No. 1 requiring that the ESHA and adjoining 100-foot-wide buffer areas surrounding the ESHA on the site be restricted to open space. Limited development such as planting native vegetation, removal of debris, and installation of public access trails for interpretive purposes, and the installation of stormwater treatment facilities may be allowed within the open space areas if approved by the Coastal Commission as an amendment to the coastal development permit. Special Condition No. 9 requires the applicants to record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the applicants and future purchasers of the property are notified of the prohibitions on development within the ESHA and buffer area established by Special Condition No. 1. The Commission finds that as conditioned, the proposed development will maintain riparian vegetation along water courses consistent with Section IV.D.1.f of the LUP's Marine and Water Resources chapter.

Consistency with Water Quality Policies

LCP Provisions:

- Section VI.C. of the LUP's Marine and Water Resources chapter establishes policy standards for water quality, stating that:
 1. *The County seeks to maintain and where feasible enhance the existing quality of all marine and water resources*
 3. *All surface and subsurface waters shall be maintained at the highest level of quality to ensure the safety of public health and the biological productivity of coastal waters.*
 4. *Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters.*

...

Discussion: Storm water runoff from new development can adversely affect the biological productivity of coastal waters by degrading water quality. Recognizing this potential impact, Section VI.C.1 of the LUP's Marine and Water Resources chapter indicates that the County seeks to maintain and, where feasible, enhance the quality of water resources. LUP Marine and Water Resources Policy 3 seeks to maintain the biological productivity of coastal waters at the highest level of quality. Policy 4 goes further to prohibit waste discharges from land uses that would cause public health hazards or result in the impairment of the biological productivity of coastal waters.

The site is planned and zoned for light commercial development. Runoff from most of the vacant property generally flows south-easterly across the property into the principal wetland drainages that trend from the center of the property to the southeast and which, as conditioned, be restricted as open space for habitat protection. The runoff eventually discharges into streams that flow into Elk Creek.

To address runoff during construction activities in a manner consistent with LUP Marine and Water Resources Policy 4, the Commission attaches Special Condition No. 3. The special condition requires that the applicants submit for the review and approval of the Executive Director a final erosion control plan that would provide for the installation and use of various best management practices such as temporary sediment basins, sand bag barriers, silt fencing, and stabilization of stockpiled fill with geofabric covers, and basin traps for use during the grading and construction of the interior roads of the land division.

To address runoff from the completed development in a manner consistent with LUP Marine and Water Resources Policy 4, the Commission attaches Special Condition No. 3. This condition requires that a Stormwater Runoff Plan shall be submitted to the Executive Director prior to the issuance of the coastal development permit. A principal requirement of this condition is that the final plan must demonstrate that all stormwater runoff from streets, commercial lots, and all other parts of the subdivision except the required open space areas where no development will occur will be directed into the stormwater runoff treatment facilities for treatment. In addition, to ensure the facilities will be designed with adequate capacity, the condition requires that the facilities be designed to treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to an including the 85th percentile, 24-hour storm event.

Special Condition No. 3 requires the submittal for the review and approval of the Executive Director of a management and maintenance program for the proposed stormwater runoff treatment facilities. The special condition requires that the program identify the entity(ies) who will be responsible for management and maintenance of the facilities, whether the entity is the applicant or some other party, and demonstrate the entity has the legal authority to perform such management and maintenance. The condition also requires that the program identify the specific maintenance and management activities that are needed to ensure the stormwater runoff treatment facilities will function properly.

As proposed and conditioned to preclude development within the wetland habitat and within the 100-foot buffer areas surrounding the wetlands as well as install stormwater treatment facilities and restrict lighting, the subdivision development will be sited and designed to prevent impacts which would significantly degrade the wetland habitat and will be compatible with the continuance of such habitat areas consistent with the wetland and environmentally sensitive habitat protection policies of the certified Del Norte County LCP.

The Commission thus finds that as conditioned, the proposed development is consistent with LUP Marine and Water Resources Policies 1, 3 and 4 because existing water quality will be maintained and protected from harmful waste discharges by the construction, implementation, and management of a long term stormwater runoff treatment system utilizing bio-filtration swales and desiltation basins to treat stormwater runoff from the site.

Consistency with Archeologic Resource Policies

LCP Provisions:

- Section 16.04.031 of the Del Norte County's IP Land Division Ordinance, which is a component of the certified LCP, states that:

In cooperation with the State Historic Preservation Office, where it is determined development would adversely affect archaeological resources, reasonable mitigation measures shall be required. The State Historical Preservation Office shall have up to fifteen days upon receipt of county notice to provide review. Reasonable mitigation measures shall be required as a condition of any permit. If in the course of development any archaeological or cultural remains are encountered, work shall cease and the county shall be contacted immediately. An evaluation of the site shall be conducted by the county and any reasonable mitigation measures shall be required prior to commencement of development. (Ord. 83-03 (part), 1983.)

Discussion: The Native American Heritage Commission conducted a Sacred Lands File check, and determined that no sites were indicated on the parcel. The project site is not located in an area designated for historic sensitivity, and potential for archeological resources on site is considered low, based on prior surveys of adjacent properties. However, lack of surface evidence of cultural resources does not preclude the possibility of their subsurface existence.

To ensure protection of any archaeological or cultural resources that may be discovered at the site during construction of the proposed project, the Commission attaches Special Condition No. 5. The condition requires that if an area of cultural deposits is discovered

during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required. The Commission finds that as conditioned, the development is consistent with Section 16.04.031 of the Land Division Ordinance.

Consistency with Elk Creek Special Study Area Policies

LCP Provisions:

Elk Creek is designated in the County's LUP as a Special Study Area (ECSSA), subject to special conditions. Several of these conditions relate specifically to the Elk Creek Wetlands, which do not include this parcel. The following Special Study Area Conditions apply to this property:

- 1) Performance standards shall be developed and implemented which will guide development adjacent to upland marsh areas identified in the Elk Creek Special Study so as to permit utilization of land areas compatible with other policies while providing adequate maintenance of the marsh area.

- 6) Riparian vegetation along the course of Elk Creek and its branch streams shall be maintained for their qualities of wildlife habitat and stream buffer zones.

Discussion: As proposed and conditioned to preclude development within the wetland habitat and 100-foot buffer areas surrounding the wetlands, install stormwater treatment facilities, restrict lighting, and require additional wetland delineations prior to any new development occurring on the remainder parcel, (Special Conditions 1-4) the subdivision development is sited and designed to maintain riparian vegetation along a drainage to Elk Creek, and permit the utilization of adjacent lands while protecting marsh areas consistent with the ECSSA policies of the certified Del Norte County LCP.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Del Norte County is the lead agency for purposes of CEQA review. The County determined that there was no evidence that the proposed project would have a significant adverse impact on the environment and adopted a Negative Declaration for the project on May 2, 2007.

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being

approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the certified Del Norte County LCP, the proposed project has been conditioned to be found consistent with the certified Del Norte County LCP. Mitigation measures, which will minimize all adverse environmental impacts, have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

D. CONCLUSION

For all of the reasons set forth above, the proposed development as conditioned would protect ESHA, wetlands and water quality as required by LCP policies regarding new development located adjacent to wetlands and ESHA. As conditioned, the Commission finds that the project is consistent with the certified Del Norte County LCP

ATTACHMENTS:

- A Standard Conditions
- B Special Conditions

EXHIBITS:

- 1 Regional Location Map
- 2 Vicinity Map
- 3 Aerial Photo
- 4 Applicant's Revised Tentative Tract Map—Wetland and buffer delineation
- 5 Wetland Delineation/Biological Assessment Report (July 2007)
- 6 Notice of Final Local Action & County Findings
- 7 Appeal (Friends of Del Norte)
- 8 Required Open Space Areas
- 9 Correspondence and Addenda (3/20/08, 2/28/08, 1/14/08, 12/13/07, 11/15/07, 11/01/07, 9/27/07)

ATTACHMENT A

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to bind all future owners and possessors of the subject property to the terms and conditions.

ATTACHMENT B

SPECIAL CONDITIONS

1. No Development Open Space Area

No development, as defined in Section 30106 of the Coastal Act, shall occur within the area depicted as “Wetland-No Disturbance Area” on parcel map MS9819C, and within riparian/wetland areas and surrounding 100-foot buffer areas as generally depicted by **EXHIBIT 8** of this staff report except for:

- a. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit: (a) planting of native vegetation, removal of non-native vegetation and restoration of environmentally sensitive habitat, (b) removal of debris, sediment, and unauthorized structures (c) public trail(s) for interpretive purposes (d) stormwater runoff treatment facilities as described in Special Condition 4.

2. Future Wetland Delineation.

All future development, as defined in Section 30106 of the Coastal Act, on the 21.24 acre remainder parcel shall: (a) avoid wetlands as defined in Title 14 Section 13577; (b) provide a 100’ no development buffer from all wetlands as defined in Title 14 Section 13577; and (c) be contingent on a full wetland delineation to determine the extent and exact location of wetlands.

3. Final Erosion and Stormwater Runoff Control Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT NO. A-1-DNC-07-023, the applicant shall submit for review and written approval of the Executive Director, a final stormwater runoff treatment plan that demonstrates:

- (a) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources;
- (b) All stormwater runoff from access roads, driveways, parking lots and other impervious surfaces associated with this development shall be collected and conveyed into a vegetated swale or desiltation basin either on or off the site, to avoid sedimentation and provide for bio-filtration treatment of pollutants entrained in runoff before being released into the wetland or buffer areas of the site;

- (c) The stormwater runoff facilities shall be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event.

The plan shall include, at a minimum, the following:

- (a) A detailed site plan of the development site showing the exact location of all stormwater runoff facilities;
- (b) Sections and detail exhibits of the proposed bio-filtration swales, desiltation basins, and appurtenant drainage facilities;
- (c) Final grading and drainage plans showing the topography of the site as graded and the direction of flow of stormwater runoff from parcels 1-4; and
- (d) Evidence that the stormwater runoff facilities will have the capacity to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event.
- (e) The following temporary runoff control measures, as described in detail in “California Storm Water Best Management Practices (New Development, Construction and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (i.e., BMP Nos. EC-1 – *Scheduling*, EC-2 – *Preservation of Existing Vegetation*, EC-12 – *Streambank Stabilization*, SE-1 – *Silt Fence* and/or SE-9 – *Straw Bale Barrier*, NS-9 – *Vehicle and Equipment Fueling*, NS-5 – *Clean Water Diversion*, NS-10 – *Vehicle and Equipment Maintenance and Repair*; WM-1 – *Material Delivery and Storage*, WM-4 – *Spill Prevention and Control*; see <http://www.cabmphandbooks.com>); and
- (f) The following permanent runoff control measures, as described in detail in “California Storm Water Best Management Practices (New Development, Construction and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (i.e., BMP Nos. SD-10 – *Site Design and Landscape Planning*, TC-30 – *Vegetated Swale*, TC-31 – *Vegetated Buffer Strip*, TC-50 – *Water Quality Inlets*, and TC-60 – *Multiple Systems*; see <http://www.cabmphandbooks.com>).

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Lighting Restrictions

- (a) All lighting within the subdivision shall be directed and shielded so that light is directed away from wetlands and wetland habitat buffer areas.
- (b) Floodlamp shielding and/or sodium bulbs shall be used for street lighting and lighting of all common or public areas to reduce the amount of stray lighting into wetland, riparian or buffer areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.
- (c) All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress, egress, and use of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed to shine beyond the boundaries of the subject parcel.

5. Protection of Cultural Resources

- (a) If an area of historic or prehistoric cultural resources or human remains are discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (B) hereof, and a qualified cultural resource specialist shall analyze the significance of the find.
- (b) A permittee seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan for the review and approval of the Executive Director.
 - 1) If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - 2) If the Executive Director approves the Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

6. Revised Tentative Map

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the

Executive Director, a revised tentative map approved by Del Norte County, which conforms with the requirements of the special conditions of this permit. The revised tentative map shall be consistent with the terms and conditions of Coastal Development Permit No. A-1-DNC-07-023 and shall contain the following graphically-depicted information and textual notations:

1) Illustrations to be included on the Revised Tentative Map

- a. Demarcation of the delineated wetland and associated 100-foot wetland buffer areas that are subject to the no development restrictions required by Special Condition No. 1; and
- b. Demarcation of the area subject to previously required restrictions noted as “Wetland No-Disturbance Area” on the southwest corner of the parcel as required by Special Condition No. 1;
- c. Demarcation of the 21.24 acre remainder parcel subject to the restrictions of Special Condition No. 2.

7. Final Parcel Map Review and Approval

A. **PRIOR TO RECORDATION OF THE FINAL PARCEL MAP**, the applicant shall submit for the review and approval of the Executive Director a copy of the final parcel map approved by the County of Del Norte. The final map shall be consistent with the terms and conditions of Coastal Development Permit No. A-1- A-1-DNC-07-023 as well as Revised Tentative Parcel Map MS0712C as approved by Del Norte County by Del Norte County May 2, 2007, and shall contain the following graphically-depicted information and textual notations:

1) Illustrations to be included on the Final Parcel Map

- a. Demarcation of the no development open space restriction area over the delineated wetlands/environmentally sensitive habitat area and the 100-foot buffer area as identified in July, 2007 Galea report and required by Special Condition No. 1;
- b. Demarcation of the no development open space restriction area over the “Wetland-No Disturbance Area” as previously depicted on parcel map No. MS9819C and referenced in MS0712C; and
- c. Depiction of the 21.24 remainder parcel subject to the requirement of Special Condition No. 2.

- 2) Notes to be placed on the Final Parcel Map
 - a. “The no development open space area depicted on this map is an area in which no ‘development’ as defined by Section 30106 of the Coastal Act may occur as required by Special Condition No. 1 of Coastal Development Permit No. A-1-DNC-02-152.”
 - b. “No new development or further land division of the 21.24 acre remainder parcel created by this parcel map is permissible unless: (1) a full wetland delineation is conducted; and (2) a deed restriction is recorded over any subsequently identified wetlands with a 100’ buffer area as required by Special Condition No. 2 of Coastal Development Permit No. A-1-DNC-07-023.”
- B. The applicant shall record the final parcel map consistent with the final map approved by the Executive Director pursuant to Special Condition 6A.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- D. The permittee shall inform the Executive Director of any changes to the project approved by the Commission that are required by Del Norte County. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

8. Conditions Imposed By Local Government

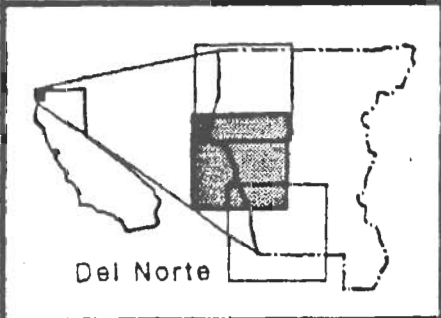
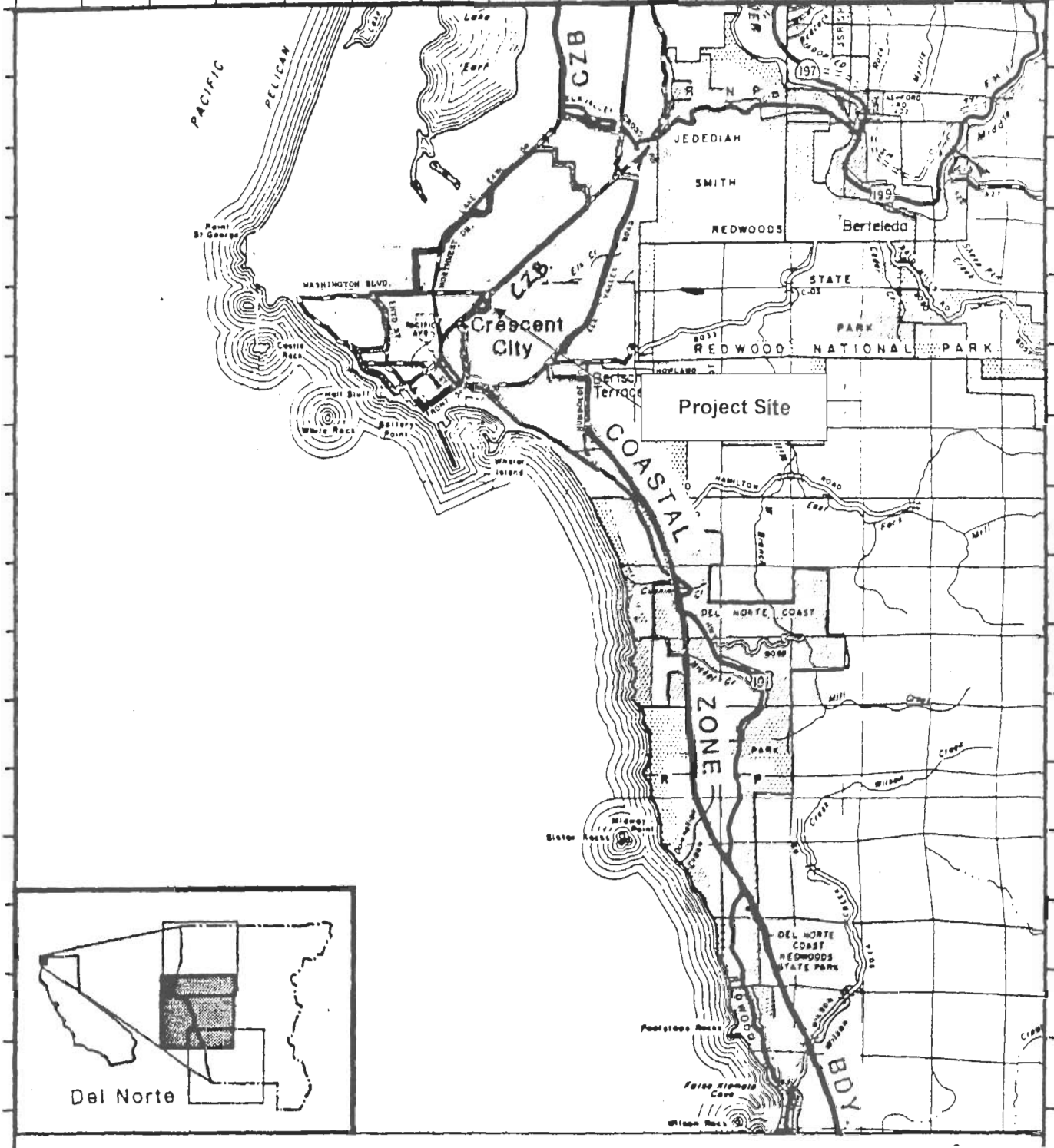
This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

9. Deed Restrictions.

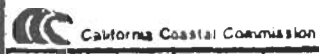
PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-DNC-07-023, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and

conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

A B C D E F G H I J K L M N O



Del Norte



LOCATION MAP



County of Del Norte

EXHIBIT NO. 1
APPEAL NO.
 A-1-DNC-07-023
 PARK
 REGIONAL LOCATION

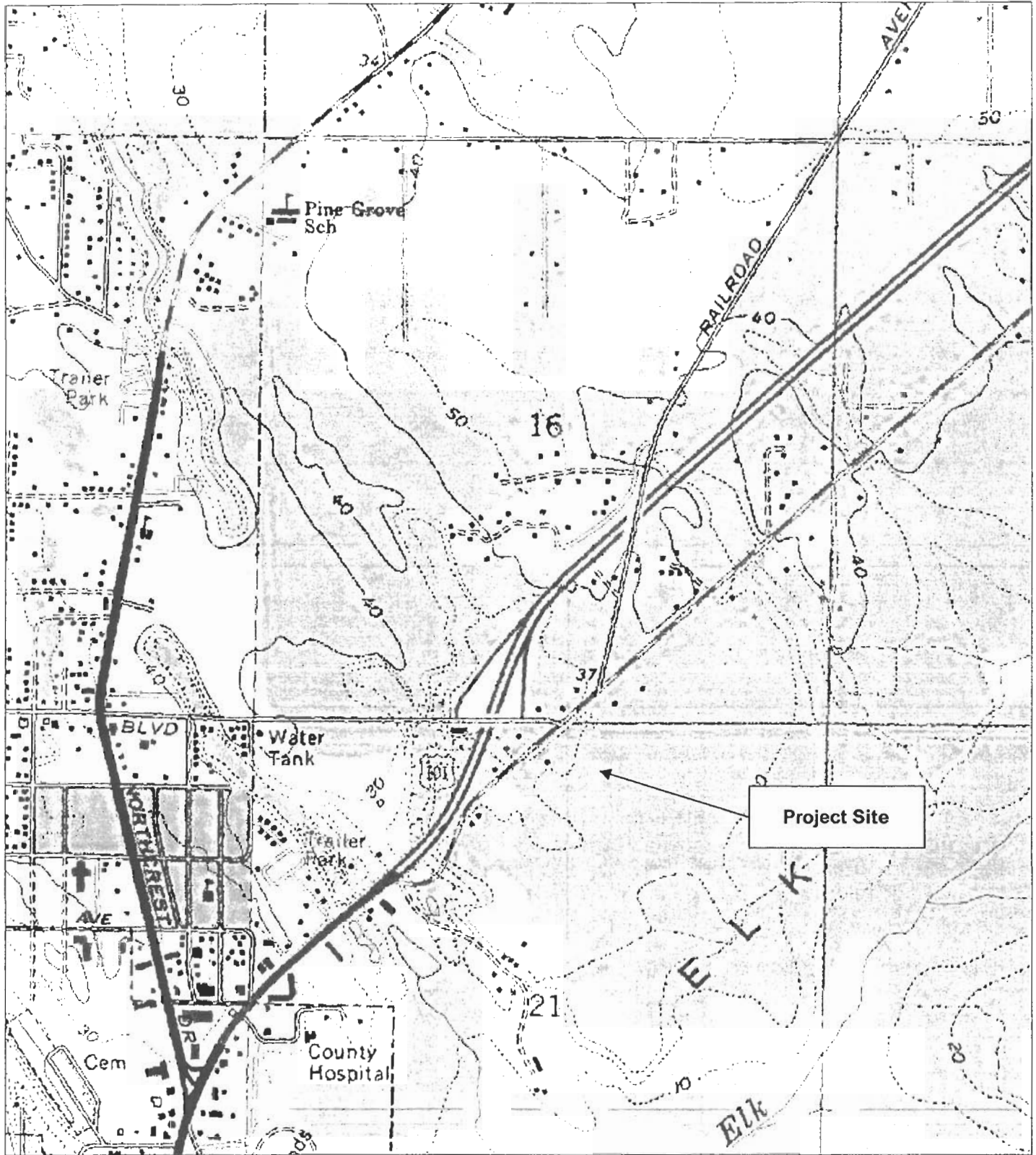
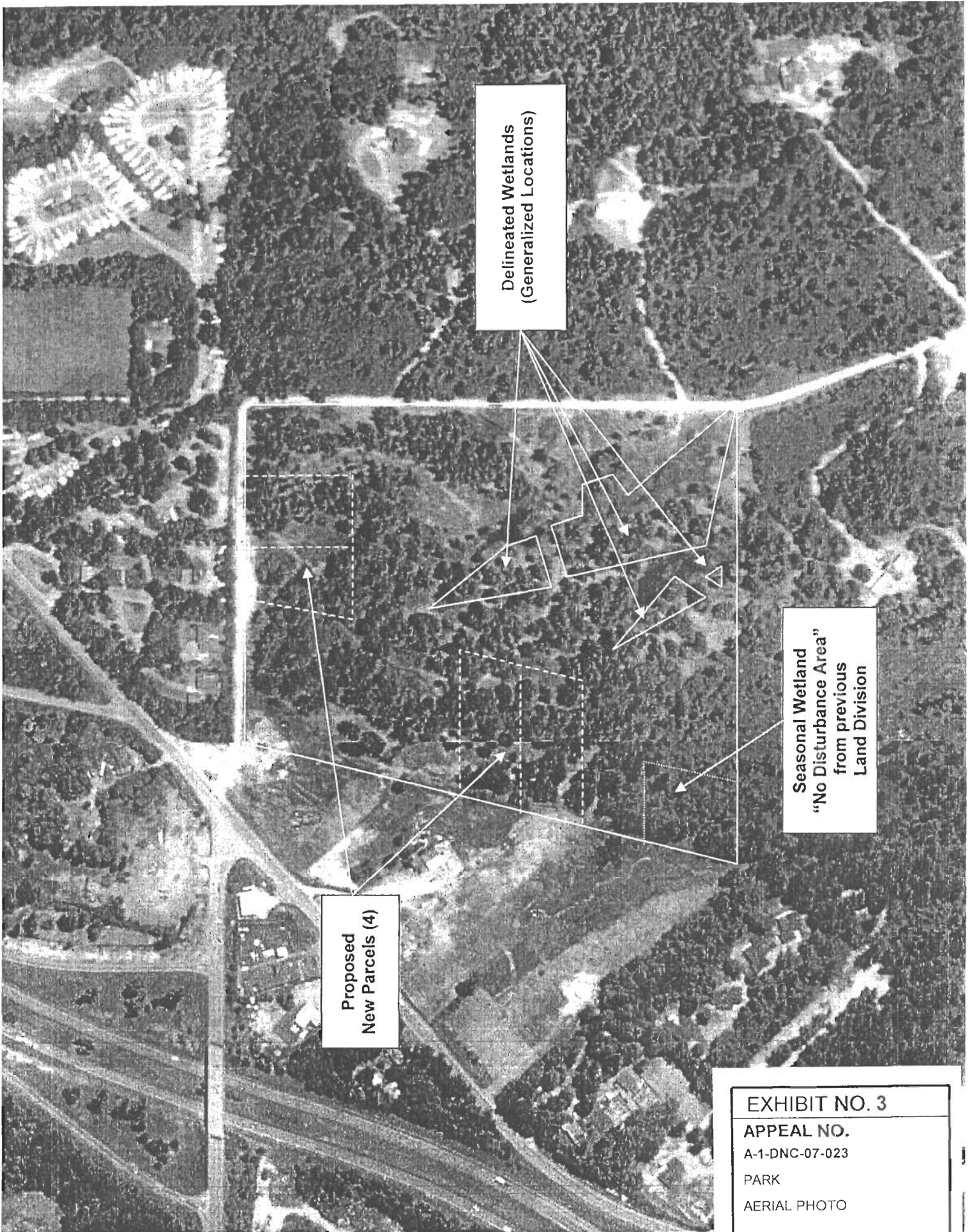


EXHIBIT NO. 2
APPEAL NO.
A-1-DNC-07-023
PARK
VICINITY MAP



Delineated Wetlands
(Generalized Locations)

Proposed
New Parcels (4)

