STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION

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Hearing Opened:	January 14, 1999
Staff:	D. Rance
Staff Report:	January 20, 1999
Hearing Date:	February 5, 1999
Commission Action:	

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT:	County of Humboldt
DECISION:	Approval with Conditions
APPEAL NO.:	**A-1-HUM-98-101**
APPLICANTS:	**EUGENE AND BETTY SENESTRARO**
AGENT FOR APPLICANT:	Mary Jane Ashton, Omsberg & Co.
PROJECT LOCATION:	510 Valley View Avenue, Eureka area, Humboldt County; APN 301-191-60

PROJECT DESCRIPTION: A coastal development permit for a lot line adjustment between six parcels. (Parcel numbers involved: 301-191-60; 301-201-10/13; 301-221-05/06; 301-221-01; 301-161-01; and 302-161-02.) Parcel A will result in +/- 0.3 acres. Parcel B will result in +/- 0.7 acres. Parcel C will result in +/- 1.9 acres. Parcel D will result in +/- 3.0 acres. Parcel E will result in +/- 28.75 acres. (Note: Although the County Planning Commission approved the project as a multiple lot line adjustment, this type of project is more accurately characterized as a redivision because all six of the lots would be significantly reconfigured.)

APPELLANT:	**Rick Pelren**
SUBSTANTIVE FILE DOCUMENTS:	(1) Humboldt County CDP-08-97; LLA-05-95; (2) Humboldt County Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed, because the appellants have not raised any substantial issue with the local government's action and its consistency with the certified LCP or the Public Access policies of Chapter 3 of the Coastal Act.

The appeal contends that (a) the coastal development permit application to the County contains errors and omissions that constitute a failure to meet the requirements of the Humboldt Bay Area Plan, (b) the project as approved is inconsistent with the geologic hazards policies of the LCP, (c) the project as approved is inconsistent with an LUP Policy that calls for a planned density for the Pine Hill area of one unit per acre in that one of the lots is only 0.7 acres in size, and (d) the project as approved, fails to provide a sufficient buffer between proposed development and wetlands existing on the site, inconsistent with the wetland buffer policies of the LCP.

None of the appellant's contentions raise a substantial issue. The contention about the inadequacy of the completed permit application and the slope stability contention are related. The allegedly missing information relates to a concern that the improvement and use of an existing access road that crosses a filled ravine would create a slope stability hazard. However, the stability of the access road that crosses the ravine was addressed by the geotechnical report prepared for the project. The project as conditioned, requires that the recommendations of the engineering report to address the slope stability hazard be followed. In addition, the Humboldt Bay Area Plan does not contain a policy requiring that the specific topographic survey information that is allegedly missing be included in a coastal development permit application.

With regard to the wetland buffer contention, the appeal does not demonstrate how the project may be inconsistent with the wetland buffer protection policies of the Humboldt County LCP and how the project would result in significant adverse affects on coastal wetland resources.

With regard to the contention that the project as approved is inconsistent with an LUP policy that indicates the planned residential density in the vicinity of the project should be one unit per acre, staff notes that this additional contention was submitted by the appellant as a supplement to his appeal 2 days after the close of the appeal period and is thus an invalid ground for appeal. Even if this contention had been timely submitted, the proposed minimum parcel sizes are consistent with the minimum parcel sizes specified by other policies of the LUP, and thus the contention does not raise a substantial issue of conformance to the LCP.

Furthermore, the County's approval of the redivision does not rise to a level of regional or statewide significance, and will not have great precedential value for future interpretations of the LCP. For these reasons the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal was filed.

The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 4.

STAFF NOTES:

1. Appeal Process.

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 one-hundred feet of any wetland, estuary or stream or within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff.

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 or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed redivision is located adjacent to, and within 100 feet of Swain Slough and Martin Slough.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. 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. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the shoreline of a body of water in the coastal zone, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local

government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2. Filing of Appeal.

The appellant filed an appeal (Exhibit 9) to the Commission in a timely manner on December 8, 1998, within 10-working days of the receipt by the Commission the County's Notice of Final Action, on November 10, 1998, and the close of the local appeal period.

Pursuant to Section 30261 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. In accordance with the California Code of Regulations, on December 9, 1998, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. These materials were received in the Commission's offices on December 18, 1998. The mailing deadline for the next available Commission meeting (January 1999) was December 18, 1998. Consequently, staff was unable to analyze the local record and prepare a written staff recommendation in time for the January 1999 Commission meeting. Therefore, on January 13, 1999, the Coastal Commission opened a public hearing on the subject appeal and continued the hearing until the next available meeting.

3. Related Coastal Development Permit Request.

The subject property is bisected by the boundary between the permit jurisdiction of the Commission and the County. This appeal involves the upslope areas of the proposed redivision which are in the County's coastal development permit jurisdiction. However, at the February 1999 meeting, the Commission will also conduct a hearing on related Coastal Development Permit Application No. 1-98-029. That application seeks Coastal Commission authorization for the portions of the proposed project that are within the Commission's retained jurisdiction. The areas of the subject property that are located within the Coastal Commission's retained jurisdiction include submerged areas, tidelands, or areas subject to the public trust (Exhibit No. 4). These areas of the property consist generally of lowlands around Martin and Swain Slough that are currently in agricultural production. A separate hearing on the permit request will be held just after the Commission's consideration of this appeal.

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. Staff recommends a YES vote on the following motion:

MOTION:

I move that the Commission determine that Appeal No. A-1-HUM-98-101 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

To pass the motion, a majority vote of Commissioners present is required. Approval of the motion means that the County permit action is final and effective.

II. Findings and Declarations.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS

The Commission received from Rick Pelren an appeal of the County of Humboldt's decision to approve the project. The project as approved by the County consists of the redivision of six legally created parcels in the Myers Tract Subdivision just south of Eureka, in an unincorporated area of Humboldt County.

The appellants' contentions are summarized below, and the full text of the appeal submitted to the Commission is included as Exhibit 9. The contentions involve inconsistency with the County's LCP policies regarding geologic stability and wetland resources.

The appellants contends that:

1. The CDP application to the County contains errors, omissions, non-disclosures and misrepresentations that constitute a failure to meet the requirements of the Humboldt County Local Coastal Program;

2. Approval of the project is inconsistent with Chapter 3.17, Geologic Hazards, of the Humboldt Bay Area Plan, as the improvement and use of an existing access road that crosses a filled ravine would create a slope stability hazard;

3. Approval of the project is inconsistent with Chapter 3.21(B)(2)(i) as the policy calls for a planned residential density of one unit/one acre, while Parcel B is only 0.7 acres; and

4. Approval of the project is inconsistent with Chapter 3.30 of the Humboldt Bay Area Plan, as the project as approved, fails to provide a sufficient buffer between proposed development and wetlands existing on the site.