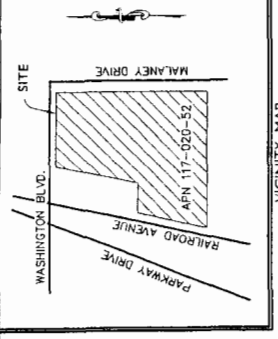
Seasonal Wetland
"No Disturbance Area"
from previous
Land Division

EXHIBIT NO. 3
APPEAL NO.
A-1-DNC-07-023
PARK
AERIAL PHOTO

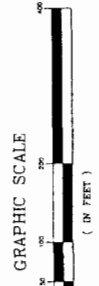
TENTATIVE MINOR SUBDIVISION MAP

COUNTY OF DEL NORTE - STATE OF CALIFORNIA

APPLICANT
 LUCILLE S. PARK
 9600 N.E. 179th STREET
 BATTLE GROUND, WA 98604
SITE ADDRESS
 RAILROAD AVE. & WASHINGTON BLVD.
 CRESCENT CITY, CA 95531
PHONE NUMBER
 (503) 283-2116
ASSESSOR'S PARCEL NUMBER
 117-020-52



LINE	BEARING	LENGTH
L1	S15°53'41"E	26.689
L2	S34°58'12"E	75.00
L3	S77°33'31"E	35.76
L4	S31°05'11"E	47.17
L5	S50°19'58"E	122.13
L6	N57°25'51"W	104.86
L7	N57°25'51"W	104.86
L8	N57°18'36"W	45.37
L9	N87°28'09"W	20.22
L10	N87°28'09"W	56.40
L11	S25°25'51"W	16.51
L12	S25°25'51"W	16.51
L13	N68°44'56"W	146.16
L14	N68°44'56"W	36.00
L15	N68°55'14"E	36.00
L16	N28°00'15"W	209.71
L17	S71°07'37"E	97.76
L18	S51°37'41"E	87.26
L19	S54°44'42"E	33.60
L20	S10°29'27"E	173.39
L21	S25°40'12"W	62.51
L22	S25°40'12"W	62.51
L23	N72°55'58"E	48.89
L24	S25°47'27"E	73.22
L25	N72°25'55"E	38.48
L26	S25°33'38"E	37.21
L27	S25°33'38"E	37.21
L28	N69°13'51"E	30.51
L29	N12°58'43"E	94.43
L30	N59°41'05"W	181.43
L31	N12°58'43"E	94.43
L32	N12°58'43"E	67.24
L33	S43°18'51"E	78.77
L34	S32°29'24"E	41.19
L35	N65°09'46"W	54.44
L36	N65°09'46"W	54.44
L37	N29°05'15"W	25.32



KILLOPS
LAND SURVEYIN
 264 CHILDS AVENUE
 CRESCENT CITY, CA 95531
 TEL: (707) 465-6364

LUCILLE S. PARK
 PROPOSED MINOR SUBDIVISION
 DEL NORTE CO. APR 11-020-52
 CRESCENT CITY, CALIFORNIA
 DATE: 02/27/2007
 DRAWN BY: MEK
 PROJECT NO.: 07-101
 L.S. 587

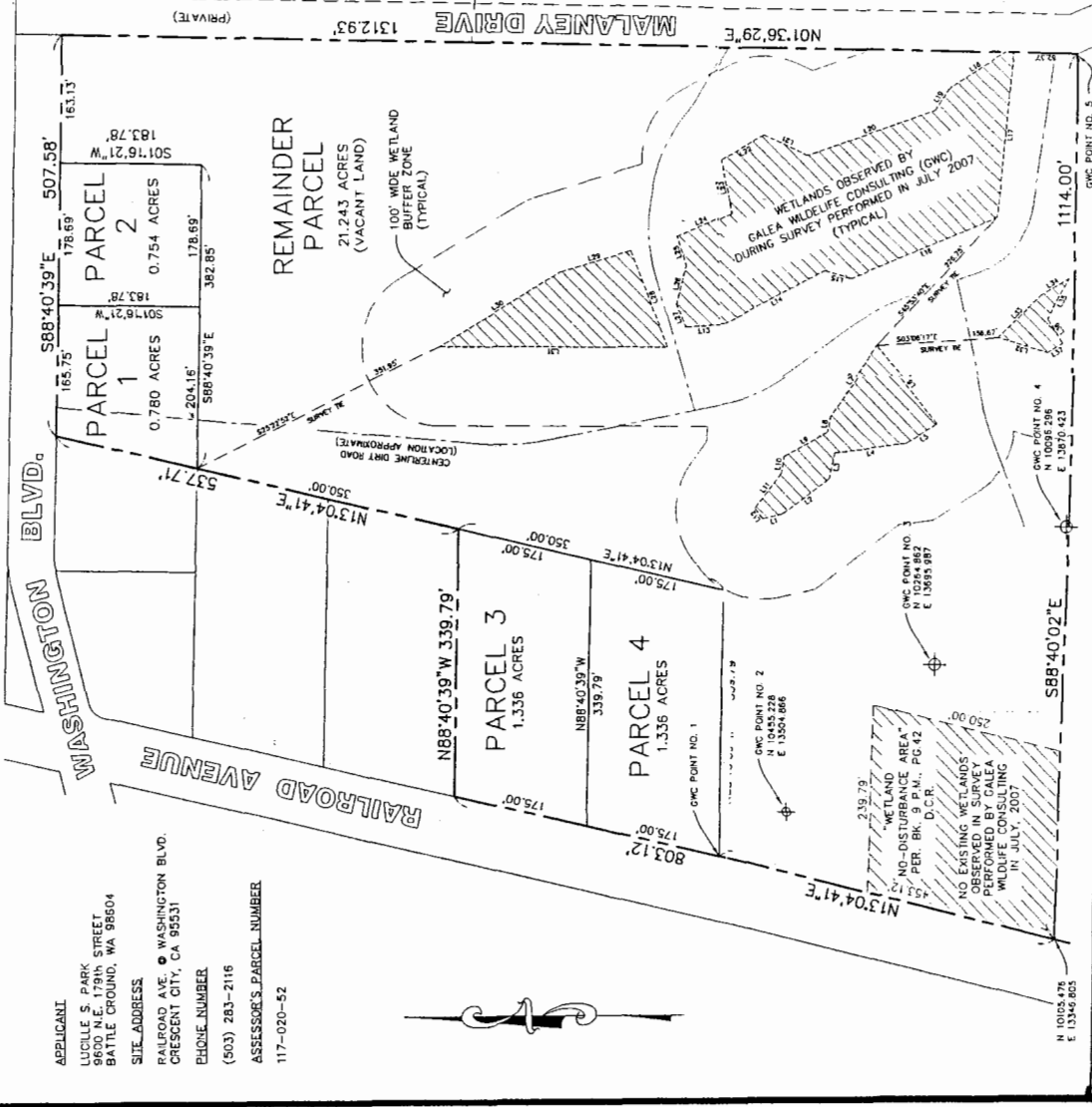


EXHIBIT NO. 4
APPEAL NO.
 A-1-DNC-07-023
PARK
 APPLICANT'S REVISED
 TENTATIVE TRACT MAP



GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531

Tel: 707-464-3777

E-mail: frankgalea@charter.net . Web: www.galeawildlife.com

BIOLOGICAL ASSESSMENT, WETLAND DELINEATION & RECOMMENDATIONS, LUCILLE PARK PROPERTY, DEL NORTE COUNTY (APN # 117-020-52)

Submitted to: Killops Land Surveying
264 Childs Avenue
Crescent City, CA 95531

Prepared by: Frank Galea, Certified Wildlife Biologist
E-mail: frankgalea@charter.net

Galea Wildlife Consulting
200 Raccoon Court
Crescent City, CA 95531

Submitted: July, 2007

By:

EXHIBIT NO. 5

APPEAL NO.

A-1-DNC-07-023 - PARK

APPLICANT'S WETLAND
DELINEATION / BIOLOGICAL
ASSESSMENT (JULY 2007)
(1 of 13)

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A biological assessment was conducted for the Lucille Park property as part of an application for a subdivision. The property is located within the Elk Creek drainage (Figure 1), however no watercourses are located on or near the property. The property is located within the jurisdiction of the California Coastal Commission. Several relatively small wetlands were located on the east side of the property, which were delineated and mapped. Non-development buffers of 100 feet were recommended to protect wetland habitats. No sensitive wildlife species or their habitats were found on the property. Overall, this project would have no significant impacts upon any sensitive or rare wildlife species.

INTRODUCTION

The Applicant proposes to split a 25.5 acre property into 5 parcels, four smaller parcels and a remainder of 21.243 acres (Figure 2, subdivision map). The Park project is located east South Railroad Avenue, just east of Highway 101, south of Washington Boulevard, near Crescent City, California.

Galea Wildlife Consulting (GWC) Incorporated was contracted to provide a general biological assessment to determine the potential impacts of the project on sensitive wildlife species, including federally or state listed species and species of special concern. Additionally, GWC conducted a review of habitats within and adjacent to the project area to determine if wetlands were present and conduct a wetland delineation where necessary.

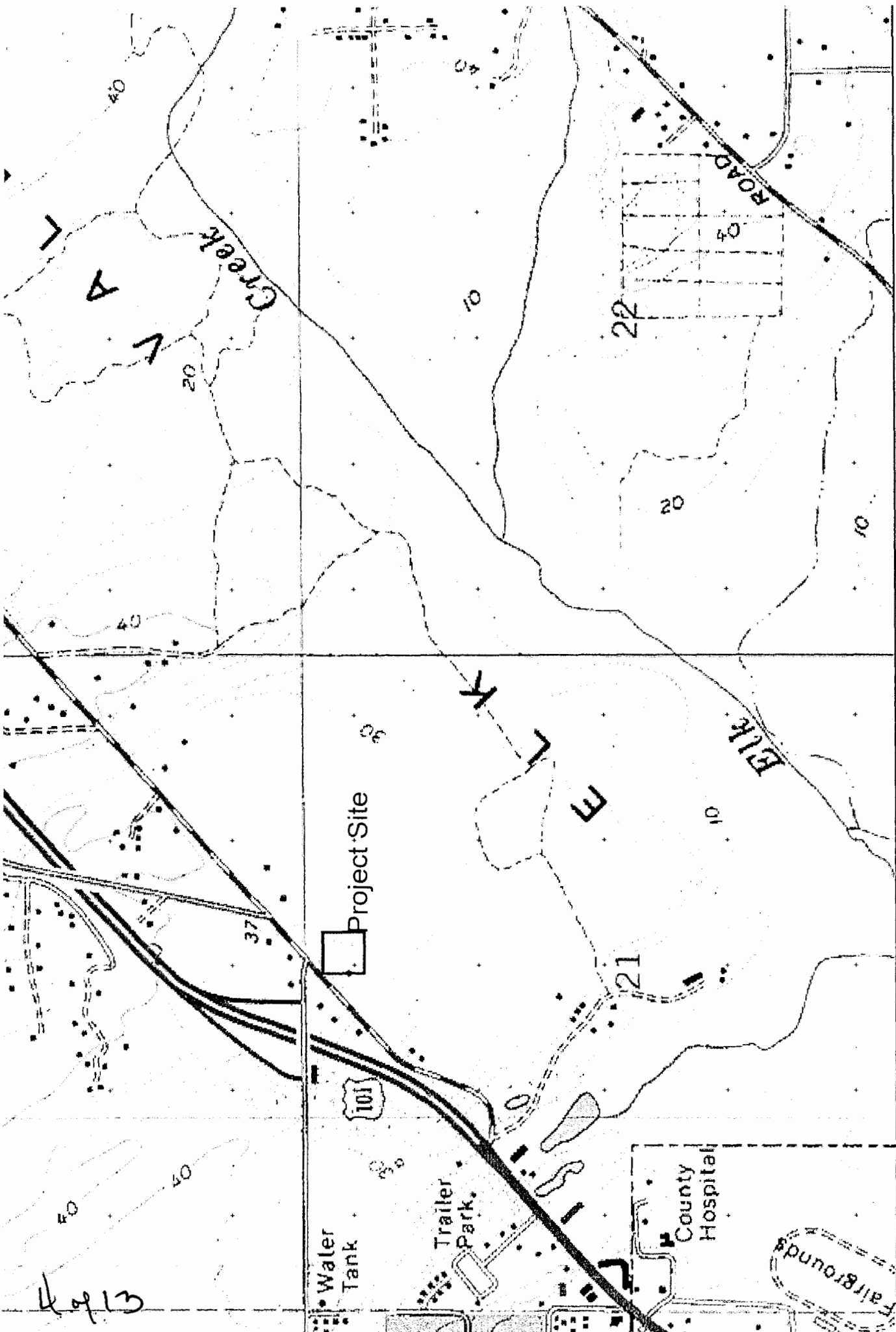
2.1 Environmental Setting

The Park property is located on a flat in the extreme upper reach of Elk Creek, just east of Highway 101, north of Crescent City. This non-developed property is surrounded by roads, homes and commercial enterprises, except to the south, where it connects to an undeveloped stand of timber and hardwood habitat. New developments in the form of business offices have been built to the immediate northwest, west and north. Homes on large properties are found to the east, south and southeast. The property is cleared of timber and is now covered primarily with non-native vegetation. Old roadways cross the property in several locations. The property slopes moderately downward to the southeast.

2.2 Physical Environment

The climate of northern California is characterized as Mediterranean, with cool, wet winters and warm, dry summers with frequent fog. Along the coastline, proximity to the Pacific Ocean produces high levels of humidity and results in abundant fog and fog drip precipitation. The maritime influence diminishes with distance from the coast, resulting in lesser amounts of fog, drier summer conditions and more variable temperatures. Annual precipitation in the project watershed ranges from 60 - 150 inches occurring primarily as rain during the winter months. Air temperatures measured in Crescent City area vary from 41°F to 67°F annually.

3013



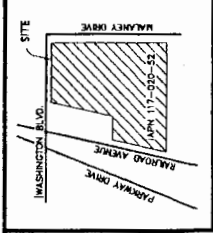
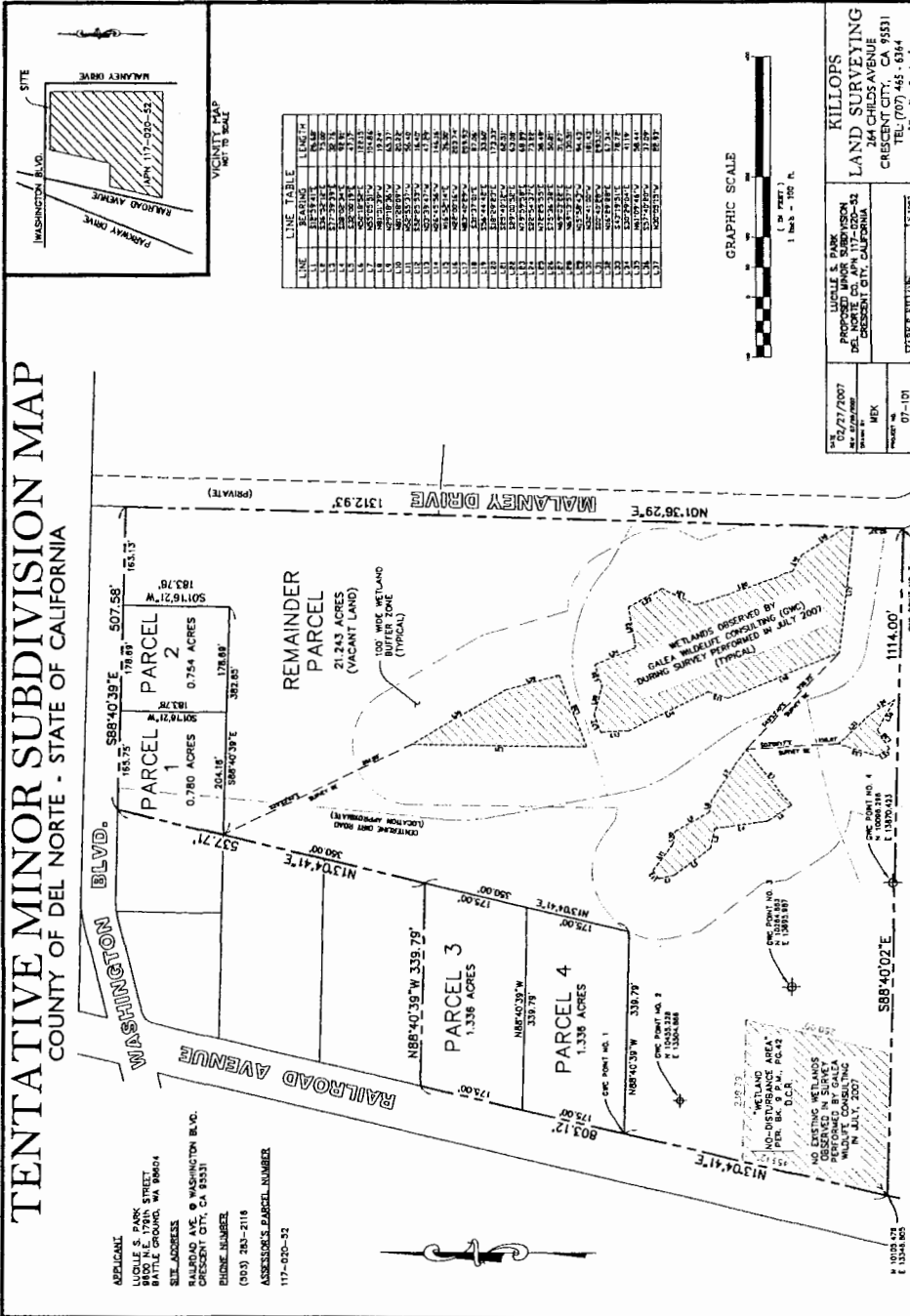
Location: 041° 46' 11.4" N 124° 10' 30.6" W
 Caption: Figure 1. Lucille Park Property relative to Elk Creek Drainage.

Name: CRESCENT CITY
 Date: 7/31/107
 Scale: 1 inch equals 1000 feet

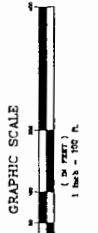
TENTATIVE MINOR SUBDIVISION MAP

COUNTY OF DEL NORTE - STATE OF CALIFORNIA

APPLICANT
 LUCILLE S. PARK
 9400 N.E. 178th STREET
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 RAILROAD AVE. @ WASHINGTON BLVD.
 CRESCENT CITY, CA 95531
 ENGINE NUMBER
 (093) 203-2116
 ASSESSOR'S PARCEL NUMBER
 117-020-52



LINE	BEARING	LENGTH
1.1	S88°40'39"E	165.75'
1.2	S57°58'17"W	178.89'
1.3	S01°16'21"W	183.78'
1.4	S04°16'21"W	183.78'
1.5	S88°40'39"E	392.80'
1.6	S05°15'25"W	172.83'
1.7	S05°15'25"W	36.32'
1.8	S88°40'39"E	178.89'
1.9	S05°15'25"W	172.83'
1.10	S05°15'25"W	36.32'
1.11	S88°40'39"E	178.89'
1.12	S05°15'25"W	172.83'
1.13	S05°15'25"W	36.32'
1.14	S88°40'39"E	178.89'
1.15	S05°15'25"W	172.83'
1.16	S05°15'25"W	36.32'
1.17	S88°40'39"E	178.89'
1.18	S05°15'25"W	172.83'
1.19	S05°15'25"W	36.32'
1.20	S88°40'39"E	178.89'
1.21	S05°15'25"W	172.83'
1.22	S05°15'25"W	36.32'
1.23	S88°40'39"E	178.89'
1.24	S05°15'25"W	172.83'
1.25	S05°15'25"W	36.32'
1.26	S88°40'39"E	178.89'
1.27	S05°15'25"W	172.83'
1.28	S05°15'25"W	36.32'
1.29	S88°40'39"E	178.89'
1.30	S05°15'25"W	172.83'
1.31	S05°15'25"W	36.32'
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1.33	S05°15'25"W	172.83'
1.34	S05°15'25"W	36.32'
1.35	S88°40'39"E	178.89'
1.36	S05°15'25"W	172.83'
1.37	S05°15'25"W	36.32'
1.38	S88°40'39"E	178.89'
1.39	S05°15'25"W	172.83'
1.40	S05°15'25"W	36.32'
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1.42	S05°15'25"W	172.83'
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1.57	S05°15'25"W	172.83'
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1.60	S05°15'25"W	172.83'
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1.62	S88°40'39"E	178.89'
1.63	S05°15'25"W	172.83'
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1.65	S88°40'39"E	178.89'
1.66	S05°15'25"W	172.83'
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1.69	S05°15'25"W	172.83'
1.70	S05°15'25"W	36.32'
1.71	S88°40'39"E	178.89'
1.72	S05°15'25"W	172.83'
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1.75	S05°15'25"W	172.83'
1.76	S05°15'25"W	36.32'
1.77	S88°40'39"E	178.89'
1.78	S05°15'25"W	172.83'
1.79	S05°15'25"W	36.32'
1.80	S88°40'39"E	178.89'
1.81	S05°15'25"W	172.83'
1.82	S05°15'25"W	36.32'
1.83	S88°40'39"E	178.89'
1.84	S05°15'25"W	172.83'
1.85	S05°15'25"W	36.32'
1.86	S88°40'39"E	178.89'
1.87	S05°15'25"W	172.83'
1.88	S05°15'25"W	36.32'
1.89	S88°40'39"E	178.89'
1.90	S05°15'25"W	172.83'
1.91	S05°15'25"W	36.32'
1.92	S88°40'39"E	178.89'
1.93	S05°15'25"W	172.83'
1.94	S05°15'25"W	36.32'
1.95	S88°40'39"E	178.89'
1.96	S05°15'25"W	172.83'
1.97	S05°15'25"W	36.32'
1.98	S88°40'39"E	178.89'
1.99	S05°15'25"W	172.83'
2.00	S05°15'25"W	36.32'



DATE: 07/27/2007
 DRAWN BY: MEK
 PROJECT NO: 07-101
 SCALE: AS SHOWN
 LUCILLE S. PARK
 PROPOSED MINOR SUBDIVISION
 21.243 ACRES
 CRESCENT CITY, CALIFORNIA
 KILLOPS
 LAND SURVEYING
 1000 CHICKADEE LANE #5531
 CRESCENT CITY, CALIFORNIA
 TEL: (707) 445-0344

5413

3.1 Records Search

A records search of the California Department of Fish and Game's (CDF&G) Natural Diversity Data Base (2007) was conducted to determine if any additional special-status plant or animal species had been previously reported within or near the project area. An assessment area of 1.5 miles around the property was used, as this radius would take in a northern spotted owl (*Strix occidentalis caurina*) territory, or other sensitive species, should they be in the vicinity.

For the purposes of this report, special-status plant and animal species are defined as those listed in the California Fish and Game Code as Rare, Threatened or Endangered, those listed as Threatened or Endangered under the Federal Endangered Species Act, candidates for state or federal listing, and unlisted species that may be significantly affected and warrant consideration. Special Status animal taxa are species, subspecies, or varieties that fall into one or more of the following categories, regardless of their legal or protection status:

- Officially listed by California or the Federal government as Endangered, Threatened, or Rare;
- A candidate for state or federal listing as Endangered, Threatened, or Rare;
- Taxa which meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the California Environmental Quality Act (CEQA) Guidelines;
- Taxa designated as a special status, sensitive, or declining species by other state or Federal agencies, or non-governmental organizations (NGO).
- Taxa that are biologically rare, very restricted in distribution, or declining throughout their range but not currently threatened with extirpation;
- Population(s) in California that may be peripheral to the major portion of a taxon's range but are threatened with extirpation in California;
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, valley shrub-land habitats, vernal pool, etc.).

Listed and sensitive wildlife species potentially occurring within the assessment area are presented in Table 1.

3.2 Field Investigation

A field investigation of the project area was conducted in July of 2007. Certified Wildlife Biologist Frank Galea conducted the field review. All potential wildlife habitats within the project area and within 1/4 mile around the project area were assessed for their potential for listed wildlife species.

Potential wetlands south of the property were discernable in aerial photographs. The southern portion of the property, and habitats at least 100 feet south of the property, were also surveyed for wetlands.

3.3 Wetland Delineation

The primary purpose of a wetland determination at this site was to determine the delineation of wetland versus non-wetland areas within the property. A wetland delineation was performed during July of 2007. The wetland delineation was conducted in accordance with the currently applicable U.S. Army Corps of Engineers (ACOE) 1987 Wetland Delineation Manual. The ACOE utilizes a three-parameter

method for making wetland determinations. It is usually based on the presence of three wetland indicators: wetland hydrology (periodic inundation for a minimum of seven consecutive days during the growing season), a predominance of hydrophytic (water-loving) vegetation (plants adapted to anaerobic conditions resulting from a prolonged inundation with water) and hydric soils (soils that become saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth of hydrophytic vegetation).

Positive wetland indicators include field indicators and published data such as United States Department of Agriculture (USDA) - National Resource Conservation Service (NRCS) lists of hydric soils. The following sections describe the general diagnostic characteristics and some of the typical positive wetland indicators for each parameter.

- **Soils:** For an area to be considered a jurisdictional wetland, the soil must be classified as hydric by the NRCS, or it must possess field indicators that are associated with reducing soil conditions. The NRCS definition of a hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper strata. Local and national soil surveys, available from the NRCS, are used to determine the types of soil present in an area. Field indicators of hydric soils include organic hydric soils, histic epipedons, sulfidic material, aquic or peraquic moisture regimes, reducing soil conditions, soil color, including gleyed soils, soils with mottles and/or low-matrix chroma, and iron and manganese concretions.
- **Hydrology:** An area has wetland hydrology if it is inundated or saturated in the upper 12 inches of the soil for at least five percent of the growing season in most years (Environmental Laboratory 1987). In Crescent City, the growing season is approximately 200 days. Therefore, five percent of the growing season in this region corresponds to approximately 10 days. Factors that influence hydrology include precipitation, topography, soil permeability, and plant cover. Examples of primary wetland field indicators include inundation, saturation in the upper 30 centimeters (12 inches), watermarks, drift lines, sediment deposits, and drainage patterns. Secondary indicators are associated with living plant roots in the upper 30 centimeters (12 inches) of soil, water stained leaves, local soil survey, and FAC-neutral test for plants, soil cracking, and oxidized rhizospheres.
- **Vegetation:** To be considered a jurisdictional wetland, more than 50 percent of the dominant plant species must be hydrophytic, i.e., have an indicator status as facultative, facultative wetland, or obligate wetland vegetation (Reed 1988). Hydrophytic vegetation is "the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present," as defined by the Corps (Environmental Laboratory 1987). Plant indicator status definitions are defined below:

OBL = Obligate Wetland. Occurs in wetlands under natural conditions at an estimated probability 99%.

FACW = Facultative Wetland. Usually occur in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands.

FAC = Facultative. Equally likely to occur in wetlands or non-wetlands (estimated probability 34% - 66%).