B. LOCAL GOVERNMENT ACTION

On November 5, 1998, the Humboldt County Planning Commission approved with conditions, on a 5 - 0 vote, a Coastal Development Permit for the project. This approval was not appealed to the Humboldt County Board of Supervisors; consistent with Section 13573, the appellants appealed directly to the Commission because the County charges a $600.00 filing fee for appeals. The County issued a Notice of Final Action on the Coastal Development Permit, which was received by Commission staff on November 18, 1998. The project was appealed to the California Coastal Commission in a timely manner on December 8, 1998, within 10-working days of the Commission's receipt of the Notice of Final Local Action.

The coastal development permit approved by the County includes several special conditions (Exhibit No. 10). Some conditions relevant to the slope stability, geologic hazards and wetland buffer issues raised in the appeal include: (1) a requirement that the applicant submit a Development Plan regarding development and improvement of the site to include: (a) 30% slope breaks, (b) forty-foot slope setbacks for 30% slope breaks, (c) setbacks from property lines, (d) location of 100-year tsunami run-up area, (e) location of 100-year flood plain, (f) engineering cost for design and construction access road flat car option, (g) development standards for access road, and (h) notice that a Geologic Report has been prepared for Parcels B & D and is available at the Humboldt County Planning and Building Department; (2) a requirement to convey development rights to the County on the two reconfigured agricultural parcels, Parcels E & F, for development other than public access, boating and public recreation facilities, agriculture, wildlife management, habitat restoration ocean outtakes and infalls, pipelines and dredge spoil disposal; and (3) a requirement to convey development rights to the County for secondary dwelling units on parcels B, C, and D.

C. PROJECT SETTING AND DESCRIPTION, AND HISTORY.

The project site is located south of Valley View Avenue in the vicinity of Country Lane in an unincorporated area just south of Eureka in Humboldt County. The subject property is comprised of six parcels, including five parcels that were created by the Myers Tract Subdivision and one parcel that was created by Parcel Map 2183, Book 19 page 59 (Exhibit Nos. 1 - 3).

The +/- 52-acre property extends northward from the floor of the Elk River Valley up a slope to an upland terrace. Approximately +/- 46 acres of the property covers the nearly flat valley floor. Martin Slough traverses through the lowland portions of the property and Swain Slough constitutes the western boundary of the property. The slope face ranges from gentle to moderate slopes, sloping from north to southeast. Agricultural lands surround the property to the south and residential developments comprise the lands to the north.

The subject property is bisected by the boundary between the coastal development permit jurisdiction of Humboldt County and the Coastal Commission. Although the majority of the subject property lies within the certified Local Coastal Program area of Humboldt County,

certain portions of the property are located within the Coastal Commission's retained permit jurisdiction (Exhibit 4). Appeal No. A-1-HUM-98-101 addresses the portion of the development within the County's jurisdiction.

The lowland portions of the property have been historically used for grazing dairy cattle, and contain several farm buildings. The upslope areas have remained as open space except for a single-family residence on APN 301-191-60.

The applicant is requesting a coastal development permit for a redivision of six parcels. (Parcel numbers involved: 301-191-60; 301-201-10/13; 301-221-05/06; 301-221-01; 301-161-01; and 302-161-02.) As adjusted, Parcel A will be +/- 0.3 acres, Parcel B +/- 0.7 acres, Parcel C +/- 1.9 acres, Parcel D +/- 3.0 acres, Parcel E +/- 28.75 and Parcel F +/- 17 acres. Table 1 shows the acreage of the subject properties "before" and "after" parcel reconfiguration.

Table 1 – Project Description

Existing Parcel Configuration	Area before Redivision	Area after Redivision
301-191-60 (PM2183)	+/- 0.15 acres	Parcel A: +/- 0.3 acres
Lot 132	+/- 11.1 acres	Parcel B: +/- 0.7 acres Parcel C: +/- 1.9 acres Parcel D: +/- 3.0 acres Balance becomes part of Parcel E
Lot 134	+/- 13.2 acres	Parcel E: +/- 28.75
Lot 135	+/- 9.8 acres	Becomes part of Parcel E
Lot 131	+/- 1.8 acres	Parcel F: +/- 17
Lot 133	+/- 15.3 acres	Becomes part of Parcel F

The applicant has demonstrated that all six parcels within the subject property were created legally and that there are potential building sites on Parcels B, C & D (Parcel A is already developed with a single-family residence). The conversion of an existing gravel road into an access road with a minimum travel width of 12-feet that extends from Valley View Drive to Parcels B and D (including a hammerhead turnaround), is also proposed. Development of the access road includes the placement of a railroad flat car across a section of the road, which was identified, in the soils and geologic report prepared for the project, as unsuitable for current road development standards. Any future development, including the development of single-family residential structures will require the approval of an additional CDP. The applicant intends to continue the use of the lowland parcels (Parcels E & F) for cattle grazing.

The purpose of the proposed redivision is to concentrate future residential development in the upslope areas, which are above a 100-year flood hazard zone, and a 100-year tsunami run-up zone and facilitate continued agricultural use of the lowland parcels for cattle grazing. Additionally, the redivision would eliminate split zoning on Lot 132 and reconfigure lot lines to correspond to the existing topography.

D. 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.*

Three of the four contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies and standards of the certified LCP or with the public access policies of the Coastal Act and were part of an appeal filed in a timely manner. The fourth contention, the contention that the project as approved is inconsistent with an LUP Policy that calls for a planned density in the area of one unit per acre relates to a policy of the certified LCP, but is an invalid grounds for appeal in that the contention was not raised in a timely manner. This additional contention was not raised in the original appeal but rather in a supplement to the appeal submitted 2 days after the close of the appeal period. The Commission finds that no substantial issue is raised by the contentions that present valid grounds for appeal. In addition, the Commission notes that the contention presenting invalid grounds for appeal concerning the residential density of the development would not raise a substantial issue even if the contention were submitted prior to the close of the appeal period. The reasons for these conclusions are discussed below.

1. Appellant's Contentions that Present Valid Grounds for Appeal.

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.*

As discussed above, the grounds identified in Section 30603 for an appeal of a local government action are limited to whether the action taken by the local government conforms to the standards in the LCP and the public access policies found in the Coastal Act. 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 no substantial issue.

A. Errors, Omissions, Non-disclosures and Misrepresentations:

i. Contention

The appellant contends that the CDP application to the County contains errors, omissions, non-disclosures and misrepresentations. The appellant asserts that these errors, omissions, non-disclosures and misrepresentations constitute a failure to meet the requirements of the Humboldt Bay Area Plan of the Humboldt County Local Coastal Program. More specifically, the appellant contends that: (A) Note #7 on the plot plan, which states that no hazardous areas are known to exist on or adjacent to the property is a false statement because a proposed road right-of-way is in a landslide area that has been previously filled; and (B) the plot plan does not accurately identify a steep ravine that is located below the existing gravel road. Further, the appellant contends that the applicant did not survey the property to establish baseline topography for the plot plan but instead utilized a 1964 aerial survey undertaken by the California Division of Highways.

Each of the two alleged deficiencies of the application raised by the appellant are discussed below. The appellant supports his assertions with Exhibit C of the appeal application, which consists of hand-drafted-marker-highlights on a portion of the plot plan which are intended to indicate areas that have experienced landslides between 1981 and 1996. Additionally, the appeal is supported by letters from three surrounding property owners (Exhibits D, E & F of the appeal application) which provides anecdotal commentary regarding their personal experience with landslides in the immediate area.

ii. LCP Policies:

The appellant contends that the asserted errors, omissions, non-disclosures and misrepresentations conflict with the requirements of the Humboldt Bay Area Plan. However, the appellant does not cite a specific policy of the Humboldt Bay Area Plan that is in conflict with the alleged deficiencies of the permit application.

iii. Discussion:

The Humboldt Bay Area Plan does not contain any policies addressing the specific content of coastal development permit applications. Such standards are found in the Coastal Zoning Ordinance, including a standard requiring that geologic reports be submitted in some cases. However, the appellant has not contended or demonstrated that the application materials submitted by the applicant fail to meet the specific information requirements of the Coastal Zoning Ordinance. Furthermore, a soils and geologic report that addresses the slope stability concern that is the subject of the allegedly missing information was prepared for this project and considered by the County when it acted on the permit.

One of the specific information deficiencies cited by the appellant is that the plot plan submitted with the application does not accurately identify a steep ravine that is located below the existing gravel road. A review of the plot plan confirms that the ravine is not identified on the plot plan. However, information about the drainage is a part of the CDP application that the County Planning Commission reviewed prior to approving the project. Further, the appellant indicates in his appeal, that the appellant identified the inconsistency between the documentation contained in the soils and geology report and the topography as depicted on the plot plan to the County Planning Commission at its meeting on November 5, 1998, when it approved the project.

Note No. 4 on the plot plan supports the appellant's contention that the applicant did not survey the property to establish baseline topography for the plot plan but instead utilized a 1964 aerial survey undertaken by the California Division of Highways. Although interpolation of topography from an aerial survey is somewhat problematic, as evidenced by the noted inaccuracy of the topography on the plot plan, it is a commonly accepted method of obtaining baseline property information. It must be noted that the interpolation of topography from existing data does introduce distortions in the depiction of topographic information. These distortions are further exacerbated when the source scale is smaller than the application scale. In this instance, the 1964 aerial survey conducted by the California Divisions of Highway is 1" = 200' and the plot plan scale is 1" = 100'. Nonetheless, the County Planning Commission had an opportunity to review the subject CDP application and the administrative record in its entirety, including identified errors in the plot plan topography and the more accurate geologic and soils report.

The appellant implies that inaccuracies in the topographic information on the plot plan suggests that the County has not adequately considered the possible slope instability problem associated with the future improvement of the access road driveway. However, the cited inaccuracies are

not contained in the soils and geologic report, but rather in a plot plan that is not part of the soils and geologic report. As is discussed more fully below in Finding B, the soils and geologic report indicates that if the roadway is built in accordance with the recommendations of the report, the access roadway will be exposed to an acceptable level of risk from hillside instability. The County considered the soils and geologic report when it acted on the permit. The permit approved by the County approves the redivision of the property but does not authorize any physical development; thus a separate coastal development permit will need to be obtained. The conditions the County imposed in the current permit require that a Development Plan be prepared that must contain among other things, notes indicating that (a) the access road must be developed and certified by a registered engineer, (b) that access road improvements require approval by both the land use and building inspection divisions of the County Public Works Department, and (c) all the recommendations of the soils and geologic report be followed. Therefore, the inaccuracies or omissions in the coastal development permit application cited by the applicant did not prevent the County from accurately considering the slope stability issue based on the soils and geologic report.

iv. Conclusion:

Despite the inaccuracies or omissions in the coastal development permit application asserted by the appellant, the site specific soils and geologic report that was prepared for the project and reviewed by the County provided the County with a high degree of factual support for its decision that the development is consistent with the geologic hazard provisions of the certified LCP. Furthermore, the appellant has not demonstrated that the inaccuracies or omissions in the application resulted in a conflict with any specific policy or requirement of the Humboldt Bay Area Plan or any other part of the Humboldt County Local Coastal Program. Therefore, the Commission finds that the project as approved raises **no substantial issue** with respect to conformance of the approved project with the certified LCP.

B. Geologic Hazards, Chapter 3.17, of the Humboldt Bay Area Plan:

i. Contention

The appellant contends that the project is inconsistent with Chapter 3.17(2), Geologic Hazards of the Humboldt Bay Area Plan. More specifically, the appellant contends that the improvement and use of an existing access road that crosses a filled ravine would create a slope stability hazard. In addition, the appellant contends that the recommendations of the soils and geologic report that the instability problem be addressed either by (a) reconstructing a 30 to 40 foot section of the road where it traverses the head of the drainage and supporting the reconstructed roadway section with a Hilfiker Welded Wire Wall or (b) bridge the access roadway across the area of concern with a railroad flatcar, cannot be implemented because they are inconsistent with Chapter 3.17 of the Humboldt Bay Area Plan.

ii. LCP Policies:

Chapter 3.17(2) [Coastal Act Section 30353(2)] states:

> *New development shall ... assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or the destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs.*

iii. Discussion:

The subject permit authorizes a redivision only, and does not authorize any physical development at the site. Additional coastal development permits will need to be obtained by the owners of the lots in the future at the time that homes and any needed infrastructure such as access road improvements are proposed to be constructed. However, in its review of the proposed redivision, the County appropriately considered whether or not the residential lots that would result from the redivision would be feasible to develop for residential uses in the future in a manner consistent with the certified LCP. One area of concern was whether an existing dirt road that runs across a hillside and which is proposed as the access road for reconfigured Lots B and D could be feasibly improved for such use without creating geologic instability problems. A soils and geologic was prepared for the project by Walter B. Sweet, Civil Engineer, No. 97-4654 (Exhibit 11). The soils report indicates that a drainage located on the eastern portion of Parcel D is not accurately depicted on the project Plot Plan and that the geologic head of this filled drainage extends across the existing gravel road (proposed access) (Exhibit 11 see soils report). The soils and geology report identifies that this area was filled sometime in the past with a mixture of topsoil, subsoils and woody debris and was unsuitable for current road construction standards.