FACU = Facultative Upland. Usually occur in non-wetlands (estimated probability 67%-99%), but occasionally found in wetlands (estimated probability 1%-33%).

UPL = Obligate Upland. Occur in wetlands in another region, but occur almost always (estimated probability >99%) under natural conditions in non-wetlands in the region specified.

NL = Not Listed, generally considered upland.

NI = Not Indicated. Recorded for those species for which insufficient information was available to determine an indicator status.

Under normal circumstances (undisturbed conditions), a potential jurisdictional wetland must have positive wetland indicators of all three parameters. However, this project is located within the jurisdiction of the California Coastal Commission, which uses a one parameter method to determine if an area is wetland or not. For this delineation, I utilized hydrology and vegetation to delineate wetland habitats, as the area was relatively large and wetlands separate. Once a delineation between upland and wetland habitats was determined, the delineation line was marked with flagging hung on vegetation along the line. I then used a Trimble GEO3 resource-grade GPS to plot the perimeter around wetlands.

4.0 RESULTS AND POTENTIAL IMPACTS

4.1 Records Search

The CDF&G Natural Diversity Data Base (CNDDDB, 2007) provided a summary of those federal and state-listed and sensitive wildlife species and their mapped locations, reported to have occurred at least once within the assessment area (Figure 3). No sensitive wildlife species was noted to occur within one mile of the assessment area, except for coastal cutthroat trout (*Oncorhynchus clarki clarki*), which are located in Elk Creek, over .5 miles to the east. Two sensitive species of *Carex* (mesic plant species) were noted in an area .5 miles to the north.

A list of those sensitive or listed animal species potentially occurring in the vicinity of the assessment area is presented in Table 1, including the common and scientific names for each. The listing status of each species and if potential habitat (as determined by GWC, based upon a review of habitat available within the project area) was located within the project area is also indicated in Table 1.

4.2 Habitat Analysis and Impact Assessment for Fish and Wildlife

An assessment of potential habitats and impacts for sensitive wildlife species was conducted in July of 2007. The project area was found to contain almost no potential for the wildlife species listed in Table 1, due to the lack of habitat. Wetland habitats on the property contain habitat for the red legged frog, but not for other sensitive amphibians. No occurrences of threatened, endangered or otherwise sensitive wildlife species are listed in the CNDDDB for the project site. Potential sensitive species and a discussion of their status in the area are covered in Appendix A.

Threatened or Endangered Species: Table 1 shows no potential habitat for threatened or endangered species. The project area is all open ground due to previous clearing. The early age of the trees along the edge of the property and on adjacent properties did not provide habitat for species dependant upon mid or late seral habitats. No potential habitat exists on the project site, nor in the assessment area, for the northern spotted owl or bald eagle. No osprey nests were observed, and tree size is likely too small for nest sites for this species. No dead topped trees or snags were found. This project, therefore, would have no potential impacts upon any threatened or endangered species.



Lucille Park minor Subdivision, Del Norte County

Info: Site available at <http://lmaps.dfg.ca.gov>

Author: Galea Wildlife Consulting
Date: 7/18/2007 3:41 PM

Map Legend

California Natural Diversity Database (com) [ds85]

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terr. Comm. (80m)
- Terr. Comm. (specific)
- Terr. Comm. (non-specific)
- Terr. Comm. (circular)
- Aqu. Comm. (80m)
- Aqu. Comm. (specific)
- Aqu. Comm. (non-specific)
- Aqu. Comm. (circular)
- Western States
- Mexico

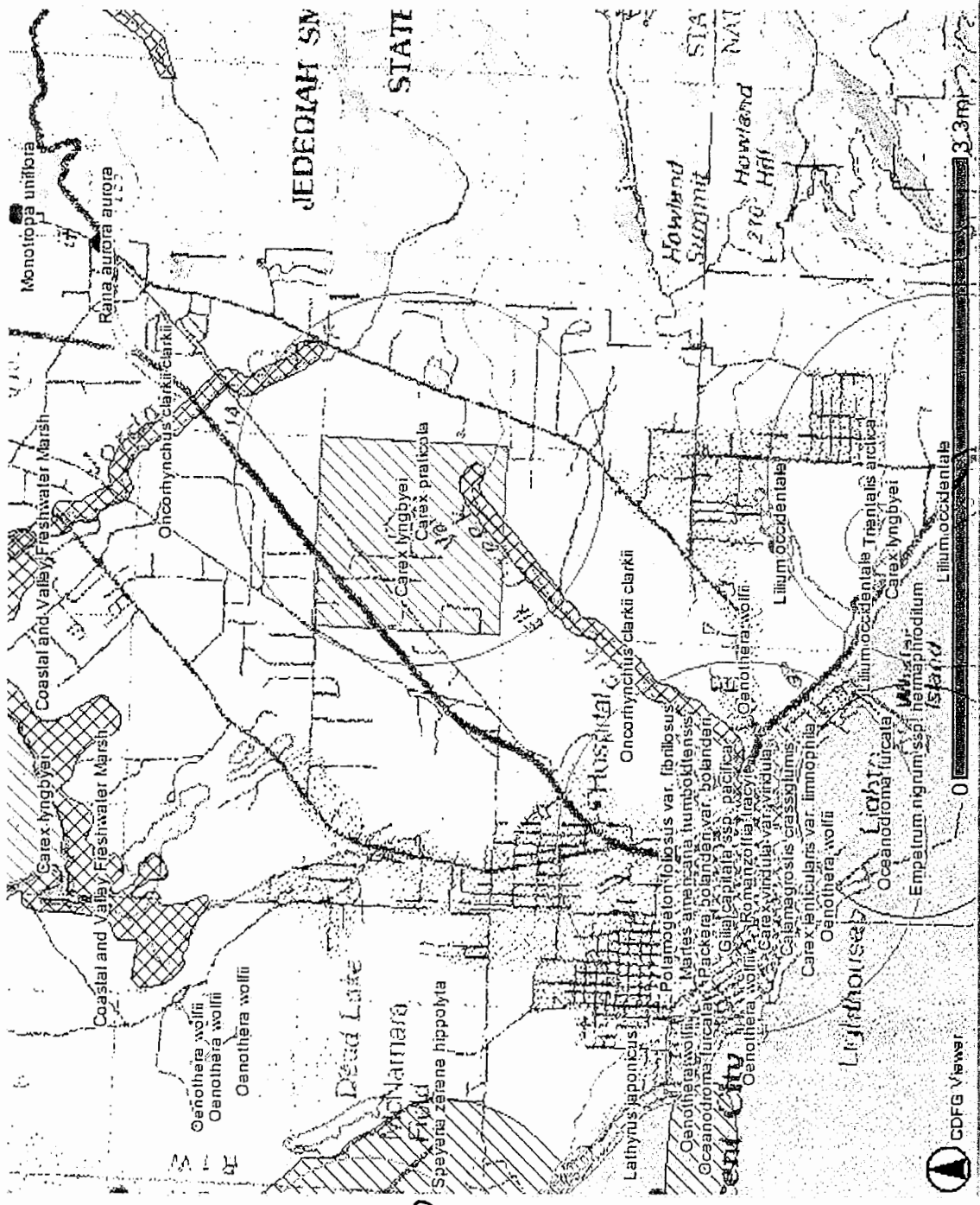


Table 1 . Sensitive Wildlife Species Occurring or with the Potential to Occur Within the Region of the Project Area

(From CNDDDB 2007 Review, USFWS Del Norte County list, and GWC sources)

Common Name	Scientific Name	Federal Status	State Status	Breeding Habitat in Project Area?	Forage Habitat in Project Area?
BIRDS					
Northern spotted owl	<i>Strix occidentalis caurina</i>	FT	CSC	No	No
Osprey	<i>Pandion haliaetus</i>	None	CSC	Limited	No
FISH					
Coastal cutthroat trout	<i>Oncorhynchus clarki clarki</i>	SC	None	No	No
S. OR./N. CA Coho salmon	<i>Oncorhynchus kisutch</i>	FT	T	No	No
AMPHIBIANS					
Del Norte salamander	<i>Plethodon elongatus</i>	SC	Yes	No	No
Southern torrent (=seep) salamander	<i>Rhyacotriton variegatus</i>	SC	Yes	No	No
Tailed frog	<i>Ascaphus trueii</i>	SC	Yes	No	No
Northern red-legged frog	<i>Rana aurora aurora</i>	None	CSC	Yes	Yes

Codes:

Federal Status

FE Federally endangered
 FT Federally threatened
 FC Federal candidate for listing
 FSC Federal species of concern
 FPE Federally proposed for endangered listing
 FPT Federally proposed for threatened listing

State Status

CE California endangered
 CT California threatened
 CCE California candidate for endangered listing
 CSC California species of concern (CDFG)
 CFP California fully protected

Amphibians: Table 1 lists the northern red-legged frog as potentially occurring on the property. No red-legged frogs were observed during surveys, however suitable habitat was located in the small wetland areas within the property. This species is not a protected species in Del Norte County and is locally relatively abundant. This project will have no significant impact upon the local population, as the amount of habitat within the property is limited and a 100 foot buffer will be placed around wetland habitats.

4.3 Wetland Delineation

The project is located in Del Norte county, on the extreme northwest corner of California. Plants which typically require moist, wetland soils to grow in other areas of the state can grow in upland habitats in this area. Wetland status for many plants differ between California criteria versus Pacific Northwest criteria. Both were used to help determine and demonstrate the delineation of wetlands.

The delineation between wetland and non-wetland habitats was discernable based upon vegetation and the site's visual hydrology. Potential mesic areas were first discerned from upland areas via relative elevation and hydrophytic vegetation.

No creeks or springs were located on or near the Park property. Elk Creek, the closest watercourse, is located approximately 1/5 mile to the east. The Park property does have a low drainage swale, which begins mid property and runs to the southeast. This swale has several "low spots" which may seasonally accumulate surface water, while the remainder of the property is of higher elevation. No standing water, or moist conditions of the soil, was evident during July surveys. Within the swale mesic plants were evident, indicating wetland conditions (see Figure 1, subdivision map).

Douglas' spiraea (*Spiraea douglasii*) or hardhack, was located in the lower elevation swale of the property. This species is considered a facultative-wet species in Oregon and an obligate wetland species in California, and was used as an indicator of mesic conditions. Hardhack was typically the mesic species visible along the wetland edge, with no other mesic plants beyond it. Willows (*Salix* sp) occupied a central strip of low drainage, and other mesic plants, such as slough sedge (*Carex obnupta*), were present, aiding in determining probable wetland habitats. Thus the low elevation hydrology and mesic vegetation were used to delineate wetland areas.

Using the GPS, several reference points were established where signal could be received, whereas no signal for the GPS could be logged within areas of dense overstory. From these reference points distances into the dense stands to the south were measured during searches for wetlands.

A distance of 100 feet south of reference point # 2 (GWC point #2 on Figure 1) was measured, with no wetlands found. Elevations 100 feet south of point #2 were lower, however no wetland plant indicators were found. Instead, a dense tangle of tall huckleberry (*Vaccinium ovatum*) with an overstory of spruce and some redwoods was found. Distances of 50 feet south were measured from reference points #'s 3 and 4, with no wetlands found. Reference point #4 is directly on the south property line, and a small stand of mid-size redwoods was located 50 feet south of the point. No wetlands were located in the south section of the property, or within 50 feet of the property line. No other indications of hydrology which might suggest wetlands or watercourses was found.

4.4 Sensitive Plants

No potential habitat was noted for sensitive or rare plant species as most of the property had been cleared. Non-native invasive species were prevalent, including Himalayan blackberry (*Rubus discolor*), pampas grass (*Cortaderia selloana*) and Scotch Broom (*Cytisus scoparius*). Native blackberry (*Rubus ursinus*) was found throughout the property. Native blackberry is considered a facultative - plus species in California (not necessarily indicative of wetlands), and facultative-upland for the Pacific Northwest, where in Del Norte county it grows in upland habitats as well.

The California Native Plant Society Inventory includes five lists for categorizing plant species of concern. The plants on the CNPS list 1B and 2 are considered rare, endangered, and threatened plants pursuant to Section 15380 of the California Environmental Quality Act (CEQA). The plants on these lists meet the definitions under the Native Plant Protection Act and/or the California Endangered Species Act of the California Department of Fish and Game Code and are eligible for state listing.

Table 2 lists two sensitive plant species which were recorded in the CNDDDB as potentially occurring in the assessment area (within 2 miles). Neither of these plants are State or Federally listed. The sensitive plants are *Carex* species (sedges) which were found in wet meadows or marshes in the Elk Valley area, one plant having been located in 1933 and not since. Potential habitat for these species is available on the Park property in wetland areas, however these are seasonal wetlands, and very few *Carex* were observed there.

The lack of potential habitat on this property for sensitive plant species, and the fact that all wetland habitats will be protected by 100 foot buffers, precludes the need for sensitive species plant surveys.

Table 2. Sensitive Plant Species Potentially Occurring in Assessment Area Based On 2007 CNDDDB Records.

Common Name	Scientific Name	Federal Status	CNPS List	Preferred Habitat	Habitat in Project Area?
Meadow sedge	<i>Carex praticola</i>	None	2.2	Meadows, moist to wet	Limited
Lyngbye's sedge	<i>Carex lyngbyei</i>	None	2.2	Marshes and swamps	Limited

4.5 Elk Creek Special Study Area (ECSSA)

The property is located within the Elk Creek drainage, and is therefore subject to the following conditions (1-11 below) for development. The wetlands located on this property are not a part of the Elk Creek wetlands noted in section #2 below, however a 100 foot buffer from development is recommended around all wetland habitats.

1. Performance standards shall be developed and implemented which will guide development adjacent to upland marsh areas identified in the Elk Creek Special Study so as to permit utilization of land areas compatible with other policies while providing adequate maintenance of the marsh area.
2. A buffer strip, shall be maintained in natural conditions around the Elk Creek wetlands where adjacent land uses are found incompatible with the productivity or maintenance of the wetlands.
3. New development adjacent to the Elk Creek wetlands shall not result in adverse levels or additional sediment, runoff, noise, wastewater or other disturbances.
4. Snags shall be maintained within the Elk Creek wetland for their value to wildlife.
5. No motorized vehicle traffic shall be permitted within the Elk Creek wetlands except for agriculture and forestry.
6. Riparian vegetation along the course of Elk Creek and its branch streams shall be maintained for their qualities of wildlife habitat and stream buffer zones.
7. In areas where the boundary of the Elk Creek wetland is in doubt, a detailed survey of a parcel and the location of the marsh shall be required to determine the suitability of said parcel for dwelling or other building site and sewage disposal system before a permit is issued.
8. In that the pasturelands in the lower portion of Elk Creek are subject to extensive flooding and provide valuable habitat for wildlife, they should be maintained in their existing use as agricultural grazing.
9. Vegetation and debris removal in the Elk Creek wetland shall be limited to that necessary to maintain the free flow of the drainage courses and only when excessive impediment creates flooding hazards on adjacent lands.

10. The County should encourage and support educational programs in schools, park programs and community organizations which seek to increase public awareness and understanding of sensitive habitats and the need for their protection.
11. The County should investigate the feasibility and seek funds to establish a bicycle/hiking trail along the old Hobbs-Wall railroad right-of-way in the lower portions of Elk Creek.

5.0 RECOMMENDATIONS AND MITIGATIONS

1. Buffers of 100 feet should be applied around wetland habitats as delineated on the map in Figure 2.

6.0 STAFF QUALIFICATIONS

Habitat assessment and report writing for this project was conducted by Principal Biologist, Frank Galea. Frank is the primary Biological Consultant and owner of Galea Wildlife Consulting, established in 1989. Frank is Certified as a Wildlife Biologist through the Wildlife Society. Frank's qualifications include a Master of Science Degree in Wildlife Management from Humboldt State University and a Bachelor of Science in Zoology from San Diego State University. Frank has been assessing habitat and conducting field surveys for Threatened and Endangered species for over 12 years. Frank has taken an accredited class on wetland delineation through the Wetland Training Institute, and has successfully completed a Watershed Assessment and Erosion Treatment course through the Salmonid Restoration Federation.

DEL NORTE COUNTY COMMUNITY DEVELOPMENT DEPT
981 H STREET, SUITE 110
CRESCENT CITY, CA 95531

NOTICE OF ACTION

EXHIBIT NO. 6

APPEAL NO.

A-1-DNC-07-023

PARK

NOTICE OF FINAL LOCAL
ACTION (1 of 39)

- I. Notice is hereby given that the **Planning Commission** of Del Norte County took the following action on May 2, 2007 regarding the application for development listed below:

Action: Approved Denied Continued Recommended EIR
 Forwarded to Board of Supervisors

Application Number: MS0712C

Project Description: Minor Subdivision

Project Location: South Railroad Ave, Crescent City

Assessor's Parcel Number: 117-020-52

Applicant: Harry and Lucille Park

Applicant's Mailing Address: 9600 N.E. 179th Stree, Battle Ground, WA 98604

Agent's Name & Address: Killops Land Surveying, PO Box 478, Crescent City, CA 95531

MUST BE RECORDED BY May 2, 2009

RECEIVED

MAY 04 2007

CALIFORNIA
COASTAL COMMISSION

A copy of any conditions of approval and/or findings adopted as part of the above action is attached.

II. If Approved:

- This County permit or entitlement serves as a Coastal permit. No further action is required unless an appeal is filed in which case you will be notified.

This County permit or entitlement DOES NOT serve as a Coastal permit. Consult the Coastal Zone Permit procedure section of your NOTICE OF APPLICATION STATUS or the Planning Division of the Community Development Department if you have questions.

III. Notice is given that this project:

Is not appealable to the California Coastal Commission, however, a local appeal period does exist.

- Is appealable to the California Coastal Commission.

Any appeal of the above decision must be filed with the Clerk of the Board of Supervisors by May 14, 2007 for consideration by the Board of Supervisors.

Any action of the Board of Supervisors on this item may be appealed to the California Coastal Commission within 10 working days or 21 calendar days subject to the requirements of Chapter 21.52 DNCC and Coastal Regulations.

Must be forwarded to the California Coastal Commission for final action. You will be notified of its status by the Coastal Commission Office.

(Continued on the next page)

Is not subject to Coastal Commission regulations, however, a local appeal process is available. Written appeals must be filed with the Clerk of the Board of Supervisors by N/A. Consideration will be by the Board of Supervisors.

Requests for deferment of road improvement standards or for modification of road improvement standards must be filed in writing with the Clerk of the Board of Supervisors by May 14, 2007, with a copy provided to the Secretary of the Planning Commission. Consideration will be by the Board of Supervisors.

✓ Parcel map must be filed within 24 months of the date of approval.

Record of Survey and new deeds must be filed within 24 months of the date of approval.

N/A ✓ New deeds must be filed within 24 months of the date of approval.

EXTENSIONS – MAJOR & MINOR SUBDIVISIONS OR BOUNDARY ADJUSTMENTS – Maps (or Records of Survey/Deeds) must be filed within 12 months after the original date of expiration.

NOTICE – SECTION 1.40.070

The time within which review of this decision must be sought is governed by the California Code of Civil Procedure, Section 1094.6, and the Del Norte County Ordinance Code, Chapter 1.40. Any petition seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision was made; however, if within 10 days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to no later than the 30th day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

FISH AND GAME FILING FEES

Projects subject to CEQA are also subject to the following fees as required by the California Department of Fish and Game:

Applicable Fee - Neg. Dec. (\$1,850) EIR (\$2,550) Exempt

This fee is due and payable to the County Clerk's Office. If not paid within 5 working days of the date of action of the Planning Commission, your project may be invalid by law (PRC 21089(b)) and will be referred to Fish and Game's Department of Compliance and External Audits in the Clerk's monthly deposit and report to Fish and Game.

ATTENTION APPLICANT

As a subdivider or adjuster of property, this notice is to advise you that **all taxes** must be paid in full prior to the recordation of your map or deeds. If the map or deeds are filed **after December 16th**, you must pay all taxes due **PLUS NEXT YEAR'S TAXES** before the map or deeds can be recorded.

If you have any questions regarding the payment of taxes, call the Del Norte County Tax Collector's Office at (707) 464-7283.

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BELOW ARE LISTED THE CONDITIONS OF APPROVAL FOR YOUR PROJECT. PLEASE BE AWARE THAT COMPLIANCE WITH THESE CONDITIONS, AS WELL AS ANY APPLICABLE COUNTY STANDARDS, IS YOUR RESPONSIBILITY AS THE APPLICANT. NEITHER THE PLANNING COMMISSION NOR ANY OTHER AGENCY OF THE COUNTY OF DEL NORTE WILL TAKE ANY ACTION TO COMPLY WITH THE CONDITIONS OR DO ANY OTHER WORK TO FINALIZE YOUR PROJECT. YOUR PROJECT WILL NOT BE FINALIZED UNTIL THESE CONDITIONS AND/OR STANDARDS HAVE BEEN MET. IF YOU HAVE ANY QUESTIONS REGARDING THE CONDITIONS AND/OR STANDARDS FOR YOUR PROJECT, YOU SHOULD CONTACT THE DEPARTMENT OR AGENCY WHICH REQUIRED THAT CONDITION AND/OR STANDARD

- 1) A parcel map shall be recorded with the County Clerk within 24 months of the date of approval;
- 2) The project shall comply with the requirements of the California Fire Code applicable at the time of complete application (3/07);
- 3) The project shall comply with Section 14.16.027 and Section 14.16.028 of Del Norte County Code regarding the addressing and the posting of address numbers;
- 4) Prior to recordation of the parcel map any final soils testing required by the Klamath Basin Standards shall be completed. The final location and design for the proposed Wisconsin Mound Sewage Disposal System(s) shall be prepared by a California registered engineer. These shall be submitted to the County Building Inspection Division for review and acceptance. Alternative systems (including Wisconsin Mounds) are subject to having the system inspected on an annual basis at the owner's expense. Any transfer or sale of property shall include a statement alerting the future owner to this requirement;
- 5) A note shall be placed on the map stating that, "Residents on, and owners of, the property shall be on notice that the property is located in a General Commercial neighborhood and that commercial uses are allowed on this and adjacent properties";
- 6) The parcel shall connect to community water per the City of Crescent City;
- 7) The wetland (no disturbance area) shown on the tentative map at the southwest corner of the property shall be shown on the parcel map and identified with an accompanying note which states "wetland - no disturbance area";
- 8) Pursuant to legislative action effective January 01, 2007, this project is subject to Section 711.4 of the California Fish and Game Code. This section requires that a filing fee is due and payable to the Department of Fish and Game. For projects having a Negative Declaration a fee of \$1,850 is due and for projects having an Environmental Impact Report a fee of \$2,550 is due. A project proponent who believes their project will have no effect on fish and wildlife must contact the Department of Fish and Game to obtain a form signed by a representative of the Department of Fish and Game officially exempting the specific project from this fee requirement (see Section 711.4 of the Fish and Game Code);
- 9) The owner and any subsequent owners shall be on notice that if any archaeological resources are encountered during any construction activities; such construction activities shall be halted, the Planning Division notified, and a qualified archaeologist shall be hired at the owners expense to evaluate the find;
- 10) A note shall be placed on the map stating that any future development shall be responsible to propose a cost mitigation plan for traffic signalization at the intersection of Parkway Drive and Washington Boulevard prior to any additional development of each parcel;
- 11) This entitlement is specifically conditioned on the applicant agreeing to indemnify and hold harmless the County of Del Norte, the Planning Commission of the County of Del Norte, the Board of Supervisors of the County of Del Norte, their officers, employees and agents against any and all claims arising out of the issuance of the entitlement and specifically against any expense arising from defending any legal action challenging the issuance of the entitlement, including but not limited to the value of time devoted to such defense by County officers, employees and agents and the amount of any judgment, including costs of suit and attorney fees, recovered against the County or any of its officers, employees or agent in such legal action. The County of Del Norte reserves the option to either undertake the defense of any such legal action or to tender such defense to the applicant. Should the County tender such defense to the applicant

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and the applicant fail or neglect to diligently defend such legal action, the County may consider such failure or neglect to be a material breach of this conditions and forthwith revoke this entitlement;

- 12) Prior to recordation of the parcel map, an engineered grading and drainage plan for on-site and off-site drainage improvements shall be submitted to the Community Development Department, Engineering and Surveying Division, for review and acceptance. The plan shall contain provisions, if any, for sediment and erosion control, during and after construction. The plan shall show that a surface water runoff from each parcel is channeled directly to the street drainage installations without affecting any other parcel. The plan shall be prepared by a California Registered Civil Engineer and submitted to the County Engineer for approval and include all calculations for surface water runoff. Any improvements called for in the plan shall be the responsibility of the developer and shall be constructed prior to recordation of the subdivision map. If grading is necessary, no grading shall be conducted on any parcel between October 30 and April 30;
- 13) Prior to recordation of the parcel map, Washington Boulevard East shall be improved with Cal-Trans Type A2-6 curb, gutter, 5-foot sidewalk, and storm drain (if necessary) for the full property frontage. The pavement shall be 32' wide from face of curb, to edge of pavement and shall have a structural section of a minimum 0.25 feet thick compacted asphalt concrete pavement over an engineered base. The pavement shall have 2.5% cross slope from the center of the right-of-way and slope in both directions. All improvements have to be done within the 60 feet wide road and utility right-of-way. All work shall be completed in compliance with Title 12 of the Del Norte County Code. The plan shall be prepared by a California Registered Civil Engineer and submitted to the County Engineer for approval prior to construction;
- 14) Prior to recordation of the parcel map, Railroad Avenue shall be improved with Cal-Trans Type A2-6 curb, gutter, 5-foot sidewalk, storm drain (if necessary) and asphalt pavement. Pavement shall be 20' wide from a lip of the gutter to the centerline of the Railroad Avenue right- of-way. A structural section of the pavement shall have a minimum 0.25 feet thick compacted asphalt concrete pavement over an engineered base. The pavement shall have 2.5% cross slope from the center of the right-of-way down to a lip of the gutter. The improvements shall start at the end of the fully developed street and proceed for 350 feet. All improvements have to be done within the 60 feet wide road and utility right-of-way. All work shall be completed in compliance with Title 12 of the Del Norte County Code; and
- 15) Prior to recordation of the parcel map, a turnaround shall be constructed at the end of the Railroad Avenue improvements. A turnaround may be a "terminus bulb" or "hammerhead" type with the same structural section as the access road. The minimum turning radius for the turnaround shall be forty feet from the centerline of the subject road, if "hammerhead" is used, the top of the "T" shall be a minimum of 70 feet in length. All improvement plans shall be prepared by a California Registered Civil Engineer and submitted to the County Engineer for approval prior to construction.

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Agent: Killops Land Surveying

APP# MS0712C

STAFF REPORT

APPLICANT: Harry and Lucille Park

APPLYING FOR: Minor Subdivision of a 26+/-acre parcel into four parcels and a remainder

AP#: 117-020-52

LOCATION: South Railroad Ave., Crescent City

PARCEL(S)

EXISTING

EXISTING

SIZE: 26.32 acres

USE: Vacant

STRUCTURES: None

PLANNING AREA: 7

GENERAL PLAN: GenCom

ADJ. GEN. PLAN: Same, VisServingCom, Not Zoned TPZ

ZONING: C-2

ADJ. ZONING: Same, CT, CR

1. PROCESSING CATEGORY: NON-COASTAL APPEALABLE COASTAL X
NON-APPEALABLE COASTAL PROJECT REVIEW APPEAL

2. FIELD REVIEW NOTES: DATE: 3/9/07 HEALTH DEPT BUILDING INSP X
PLANNING X ENGINEERING/SURVEYING X

ACCESS: Washington Blvd. & Railroad Ext.
TOPOGRAPHY: Flat

ADJ. USES: Commercial, Residential
DRAINAGE: Surface

DATE OF COMPLETE APPLICATION: March 15, 2007

3. ERC RECOMMENDATION: Adopt Negative Declaration. Approval with Conditions.

4. STAFF RECOMMENDATION:

Harry and Lucille Park have submitted a Minor Subdivision application for the subdivision of a 26.32-acre parcel into four parcels and a remainder. According to the submitted tentative map proposed parcel one would be .780 acres and parcel two would be .754 acres. Proposed parcels three and four would be 1.336-acres each and the "remainder" parcel would be 21.243-acres. The General Plan Land Use designation for the parent parcel is General Commercial; the Zoning designation is C-2 (Light Commercial). The project is located on the corner of Railroad Avenue extension and Washington Boulevard extension, east of the Highway 101 interchange, and between Parkway Drive and Malaney Drive. It is adjacent to the Investment Real Estate and DMV office buildings. The surrounding land is developed with commercial businesses, government offices, and senior care facilities. There is residential development further down Washington Boulevard extension, to the east of the project site. Adjacent land is zoned the same as the project parcel as well as CR (Commercial Recreational) and C-4 (General Commercial) zonings; the General Plan Land Use designation of adjacent parcels is the same as the project parcel as well as Visitor Serving Commercial.

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ACCESS

Parcels one and two will be accessed off of Washington Boulevard extension. Improvements to Washington Boulevard extension is a condition of this project. Submittal and approval of an engineered grading and improvement plan will be required prior to recordation of the parcel map. See conditions 12 and 13 below. Access to parcels three and four will be off of South Railroad Avenue. The Environmental Review Committee (ERC) met on April 12, 2007. Further review by the County Engineering and Surveying staff has subsequently resulted in added conditions number 14 and 15 which pertain to road improvements on South Railroad Avenue. These improvements include curb, gutter, sidewalk, asphalt paving and a turnaround and are to be completed prior to recordation of the parcel map.

UTILITIES

The applicant proposes to utilize city water and separate on-site sewage disposal systems for the project. A sewage disposal report has been submitted demonstrating that Wisconsin Mounds may be placed on each of the proposed parcels in the areas shown on the site plan. It is important to note that grading activities which disturb the primary or reserve disposal field areas as indicated on the site plan will alter the suitability of the existing soils and could invalidate the findings of the sewage disposal report. All connections to the City of Crescent City water system must be approved and constructed pursuant to city standards.

ENVIRONMENTAL REVIEW

On April 24, 2007, the Planning Department received a letter from CalTrans regarding possible traffic impacts to the Highway 101 and Washington Boulevard interchange from this project. This subdivision alone will not generate a significant amount of traffic; however, traffic studies of the Washington Boulevard corridor have identified the need to install a traffic signal under cumulative conditions. Because additional commercial development from this project is expected to contribute to cumulative impacts at the Washington Boulevard and Parkway Drive intersection and subsequently the Washington Boulevard/Highway 101 interchange, CalTrans suggests the County develop an equitable share mitigation fund to guarantee that funds are consistently collected for all development impacts at this location. A condition of the project approval will be a mitigation fee to go toward the purchase and installation of the traffic signalization. Although the letter from CalTrans was received after the ERC meeting on April 12, 2007 Planning staff concurs that further development in this area would generate additional traffic and therefore condition number 10 below has been added to read,

"A note shall be placed on the map stating that any future development shall be responsible to propose a cost mitigation plan for traffic signalization at the intersection of Parkway Drive and Washington Boulevard prior to any additional development of each parcel."

A response was also received from the Native American Heritage Commission regarding possible impacts or adverse change of an historical resource including archeological resources. A condition has been placed on the project notifying the owner and any subsequent owners to halt any construction activities and notify the Planning Department if any archaeological resources are found at the site (see condition no. 9 below).

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A previous review conducted under SCH#90030357 indicated no listed species or habitat of concern other than an isolated wetland at the southwest corner of the parcel which has been shown and indicated as an area of no disturbance. This will be placed on the recorded map as a note to future development. Placing this notation on the parcel map is also an added condition since the April 12, 2007 ERC meeting. Further subdividing of this parcel will require a biological assessment to determine possible impacts to this area.

Other standard conditions of approval include compliance with the California Fire Code and compliance with County Code in regard to the addressing and posting of address numbers on the individual parcels when developed.

Staff recommends that the Commission adopt the findings and approve the project with the below listed conditions.

5. FINDINGS:

- A) The project is consistent with the General Plan and Title 21 Zoning;
- B) A Negative Declaration has been prepared pursuant to the California Environmental Quality Act which the Commission has considered in reviewing the project and making its decision;
- C) An initial study has been conducted by the lead agency and responses have been made to comments received as a result of this process so as to evaluate the potential for adverse environmental impact; and
- D) The Planning Commission finds that this project would create an increase in the density and intensity of land use and would cumulatively contribute to the overall reduction in wildlife populations and habitat, the de minimus finding can not be made for this project. Therefore, the project is subject to the Fish and Game mitigation fee. The Commission further finds that this finding may be voided if the California Department of fish and Game provide in writing a statement that it determines their mitigation fee to be not applicable to this project.

6. CONDITIONS:

- 1) A parcel map shall be recorded with the County Clerk within 24 months of the date of approval;
- 2) The project shall comply with the requirements of the California Fire Code applicable at the time of complete application (3/07);
- 3) The project shall comply with Section 14.16.027 and Section 14.16.028 of Del Norte County Code regarding the addressing and the posting of address numbers;
- 4) Prior to recordation of the parcel map any final soils testing required by the Klamath Basin Standards shall be completed. The final location and design for the proposed Wisconsin Mound Sewage Disposal System(s) shall be prepared by a California registered engineer. These shall be submitted to the County Building Inspection Division for review and acceptance. Alternative systems (including Wisconsin Mounds) are subject to having the system inspected on an annual basis at the owner's expense. Any transfer or sale of property shall include a statement alerting the future owner to this requirement;
- 5) A note shall be placed on the map stating that, "Residents on, and owners of, the property shall be on notice that the property is located in a General Commercial neighborhood and that commercial uses are allowed on this and adjacent properties";
- 6) The parcel shall connect to community water per the City of Crescent City;

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- 7) The wetland (no disturbance area) shown on the tentative map at the southwest corner of the property shall be shown on the parcel map and identified with an accompanying note which states "wetland – no disturbance area;
- 8) Pursuant to legislative action effective January 01, 2007, this project is subject to Section 711.4 of the California Fish and Game Code. This section requires that a filing fee is due and payable to the Department of Fish and Game. For projects having a Negative Declaration a fee of \$1,850 is due and for projects having an Environmental Impact Report a fee of \$2,550 is due. A project proponent who believes their project will have no effect on fish and wildlife must contact the Department of Fish and Game to obtain a form signed by a representative of the Department of Fish and Game officially exempting the specific project from this fee requirement (see Section 711.4 of the Fish and Game Code);
- 9) The owner and any subsequent owners shall be on notice that if any archaeological resources are encountered during any construction activities; such construction activities shall be halted, the Planning Division notified, and a qualified archaeologist shall be hired at the owners expense to evaluate the find;
- 10) A note shall be placed on the map stating that any future development shall be responsible to propose a cost mitigation plan for traffic signalization at the intersection of Parkway Drive and Washington Boulevard prior to any additional development of each parcel;
- 11) This entitlement is specifically conditioned on the applicant agreeing to indemnify and hold harmless the County of Del Norte, the Planning Commission of the County of Del Norte, the Board of Supervisors of the County of Del Norte, their officers, employees and agents against any and all claims arising out of the issuance of the entitlement and specifically against any expense arising from defending any legal action challenging the issuance of the entitlement, including but not limited to the value of time devoted to such defense by County officers, employees and agents and the amount of any judgment, including costs of suit and attorney fees, recovered against the County or any of its officers, employees or agent in such legal action. The County of Del Norte reserves the option to either undertake the defense of any such legal action or to tender such defense to the applicant. Should the County tender such defense to the applicant and the applicant fail or neglect to diligently defend such legal action, the County may consider such failure or neglect to be a material breach of this conditions and forthwith revoke this entitlement;
- 12) Prior to recordation of the parcel map, an engineered grading and drainage plan for on-site and off-site drainage improvements shall be submitted to the Community Development Department, Engineering and Surveying Division, for review and acceptance. The plan shall contain provisions, if any, for sediment and erosion control, during and after construction. The plan shall show that a surface water runoff from each parcel is channeled directly to the street drainage installations without affecting any other parcel. The plan shall be prepared by a California Registered Civil Engineer and submitted to the County Engineer for approval and include all calculations for surface water runoff. Any improvements called for in the plan shall be the responsibility of the developer and shall be constructed prior to recordation of the subdivision map. If grading is necessary, no grading shall be conducted on any parcel between October 30 and April 30;
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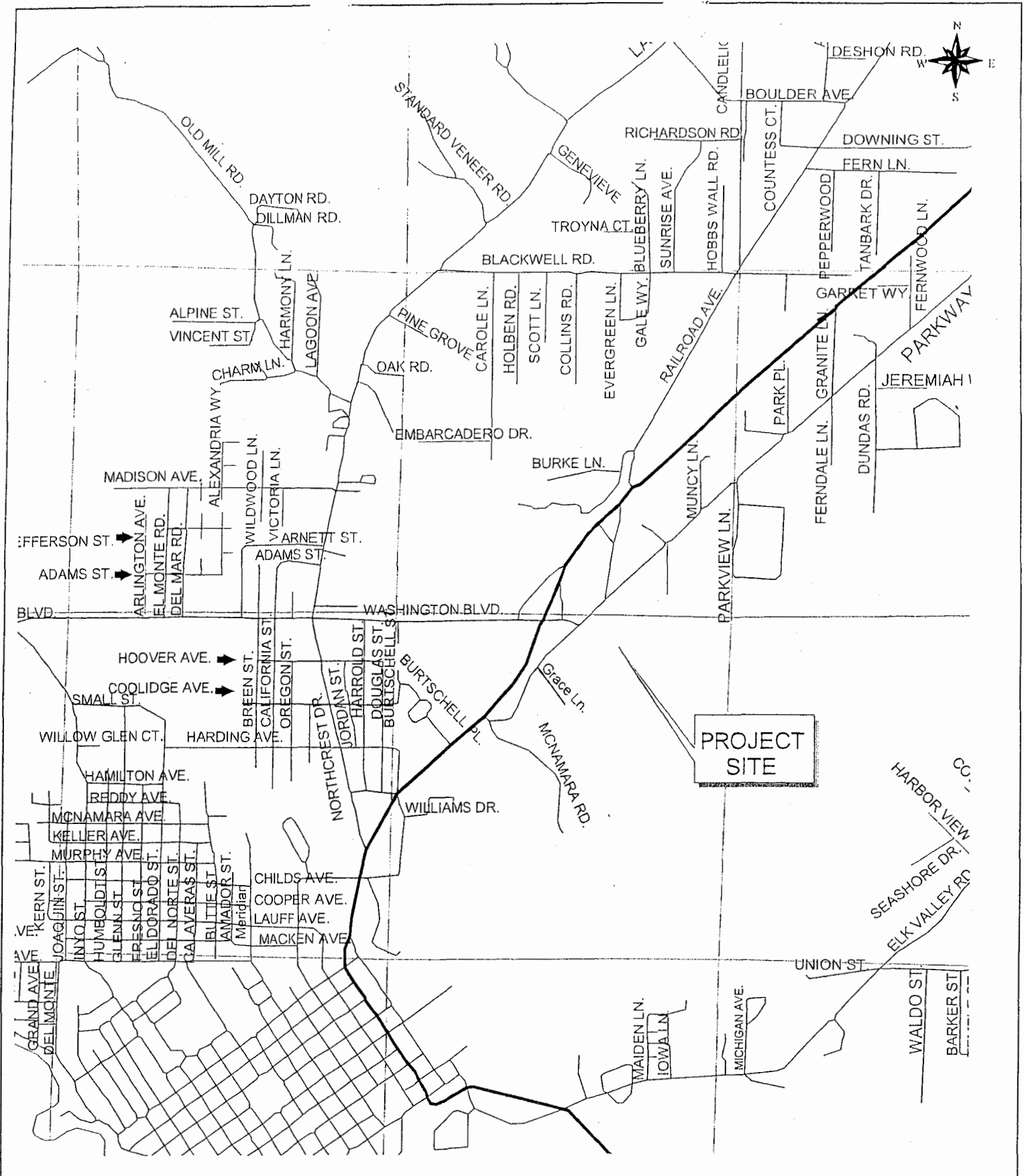
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Engineer for approval prior to construction;

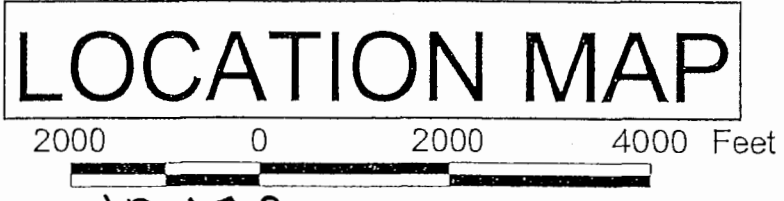
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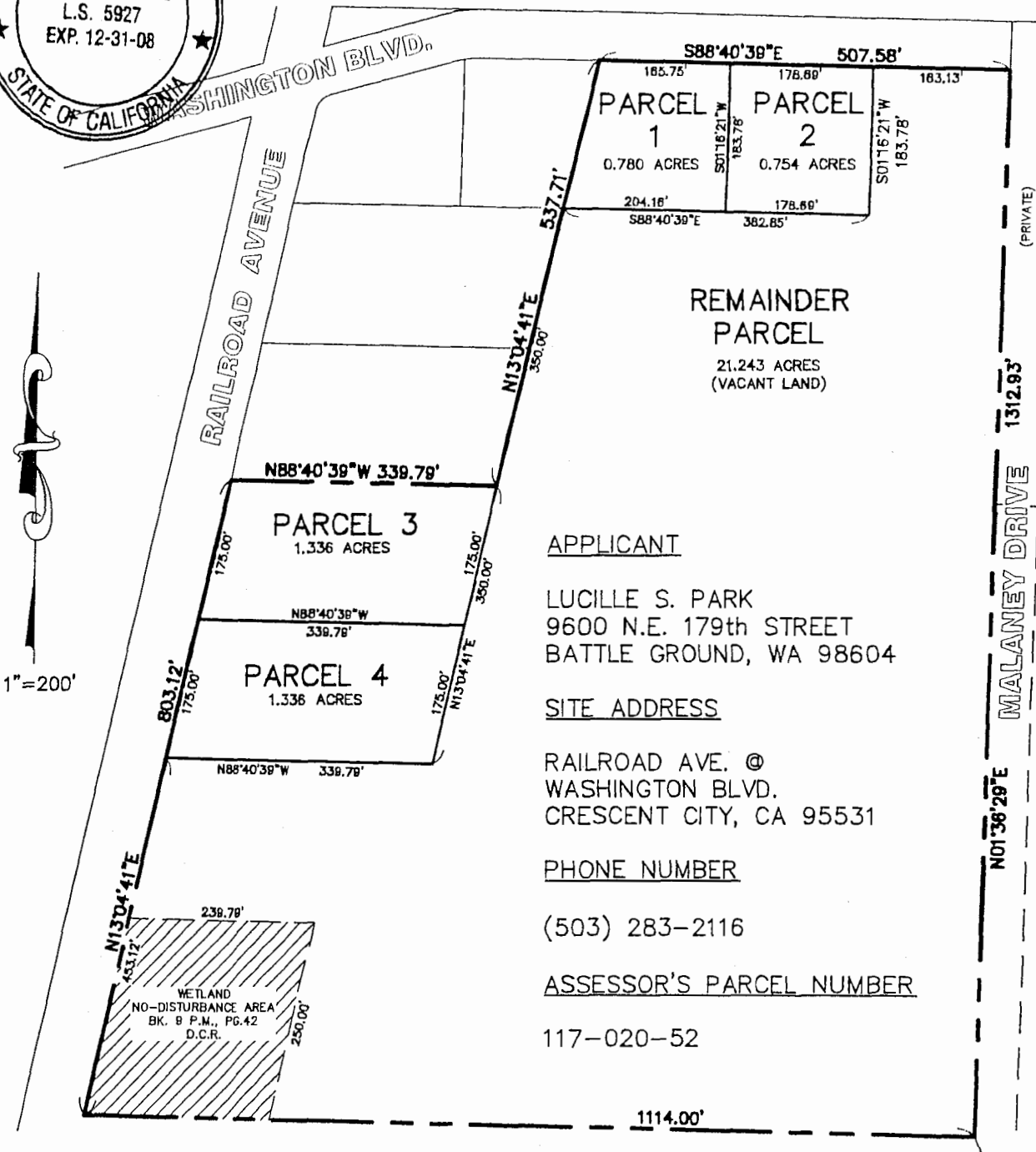
Harry Park MS0712C
 Minor Subdivision APN 117-020-52
 South Railroad Avenue, Crescent City



99 10439



PLOT PLAN



APPLICANT

LUCILLE S. PARK
9600 N.E. 179th STREET
BATTLE GROUND, WA 98604

SITE ADDRESS


RAILROAD AVE. @
WASHINGTON BLVD.
CRESCENT CITY, CA 95531

PHONE NUMBER

(503) 283-2116

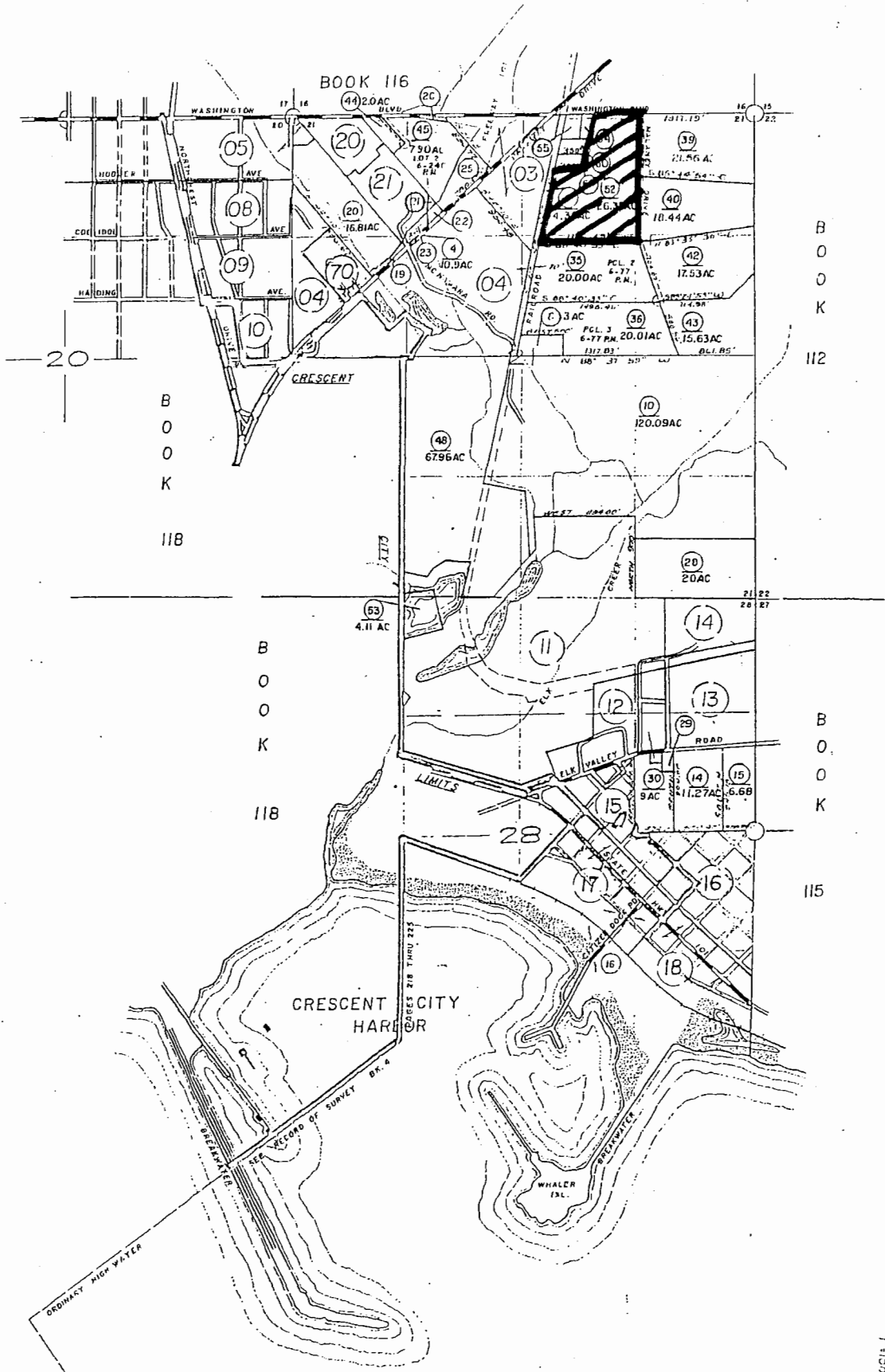
ASSESSOR'S PARCEL NUMBER

117-020-52

DATE 02/27/2007 REV: 03/22/2007	LUCILLE S. PARK PROPOSED MINOR SUBDIVISION DEL NORTE CO. APN 117-020-52 CRESCENT CITY, CALIFORNIA	KILLOPS LAND SURVEYING 264 CHILDS AVENUE CRESCENT CITY, CA 95531 TEL: (707) 465 - 6364 "Know Your Boundaries"
DRAWN BY MEK		
PROJECT NO. 07-101	 MARK E. KILLOPS LS 5927	

THIS IS NOT AN OFFICIAL MAP
FOR ASSESSMENT PURPOSES ONLY

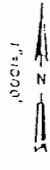
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Harry Park

MS0712C



117-02

APPENDIX G

Environmental Checklist Form

1. Project title: Harry and Lucille Park Minor Subdivision –MS0712C
2. Lead agency name and address:
Del Norte County Planning Department
981 H Street, Suite 110
Crescent City, CA 95531
3. Contact person and phone number: Cheri Horton (707) 464-7254
4. Project location: South Railroad Avenue, Crescent City
5. Project sponsor's name and address:
Mark Killops
Killops Land Surveying
264 Childs Avenue.
Crescent City, CA 95531
6. General plan designation: C-2
7. Zoning: General Commercial
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Minor Subdivision of a 25.45 +/--acre parcel into four parcels and a remainder. The approximate acreage of the proposed new parcels are as follows: .78 acres – parcel one, .75 acres – parcel two, 1.34 acres for parcel three and four. The remainder parcel will have an area of approximately 21.24 acres. The parcel has a zone designation of C2 (Light Commercial Business) and a General Plan Land Use of General Commercial. The parcel is undeveloped at this time. Future development would be served by public water and onsite sewage disposal systems. Testing done by Grey Sky Engineering indicates all parcels will be utilized by Wisconsin Mound sewage disposal systems. Parcels three and four front on South Railroad Avenue where an existing water main is in place. Parcels one and two front on Washington Boulevard extension and it will be necessary to extend the water main to serve these parcels. A wetland no-disturbance area has been identified on the southwest corner of the parcel. This area is indicated on the tentative map and a review was conducted under a previous project, SCH# 90030357. Other than the isolated wetland area the review indicated no listed species or habitats of concern. A report on a previous subdivision by Brown Construction (MS9109C) has indicated this area as a low, seasonal wetland. The wetland area will remain on the 21.24 remainder parcel and is not proposed to be disturbed as a result of this project. However, a biological assessment has not recently been conducted for the area, therefore, further subdivision of the remainder parcel would require a new biological assessment. The surrounding land is developed with commercial business, government office and a senior care facility. Access to parcels one and two will be off of Washington Boulevard extension while parcels three and four will be accessed off of South Railroad Avenue

extension.

9. Surrounding land uses and setting: Briefly describe the project's surroundings: Commercially designated lands surround the parcel to the north, south and west. Adjacent land is zoned the same as the project parcel as well as Commercial Recreational (CR) and General Commercial (C-4). The General Plan Land Use designation of adjacent parcels is the same as the project parcel as well as Visitor Serving Commercial. Lands designated as wetland no-disturbance area lies on the southwest portion of the remainder parcel. The parcel is located within the County's Urban Boundary in an area of commercially developed parcels.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Del Norte County Health Department, Del Norte County Engineering and Surveying Division, Crescent Fire Protection District, and the Del Norte County Building Inspection Division

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"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <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/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

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 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 the 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.

Cheri Horton
Signature

March 20, 2007
Date

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The project site is not visible from a designated scenic area and is located within an area of commercial development. No scenic vistas have been identified on-site or within the project area. The project site is located in a commercial setting surrounded by other commercially designated lands some of which are developed and others that are not developed. The project will not change the scenic views or vistas from existing commercial areas, public lands, or roads.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. The project site is not located in proximity to a designated state scenic highway area. There are no identified scenic trees, rocks, historic buildings near the building site, or other prominent site features that would be affected by the proposed project.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

No impact. There should be no impact in the quality of the site and its surroundings since it is an area zoned for commercial land use.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No impact. The proposed project may result in commercial uses which may require some exterior lighting. Any lighting proposed as part of any future building permit application would be required to comply with Title 20 – Del Norte County Code Section 20.48.060 which requires all direct light confined to the subject premises. Light and glare would therefore be insignificant.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- 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?

No impact. No agricultural lands are located on the site. (Del Norte County General Plan Land Use Map (Crescent City) and Del Norte County Zoning Maps (C-9)) The project site is not designated as farmland under the Farmland Mapping and Monitoring Program of the California Resources Agency. Thus, no impact on important farmlands would occur with the proposed project.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The land use designation and zoning for the subject property is consistent. (Del Norte County General Plan, Title 20 Del Norte County Code - Zoning) The site is designated as C-2 (Light Commercial Business) according to Del Norte County Zoning Map C-9. The General Plan Land Use designation for

the parcel is General Commercial. No agricultural lands have been identified on site. No impact on agricultural resources or operations would result from the proposed project.