The soils and geology report recommends two options to address the unconsolidated (unstable) fill at the head of the drainage that affects the existing gravel road (proposed access). The first option would be to relocate the road up-slope of the geologic drainage head, fill and compact a smaller portion of the geologic depression, construct a retaining structure, remove the fill below the structure and re-contour the mineral earth to its "historic" condition. The second option would be to place a railroad freight car (without permanent raised sides, ends or covering) across the filled drainage head. Although the engineered plans are not currently available, the soils and geology report suggests that the flatcar must be a minimum of 9-feet-wide and extend a minimum of ten-feet into the native soil on either side of the filled depression. Further, the soils and geology report suggest that concrete abutments that are designed to accommodate designloads (traffic, lateral, deadload plus live load) should support the flatcar.

The soils and geologic report recommends two possible options to mitigate the potential hazards of unstable fill soils in a portion of the access road. The County's approval of the redivision project includes three Special Conditions that are intended to address potential slope stability

hazards and incorporates suggested mitigation measures contained in the soils and geologic report. Condition No. 7 requires the submittal of a Development Plan to the County Planning Division for review and approval. Among the required elements to be included in the Development Plan, are notations as follows: (a) estimated engineering costs for both design and construction of access road flat car option; (b) the access road, including drainage, for Parcels B & C must be developed and certified as to construction by a registered engineer and approved by the Planning Division and the Department of Public Works; and (c) a soils report for Parcels B & D that has been submitted and approved and is on file at the County Planning and Building Department. Condition No. 8 requires the applicant to record on the deed the Notice of Development Plan as described above. Condition No. 9 requires that a Notice of Geologic Report be recorded for Parcels B & D. If the above measures, as described in the soils and geologic report are followed, the risks associated with hill slope instability, specifically as it pertains to the unstable portion of the access road, will be minimized to an acceptable level.

As (1) a soils and geologic report has been prepared to evaluate the concern over the stability of the proposed future access road, (2) the report concludes that the roadway will not create unacceptable risk of slope instability if the road is reconstructed pursuant to certain recommendations made in the report, and (3) the County has conditioned the permit to require that the recommendations of the soils and geologic report be followed, the Commission finds that the project as approved raises no substantial issue with respect to whether the future access road reconstruction that would result from the redivision permit would assure stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability, as required by Policy 3.17(2) of the Humboldt Bay Area Plan.

A second contention asserted by the appellant relating to slope stability is that although the geologic report does address the slope instability issue, the recommendations contained in the report are inconsistent with LCP Policy 3.17; however, the appellant does not specify why he believes the recommendations are inconsistent with LCP Policy 3.17. As discussed above, LCP Policy 3.17 requires that, in addition to assuring stability and structural integrity, new development shall not contribute to the destruction of the site or surrounding areas, or in any away require the construction of protective devices that would substantially alter natural landforms. While the improvements for the access road would require some alteration of the site in the future, these improvements are relatively small, would occur in an area that has already been filled and disturbed in the past, and in general do no amount to either destruction of the site or surrounding areas nor substantial alteration of the natural landform.

As the proposed future access road reconstruction that would be necessary to serve reconfigured Parcels B and D would not be large in scale and would occur within an existing area that has already been altered by the placement of roadway fill in the past, the Commission finds that the project as approved raises no substantial issue with respect to whether this aspect of the project would neither result in the destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter the natural landforms along the bluff, as required by Policy 3.17(2) of the Humboldt Bay Area Plan.

iv. Conclusion:

A site specific soils and geologic report which addresses potential slope stability hazards has been prepared for the project. The soils and geologic report contains a high degree of factual support for its conclusion that the roadway work will not significantly contribute to slope instability at the site. Further, the hillside area affected by this decision would not be significant as it contains no sensitive habitat, is not located within a scenic area, and is located well inland and away from ocean and bay coastlines. Therefore, the Commission finds that the project as approved raises no substantial issue with respect to conformance of the approved project with the LCP provisions regarding slope stability hazards.

4. Wetland Buffer Requirement, Ch. 3.30(B)(6)(a), of the Humboldt Bay Area Plan:

i. Contention:

The appellant contends that that the proposed road right-of-way is located within a wetland buffer and is therefore inconsistent with Chapter 3.30(B)(6)(a), Wetland Buffer Requirement, of the Humboldt Bay Area Plan. More specifically, the appellant contends (a) that the proposed road right-of-way sits at the top of a ravine that spills down to a Martin Slough tributary; (b) the gatepost at the top of the proposed right-of-way is about 175 feet from a Martin Slough tributary; and (c) the 40 foot contour is up-slope from the proposed right-of-way. "Exhibit B" of the appeal includes hand drafted notes and highlights on a Xeroxed copy of the applicant's plot plan. Exhibit B is intended to provide a factual basis to support the appeal.

ii. LCP Policies:

Chapter 3.30(B)(6)(a) of the Humboldt Bay Area Plan states:

No land use or development shall be permitted in areas adjacent to coastal wetlands, called wetland buffer areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:

(1) The area between a wetland and the nearest paved road, or the 40 foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance, or,

(2) 250 feet from the wetland, where the nearest paved road or 40 foot contour exceed this distance, or

(3) Transitional Agricultural land designated Agricultural Exclusive shall be excluded from the wetland buffer.

iii. Discussion:

Chapter 3.30(B)(6)(a) of the Humboldt Bay Area Plan states that no development or land use that would degrade the wetland or detract from the natural resource values shall be permitted within (a) the area between a wetland and the nearest paved road, (b) below the 40 foot contour line (as determined from the 7.5' USGS maps), or 250 feet from the wetland, whichever is the shortest distance from the wetland. The submitted appeal does not raise a substantial issue of conformance with Policy 3.30(B)(6)(a) because the proposed right-of-way that would result from the redivision is not within the required wetland buffer and the appellant has not demonstrated that the proposed road reconstruction work would degrade the wetland or detract from the natural resource value.