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No impact. The subject property is not designated as agricultural land. The project will not result in any agricultural conversion since the site is designated for light commercial uses.

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:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

No impact. The proposed project would not conflict with the major goals of the Del Norte County General Plan; would not lead to population growth; and would not increase vehicle miles traveled to a rate higher than the population growth. The proposed project is not a major source of nitrogen oxides or ozone since it is the division of commercial zoned land into four separate legal parcels and a remainder. As individual projects are proposed for the parcels evaluations will be conducted to determine whether the project would conflict with an air quality plan.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No impact. Air pollutant emissions associated with the proposed project would be limited to emissions from construction activities related to any road improvements that may be required in order to record the parcel map. The amount of emissions would not violate any air quality standard or contribute substantially to a projected air quality violation. The area is designated for light commercial uses. If a future commercial use on any of the proposed parcel may have an impact on the environment, including contributing substantially to a projected air quality violation, an environmental review would be required to address the potential impact.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

No impact. Presently, the only criteria pollutant in which the County is non-attainment for is PM-10 (particulate matter – 10 microns in size). The general source of PM- 10 is wood burning and vehicular

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emissions. The proposed project should not have a substantial impact on wood burning or vehicular emissions. See response for III (b) with regard to a future commercial use triggering an environmental review under the California Environmental Quality Act if there is potential for an impact to the environment.

d) Expose sensitive receptors to substantial pollutant concentrations?

No impact. Emissions from the project would include on-site construction emissions, off-site emissions from vehicle trips generated by the project and emission from energy consumption related to the construction of any improvements required to record the Parcel Map. Future commercial uses would be evaluation on a case-by-case basis for potential environmental impact. See response for III(c).

e) Create objectionable odors affecting a substantial number of people?

No impact. The proposed project would not handle large quantities of solid waste materials, chemicals, food products, or other odorous materials, and has no potential to create objectionable odors since it is for the division of commercial zoned land into four separate legal parcels. The only activity that may occur would include the construction of road improvements, which is unlikely to create objectionable odors for a substantial number of people. Thus, no impact in terms of odors is expected. As for future commercial development on the proposed parcels, light commercial (C-2) uses in general do not result in odors since projects that are of an odorous nature are limited to Manufacturing and C-4 (Heavy Commercial) Zone Districts.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No impact. An isolated wetland no-disturbance area has been identified on the remainder parcel. Reviews for previous projects in the area have indicated this area is a low, seasonal wetland and no unique or rare species have been identified as living on or near the specific project site. Further subdivision of the remainder parcel would require a biological assessment.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

No impact. The area designated wetland will not be disturbed as a result of this project. The closest proposed parcel is approximately 200 feet north of this wetland area. Also, see response for IV (a).

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. See response for IV (a) and (b).

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?

No impact. The proposed project is not expected to affect wildlife dispersal or migration that would occur within the project site.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No impact. The project site is located outside designated natural resource areas such as marshlands, baylands, salt ponds, creeks, rivers, and watersheds. No adverse impacts on the area's biological resources are anticipated with the proposed project. It is the policy of the County to follow any State or Federal laws with regard to the protection of biological resources.

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?

No impact. There project would not conflict with any known conservation plans.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?

No impact. The project site is not located in an area designated for historic sensitivity in the Del Norte County General Plan. No structures were identified on the entire parcel. No adverse impact on historical resources in the County would occur with the project. Based on adjacent reviews of land it is the

County's conclusion that there is a low probability of finding sites or other evidence of human historic or cultural activity in the area.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?

No impact. Any surface archaeological resources that may have been present prior to development are not expected to be found at the site due to ground surface disturbance associated with construction of the existing structures on the adjacent parcels and grading of the existing landscape. Any new construction should only involve limited grading to prepare the site for new buildings and road improvements.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No impact. The potential for paleontological resources on site is considered low. Limited grading will be necessary to prepare the parcels for commercial development. There is no evidence that paleontological resources exist at this location. No impact on paleontological resources is expected.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

No impact. No impact on human remains is expected to occur with proposed project.

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No impact. The area is not included in any Alquist-Priolo mapping.

- ii) Strong seismic ground shaking?

No impact. The project will not result in significant exposure of people or structures to substantial adverse risk. No active or potentially active earthquake faults have been identified within Del Norte County that would cause strong seismic ground shaking.

- iii) Seismic-related ground failure, including

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liquefaction?

Less than significant impact. The area is identified by the County Seismic and Safety Element as possibly being subject to liquefaction, it is not identified on USGS mapping as an area subject to liquefaction risk. Any future development is required to adhere to the Uniform Building code and meet the minimum seismic standards for the area.

iv) Landslides?

No impact. The project site is not located in an area that would be subject to landslides.

b) Result in substantial soil erosion or the loss of topsoil?

No impact. The site is not located in an area with soil creep. It is also outside areas with very weak soils, which include baylands and streambeds. The foundations for any future buildings would involve limited grading and excavation. Thus, the proposed project would not result in substantial soil erosion or loss of topsoil.

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?

No impact. There is no known site history of hazards associated with landslide, lateral spreading, subsidence, liquefaction, or collapse at the project site. Thus, the project is not expected to be exposed to these hazards.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No impact. Standard and approved engineering practices shall be implemented during any excavation and construction activities. These measures will ensure that proposed buildings are structurally sound and future users are not exposed to geologic hazards.

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?

No impact. A soils analysis report has been prepared for all proposed parcels. The report indicates that all proposed parcels have soils that are adequate for onsite sewage disposal systems.

VII. HAZARDS AND HAZARDOUS

MATERIALS B Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?



No impact. The proposed project would not use, generate, transport or dispose of hazardous material, nor be involved in the generation or handling of hazardous materials in quantities which may create public health hazards. If a future commercial use on any of the proposed parcels does create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, it would be addressed through a separate environmental review specific to the proposed commercial use as required by CEQA.

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?



No impact. The proposed project is not anticipated to handle any hazardous materials in large quantities that may create risks of upset conditions. Thus, no impact regarding the release of hazardous materials into the environment is expected from the project. Refer to response for VII (a). The uses permitted under C-2 are generally light in nature.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?



No impact. The proposed project would not handle hazardous materials or emit hazardous emissions that may create public health hazards to residents or to adjacent neighbors. Thus, no impact regarding hazardous emissions is expected from the project. Also see response for VII (a).

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?



No impact. The project, which is the division of commercial zoned land does not result in the handling of hazardous materials. The project site is not presently included on a list of hazardous materials compiled to the above referenced Government Code Section.

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?

No impact. The project site is located over two miles east of McNamara Air Field in Crescent City. The project site is not located in an established flight path and as such there is a less than significant chance that the project would result in a safety hazard for people working in the project area.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No impact. There are no private airstrips near the project site. As such, the project would not result in a safety hazard for people residing or working in the project area.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The proposed project would not interfere with emergency response to the site or the surrounding area.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less than significant. The subject parcel is located within a designated Wildland Hazard Area as identified by the California Department of Forestry and Fire Protection. All work will be subject to review and approval by the Crescent Fire Protection District.

VIII. HYDROLOGY AND WATER QUALITY -
- Would the project:

a) Violate any water quality standards or waste discharge requirements?

No impact. Project activities, on-site would not generate any significant runoff pollutants. Stormwater runoff would be limited to rainfall onto graveled and/or paved areas and is not expected to violate water quality standards. It is the policy of the County to follow existing and future Federal and State water quality standards. An engineered grading and drainage plan will be a condition of the project approval. The plan will be address on-site and off-site drainage and will subject to review by the County Engineer. Depending on the scale of the future commercial uses on the proposed parcels, additional environmental review may be required to address potential impacts related to the specific project that may affect water quality standards or waste discharge requirements.

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?



No impact. The project will be connected to community water from Crescent City water system and will not eliminate or severely limit use of water for existing and future development in the area.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?



No impact. The proposed project includes minor clearing and grading necessary for the improvement of access ways to the site. Runoff from the site would be minor. No alterations of any stream or river or other drainage pattern would occur that would cause substantial erosion or siltation.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?



No impact. The decrease in the amount of ground percolation and an increase in the amount of runoff to storm drains would not be significant. The increase in the amount of runoff is not expected to be so substantial as to cause flooding. An engineered drainage and grading plan will be a condition of the project to ensure that potential flooding is avoided.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?



No impact. The increase in runoff volume that would occur due to the proposed project would lead to the direction of stormwater runoff towards drainage ditches adjacent to the project site. Specific details regarding water runoff will be addressed in the required engineered grading and drainage plan. The increase in runoff from the site is not anticipated to be substantial enough to cause area flooding. Any future projects on the proposed parcels will be evaluated by the County Engineering and Surveying Division to determine if additional study and/or environmental review should be required in order to hold the project application complete.

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f) Otherwise substantially degrade water quality?

No impact. The proposed project would not generate, handle or dispose of hazardous materials in quantities, which may affect stormwater runoff quality.

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No impact. The parcel is not located within a designated Zone A 100-year flood hazard area based on a review of Flood Insurance Rate Maps prepared by FEMA. (Community Panel Number 0650250100C, effective 7/3/1986).

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No impact. The site is located outside areas designated within a designated 100-year flood hazard area. The proposed projects access will not impede or redirect stormwater runoff or any flood flows except to storm drains/drainage ditches.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No impact. The project site is located outside designated dam inundation as shown on the County Safety and Safety Hazard Element. Thus, no significant risk of loss, injury or death involving dam inundation would occur with the proposed project.

j) Inundation by seiche, tsunami, or mudflow?

No impact. The project site is located inland and is not subject to seiche or tsunami hazards. The site is also located on relatively flat terrain and no mudflow hazards are present in the area. No dams are located near the site which may pose inundation hazards.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

No impact. The proposed project would not divide any community, designated planning area or surrounding area.

b) Conflict with any applicable land use plan,

policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. The project site is located within the Crescent City Urban Planning Area and is designated as General Commercial in the Del Norte County General Program. The site is zoned C-2 (Light Commercial) in the Del Norte County Code – Chapter 20 - Zoning. Residential development is a permitted use in a C-2 zone subject to securing of a County Use Permit. The proposed project would not change the land use on the subject parcel. The proposed project would not conflict with any regional land use or environmental plans. No environmental plans or policies of state or regional agencies are directly applicable or would be affected by the proposed project.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No impact. The project site is located in an urbanized area of Del Norte County and is not designated under County adopted conservation plan. The remainder parcel has an isolated area designated as a wetlands no-disturbance area but it would not be disturbed as a result of this project.

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No impact. The project site is not located in an area designated to have significant mineral resources, as defined by the California Department of Conservation under the Surface Mining and Reclamation Act. The proposed project would not affect mineral resources in the area.

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?

No impact. The project site and the surrounding area are not subject to mineral resource recovery operations. Thus, the proposed project would not affect mining operations elsewhere in the County.

XI. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

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No impact. The subject parcel is not located within the County's Noise Attenuation Zone for mitigation of noise related to highway generation.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

No impact. On-site construction activities would create noises from construction equipment and vibration from grading activities. Noise levels from construction equipment range from 65 to 105 DBA at 50 feet from the noise source. Future projects on the proposed parcels will be reviewed to determine whether persons will be exposed to excessive noise levels. It is not anticipated considering the lighter commercial nature of the zone district which restricts uses which are not compatible with central business type commercial uses.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

No impact. The land division should have no increase on noise levels from vehicular traffic as no new commercial use is presently proposed on the four proposed parcels. No new capacity is proposed with the project. The project's contribution to the existing noise level would not be perceptible. Again, as stated elsewhere in this study, future uses will be reviewed for compatibility with the C-2 Zoning.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No impact. The proposed project would not involve a significant increase in noise levels. Also, see response above.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No impact. The proposed site is located more than two miles from McNamara Air Field in Crescent City. As such, the project will not expose people working in the project area to excessive noise levels.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No impact. There are no private airstrips located near the site which may expose residents to excessive noise levels. The proposed project would not increase on-site exposure to aircraft noise.

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No impact. The proposed project is for the division of commercially designated land into four parcels and a remainder. The sizes of the proposed parcels limit the ability for them to substantially increase population in the area.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No impact. The proposed project would not displace any housing units located near the site. The project involves no change in housing either on-site or off-site. Adjacent housing units would not be demolished, and no displacement would occur with the project.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No impact. The proposed project would not displace households or residents of the area.

XIII. PUBLIC SERVICES

a) 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:

Fire protection?

No impact. The proposed project would increase demand for fire protection services in case of a fire emergency based on the future addition of residential and commercial use. Compliance with the requirements of the Uniform Fire Code for fire safety and fire emergency response would avoid the potential for significant impacts on fire protection services. The project will also be subject to review and approval by the Crescent Fire Protection District. Future building permit applications for specific development projects on the proposed sites will be review by the Crescent Fire Protection District as well.

Police protection?

No impact. The project would not result in the need to alter or expand police service in the area and would not have an adverse effect on existing police service or response times. Future development on the three proposed parcels may have a less than significant demand on police services.

Schools?

No impact. At this time there is no residential component to the project. As such, there is no impact to schools.

Parks?

No impact. The proposed site is not a designated park within the County.

Other public facilities?

No impact. The project is not expected to lead to the need for new governmental services or is it expected to create a demand for other public facilities.

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No impact. The proposed project would result in little to no increase in the use of existing neighborhood and regional parks or other recreational facilities. The impact is not expected to be significant.

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

No impact. The proposed project would not result in a substantial increase in users of existing neighborhood and regional parks or other recreational facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e.,

result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

No impact. Although the proposed project would lead to additional vehicle trips in regards to future commercial development it would not be considered significant. Depending on the type of possible future commercial development separate reviews for traffic impacts may be required.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?



No impact. The LOS is not expected to change as a result of the project. See response to XV(a) as to current and future evaluations for development applications on all proposed parcels.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?



No impact. The proposed project would not involve air transportation nor affect air traffic at any airports. Thus, no impact on air traffic patterns would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?



No impact. No hazards due to design features or incompatible uses are anticipated. Any proposed encroachments would be reviewed by the County Engineering and Surveying Division to assure that no safety hazards exist as a result of the project.

e) Result in inadequate emergency access?



No impact. Adequate emergency vehicle access would be provided to the site from an existing access off of Washington Boulevard. The proposed project would not alter emergency access to properties surrounding the site. Thus, emergency access to the site or to adjacent uses would not be affected by the proposed project. The subdivision will be subject to review by the Crescent Fire Protection District for compliance with minimum fire safe standards. As such, road improvements may be a condition of the subdivision.

f) Result in inadequate parking capacity?



No impact. The proposed project will have no affect on parking capacity.

g) Conflict with adopted policies, plans, or

programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?



No impact. The proposed project will not conflict with any adopted policies, plans or programs supporting alternative transportation or will it impact any bus turnouts or bicycle racks.

XVI. UTILITIES AND SERVICE SYSTEMS --
Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?



No impact. The proposed project would not result in generation of wastewater which exceeds the treatment requirements of the Regional Water Quality Control Board. Actual development applications will have to be reviewed to determine whether they exceed wastewater treatment requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?



No impact. The project may result in the mandatory hook-up to water. There is current existing capacity with the City of Crescent City's water system for the additional usage. Conventional onsite sewage disposal will be utilized on all the parcels.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?



No impact. This project will not require the construction of new storm drainage facilities. Therefore, no impacts associated with storm water drainage facilities would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?



No impact. The estimated water use is not considered a substantial amount to require new sources or entitlements to local or regional water supplies.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected



demand in addition to the providers existing commitments?

No impact. No new or expanded facilities are required by the project.

f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?

No impact. Solid waste disposal needs for future uses on the parcels can be accommodated by the Del Norte County Transfer Station.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

No impact. No conflict with solid waste regulations is expected.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

32439

GRAY SKY ENGINEERING INC.

1339 NORTHCREST DR.
CRESCENT CITY, CA 95531
707-464-9490

LUCILLE & HARRY PARK
9600 N.E. 179th STREET
BATTLE GROUND, WA 98604

Project Number: 7011

February 25, 2007

RE: APN 117-020-52

Dear Mr. and Mrs. Park,

You recently retained Gray Sky Engineering to perform an on-site sewage disposal evaluation for the proposed subdivision of the subject parcel. The parcel is located at the intersection of Washington Blvd and Railroad Ave. Extension, in Crescent City, California. Based upon our investigation it is my opinion that a suitable on-site sewage disposal system plus a reserve area can be situated on all four of the proposed parcels as indicated by the attached site plan. This report conforms to the Del Norte County On-site Sewage Disposal Ordinance. The observations and recommendations included in this report are based on the conditions observed at the time of the investigation.

A site investigation was conducted on February 21, 2007 during wet-weather season as determined by the Health Department. Leon Perrault, REHS, from the Del Norte County Health Department was present during a portion of the investigation of the profile holes. All Test Holes (TH-1 thru TH-8) were dug with a backhoe to a depth between 8 and 9 feet below ground surface (bgs).

Percolation testing was performed for TH-1 thru TH-8 on February 21, 2007. Since the work was performed during the wet weather season, a 1 hour presoaking of the test holes was performed. The bottom of each percolation test hole was at a depth of approximately 24 inches below the ground surface. Stabilized percolation rates of 5 to 11 minutes per inch (MPI) were observed.

Based on the apparent separation distance to the water table, observed percolation rates, and our calculations, a Wisconsin Mound may be placed on each of the proposed parcels in the areas as shown on the attached site plan. Based on our calculations, there is sufficient room on the lots to site both a primary and reserve field. Attached are our field data and calculations. It is our understanding that the proposed development will be served by community water.

Please be informed that grading activities which disturb the primary or reserve disposal field areas as indicated on the site plan will alter the suitability of the existing soils and could subsequently invalidate the findings of our report. In addition, the placement of future improvements including but not limited to wells and water lines must adhere to the Del Norte County On-site Disposal Ordinance with respect to setbacks.

We trust this provides the information you require. Please feel free to contact me if you have any questions.

Regards,

GRAY SKY ENGINEERING INC.



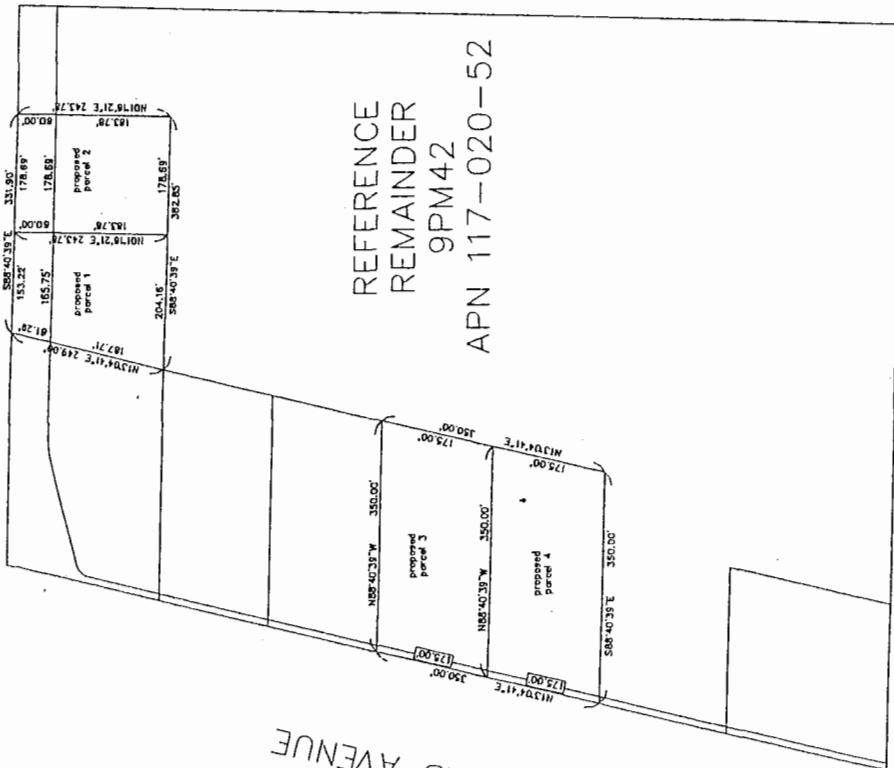
Erik Weber, PE

Attachment (34 Pages)

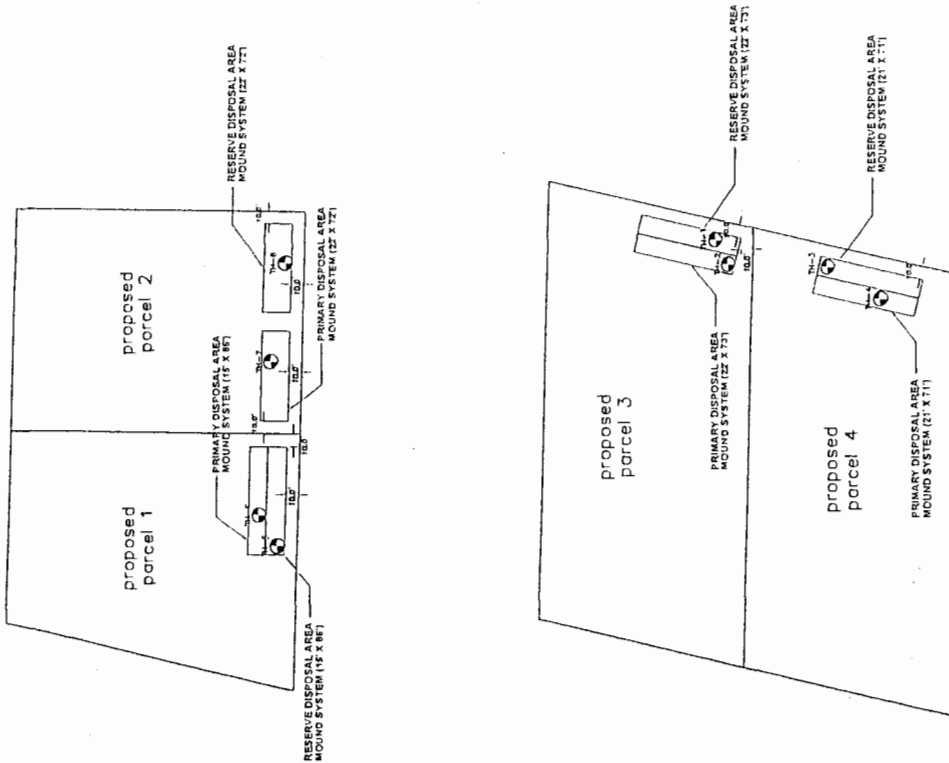


33 of 39

WASHINGTON BLVD



MALANY DRIVE



Scale	1" = 100'
Date	02/23/01
Drawn By:	EKV
Designed By:	
Checked By:	
Project No.	7011
Drawing No.	C-1
Sheet No.	3 of 35

Rev.	Description	Date

SDS EVALUATION
LUCILLE & HARRY PARK
117-020-52
SITE PLAN

GRAY SKY
ENGINEERING INC
1338 NORTH
DRIVE
CERRITOS
CA

94
b287c

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



March 30, 2007

Cheri Horton
 Del Norte County
 961 H Street, Ste 110
 Crescent City, CA 95531

RE: SCH# 2007032132, Harry and Lucille Park-Minor Subdivision; Del Norte County.

Dear Ms. Horton:

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. Sacred Lands File check completed, no sites indicated
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
 Associate Governmental Program Analyst
 (916) 653-4040

CC: State Clearinghouse

RECEIVED

APR - 3 2007

PLANNING
 COUNTY OF DEL NORTE

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Native American Contacts

Del Norte County

March 30, 2007

Elk Valley Rancheria of Smith River Tolowa
Dale Miller, Chairperson
2332 Howland Hill Road Tolowa
Crescent City , CA 95531
dmiller@elk-valley.com
(707) 464-4680
(707) 464-4519

Elk Valley Rancheria of Smith River Tolowa
Glen Gary, Tribal Administrator
2332 Howland Hill Road Tolowa
Crescent City , CA 95531
tgoodman@elk-valley.com
(707) 464-4680
(707) 464-4519 Fax

Smith River Rancheria of California
Kara Brundin-Miller, Chairperson
140 Rowdy Creek Road Tolowa
Smith River , CA 95567
kara.miller@tolowa-nsn.gov
(707) 487-9255
(707) 487-0930 Fax

Elk Valley Rancheria of Smith River Tolowa
John Green, Cultural & Natural Resources Committee
2332 Howland Hill Road Tolowa
Crescent City , CA 95531
rmartell@elk-valley.com
(707) 464-4680
(707) 464-4519 Fax

Melochundum Band of Tolowa Indians
P.O. Box 388 Tolowa
Fort Dick , CA 95538

Smith River Rancheria of California
Russ Crabtree, Tribal Administrator
140 Rowdy Creek Road Tolowa
Smith River , CA 95567
srindian@gte.net
(707) 487-9255
(707) 487-0930 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007032132, Harry and Lucille Park-MInor Subdivision; Del Norte County.

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P.O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-2009
FAX (707) 441-5869
TTY (Teletypewriter #707-445-6463)



Flex your power!
Be energy efficient!

April 24, 2007

1-DN-101-28
MS 0712C
SCH# 2007032132

Cheri Horton
Community Development Department
County of Del Norte
981 H Street, Suite 110
Crescent City, CA 95531

Post-It® Fax Note	7671	Date	4/24/07	# of pages	2
To	Cheri Horton	From	Jesse Robertson		
Co./Dept.	Planning	Co.	Caltrans		
Phone #	707-464-7254	Phone #	441-2009		
Fax #	465-0340	Fax #	441-5869		

Dear Ms. Horton:

Thank you for giving us the opportunity to comment on the negative declaration for the Park Minor Subdivision. The applicant proposes to create 4 parcels and a remainder from a 26-acre lot. The parcel is zoned light commercial business and is located on the corner of Railroad Ave and Washington Blvd, east of the US 101 interchange outside the Crescent City city limits. We have the following comment:

- The environmental document has made the finding that traffic impacts from this project are not expected to be significant or cumulatively significant, however, traffic studies of the Washington Boulevard corridor have identified the need to install a traffic signal under cumulative conditions. Because the need for mitigation has been identified and because additional commercial development is expected to contribute to cumulative impacts at the intersection, we recommend that an equitable share of the cost for mitigation be determined and assessed to the applicant. This would ensure that fair-share funds are consistently collected for all development impacts at this location.
- We request to review the conditions for approval for this project, as stated in the staff report for the project, and we request to review any program established to collect traffic mitigation funds for the intersection of Railroad Ave and Washington Boulevard.

If you have questions or need further assistance, please contact me at the number above or contact Lezlie Kimura of District 1 Community Planning at (707) 441-4542.

Sincerely,

Jesse Robertson
Associate Transportation Planner
District 1 Community Planning

"Caltrans improves mobility across California"

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Ms. Cheri Horton
04/24/07
Page 2

c: Scott Morgan, State Clearinghouse



377 J STREET

CRESCENT CITY, CALIFORNIA 95531-4025

Administration/Finance: 707-464-7483

Public Works/Planning: 707-464-9506

Utilities: 707-464-6517

FAX: 707-465-4405

February 22, 2007

Mrs. Lucille S. Park
9600 N.E. 179th Street
Battleground, WA 98604

Re: Minor Subdivision on corner of Railroad Ave. & Washington Blvd., APN 117-020-52


To Whom It May Concern:

This letter is written in response to your request for water service to the above subject property.

Water service will be available to the above-mentioned minor subdivision and can be obtained at the time a building permit is secured for the project needing the water service. In order to serve this parcel with water the city's water main line needs to be extended down Railroad. This needs to be done by a licensed contractor to city standards.

I hope this provides the information you need. If you have any further questions, please feel free to contact the undersigned.

Sincerely,


Jim Barnts
Director of Public Works

JB:lj

39 of 39

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

FAX - 707-445-7877

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

SECTION I. Appellant(s)

RECEIVED

MAY 31 2007

Name, mailing address and telephone number of appellant(s):

Friends of Del Norte

P.O. Box 229

Gasquet CA 95543

(707) 465-8904

Zip

Area Code

Phone No.

CALIFORNIA
COASTAL COMMISSION

SECTION II. Decision Being Appealed

1. Name of local/port
government:

Del Norte County

2. Brief description of development being
appealed:

(Park) - Minor Subdivision 26 acres into
4 parcels + remainder

MS0712C

3. Development's location (street address, assessor's parcel
no., cross street, etc.):

APN 117-020-52
South Railroad Ave, Crescent City

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: _____

c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT NO. 7
APPEAL NO.
A-1-DNC-07-023
PARK
APPEAL (1 of 6)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: hearing May 2 2007

7. Local government's file number (if any): MS0712C

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

*Lucille & Harry Park
9600 N.E. 179 Street
Battle Ground, WA 98604*

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) *Eileen Cooper
1093 Hwy 101 N #18
Crescent City CA 95531*

(2)

(3)

(4)

*Section IV Reasons Supporting this Appeal
as attached*

2 of 6

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

As attached - 3 pages
hardcopy of photo will be mailed -
for clarity.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

E. Signature on File
Signature of Appellant(s) or
Authorized Agent

Date May 29, 2007

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

3 of 6

Date _____

Friends of Del Norte, *Committed to our environment since 1973. A nonprofit, membership based conservation group advocating sound environmental policies for our region.*
PO Box 229, Gasquet, CA 95543, e-mail: friendsdelnorte@yahoo.com



May 29, 2007

ATT: California Coastal Commission, Jim Baskin, FAX: 707-445-7877

REGARDING: Coastal Appeal in opposition to MS0712C

Lucille and Harry Park, APN 117-020-52, South Railroad Ave

Investigation of the stream and wetland characteristics is needed to prevent ESHA impacts.

Both wetlands and riparian areas are considered ESHA within Del Norte County LCP.

According to County staff, this is an undeveloped remainder parcel, and no biological assessment or wetland delineation for this project has been presented.

The LCP requires a standard 100 foot buffer from ESHA wetlands. This is the primary tool of the to protect ESHA and water quality. The LCP states that ESHAs shall be protected against any significant disruption of habitat values.

From County aerial photo dated May 13, 2006, as attached, there are several central wetland drainages that were not indicated by plans or staff report. These wetland areas appear to be a part of the Elk Creek drainage system, and they trend in a natural alignment to other Elk Creek drainages. These central wetland areas can be seen to have visible standing water on the May 13, 2006 aerial photos. The soils of this parcel and surrounding the wetland drainage appear very dark on aerial photos and indicate the probability of extensive wetlands.

County has stated, they believe these are man-made wetlands.

Investigation of the extent of the wetlands is needed to provide adequate 100 foot buffers, consistent with the LCP. The project may actually be atop the Northwest end of the wetlands in question. No biological assessment or wetland delineation for this project has been presented. Wetland delineation to Coastal Standards is necessary. *Previous evaluation is incorrect.*

On site, there are vehicle tracks and ruts within the wetland drainage that are significantly impacting the ESHA. The owner has attempted to block off access to the wetland unsuccessfully with tree limbs. Activity appears fresh and ongoing. There are obligate vegetative indicators of wetlands within these central wetland drainages.

There has been extensive grading across a large area of the remainder parcel, as visible in the aerial photo. This grading may actually cut through the wetlands at their northwest end. We are unaware of permits for this grading. Restoration of these wetlands should be considered.

We list some relevant LCP policies which apply to this project. This project is inconsistent with the following:

LCP Policy, Marine and Water Resources,

LCP VII.D: Wetlands, 4: Policies and Recommendations

f.) Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the

4 of 6 (1)

continuance of such habitat areas. The primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of 100 feet in width. A buffer of less than 100 feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to be done in cooperation with the California Dept. of Fish and Game and the County's determination shall be based on specific findings as to the adequacy of the proposed buffer to protect the identified resource.

LCP Policy, Marine and Water Resources, VII. D. Wetlands:

4. g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:

- i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.
- ii.) Vegetation map
- iii.) Soils map

Review of this information shall be in cooperation with the Dept. of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 1981. The Dept. of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.

LCP Policy, Marine and Water Resources, VI. C:

1. The County seeks to maintain and where feasible enhance the existing quality of all marine and water resources.

3. All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of the public health and the biological productivity of coastal waters.

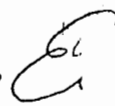
4. Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters.

5. Water conservation measures (e. g., flow restrictors, industrial recycling of usable waste waters) should be considered by present users and required in new development to lessen cumulative impacts on existing water systems and supplies.

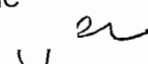
6. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.


LCP Marine and Water Resources VII. E. Riparian Vegetation 4.a

Riparian vegetation shall be maintained along streams, creeks, and sloughs and other water courses within the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization.

Thank you,  Signature on File

Eileen Cooper, Boardmember FDN,


Joe Gillespie, President

 5096



TENTATIVE MINOR SUBDIVISION MAP

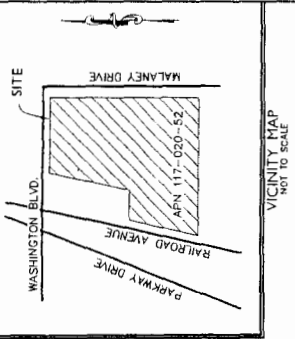
COUNTY OF DEL NORTE - STATE OF CALIFORNIA

APPLICANT
 LUCILLE S. PARK
 9600 N.E. 179th STREET
 BATTLE GROUND, WA 98604

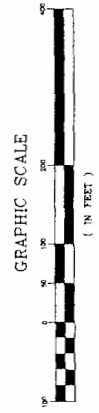
SITE ADDRESS
 RAILROAD AVE. & WASHINGTON BLVD.
 CRESCENT CITY, CA 95531

PHONE NUMBER
 (503) 283-2116

ASSESSOR'S PARCEL NUMBER
 117-020-52



LINE	BEARING	LENGTH
L1	S12°55'41"E	86.68'
L2	S77°53'39"E	72.92'
L3	S08°02'34"E	92.91'
L4	S32°00'19"E	47.17'
L5	N05°05'26"E	18.41'
L6	N81°01'39"W	19.84'
L7	N87°18'36"W	65.37'
L8	N61°28'09"W	10.22'
L9	S35°23'37"W	16.40'
L10	N33°39'47"W	47.89'
L11	N65°45'55"W	146.16'
L12	N02°06'16"E	203.74'
L13	N87°40'29"W	209.93'
L14	S31°37'01"E	87.06'
L15	S78°44'25"E	177.90'
L16	S25°40'12"E	46.51'
L17	S89°00'22"E	65.08'
L18	N73°23'38"E	68.89'
L19	N72°28'25"E	38.48'
L20	S75°36'38"E	55.81'
L21	N69°03'22"E	31.27'
L22	N15°52'26"E	67.34'
L23	N05°48'47"E	100.31'
L24	N50°41'00"W	181.43'
L25	S00°45'28"W	273.10'
L26	N15°52'26"E	67.34'
L27	S20°29'34"E	41.19'
L28	N61°05'46"W	58.44'
L29	S37°43'20"W	37.99'
L30	N39°05'15"W	22.97'



KILLOPS
 LAND SURVEYIN
 264 CHILDS AVENUE
 CRESCENT CITY, CA 95531
 TEL: (707) 465-6364

DATE: 02/27/2007
 PROJECT: PROPOSED MINOR SUBDIVISION DEL NORTE CO. APN 117-020-52
 DRAWN BY: MEK
 CHECKED BY: 07-101

LUCILLE S. PARK
 PROPOSED MINOR SUBDIVISION
 DEL NORTE CO. APN 117-020-52
 CRESCENT CITY, CALIFORNIA

MAURIE E. KILLOPS
 L.S. 5987

REQUIRED OPEN SPACE AREA

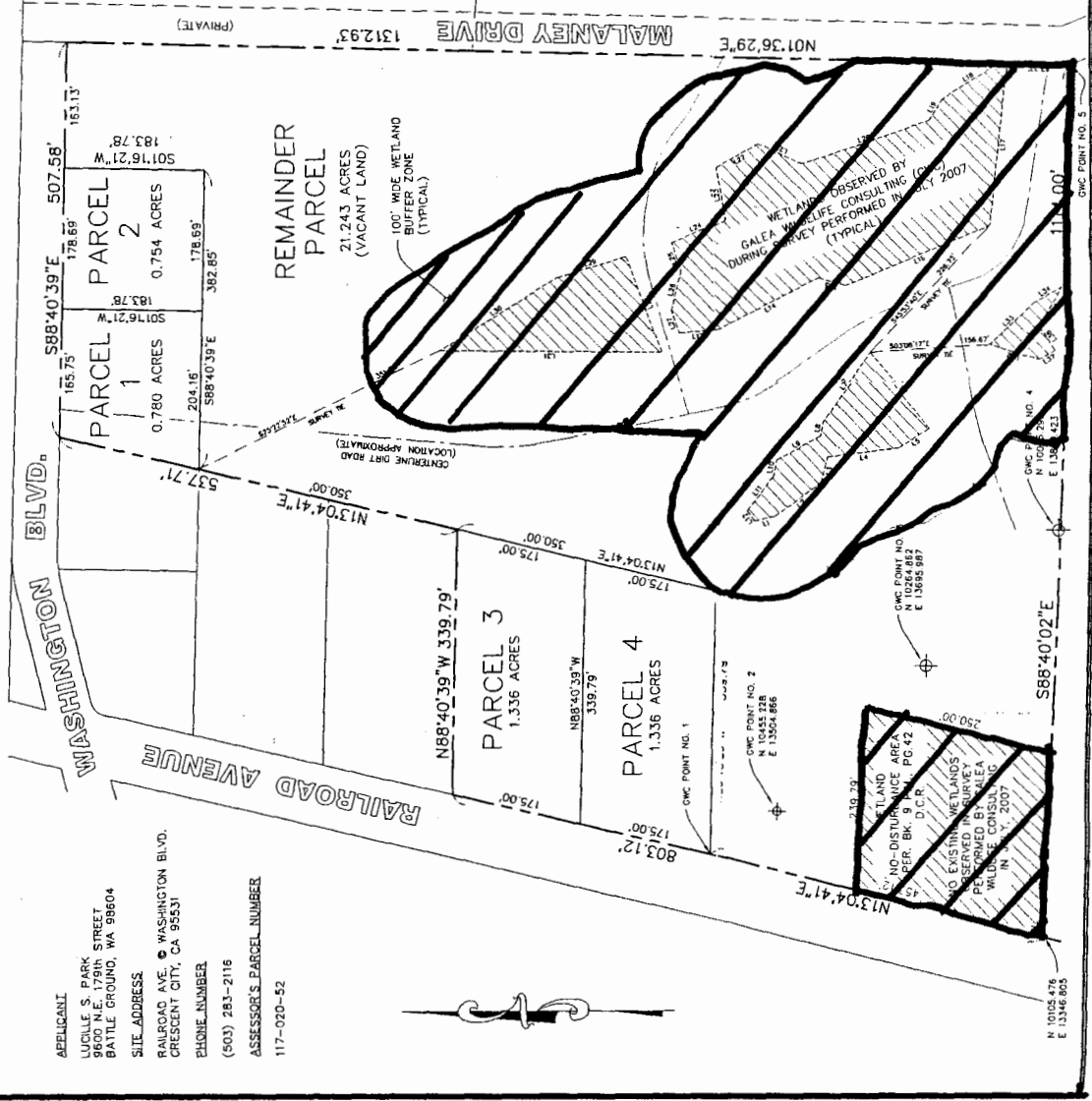


EXHIBIT NO. 8
 APPEAL NO.
 A-1-DNC-07-023
 PARK
 REQUIRED OPEN SPACE AREAS



GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531

Tel: 707-464-3777

E-mail: frankgalea@charter.net . Web: www.galeawildlife.com

RECEIVED

MAR 24 2008

March 20, 2008

CALIFORNIA
COASTAL COMMISSION

Mr. Jim Baskin
California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501-1865

Re: Park Minor Subdivision, Appeal No. A-1-DNC-07-023

Dear Mr. Baskin:

This letter comes in response to your last letter, dated February 28, 2008, regarding a discrepancy in my report addendum for this project.

You were correct that the distance describing the separation between the "subject willow clump" and the delineated wetland area to the southwest, which I had described as "approximately 100 feet", was erroneous. I was attempting to demonstrate that a significant distance separated the two, and this added to my contention that there was no direct hydrologic connection between the two. I had not measured the distance, but had casually looked toward the delineated wetland area and jotted down 100 feet in my notes as a *minimal distance*. The report should have been worded "at least 100 feet" instead of "approximately 100 feet". I have revised the report to show the actual distance of 350 feet.

During a visit with Mr. Killops we measured the distance as being 350 feet between the "subject willow clump" and the delineated wetland area, even further demonstrating the lack of hydrologic connection. I apologize if my error provided confusion to the report.

I have enclosed a revised report addendum with this correction. We would appreciate if the Commission could now move forward on this issue so that this appeal could be resolved. Please feel free to call me at (707) 464-3777 if you have any additional questions. Thank you.

Sincerely,

Frank Galea
Certified Wildlife Biologist

EXHIBIT NO. 9

APPEAL NO.

A-1-DNC-07-023

PARK

CORRESPONDENCE AND
ADDENDA (1 of 38)

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET • SUITE 200 P. O. BOX 4908
EUREKA, CA 95501-1865 EUREKA, CA 95502-4908
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



February 28, 2008

Frank Galea
Galea Wildlife Consulting
200 Raccoon Court
Crescent City, CA 95531

SUBJECT: Coastal Development Permit Appeal No. A-1-DNC-07-023, *Park Minor Subdivision*, South Railroad Avenue at Washington Boulevard, Crescent City, California, APN 117-020-52.

Dear Mr. Galea:

This letter comes in response to your letter report addendum, dated January 14, 2008, received January 18, 2008, prepared at our request for addressing the apparent scattered wetland areas and rare plant habitat on the above-referenced development project site.

On February 12, 2008, our staff biologist, John Dixon PhD, together with botanist Melissa Kraemer and Bob Merrill, program manager of the North Coast District office, revisited the project site to review the additional information you provided regarding the subject hydrophytic vegetated area with the field conditions in place in proximity of the southeast corner of proposed Parcel No. 2 portrayed in your report supplement as the "subject willow group."

With respect to the status of the willow and sedge covered areas along the southern boundaries of proposed Parcels 1 and 2, Dr. Dixon, upon examining the topographic, hydrologic, and floristic characteristics of the area in question, concurred with your findings that this vegetated thicket does not constitute wetlands subject to the ESHA buffer policies of the County of Del Norte local coastal program. Accordingly, no additional information is required with regard to the buffer requirements for the subject willow group area.

In reviewing your January 14th supplement during the site visit, the following statement, as appears at the top of page 2 of the assessment was noted by Dr. Dixon and the others:

The subject willow group was located approximately 100 feet east of a larger stand of willows which include signs of hydrology, inundation and was connected to a larger wetland area to the southwest. This larger wetland area was delineated as wetland due to these conditions. [Emphasis added.]

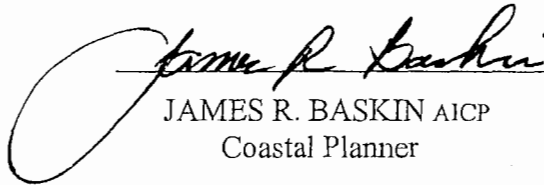
However, in perusing the revised tentative parcel map drafted by Killops Land Surveying, dated 07/29/07, prepared in the interest of incorporating GWC's July 2007 wetland delineation and proposed 100-foot-wide buffer areas, no such area 100 feet westerly of the "subject willows" referenced in your January 14th report supplement was found to have been depicted. Indeed, the closest wetlands appearing on the Killops map are those comprising the northerly triangular wetlands located approximately 400 feet to the south-southwest of the subject willow group.

2 of 38

Accordingly, please submit a further revised tentative map which delineates the extent of these referenced wetland areas 100 feet to the west of the subject willow group. The revised map should also include a buffer around the upland perimeter of the area of a width adequately protective of this environmentally sensitive habitat area such that a determination of the developable area on Parcel Nos. 1 and 2 beyond the wetlands and buffer areas may be assessed.

Thank you for your assistance in collating and providing the requested information. If you have any questions, please don't hesitate to call me at (707) 445-7833.

Sincerely,



JAMES R. BASKIN AICP
Coastal Planner

Cc: Mark Killops LS
Killops Land Surveying
264 Child Avenue
Crescent City, CA 95531

Ernie Perry, Director
County of Del Norte – Community Development Department
981 H Street, Suite 110
Crescent City, CA 95531

Harry and Lucille Park
9600 NE 179th Street
Battle Ground, WA 98604

RSM/JB:jb/lt



GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531

Tel: 707-464-3777

E-mail: frankgalea@charter.net . Web: www.galeawildlife.com

SECOND ADDENDUM TO BIOLOGICAL ASSESSMENT: WETLAND DELINEATION & RECOMMENDATIONS Lucille Park Property, (APN # 117-020-52), Del Norte County January 14, 2008

The Park subdivision project proposes to split a 25.5 acre property into 5 parcels, four smaller parcels and a remainder of 21.243 acres. The Park project is located east South Railroad Avenue, just east of Highway 101, south of Washington Boulevard, near Crescent City, California.

Galea Wildlife Consulting (GWC) was contracted to provide a general biological assessment to determine the potential impacts of the project on sensitive wildlife species, including federally or state listed species and species of special concern. Additionally, GWC conducted a wetland delineation which resulted in approximately 1/3 of the property being classified as wetland or non-development wetland buffer (within 100 feet of delineated wetlands).

The property is located within the jurisdiction of the California Coastal Commission (CCC), and CCC staff from the Eureka office reviewed the GWC biological assessment and wetland delineation. This addendum responds to two major concerns brought up by CCC staff.

Concern #1: Additional Investigation into Wetlands

The CCC staff requested that one specific area be closely investigated for wetland attributes. This was a small group of willows (*Salix* sp.) located in the southeast corner of proposed parcel #2. This will be called the "subject willow group" for clarification. The subject willow grouping was very small, covering an area of approximately 50 feet by 20 feet. This small size is well below the U.S. Army Corp of Engineers criteria, where an area less than 1/10 of an acre is subject to reporting to the agency as a wetland during development (U.S. Army Corp of Engineers office, Eureka, CA).

There was no indication of hydrology in or near the group. Ground cover under the willows was almost all Himalaya blackberry (*Rubus discolor*), with one sword fern (*Polystichum munitum*) plant and Scotchbroom (*Cytisus scoparius*), two distinctly upland species, observed growing directly at the base of the willows. Immediately surrounding the willow group were upland plants such as Scotchbroom (*Cytisus scoparius*), coast red elderberry (*Sambucus callicarpa*) cotoneaster (*Cotoneaster* sp.) and coyote brush (*Baccharis pilularis*).

4 of 38

The subject willow group was located approximately 350 feet east of a larger stand of willows which included signs of hydrology, inundation and was connected to a larger wetland area to the southwest. This larger willow grouping was delineated as wetland due to these conditions. Between this larger willow grouping and the subject willow grouping was an elevated area of approximately 100 feet, covered with a dense thicket of Himalaya blackberry, with no other indications of hydrology or hydric vegetation, except a few slough sedge (*Carex obtusa*). Although slough sedge is considered an obligate wetland species in California, this plant can be found in upland sites in Del Norte (pers. experience) and Humboldt (Tony LaBanca, Calif. Dept. Fish and Game biologist, pers. comm.) counties. Slough sedge, therefore, while an indicator of mesic conditions, is not a definitive indicator of wetland habitats.

Three areas around the subject willows and the willow site itself were sampled for vegetation, hydrology and soils on January 11, 2008. Sampling was conducted on the first day with no rain after approximately 2 weeks of continuous rain with approximately 6 inches of rainfall recorded during the 2 week period.

The first sample site (#1) was located approximately 30 feet south of the subject willows. A test hole had been previously dug here to a depth of 24 inches (probably a septic or perk test) which was relatively close to the subject willows considering the dense Himalayan blackberry thickets around the subject patch. At sample site #1 the soil in the hole was dry and sandy, with non-hydric features (color 4/4 7.5 YR, no mottles or evidence of reduction). There was no evidence of hydrology at this site. Vegetation at sample site #1 consisted primarily of invasive, non-hydric species, with only 10 percent of the vegetation being potentially hydric, this being native blackberry, a poor indicator of hydric conditions in Del Norte County. Past 30 feet from the subject willows, the ground was more open and plant species were exclusively upland. These conditions demonstrate that sample site #1 was upland habitat.

Sample site #2 was located only fifteen feet southwest of the subject willows, in a small opening in the Himalayan blackberry which allowed a test hole to be dug. At 18 inches, the soil was dry and no evidence of hydric conditions was noted (color 4/6 7.5 YR, no mottles or evidence of reduction). There was no evidence of hydrology at this site. Vegetation at sample site #2 also consisted primarily of invasive, non-hydric species, with only 10 percent of the vegetation being suggestive of hydric conditions (5 percent of which was native blackberry).

Sample site #3 was located 30 feet east of the subject willows, at an interface between thick Himalayan blackberry and more open vegetation. Soils at this site were dry, consisting of a sand/clay mix, with no evidence of hydric conditions (color 4/4 7.5 YR, no mottles or evidence of reduction). Vegetation at site #3 was more diverse due to there being less Himalayan blackberry. Except for native blackberry (30 percent cover), all other plants were upland species, and the native blackberry is not a good indicator of hydric conditions in this area.

During a previous visit to the site a soil sample pit (#4) was dug immediately adjacent (within 10 feet) to the subject willow group to 12 inches of depth. The soil was found to be dry, dark brown in color (3/3 7.5 YR) and grass roots showed no indications of oxidation. The soil sample therefore was indicative of upland soils. Vegetation directly under the willows included Himalaya blackberry, swordfern and Scotchbroom, the latter two being distinctly upland species. Except for the overstory of willows, therefore, there was no other evidence of hydric conditions.

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In summation, conditions surrounding the subject willows were entirely upland in nature, with no evidence of hydric conditions except for the one small stand of willows. It is also not uncommon in Del Norte County for willows to be able to become established in non-wetland soils, due to the yearly high amount of rainfall in the county. Crescent City receives on the average 67 inches of rain per year and is one of the wettest places in California. The ample amount of water available for hydric plants may allow them to grow in uplands where, on other regions of the state, they may not. The amount of precipitation received as well as the coastal environment leads to a greater distribution of facultative species and sometimes "facultative wet" species in areas that do not exhibit hydric soils or wetland hydrology.

The subject willows are separated from other willows by an elevated rise over 100 feet in length, completely covered with Himalayan blackberry, which surrounds the subject willows to the west and northwest. Immediately adjacent to the subject willows in all other directions vegetation is upland in nature and there is no evidence of hydrology. Due to its small size, lack of connectivity and isolation, proximity of upland vegetation and lack of hydric soils, the subject willow patch should be determined not to be a wetland.

Concern #2: Presence of Wolf's evening primrose (*Oenothera wolfii*)

CCC staff noted the presence of Wolf's evening primrose on the east side of the property. This plant is included on List 1B of the California Native Plant Society (CNPS) and is a Federally-listed Candidate 2 species.

Further investigation by GWC located this plant and four others on the east side of the property. All but one plant was clumped together, growing on introduced fill piles. These were likely introduced to the site from another location. This species is known to utilize disturbed soils. One small plant was found growing approximately 100 feet away from the others in non-disturbed soils, and was likely propagated by seed from the others. The remainder of the property was searched and no additional plants were located.

Further investigation of the plants was conducted by Dave Imper of the U.S. Fish and Wildlife Service, Arcata office. Imper reviewed the plants on December 5, 2007. He was able to make the determination that, based on absence of any two-layered glandular pubescence on any of the fruits, fruits and upper stems observed, and absence of red color, particularly on the upper stems and sepals, it is very unlikely that these plants are *Oenothera wolfii*, but are instead a hybrid.

Imper also recommended that, as development at this location would likely eliminate the plants, some form of mitigation to insure retention of the plants is advisable. The Applicant is willing to remove these plants before any additional construction activities occur and properly move them to well-drained, upland habitat within the 100 foot boundary of designated wetlands, where they would be planted in proximity to each other.

6 of 38

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET • SUITE 200 P. O. BOX 4908
EUREKA, CA 95501-1865 EUREKA, CA 95502-4908
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



December 13, 2007

Frank Galea
Galea Wildlife Consulting
200 Raccoon Court
Crescent City, CA 95531

SUBJECT: Coastal Development Permit Appeal No. A-1-DNC-07-023, *Park Minor Subdivision*, South Railroad Avenue at Washington Boulevard, Crescent City, California, APN 117-020-52.

Dear Mr. Galea:

The purpose of this letter is to respond to your letter-report, dated November 15, 2007, received November 20, 2007, regarding the status of apparent scattered wetland areas and rare plant habitat on the above-referenced development project site.

I have discussed the letter-report with our staff biologist, John Dixon PhD, especially with regards to your determination that the vegetation assemblage within the area around the southern boundaries of proposed Parcels 1 and 2 do not comprise wetlands as defined by applicable state statutes.