The closest wetlands to the area where right-of-way improvements would occur are the tributaries of Martin slough that cross the southern portion of the property on the valley floor. The site of the future access road work is between the wetland and the nearest paved road (Valley View Drive) and may be as close as 175 feet from the wetlands, but the site is well above the 40-foot contour line.

Based on an analysis undertaken by the Coastal Commission cartography staff, it has been determined that the site of the proposed future improvements to the existing gravel road (proposed access) is actually located well up-slope of the 40-foot contour as determined by comparison with the Eureka 7.5' USGS contour map.[1] The certified LCP establishes the 7.5' USGS contour map as the standard of review when establishing appropriate wetland buffer areas. The topography as shown on the plot plan is consistent with the Eureka 7.5' USGS contour map.

The County approved two options for the potential future development of the access roadway for Parcels B & D. Both of these options, as recommended in the soils and geologic report, are conceptual in nature and would not be used for actual construction. Option No. 1 recommends that a retaining structure be designed and constructed to support the portion of the road that traverses the head of the drainage. This option includes (a) moving the road up slope to decrease the height (~7') and length (~30' – 40') of the retaining structure, (b) constructing a Hilfiker Welded Wire Wall below the relocated roadway, (c) removing the *historic* fill materials on the downhill side of the Hilfiker Wall, and (d) re-contouring the slope to its natural topographical form. The proposed roadway is located above the 70' contour as shown on the USGS 7.5' quadrangle. Any future development of this access road would have to occur above the 40' contour if the ultimate design would significantly degrade the wetland or detract from its natural resource value. Option No. 2 recommends the placement of a flat car across the filled drainage head. The conceptual design recommends that the flatcar be a minimum of nine feet in width and supported with concrete abutments. It is further recommended that the ends of the flat car extend a minimum of ten feet into native soil on either side of the filled drainage depression.

[1] Eureka 7.5' Quadrangle, Datum = mean sea level, contour interval = 20 feet, photo revised 1972, scale = 1" = 2000'

The work associated with Option No. 2 would occur above the 70' contour as shown on the USGS 7.5' quadrangle.

Based on the conceptual plans contained in the soils and geologic report, neither option Nos. 1 nor 2, for the reconstruction of the access roadway, is located within the wetland buffer area required by LCP Policy 3.30(B)(6)(a). The proposed future road stabilization work is located above the 40-foot contour. The appellant has also not demonstrated how the proposed roadway would degrade the wetland or detract from the natural resource value of the wetland. Further, the California Department of Fish and Game has indicated that any development located above the toe of the slope (as the roadway is) would not adversely affect the wetlands. Finally, any future development of the site, including access road improvements, would require coastal development approval. Potential impacts associated with future development proposals would be reviewed for potential impacts to wetland resources and conditioned to required erosion control measures and any other measures that might be appropriate to eliminate any possible future impact on the wetlands.

iv. Conclusion:

The appellant's contentions that the proposed right-of-way for the access road is located within a wetland buffer are not correct. The County's approval of the redivision is based, in part, on a soils and geologic report prepared by a licensed engineer and a registered geologist. The soils and geologic report provides a high degree of factual support that the proposed future road alignment is outside of the wetland buffer as required by LCP Policy 3.30(B)(6)(a). The California Department of Fish and Game has indicated that the sensitive resources located at the subject property are located below the toe of the slope and would not be adversely affected by development located above that elevation. The proposed future roadway alignment is located well above the 40-foot contour, as required by the LCP. The appellant has not demonstrated that the proposed future road alignment is located within the wetland buffer required by LCP Policy 3.30(B)(6)(a). Therefore, the Commission concludes that the appeal raises no substantial issue with respect to conformance of the approved project with respect to the Policy 3.30(B)(6)(a) of the Humboldt Bay Area Plan.

5. Rural Subdivision Requirements, Chapter 3.21(B)(2)(i) of the Humboldt Bay Area Plan:

This component of the appeal was submitted via facsimile under a separate cover from the balance of the appeal, on December 10, 1998. The Coastal Commission's appeal period, established by Section 13110 of the Coastal Commission's Administrative Regulations, began on November 23, 1998 and ended December 8, 1998. This contention was submitted on December 10, 1998, two days after the close of the 10-day appeal period deadline and is therefore an invalid grounds for an appeal. However, even if this contention was submitted in a timely manner, the Commission would find that no substantial issue is raised by these contentions for the reasons discussed below.

The appellant contends that the project is inconsistent with Policy 3.21(B)(2)(i), Rural Subdivision Requirements as the policy suggests the planned residential density for the area should be one unit/one acre and the reconfigured Parcel B is only 0.7 acres.

LCP Policy 3.21 (B)(2)(i) states:

Planned densities for rural areas designated for residential use shall be as follows:

> *South of Eureka/Pine Hill Area – RURAL RESIDENTIAL*
>
> *This area is located east of Highway 101, just south of the Eureka City Limit line, and along the hill top located there. New residential parcels may be created provided that any subdivision include an open space or conservation easement over the bottom lands planned AE. Planned residential density is one unit/acre.*

LCP Policy 3.21 (B)(2)(i) provides general guidance for residential development for the rural area located just south of Eureka known as Pine Hill. This policy requires that (1) new subdivisions provide an open space or conservation easement for low land agricultural areas; and (2) the planned residential development in the area should reflect a density of at least one residential parcel per acre.

The project area is located at the southern end of a low-density residential development pattern that transitions into larger agricultural parcels at the subject property. The post-redivision residential parcel sizes of the subject property range from 0.3 acres to 1.9 acres or **13,068** square feet to **130,680** square feet. The gross average density of the reconfigured residential parcels would be one dwelling unit per **1.48 acres**, greater than the minimum planned residential density called for in Policy 3.21(B)(2)(i) of one unit/one acre. Additionally, the project includes a requirement to convey to the County development rights for the low land agricultural parcels, Parcels E & F, for certain non-agricultural uses.

According to the County Zoning Ordinance, the purpose of the RS-5 zoning designation is "to allow for the development of homeowner residential uses making conservative use of urban land where adequate services are available." The principally permitted use in the RS zone is a detached single family residential development. The residentially zoned portion of the project site is located within the urban limit line and the agriculturally zoned area is outside of the limit line. According to the County staff report, the landowner has demonstrated that residential services are available. The residential parcels are within the service area of the Humboldt Community Services District, which would provide sewer and water services to any future residences that are constructed.