With respect to the status of the willow and sedge covered areas along the southern boundaries of proposed Parcels 1 and 2, it is Dr. Dixon's determination that the largely anecdotal information on which you based your conclusion that the area does not constitute wetlands is not factually compelling to supplant the presumption that the area constitutes one-parameter wetlands—based upon the predominance of hydrophytic cover— notwithstanding their relative small size and apparent hydrologic isolation. Accordingly, supplemental documentation clearly establishing the area's purported upland character will need to be developed before Dr. Dixon would consider concurring with your supposition regarding the non-ESHA status of the area. Dr. Dixon suggests that a more detailed analysis of the subject areas' floristic composition, in terms of percentage of relative cover among the various vegetative layers and evaluation of their respective mesic-to-xeric characteristics be provided, including all pertinent field data sheets. In addition, it is suggested that near-surface soil and hydrologic conditions, especially the observed and/or implied presence and persistence of groundwater within the rooting zone within the area on the entire periphery of the hydrophyte-dominated outcroppings be assessed once the winter rainy season has arrived, as the source of groundwater allowing for the assemblage of wetland vegetation to form may originate from other directions than from the southeast toward the delineated wetlands where the sole hydric soils chromatographic data was sampled.

With regard to the previous concerns regarding potential impacts to Wolf's evening-primrose rare plant habitat, based upon the field examination of the physio-morphology of specimens conducted on December 5, 2007 by David Imper, biologist with the U.S. Fish and Wildlife Service, the subject plants appear to be introduced, cultivar-hybridized individuals rather than the environmentally-sensitive pure-strain native species subject to state and federal protections.

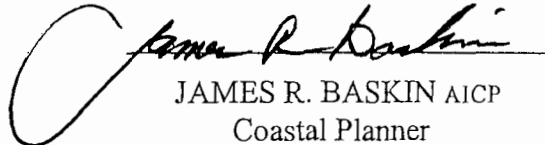
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Frank Galea – Galea Wildlife Consulting
Coastal Development Permit Appeal A-1-DNC-07-023 – Harry and Lucille Park, Applicants
December 13, 2007
Page -2-

Consequently, no further mitigative evaluations or actions are indicated with respect to protection of rare plant habitat on the site.

Thank you for your assistance in collating and providing the requested information. If you have any questions, please don't hesitate to call me at (707) 445-7833.

Sincerely,



JAMES R. BASKIN AICP
Coastal Planner

Cc: Mark Killops LS
Killops Land Surveying
264 Child Avenue
Crescent City, CA 95531

Ernie Perry, Director
County of Del Norte – Community Development Department
981 H Street, Suite 110
Crescent City, CA 95531

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RSM/JB:jb/lt



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RECEIVED

NOV 20 2007

CALIFORNIA
COASTAL COMMISSION

**ADDENDUM TO BIOLOGICAL ASSESSMENT:
WETLAND DELINEATION & RECOMMENDATIONS
Lucille Park Property, (APN # 117-020-52), Del Norte County
November 15, 2007.**

The Park subdivision project proposes to split a 25.5 acre property into 5 parcels, four smaller parcels and a remainder of 21.243 acres. The Park project is located east South Railroad Avenue, just east of Highway 101, south of Washington Boulevard, near Crescent City, California.

Galea Wildlife Consulting (GWC) was contracted to provide a general biological assessment to determine the potential impacts of the project on sensitive wildlife species, including federally or state listed species and species of special concern. Additionally, GWC conducted a wetland delineation which resulted in approximately 1/3 of the property being classified as wetland or non-development wetland buffer (within 100 feet of delineated wetlands).

The property is located within the jurisdiction of the California Coastal Commission (CCC), and CCC staff from the Eureka office reviewed the GWC biological assessment and wetland delineation. This addendum responds to two major concerns brought up by CCC staff.

Concern #1: Additional Investigation into Wetlands

The CCC staff requested that one specific area be closely investigated for wetland attributes. This was a small group of willows (*Salix sp.*) located in the southeast corner of proposed parcel #2. This will be called the "subject willow group" for clarification.

The subject willow grouping was very small, covering an area of approximately 50 feet by 20 feet. There was no indication of hydrology in or near the group. Ground cover under the willows was almost all Himalaya berry (*Rubus discolor*). Immediately surrounding the willow group were upland plants such as Scotchbroom (*Cytisus scoparius*), coast red elderberry (*Sambucus callicarpa*) cotoneaster (*Cotoneaster sp.*) and coyote brush (*Baccharis pilularis*). The subject willow group was located approximately 100 feet east of a larger stand of willows which included signs of hydrology, inundation and was connected to a larger wetland area to the southwest. This larger willow grouping was delineated as wetland due to these conditions.

9 of 38

Between this larger willow grouping and the subject willow grouping was 100 feet of dense Himalaya berry, with no other indications of hydrology or hydric vegetation, except a few slough sedge (*Carex obnupta*). Although slough sedge is considered an obligate wetland species in California, this plant can be found in upland sites in Del Norte (pers. experience) and Humboldt (Tony LaBanca, Calif. Dept. Fish and Game biologist, pers. comm.) counties. Slough sedge, therefore, while an indicator of mesic conditions, is not a definitive indicator of wetland habitats. It is also not uncommon in Del Norte County for willows to be able to become established in non-wetland soils, due to the yearly high amount of rainfall in the county. Due to high rainfall amounts in Del Norte county compared to other areas of the state, plant species indicative of wetlands in other parts of the state can sometimes persist in non-wetland conditions.

The soil immediately adjacent to the subject willow groups was sampled at 12 inches of depth. The soil was found to be dry, dark brown in color (3/3 7.5 YR) and grass roots showed no indications of oxidation. The soil sample therefore was indicative of upland soils.

Due to it's small size, lack of connectivity and isolation, proximity of upland vegetation and lack of hydric soils, the subject willow patch was determined not to be a wetland.

Concern #2: Presence of Wolf's evening primrose (*Oenothera wolfii*)

CCC staff noted the presence of Wolf's evening primrose on the east side of the property. This plant is included on List 1B of the California Native Plant Society (CNPS) and is a Federally-listed Candidate 2 species.

Further investigation by GWC located this plant and four others on the east side of the property. All but one plant was clumped together, growing on introduced fill piles. These were likely introduced to the site from another location. This species is known to utilize disturbed soils. One small plant was found growing approximately 100 feet away from the others in non-disturbed soils, and was likely propagated by seed from the others. The remainder of the property was searched and no additional plants were located.

The Wolf's evening primrose plants are currently growing on fill piles next to a small, dirt access road. Development at this location would likely eliminate the plants, therefore mitigation to insure retention of the plants is recommended.

GWC recommends that the owner collect seeds from the available plants and grow at least 20 individual plants in pots, until they are large enough for re-planting in the spring. These potted plants should be re-planted on the property within the buffer areas delineated for wetland protection, at sites higher in elevation than wetlands and in disturbed soils where possible. There are several small hills in the vicinity of the wetlands which would suffice for this purpose. The plants should be planted relatively close together to insure pollination: at least within 20 feet of each other. The goal here would be to propagate this species on site in mitigation for the anticipated removal of the few plants currently growing on-site.

10 of 38



COUNTY OF DEL NORTE
COMMUNITY DEVELOPMENT DEPARTMENT

981 "H" Street, Suite 110
Crescent City, California 95531

Fax (707) 465-0340

Planning
(707) 464-7254

Engineering & Surveying
(707) 464-7229

Airport
(707) 464-7288

Building Inspection
(707) 464-7253

November 1, 2007

Jim Baskin
California Coastal Commission
710 East Street, Suite 200
Eureka, California 95501

RECEIVED
NOV 05 2007
CALIFORNIA
COASTAL COMMISSION

Subject: MS9819C – Richard & Helen Brown – APN 117-020-34

Dear Mr. Baskin:

Enclosed you will find the requested documents (Staff Report, Initial Study and exhibits) for the subject Minor Subdivision. I have also written a brief history and permit details that we have on file for this parcel. It is included with this package. If I can be of further assistance please don't hesitate to call.

Sincerely,

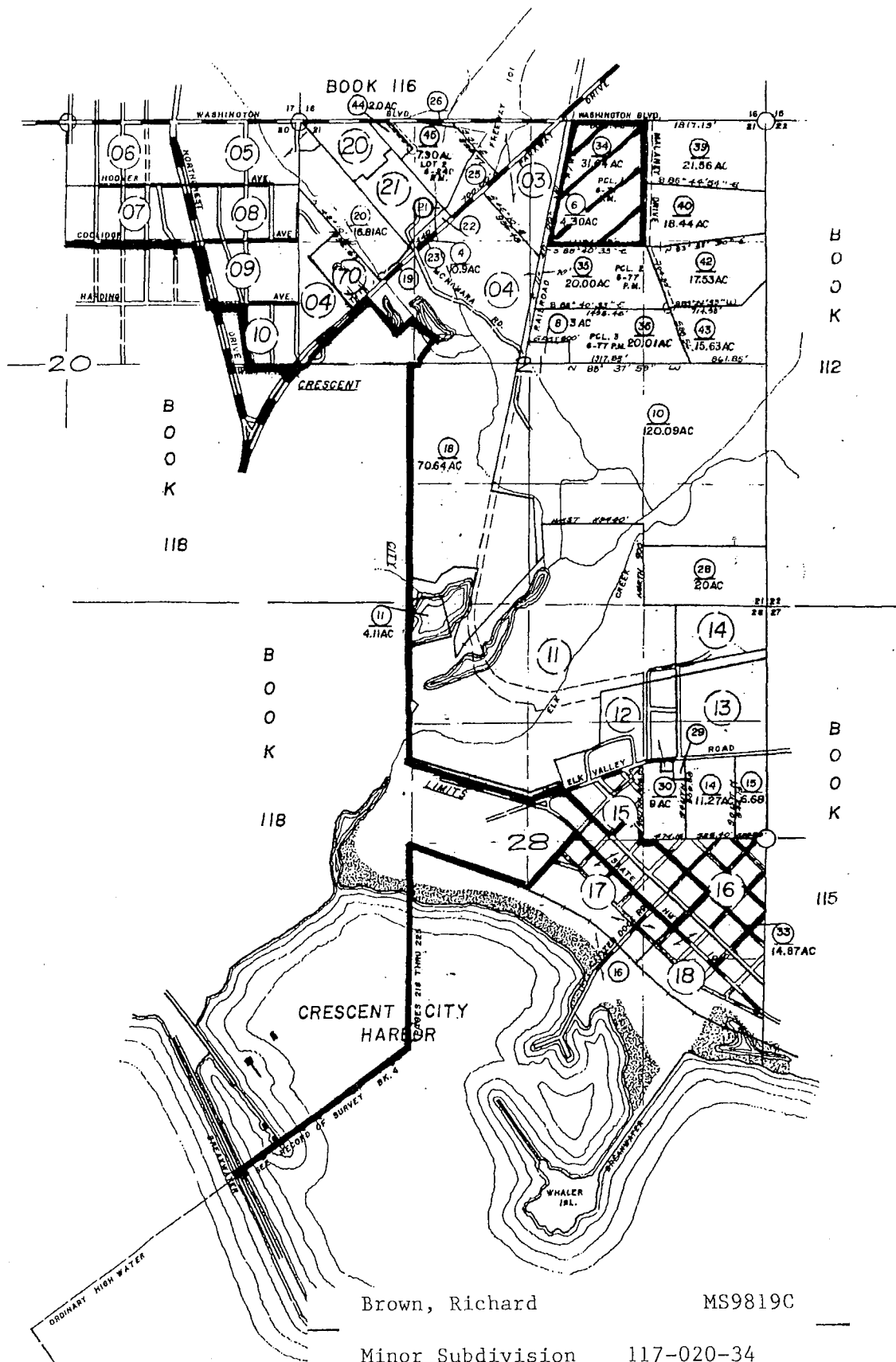
Cheri Horton

Cheri Horton
Planner

11 of 38

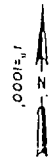
Permit Details

Permit #	issued	Completed / Expired (Not Recorded)
MH9002C	12/04/91	12/04/92 - Expired
MS9109C	1/08/92	1/08/94 - Expired
MS9254C	2/03/93	2/03/95 - Expired
MS9819C	10/07/98	10/07/07 - Completed & Recorded
- Staff Reports Enclosed - 9 PM 42		
UP9246C	2/03/93	02/03/96 - Expired
MS0712C	- Park Subd. - in appeal process,	



T.16N., R.1W., H.B.M.

21 13438



117-02



NORTH
1" = 200'

SHADED INDICATES
PROPOSED IMPROVEMENTS,
PAVED STREET, CURBS
GUTTER & SIDEWALK
TO COUNTY STDS.

END (E) PUBLIC
ROAD IMPROVE-
MENTS

NEW ROAD & UTILITY
EASEMENT

PARKWAY

WASH.

815.12'

BLVD. 495'

TEMPORARY
GRAVEL TURNAROUND

ADDITIONAL 10'
WIDE EASEMENT
FOR ROAD
CONSTRUCTION

20' BIKE LANE
EASEMENT

NOTE:
PARCEL SIZES
ARE GROSS

TEMPORARY
GRAVEL
TURNAROUND

REMAINDER

PARCEL

26.2± AC

250' x 250'
"WETLAND - NO
DISTURBANCE"
AREA

803'

1297.58'

MALONEY DRIVE

1124.49'

TENTATIVE MAP, MINOR ~~42~~ 22
SUBDIVISION APN 117-020-34

14 of 38

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

**NOTIFICATION OF APPEAL PERIOD**

DATE: October 20, 1998
TO: Diane Mutchie, Planner
County of Del Norte, Community Development Department
-- Planning Division
700 Fifth Street
Crescent City, CA 95531
FROM: Darryl Rance, Coastal Planner *Darryl Rance*
RE: **Application No. 1-DNC-98-305**

Please be advised that on October 13, 1998 our office received notice of local action on the coastal development permit described below:

Local Permit #: **MS9819C**

Applicant(s): **Richard Brown**

Description: **Minor subdivision of a 31 acre parcel into three vacant parcels of 1.4 to 2 acres in size with a 26+ acre remainder.**

Location: **Washington Blvd./Malaney Drive, Crescent City (Del Norte County)
(APN(s) 117-020-34)**

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on November 2, 1998.

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Richard Brown
Roy Tedsen

RECEIVED

OCT 23 1998

PLANNING
COUNTY OF DEL NORTE

15938

NOTICE OF DETERMINATION

TO: Office of Planning and Research FROM: Del Norte Planning Commission
1400 Tenth Street, Room 121 700 5th Street
Sacramento, CA 95814 Crescent City, CA 95531
or
County Clerk
County of Del Norte

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Richard Brown - Minor Subdivision MS9819C
Project Title

SCH #98082049 Diane Mutchie 707-464-7253
State Clearinghouse Number Contact Person Telephone Number

Southwest corner of Washington Blvd & Malaney Dr (APN 117-020-34)
Project Location

Division of 31 ac into two 1.4 ac, one 2 ac & a 26+ ac remainder
Project Description

This is to advise that the Planning Commission has approved the above described project and has made the following determinations regarding the above described project:

- 1. The project ___ will, will not, have a significant effect on the environment.
- 2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The EIR or Negative Declaration and record of project approval may be examined at:

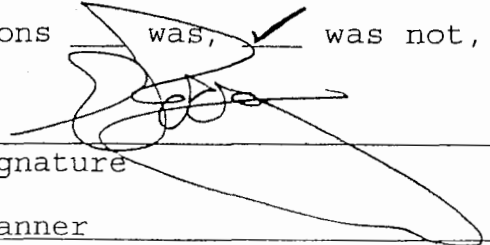
Del Norte County Community Development Dept.
Planning Division
700 5th Street
Crescent City, CA 95531

- 3. Mitigation measures were, ___ were not, made a condition of the approval of the project.
- 4. A statement of Overriding Considerations was, was not, adopted for this project.

Date Received for Filing _____

FILED

OCT - 9 1998



Signature

Planner

Title

16438

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

Calif. Dept. of Fish and Game Sec. 711.4(c)
Applicable Fee: ___ Neg.Dec. (\$1,275) ___ EIR (\$875) Exempt

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE/LOCATION (INCLUDING COUNTY):

***RICHARD BROWN - Minor Subdivision - MS9819C - APN 117-020-34 located on the south side of Washington Blvd. between Parkway Drive and Malaney Road, Crescent City, Del Norte County, California.

PROJECT DESCRIPTION:

Minor subdivision of a 31 acre parcel into three vacant parcels of 1.4 to 2 acres in size with a 26+ acre remainder. The parcels would utilize on-site water and sewage disposal and includes improvement of a portion of Washington Blvd. and a new public road on the west side of the parcel. Located in the C-2 (Light Commercial) zoning district.

FINDINGS OF EXEMPTION (ATTACH AS NECESSARY):

C) An initial study has been conducted by the lead agency so as to evaluate the potential for adverse environmental impact; and

D) Considering the record as a whole there is no evidence before the lead agency that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends, as defined in Section 711.2, of the Fish and Game Code.

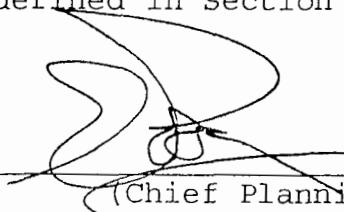
CERTIFICATION:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

FILED

OCT - 9 1998

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE



(Chief Planning Official)

Title: Director of Community Development
Lead Agency: Del Norte County
Date: October 8, 1998

17938

NOTICE OF A
RECOMMENDATION FOR
NEGATIVE DECLARATION
(15072 Amended State CEQA Guidelines)

Notice is hereby given that a recommendation has been made by the Del Norte County ERC (Environmental Review Committee) that the below project will not have a significant adverse effect on the environment based on an initial study and analysis of available information.

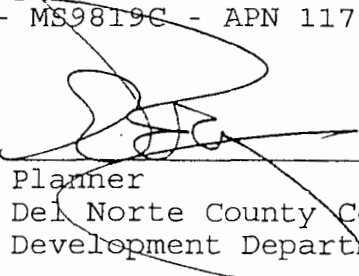
This recommendation is proposed for adoption by the Del Norte County Planning Commission as "lead agency". Any public comment or response to this recommendation should be made on or before October 7, 1998.

A copy of the proposed Negative Declaration is available for public review in the Community Development Department, 700 5th Street, Crescent City, CA 95531. Additional information may be obtained by contacting the Department at (707) 464-7253.

ITEM(S) TO BE CONSIDERED:

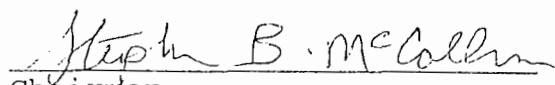
***RICHARD DAVIS - Minor subdivision of a 2.4 acre parcel into two parcels 1+ acres each in size. The subject parcel is zoned R1A (Residential & Agriculture - 1 acre minimum lot size) with a General Plan Land Use designation of RR1 (Rural Residential - 1 acre minimum). The project utilizes Miners Gulch Road, on-site sewage disposal for each parcel, and the Gasquet Community Services District water system. A construction setback of 250 ft. from the centerline of the Ward Field airstrip and highway noise attenuation zone apply. Located at 9484 Highway 199, at Miners Gulch Road, Gasquet - MS9901 - APN 131-220-13

***RICHARD BROWN - Minor subdivision of a 31 acre parcel into three vacant parcels of 1.4 to 2 acres in size with a 26+ acre remainder. The parcels would utilize on-site water and sewage disposal and includes improvement of a portion of Washington Blvd. and a new public road on the west side of the parcel. Located in the C-2 (Light Commercial) zoning district, with a General Plan urban designation of Commercial, on the south side of Washington Blvd. between Parkway Drive and Malaney Road, Crescent City - MS9819C - APN 117-020-34



Planner (date)
Del Norte County Community
Development Department

Adopted by the Del Norte County Planning Commission as "lead agency" on October 7, 1998.



Chairman
Del Norte County Planning
Commission

18438

DEL NORTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
700 5TH STREET
CRESCENT CITY, CA 95531

NOTICE OF ACTION

- I. Notice is hereby given that the Planning Commission of Del Norte County took the following action on October 7, 1998 regarding the application for development listed below:

Action: Approved Denied Continued Recommended EIR
 Forwarded to Board of Supervisors

Application Number: MS9819C
Project Description: Minor Subdivision
Project Location Address: Washington Blvd & Malaney Dr
Assessor's Parcel Number: 117-020-34
Applicant: Richard Brown
Applicant's Mailing Address: P.O. Box 1078, Crescent City, CA
Agent's Name & Address: Roy Tedsen, 785 E. Washington Blvd, #13
Crescent City, CA

A copy of any conditions of approval and/or findings adopted as part of the above action is attached.

II. If Approved:

- This County permit or entitlement serves as a Coastal permit. No further action is required unless an appeal is filed in which case you will be notified.

This County permit or entitlement DOES NOT serve as a Coastal permit. Consult the Coastal Zone Permit procedure section of your NOTICE OF APPLICATION STATUS or the Planning Division of the Community Development Department if you have questions.

III. Notice is given that this project:

Is not appealable to the California Coastal Commission, however a local appeal period does exist.

- Is appealable to the California Coastal Commission.
- Any appeal of the above decision must be filed with the Clerk of the Board by OCTOBER 19, 1998 for consideration by the Board of Supervisors.
- Any action of the Board of Supervisors on this item may be appealed to the California Coastal Commission within 10 working days or 21 calendar days subject to the requirements of Chapter 21.52 DNCC and Coastal Regulations.

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(Continued on the next page)

Must be forwarded to the California Coastal Commission for final action. You will be notified of its status by the Coastal Commission Office.

Is not subject to Coastal Commission regulations however a local appeal process is available. Written appeals must be filed with the Clerk of the Board by _____. Consideration will be by the Board of Supervisors.

✓ Parcel map must be filed within 24 months of the date of approval.

Record of Survey and new deeds must be filed within 24 months of the date of approval.

New deeds must be filed within 24 months of the date of approval.

EXTENSIONS - MAJOR & MINOR SUBDIVISIONS OR BOUNDARY ADJUSTMENTS - Maps (or Records of Survey/Deeds) must be filed within 12 months after the original date of expiration.

NOTICE - SECTION 1.40.070

The time within which review of this decision must be sought is governed by the California Code of Civil Procedure, Section 1094.6, and the Del Norte County Ordinance Code, Chapter 1.40. Any petition seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision was made; however, if within 10 days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to no later than the 30th day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

FISH AND GAME FILING FEES

✓ Project subject to CEQA are also subject to the following fees as required by the California Dept. of Fish and Game:

Applicable Fee - ___ Neg.Dec. (\$1,275) ___ EIR (\$875) ✓ Exempt

This fee is due and payable to the County Clerk's Office. If not paid within 10 days of the date of action of the Planning Commission, your project may be invalid by law (PRC 21089(b)) and will be referred to Fish and Game's Dept. of Compliance and External Audits in the Clerk's monthly deposit and report to Fish and Game.

ATTENTION PROSPECTIVE SUBDIVIDER

As a prospective subdivider of property, this notice is to advise you that all taxes must be paid in full prior to the recordation of your map. If the map is filed after December 16th, you must pay all taxes due PLUS NEXT YEAR'S TAXES before the map can be recorded.

If you have any questions regarding the payment of taxes, call the Del Norte County Tax Collector's Office at (707)464-7284.

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BELOW ARE LISTED THE CONDITIONS OF APPROVAL FOR YOUR PROJECT. PLEASE BE AWARE THAT COMPLIANCE WITH THESE CONDITIONS, AS WELL AS ANY APPLICABLE COUNTY STANDARDS, IS YOUR RESPONSIBILITY AS THE APPLICANT. NEITHER THE PLANNING COMMISSION NOR ANY OTHER AGENCY OF THE COUNTY OF DEL NORTE WILL TAKE ANY ACTION TO COMPLY WITH THE CONDITIONS OR DO ANY OTHER WORK TO FINALIZE YOUR PROJECT. YOUR PROJECT WILL NOT BE FINALIZED UNTIL THESE CONDITIONS AND/OR STANDARDS HAVE BEEN MET. IF YOU HAVE ANY QUESTIONS REGARDING THE CONDITIONS AND/OR STANDARDS FOR YOUR PROJECT, YOU SHOULD CONTACT THE DEPARTMENT OR AGENCY WHICH REQUIRED THAT CONDITION AND/OR STANDARD.

- 1) A parcel map shall be recorded with the County Clerk within 24 months of the date of approval;
- 2) The wetland area shown on the tentative map at the southwest corner of the property shall be shown on the parcel map and identified with an accompanying note which states "wetland - no disturbance area";
- 3) The proposed water supply shall be from an approved public water source or from some other source approved for the purpose by the Health Officer prior to recordation of a parcel map. If testing indicates, it may be necessary to place a note on the final or parcel map advising any prospective purchaser that "The installation of filtration treatment equipment may be desirable on proposed individual wells in order to avoid any unacceptable levels of such minerals or corrosiveness. This equipment may be costly to install and maintain.";
- 4) A note shall be placed on the map and/or included within the CC&Rs (Conditions, Covenants & Restrictions) indicating that all future construction shall comply with Section 14.16.027 and Section 14.16.028 of Del Norte County Code regarding addressing and the posting of address numbers;
- 5) All roads and/or streets within the subdivision shall comply with Section 14.16.029 of Del Norte County Code regarding naming and identification;
- 6) The project shall comply with the requirements of the Uniform Fire Code applicable at the time of complete application (8/98);
- 7) All development on the project parcels, including the remainder, shall be subject to mitigation for traffic impacts upon the Washington Boulevard/Highway 101 interchange. Prior to issuance of any building permit, payment into the escrow account for the express purpose of completion of the interchange shall be made pursuant to the adopted plan within the "Alternative Study for the Parkway/Highway 101/Washington Boulevard Interchange" by ATE consultants;
- 8) Prior to the recordation of the parcel map, Washington Boulevard shall be improved from the end of the existing improvements near the east boundary of APN 117-030-19 to the east boundary of the proposed Parcel 1 as shown on the tentative map. The road shall be 44 feet wide from curb face to curb face. The road shall be improved with Cal-Trans Type A-2 curb and gutter on both sides, 5 foot sidewalk on the south side, and storm drain (if needed). The pavement structural section shall be a minimum of 0.25 feet of Cal-Trans Type B compacted asphalt concrete over an engineered base;

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- 9) Prior to the recordation of the parcel map, the Railroad right-of-way shall be improved from Washington Boulevard to the south boundary of the proposed Parcel 3 as shown on the tentative map. The road shall be 44 feet wide from curb face to curb face. The road shall be improved with Cal-Trans Type A-2 curb and gutter on both sides, 5 foot sidewalk on the east side, and storm drain (if needed). The pavement structural section shall be a minimum of 0.25 feet of Cal-Trans Type B compacted asphalt concrete over an engineered base;
- 10) Prior to recordation of the parcel map, a temporary cul-de-sac shall be constructed at the end of the roads described in Conditions 8 and 9 above. It shall have a 40 foot radius by 4 inches compacted thickness of 3/4 inch minus crushed rock within a right-of-way radius of 45 feet;
- 11) The applicant shall dedicate to Del Norte County a 60 foot right-of-way for Collector road and utility purposes along the north boundary of APN 117-020-34 on the Washington Boulevard alignment;
- 12) The applicant shall dedicate to Del Norte County an additional 10 foot right-of-way for Collector road and utility purposes along the west boundary of APN 117-020-34. Road construction in the Railroad right-of-way, as required by Condition 9 above, shall be in the easterly 50 feet of the existing 70 foot right-of-way and this additional 10 foot dedication;
- 13) The intersection of Washington Boulevard and the Railroad right-of-way shall be substantially improved as shown on the plan submitted by Lee Tromble Civil Engineering, on file for this project;
- 14) Prior to the recordation of the parcel map, an engineered road, grading, and drainage plan for the Washington Boulevard and Railroad right-of-way road improvements shall be prepared and submitted to the Community Development Department, Engineering Surveying Division, for review and acceptance. The plan shall be prepared by a California Registered Civil Engineer. Any improvements called for in the plan shall be the responsibility of the developer and shall be constructed prior to recordation of the parcel map;
- 15) An encroachment permit from the Community Development Department, Engineering and Surveying Division, shall be obtained for any work in County rights-of-way.

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Agent: Roy Tedsen

STAFF REPORT

APP# MS9819C

APPLICANT: Richard Brown

APPLYING FOR: Minor Subdivision

AP#: 117-020-34 LOCATION: S. side of Washington Blvd., between Parkway Dr. & Malaney Rd.

<u>PARCEL(S)</u>	<u>EXISTING</u>	<u>EXISTING</u>
<u>SIZE:</u> 31 acres	<u>USE:</u> vacant	<u>STRUCTURES:</u> none

PLANNING AREA: 7 GENERAL PLAN: Commercial

ADJ. GEN. PLAN: Same, Forestry, Visitor Commercial

ZONING: C-2 ADJ. ZONING: Same, CR, CT

1. <u>PROCESSING CATEGORY:</u>	<u>NON-COASTAL</u>	<u>APPEALABLE COASTAL</u>	X
	<u>NON-APPEALABLE COASTAL</u>	<u>PROJECT REVIEW APPEAL</u>	

2. FIELD REVIEW NOTES: DATE: 5/8/98 HEALTH DEPT x BUILDING INSP x
PLANNING x ENGINEERING/SURVEYING x

<u>ACCESS:</u> Washington Blvd.	<u>ADJ. USES:</u> office, RVPk, res.
<u>TOPOGRAPHY:</u> rolling	<u>DRAINAGE:</u> surface

DATE OF COMPLETE APPLICATION: 8/13/98

3. ERC RECOMMENDATION: Adopt Negative Declaration. Approval subject to listed conditions.

4. STAFF RECOMMENDATION:

Richard Brown owns a 31+ acre parcel on the south side of Washington Boulevard, between Parkway Drive and Malaney Drive, in the Crescent City area. The property is designated C-2 (Light Commercial) and is in the Coastal Zone Crescent City Urban Boundary and is, therefore, not subject to Coastal Rural Land Division Criteria. It has also been harvested under a CDF Timber Harvest Plan. Mr. Brown has submitted an application to subdivide the property creating a 2 acre parcel, two 1.4 acre parcels and a 26+ acre remainder.

Although the property is within the urban boundary, it is not currently served by community water or sewer systems. Therefore, on-site water and sewage disposal is proposed for each parcel. Soils testing has been submitted demonstrating sewage disposal system adequacy. Access to the property is from Washington Boulevard which extends from Parkway to Malaney. At this time, the segment from Parkway to the old railroad right-of-way, located between Brown's parcel and the Davis medical office parcel, is a dedicated County road. This project proposes extension of the public road along the frontage of the new

parcel with a temporary turnaround serving the remainder. At such time as the remainder develops, the extension of the public road to the Malaney intersection would occur.

Also proposed is the construction of a new street on the west side of the Brown parcel which would serve the new parcels and a portion of the remainder. This would incorporate a portion of the old railroad right-of-way. The right of way was purchased by the County with general fund monies for the development of the Hobbs-Wall Class 1 bicycle lane which is included in the County Bike Plan and for which some studies have already been undertaken. This project requires 20 feet of the property width. In order to construct a street alongside, the applicant has proposed dedication of an additional 10 foot width and turnaround easements for the new road which he proposes. This road would also become a public urban road pursuant to the General Plan and public road standards. Due to the Class 1 bike lane, it has been noted to the applicant that properties on the west side of the right-of-way, such as Davis', would not be permitted to use the road for access and would not be included in any payback agreement for road improvements.

The subject property has been previously proposed for mobilehome park development and an EIR reviewed and adopted in 1990 (SCH#90030357). Issues such as traffic, on-site sewage and wetlands were addressed at that time. The current proposal includes a notation of an identified wetland area as not a building site. Due to the difference in projects, this subdivision was circulated to the State Clearinghouse for separate review of a Negative Declaration. No comments were received from this review.

At this time, staff recommends the Commission open its hearing, consider adoption of the recommended findings and Negative Declaration, and approve the project subject to the below listed conditions.

5. FINDINGS:

- A) The project is consistent with the policies and standards of the General Plan and Title 21 Zoning;
- B) The project is within Crescent City Urban Planning Area of the Coastal Zone and is not subject to the Rural Land Division Criteria (DNCC 16.04.037);
- C) A Negative Declaration has been prepared pursuant to the California Environmental Quality Act which the Commission has considered in reviewing the project and making its decision;
- D) An initial study has been conducted by the lead agency so as to evaluate the potential for adverse environmental impact; and

8) Prior to the recordation of the parcel map, Washington Boulevard shall be improved from the end of the existing improvements near the east boundary of APN 117-030-19 to the east boundary of the proposed Parcel 1 as shown on the tentative map. The road shall be 44 feet wide from curb face to curb face. The road shall be improved with Cal-Trans Type A-2 curb and gutter on both sides, 5 foot sidewalk on the south side, and storm drain (if needed). The pavement structural section shall be a minimum of 0.25 feet of Cal-Trans Type B compacted asphalt concrete over an engineered base;

9) Prior to the recordation of the parcel map, the Railroad right-of-way shall be improved from Washington Boulevard to the south boundary of the proposed Parcel 3 as shown on the tentative map. The road shall be 44 feet wide from curb face to curb face. The road shall be improved with Cal-Trans Type A-2 curb and gutter on both sides, 5 foot sidewalk on the east side, and storm drain (if needed). The pavement structural section shall be a minimum of 0.25 feet of Cal-Trans Type B compacted asphalt concrete over an engineered base;

10) Prior to recordation of the parcel map, a temporary cul-de-sac shall be constructed at the end of the roads described in Conditions 8 and 9 above. It shall have a 40 foot radius by 4 inches compacted thickness of 3/4 inch minus crushed rock within a right-of-way radius of 45 feet;

11) The applicant shall dedicate to Del Norte County a 60 foot right-of-way for Collector road and utility purposes along the north boundary of APN 117-020-34 on the Washington Boulevard alignment;

12) The applicant shall dedicate to Del Norte County an additional 10 foot right-of-way for Collector road and utility purposes along the west boundary of APN 117-020-34. Road construction in the Railroad right-of-way, as required by Condition 9 above, shall be in the easterly 50 feet of the existing 70 foot right-of-way and this additional 10 foot dedication;

13) The intersection of Washington Boulevard and the Railroad right-of-way shall be substantially improved as shown on the plan submitted by Lee Tromble Civil Engineering, on file for this project;

14) Prior to the recordation of the parcel map, an engineered road, grading, and drainage plan for the Washington Boulevard and Railroad right-of-way road improvements shall be prepared and submitted to the Community Development Department, Engineering Surveying

Division, for review and acceptance. The plan shall be prepared by a California Registered Civil Engineer. Any improvements called for in the plan shall be the responsibility of the developer and shall be constructed prior to recordation of the parcel map;

15) An encroachment permit from the Community Development Department, Engineering and Surveying Division, shall be obtained for any work in County rights-of-way.

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ENVIRONMENTAL CHECKLIST INITIAL STUDY
(to be completed by lead agency)

I. BACKGROUND

APPLICANT Richard Brown

PROJECT DESCRIPTION Minor Subdivision of appx 30 acre Commercial parcel into 3 parcels of 1.4-2 acres in size with 26+ac remainder & roads

PROJECT LOCATION s side Washington Blvd between Parkway & Malaney, CC

SITE DESCRIPTION urban infill-undeveloped rolling terrain with existing gravel road access, on-site water & sewage

EXISTING: ZONING C-2 Gen Commcl GENERAL PLAN Commercial

Members of Environmental Review Committee participating in review:

Planning	<u>D. Mutchie</u>	Engineering	<u>M. Young</u>
	<u>J. Sarina</u>	Agriculture	<u>-</u>
Building	<u>S. Morris</u>	Assessor	<u>R. McKinnon</u>
Health	<u>L. Perreault</u>	Native American	<u>-</u>
Public Sector	<u>-</u>	Other	<u>-</u>

ERC RECOMMENDATION Negative Declaration DATE 8/13/98

II. SIGNIFICANT ENVIRONMENTAL IMPACTS

Is there substantial evidence that the project or any of its aspects may cause a significant effect on the environment in the following areas of concern?

	<u>Yes</u>	<u>Unknown</u>	<u>No</u>
1. SOILS			
a) Changes in topography or ground surface relief features, including disturbance, displacement, compaction or overcovering of the soil?	<u>---</u>	<u>---</u>	<u>x</u>
b) Changes in geologic substructures or the destruction, covering or modification of any unique geologic or physical features?	<u>---</u>	<u>---</u>	<u>x</u>
c) Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	<u>---</u>	<u>---</u>	<u>x</u>
d) An increase in wind or water erosion of soils, either on or off site?	<u>---</u>	<u>---</u>	<u>x</u>

	<u>Yes</u>	<u>Unknown</u>	<u>No</u>
e) Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or the bed of the ocean or any bay, inlet or lake?	---	---	<u>x</u>
f) Location in an area incapable of sustaining individual septic tanks?	---	---	<u>x</u>
2. AIR			
a) Substantial air emissions or deterioration of ambient air quality?	---	---	<u>x</u>
b) The creation of objectionable odors?	---	---	<u>x</u>
c) Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	---	---	<u>x</u>
3. WATER			
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff or change in the amount of surface water in any water body?	---	---	<u>x</u>
b) Changes in currents, or the course of direction of water movements, in either fresh or marine waters?	---	---	<u>x</u>
c) Alterations to the course or flow of flood waters and/or the exposure of people or property to water related hazards such as flooding or tidal waves?	---	---	<u>x</u>
d) Alteration of the direction or rate of flow of ground waters or changes in quantity through direct additions, withdrawals or interceptions (by cut or excavation)?	---	---	<u>x</u>
e) Alteration of the quality of of ground waters by direct or indirect discharge or potential spill or leak?	---	---	<u>x</u>
f) Substantial alteration in the quality or reduction in the amount of water otherwise available for public water supply?	---	---	<u>x</u>
g) Alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?	---	---	<u>x</u>
4. RESOURCES			
a) Change in the diversity of species or number of any one species of fish, wildlife, reptiles or plants?	---	---	<u>x</u>
b) Reduction in the numbers or habitat of any known unique, rare or endangered species of plant or animal?	---	---	<u>x</u>
c) Introduce a new species of plant or animal to an area?	---	---	<u>x</u>

	<u>Yes</u>	<u>Unknown</u>	<u>No</u>
d) Result in a barrier to the migration or movement of animals?	—	—	<u>x</u>
e) Change in or deterioration of a unique sensitive wetland, riparian, sand dune or estuary habitat?	—	—	<u>x</u>
f) Reduce the availability or increase the rate of use of any agricultural, timber or mineral resource?	—	—	<u>x</u>
g) Disturb or significantly alter a historical or archaeological site?	—	—	<u>x</u>
h) Result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	<u>x</u>
i) Result in a significant, demonstrable negative aesthetic impact?	—	—	<u>x</u>
5. HAZARDS			
a) Result in the exposure of people to severe noise levels or a significant detrimental effect on ambient noise levels?	—	—	<u>x</u>
b) Risk an explosion or the release of hazardous substances (including but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	—	<u>x</u>
c) Expose people to potential health hazards?	—	—	<u>x</u>
6. LAND USE			
a) Result in an inconsistency with the adopted General Plan?	—	—	<u>x</u>
b) Result in an inconsistency with the existing Zoning?	—	—	<u>x</u>
c) Substantially alter the present or planned land use of an area?	—	—	<u>x</u>
7. TRANSPORTATION/CIRCULATION			
a) The generation of substantial additional vehicular movement?	—	—	<u>x</u>
b) Substantial alterations to present transportation systems or circulation patterns?	—	—	<u>x</u>
c) Demands for additional parking or changes in existing parking?	—	—	<u>x</u>
d) Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	<u>x</u>
e) Result in alterations to air, water or rail transportation?	—	—	<u>x</u>
8. ENERGY/UTILITIES			
a) The use of substantial amounts of fuel or energy?	—	—	<u>x</u>
b) Result in the need for new utility systems, or substantial alterations to existing systems?	—	—	<u>x</u>

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Yes Unknown No

9. PUBLIC SERVICES

Have an effect upon or result in a need for new or significantly altered public services in the following areas:

- | | | | |
|---|-----|-----|----------|
| a) Fire protection? | --- | --- | <u>X</u> |
| b) Police Protection? | --- | --- | <u>X</u> |
| c) School? | --- | --- | <u>X</u> |
| d) Parks or recreational facilities? | --- | --- | <u>X</u> |
| e) Maintenance of public facilities, including roads? | --- | --- | <u>X</u> |
| f) Other governmental services? | --- | --- | <u>X</u> |

III. MANDATORY FINDINGS OF SIGNIFICANCE

Yes Unknown No

- | | | | |
|---|-----|-----|----------|
| 1. The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below selfsustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. | --- | --- | <u>X</u> |
| 2. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. | --- | --- | <u>X</u> |
| 3. The project has possible environmental effects effects which are individually limited, but cumulatively considerable. (This means that the incremental effects of a project are considerable when viewed in connection with the effects of other past, current or future projects. | --- | --- | <u>X</u> |
| 4. The environmental effects will cause substantial adverse effects on human beings, either directly or indirectly. | --- | --- | <u>X</u> |

IV. DISCUSSION OF ENVIRONMENTAL EVALUATION/MITIGATION MEASURES:

The undeveloped 30+ acre parcel is within the Coastal Zone on the urban side of the urban/rural boundary, which is located on Malaney Drive and the south property line. A subdivision of three lots 1 to 2 acres in size and a 26+ acre remainder proposed. The property has been subject to timber harvest under a THP within recent years and surrounding parcels are developed with offices, an RV Park, and timberland/residential uses. Public road improvements fronting the parcels are proposed.

In 1990, an EIR was prepared, circulated and adopted (SCH# 90030357) for a then proposed 100+ unit mobilehome project which was never constructed. The EIR addressed issues such as traffic, on-site sewage disposal, and

on-site biologic review. Information from that document was consulted for this review, particularly the location of an isolated wetland which this project has set aside for no disturbance. No specific development is proposed on these parcels. The project is considered urban infill.

Soils: Other than road improvements, no site grading is proposed as part of this project. No bodies of water are located on or near the project site. On-site sewage testing has been completed per Water Quality standards, indicating a conventional system design, which has been reviewed and accepted by County health and building staff.

Air: No development is proposed as part of the project other than paved road development which will reduce dust from the existing gravel road on the Washington Boulevard extension.

Water: There are no bodies of water on or off-site. No improvements are proposed which would effect groundwater.

Resources: Biologic review conducted under SCH# 90030357 indicated no listed species or habitat of concern other than an isolated wetland at the southwest corner of the parcel which has been shown and indicated as an area of no disturbance. This will be placed on the recorded map as a note to future development. The property has been harvested in recent years under a State Timber Harvest Plan.

Hazards: There are no significant land use hazards identified as existing in the surrounding area.

Land Use: The parcel is within the urban boundary, is designated as General Commercial land use by the Coastal General Plan and is zoned C-2 (Light Commercial). No specific uses are proposed; however, as proposed, the parcels meet the requirements for lot size and service by public roads. Commercial uses exist to the north and west.

Transportation: No additional traffic will be generated by the subdivision alone. The project will upgrade access to the lots to public standards and the intersection concept indicates no conflict with the proposed Class 1 Bike Lane and ability to construct the intersection to public standards. Curb, gutter and sidewalk will be required as applicable to the new lots. The project is within the Highway 101/Washington Boulevard Interchange mitigation area and development on the properties will be required to participate in the mitigation fee program at the time of building permits.

Utilities/Public Service: The project is within the urban area which is currently served by all but water and sewer line. While water may be permitted to extend as part of development of the lots, availability of sewer is unknown. The parcel is within an unassessed area of the services district. Development will be subject to school mitigation fees.

V. DETERMINATION:

On the basis of this initial evaluation:

x We find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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— We find that although the proposed project could have a significant effect on the environment, there will not be significant effect in this case because the mitigation measures described above have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

— We find the proposed project MAY have a significant effect on the environment, and the preparation of an ENVIRONMENTAL IMPACT REPORT will be recommended to the Planning Commission.

Prepared by: Diane Mutchie
Planner

Date Prepared: August 14, 1998



State of California

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO 95814

PETE WILSON
GOVERNOR

PAUL F MINER
DIRECTOR

RECEIVED

September 22, 1998

SEP 25 1998

PLANNING
COUNTY OF DEL NORTE

DIANE MUTCHIE
DEL NORTE COUNTY PLANNING
700 5TH STREET
CRESCENT CITY, CA 95531

Subject: RICHARD BROWN - MINOR SUBDIVISION MS9819C SCH #: 98082049

Dear DIANE MUTCHIE:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Kristen Derscheid at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

34438
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Notice of Completion

Appendix F

See NOTE below

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 98082049

Project Title: Richard Brown - Minor Subdivision MS9819C

Local Agency: Del Norte County Planning

Contact Person: Diane Mutchie

Street Address: 700 5th Street

Phone: (707) 464-7254

City: Crescent City Zip: 95531

County: Del Norte

Project Location

County: Del Norte City/Nearest Community: Crescent City
Cross Streets: Washington Blvd & Parkway Drive Total Acres: 30+
Assessor's Parcel No. 117-020-34 Section: 21 Twp. 6N Range: 1W Base: H&M
Within 2 Miles: State Hwy #: 101 Waterways: Elk Creek Schools: Del Norte High School
Airports: --- Railways: ---

Document Type

CEQA: [] NOP [] Supplement/Subsequent [] Early Cons [] EIR (Prior SCH No.) [] Neg Dec [] Other [] Draft EIR
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other

Local Action Type

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [] Other

Development Type

[] Residential: Units Acres Employees [] Water Facilities: Type MGD
[] Office: Sq.ft. Acres Employees [] Transportation: Type
[] Commercial: Sq.ft. Acres Employees [] Mining: Mineral
[] Industrial: Sq.ft. Acres Employees [] Power: Type Watts
[] Educational [] Waste Treatment: Type
[] Recreational [] Hazardous Waste: Type
[X] Other: Lots Only

Project Issues Discussed in Document

[] Aesthetic/Visual [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[] Air Quality [] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Archeological/Historical [] Minerals [] Soil Erosion/Compaction/Grading [] Wildlife
[X] Coastal Zone [] Noise [] Solid Waste [] Growth Inducing
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Landuse
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Cumulative Effects
[] Fiscal [] Recreation/Parks [] Vegetation [] Other

Present Land Use/Zoning/General Plan Use Presently vacant land with a C-2 (Light Commercial) zoning designation and a Commercial land use designation.

Project Description

Minor subdivision of undeveloped urban land creating three parcel of 1.4 to 2 acres in size with a 26+ acre remainder parcel, including on-site sewage disposal areas and development of public road access frontage.

State Clearinghouse Contact: Mr. Toby Holmes (916) 445-0613

State Review Began: 8-21-98
Dept. Review to Agency 9-14
Agency Rev to SCH 9-18
SCH COMPLIANCE 9-21

Project Sent to the following State Agencies

- [X] Resources
Boating
[X] Coastal Comm
Coastal Consv
Colorado Rvr Bd
[X] Conservation
[X] Fish & Game # 1
Delta Protection
Forestry
Historic Preservation
[X] Parks & Rec
Reclamation
Bay Cons & Dev Comm
DWR
OES
Bus Transp Hous
Aeronautics
CHP
[X] Caltrans # 1
Trans Planning
Housing & Devel
Food & Agriculture
Health & Welfare
State/Consumer Svcs
General Services
Cal EPA
ARB
CA Waste Mgmt Bd
SWRCB: Grants
SWRCB: Delta
[X] SWRCB: Wtr Quality
SWRCB: Wtr Rights
[X] Reg. WQCB # 1
Toxic Sub Ctrl-CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Energy Commission
[X] NAHC
Public Utilities Comm
Santa Monica Mtns
[X] State Lands Comm
Tahoe Rgl Plan
Other:
Other:

Please note SCH Number on all Comments 98082049

Please forward late comments directly to the Lead Agency

AQMD/APCD 22 (Resources: 8/22)

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CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET • SUITE 200 P. O. BOX 4908
EUREKA, CA 95501-1865 EUREKA, CA 95502-4908
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



September 27, 2007

Mark Killops LS
Killops Land Surveying
264 Child Avenue
Crescent City, CA 95531

SUBJECT: Coastal Development Permit Appeal No. A-1-DNC-07-023, *Park Minor Subdivision*, South Railroad Avenue at Washington Boulevard, Crescent City, California, APN 117-020-52.

Dear Mr. Killops:

The purpose of this letter is to provide a written synopsis of the results of our staff's field visit to the above-reference property on September 13, 2007, for purposes of viewing the location of proposed parcel boundaries and the mapped extent of wetlands as delineated by Galea Wildlife Consulting (GWC) in July 2007, as depicted on the revised tentative parcel map for the appealed coastal development project.

As you recall, about 1:30 on the afternoon of the 13th, North Coast District Manager Bob Merrill, Coastal Planner Melissa Kraemer, and I met with you at the project site. After introductions, we then set off to perform a spot-check of the distance between the southeast corner of proposed Parcel 4 and the outward extent of the westernmost wetland area on the remainder parcel delineated by GWC. Based upon a visual assessment of hydrophyte prevalence in the area, Ms. Kraemer confirmed that the outer extent of that wetland polygon had been accurately portrayed and that a ± 100 -foot-wide wetland buffer area would exist between the resource area and Parcel 4.

Citing time limitations before needing to depart for our next appointment, our attention then turned to examining conditions within the "wetland no-disturbance area" within the southwesternmost corner of the Park property. Using "rag tape" measurement, we traversed the area, commencing from flagged "GWC Point No. 2" and proceeding in a general south-southwesterly direction along the base of the former railroad berm. At approximately 130 feet from the GPS starting point, we encountered an area heavily covered by understory beneath numerous alders and wax-myrtle, with brittle, compacted leaf litter accumulation indicative of an area subject to seasonal standing water. We conceded that the character of this area might be due to drainage accumulation along the immediate base of the railroad berm and not fully typical for other areas within the no-disturbance area further to the southeast which GWC had found not to contain wetlands. Based upon this brief transect, we concluded that, while the area may not fully comprise wetlands as had been the apparently determination during the County's processing of the preceding land division, a more detailed examination and delineation of the area is indicated. Furthermore, if removal of the use constraints of portions of the property is desired, given that the restriction was imposed by the County as part of their 1991 tentative map approval, any such redesignation of the area would appropriately be undertaken as an amendment to that permit authorization rather than included as part of the processing of the current appeal project.

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Upon briefly recapping our discussions on the way back to our vehicles, we then went our separate ways, with provisions for discussing the appeal further at a later time.

After our 3:00 appointment had been completed, our group found that we had an approximately thirty-minute timeframe before we had to begin our return trip back to Eureka. We utilized this time to return to the Park property and further field-check conditions, particularly the character of the area around the southern boundaries of proposed Parcels 1 and 2 relative to the wetlands delineated on the proposed remainder parcel further to the south. In traversing the area to find the various flagged parcel corners, we encountered an approximately 500-square-foot thicket of willows with attending scattered sedge understory in the proximity to the southeast corner of proposed Parcel 2, extending slightly onto that parcel and trending in a west-northwesterly direction toward Parcel 1. In reviewing the GWC report, we found no specific characterization of this area as containing hydrophytes and/or their relative prevalence as to whether the area might meet state one-parameter wetlands. Based upon this occurrence, we would request that GWC revisit this portion of the site to assess the status of this vegetated area, and, if determined to constitute wetlands, whether requisite LCP minimum buffer widths would be provided for Parcels 1 and 2.

In returning to our vehicle, we proceeded through openings near the common line between proposed Parcels 1 and 2. Along this route we encountered a solitary evening-primrose that, based upon the large size of its florescence, appeared to be of a cultivar or native/cultivar hybridized strain, rather than *Oenothera wolfii*, a California Native Plant Society List 1B rare plant species. However, our taxonomic examination of the plant was less than conclusive and given the occurrence of wolf's evening primrose on the Department of Fish and Game's Natural Diversity Data Base *Crescent City* USGS quadrangle base map, we would also request GWC to again reconnoiter the property for the presence of this rare plant species.

Finally, as we discussed at the site, questions have been raised as to the land division history of the property, particularly as relates to the serial pattern of subdivision by parcel map. Unfortunately, I have search our office's post-certification notices of final local action for Del Norte County and found no entry for the subject 1991 land division (MS9109C). Thus, what specific considerations were made relative to future subdivisions, if any, and the specific findings relative to the imposition of the wetland no-disturbance area remain unknown to our office. To allow our staff to fully review the current subdivision proposal, we would also request that you provide a copy of the project file for the preceding subdivision along with a copy of the recorded parcel map (9 PM 42).

Thank you for your assistance in collating and providing the requested information. If you have any questions, please don't hesitate to call me at (707) 445-7833.

Sincerely,

JAMES R. BASKIN AICP
Coastal Planner

37238

Mark Killops – Killops L Surveying
Coastal Development Permit Appeal A-1-DNC-07-023 – Harry and Lucille Park, Applicants
September 27, 2007
Page -3-

Cc: Frank Galea
Galea Wildlife Consulting
200 Raccoon Court
Crescent City, CA 95531

Ernie Perry, Director
County of Del Norte – Community Development Department
981 H Street, Suite 110
Crescent City, CA 95531

Harry and Lucille Park
9600 NE 179th Street
Battle Ground, WA 98604

RSM/JB:jb/lt

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