Policy 3.21 (B)(2)(i) provides general planning guidance regarding subdivisions within rural areas of Pine Hill. The Humboldt Bay Area Plan also contains other more specific planning guidance for subdivision development within the urban limit line in the Pine Hill area that must

be considered when analyzing the project's consistency with the density requirements of the certified LCP.

For example, LCP Policy 3.11(4)(a)(1) states, in applicable part:

> *Pine Hill: an urban limit shall be designated around the Pine Hill area as shown on the area plan map. This boundary has been designated according to that area serviced with sewer and water by the Humboldt Community Services District. Within the Urban Limit, plan designations follow the existing zoning, except where the residential area meets farmed wetlands which are designated for agricultural use. The following land use designations and densities are planned within the urban limit:*
>
> *(1) Residential/Low density (RL): the majority of the Pine Hill area is in this designation which permits a minimum parcel size of 5,000 square feet.*

The residential portions of the subject property are located within the urban limit line and are serviced with sewer and water services from the Humboldt Community Services District (Exhibit No. 8). The reconfigured residential parcels would all meet the development standards of the RL Land Use classification. The low land portions of the property would be reconfigured to reduce the number of parcels, from 4 to 2, that could potentially be developed for certain non-agricultural purposes. The two residential parcels proposed closest to the low land agricultural parcels would be reconfigured to maintain larger parcel sizes of 1.9 acres (Parcel C) and 3 acres (Parcel D).

In addition, the project is consistent with the Residential/low density land use classification for the residential portion of the site. Chapter 4 of the Humboldt Bay Area Plan contains the Standards for the various land use plan classifications included in the plan area. More specifically, Chapter 4 defines the Residential/Low density (RL) land use classification to allow the development of detached single-family residences with a gross density of 3 to 7 units per acre. The reconfigured residential parcels more than double the minimum parcel size requirement for the RL land use classification.

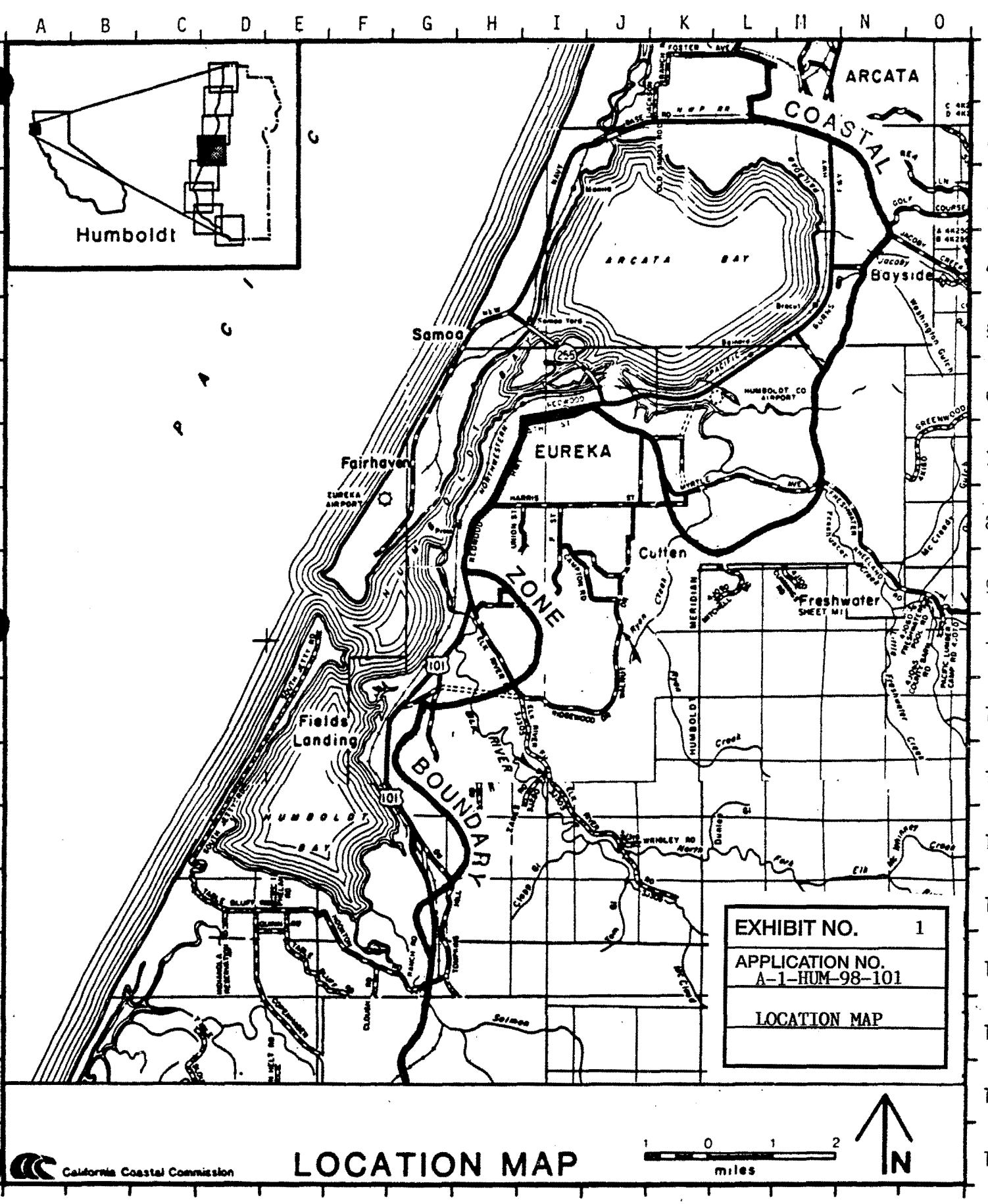
All portions of the subject property with the Residential Low-Density Land Use Plan classification are currently zoned for Residential Low-Density, 5,000-sq. ft. minimum parcel size (RS-5). In fact, the parcel sizes in the adjacent subdivision range from 0.15 acres to 0.30 acres or **6,557** square feet to **13,417** square feet. All of the post-redivision parcel sizes meet or exceed the minimum parcel size requirement of the RS-5 zoning designation and the parcel size(s) within the adjacent subdivision. Thus, the Commission concludes that had the contention raised in the supplement to the appeal been submitted in a timely manner and could be considered as a valid grounds for an appeal, the contention would have raised no substantial issue with respect to conformance of the approved project with respect to Chapter the density requirements of Policy 3.21 (B)(2)(i) of the Humboldt Bay Area Plan.

6. Conclusion

For the reasons stated above, the Commission concludes that the appeal raises no substantial issue with respect to conformance of the approved project with Humboldt County's certified LCP.

EXHIBITS:

1. Regional Location Map
2. Site Location Map
3. Assessors Parcel Map(s)
4. Jurisdiction Map
5. Zoning Map
6. "Before" Parcel Configuration
7. "After" Parcel Configuration
8. Urban Limit Line
9. Appeal to Commission
10. Humboldt County Findings
11. Soils and Geology Report



California Coastal Commission

LOCATION MAP

County of Humboldt

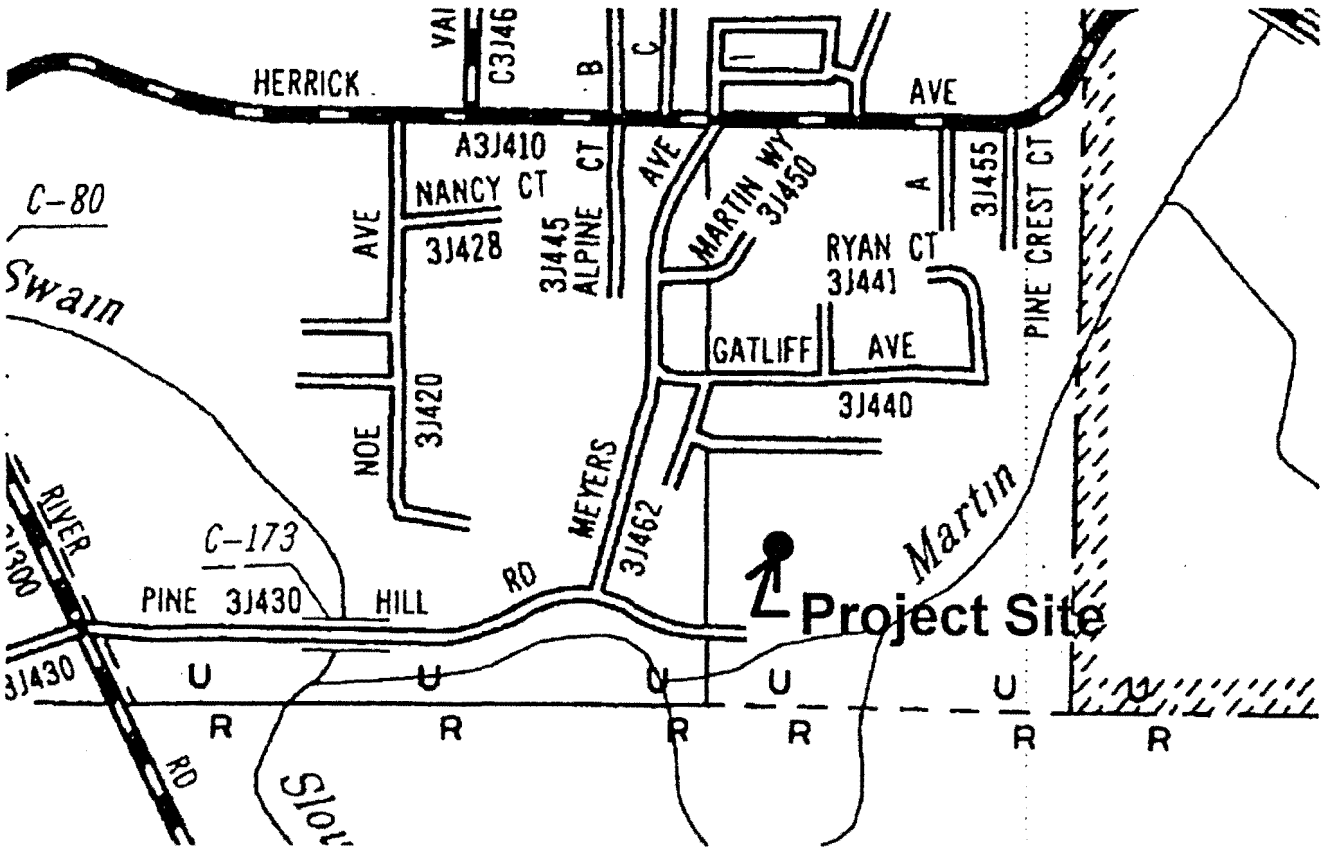
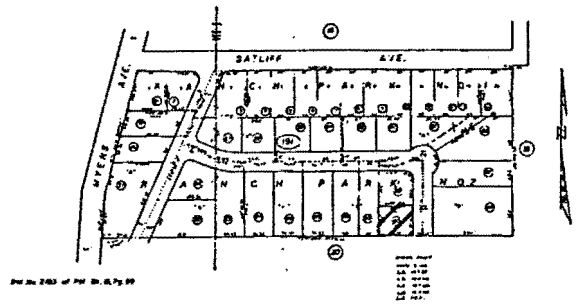


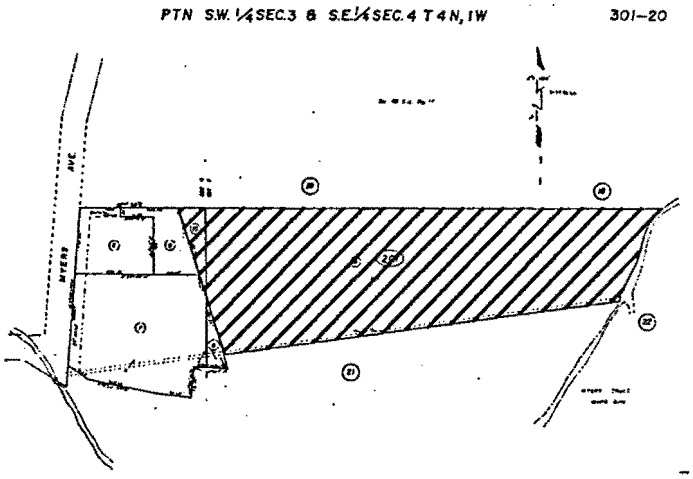
EXHIBIT NO. 2
APPLICATION NO. A-1-HUM-98-101
LOCATION MAP

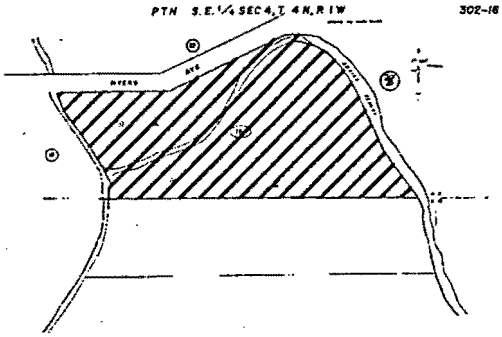
Proposed Senestraro Lot Line Adjustment and Coastal Development Permit in the Eureka Area

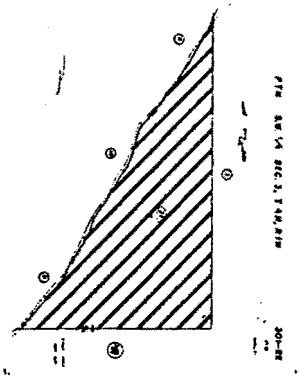
N

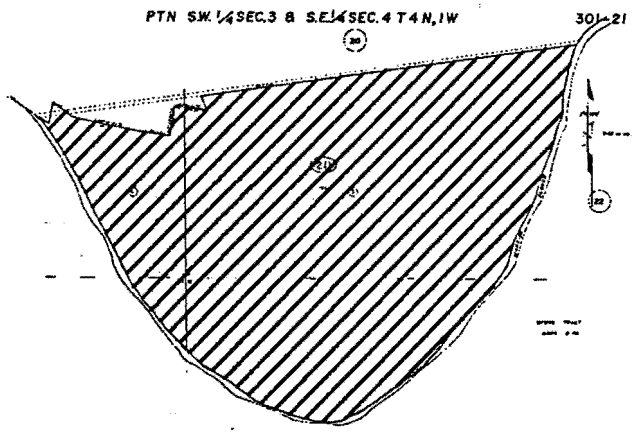
No Scale









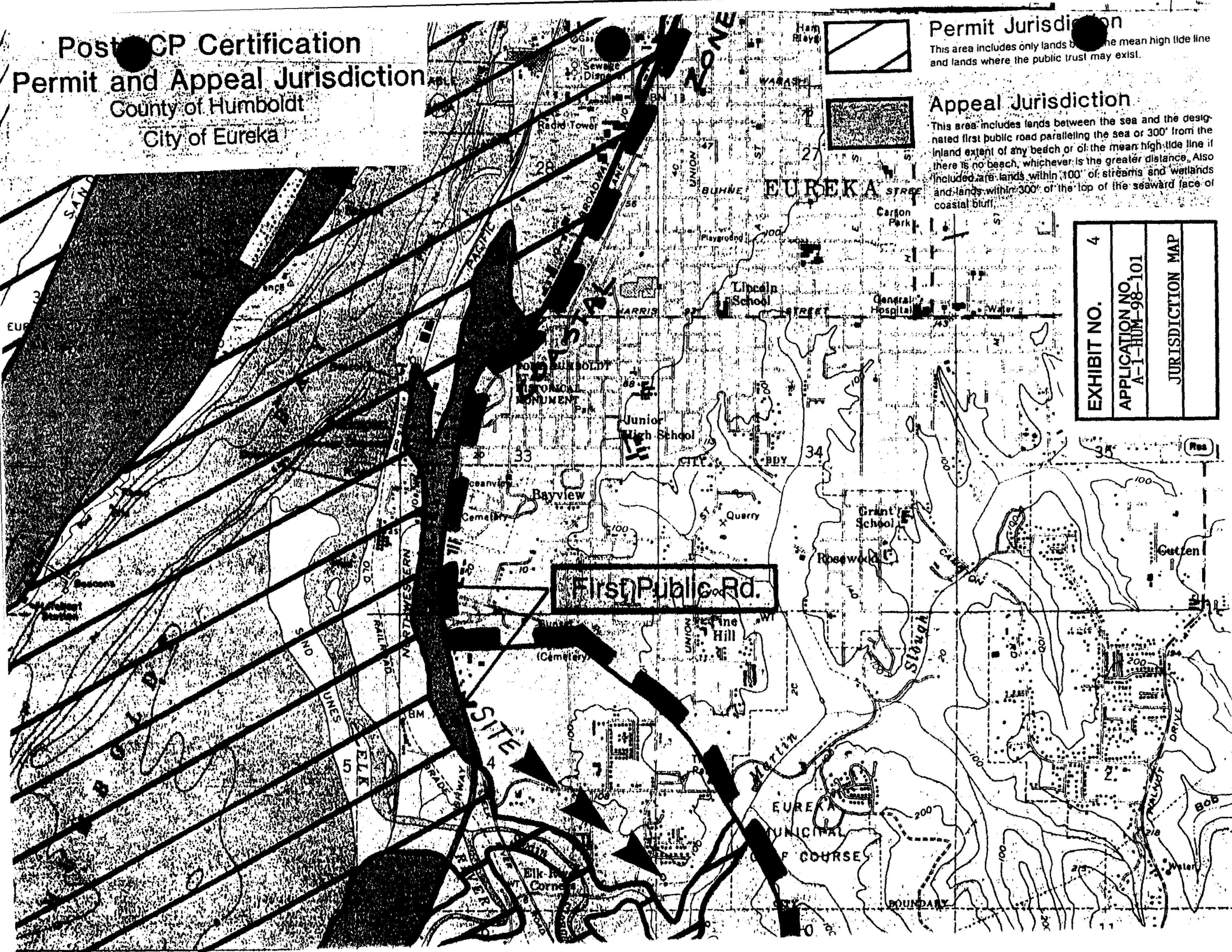


Proposed Senestraro Lot Line Adjustment and Coastal Development Permit in the Eureka Area

EXHIBIT NO. 3
APPLICATION NO. A-1-HUM-98-101
ASSESSOR MAP

N

No Scale


Post CP Certification
Permit and Appeal Jurisdiction
County of Humboldt
City of Eureka
Permit Jurisdi on
This area includes only lands b he mean high tide line and lands where the public trust may exist.
Appeal Jurisdiction
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff.
EXHIBIT NO. 4
APPLICATION NO. A-1-HUM-98-101
JURISDICTION MAP
EUREKA
First Public Rd.
SITE
Lincoln School
General Hospital
Junior High School
Bayview
Grant School
Rosewood
Cutten
Pine Hill
(Cemetery)
Cemetery
Quarry
Carson Park
Playground
Radio Tower
Sewage Disposal
Martin Slough
EUREKA MUNICIPAL GOLF COURSE
Elk River Corners
BUHNE
HARRIS
STREET
WABASH
UNION
BROADWAY
PACIFIC
NORTHWESTERN
RAILROAD
ELK
DUNES
BOUNDARY
CITY
BDY
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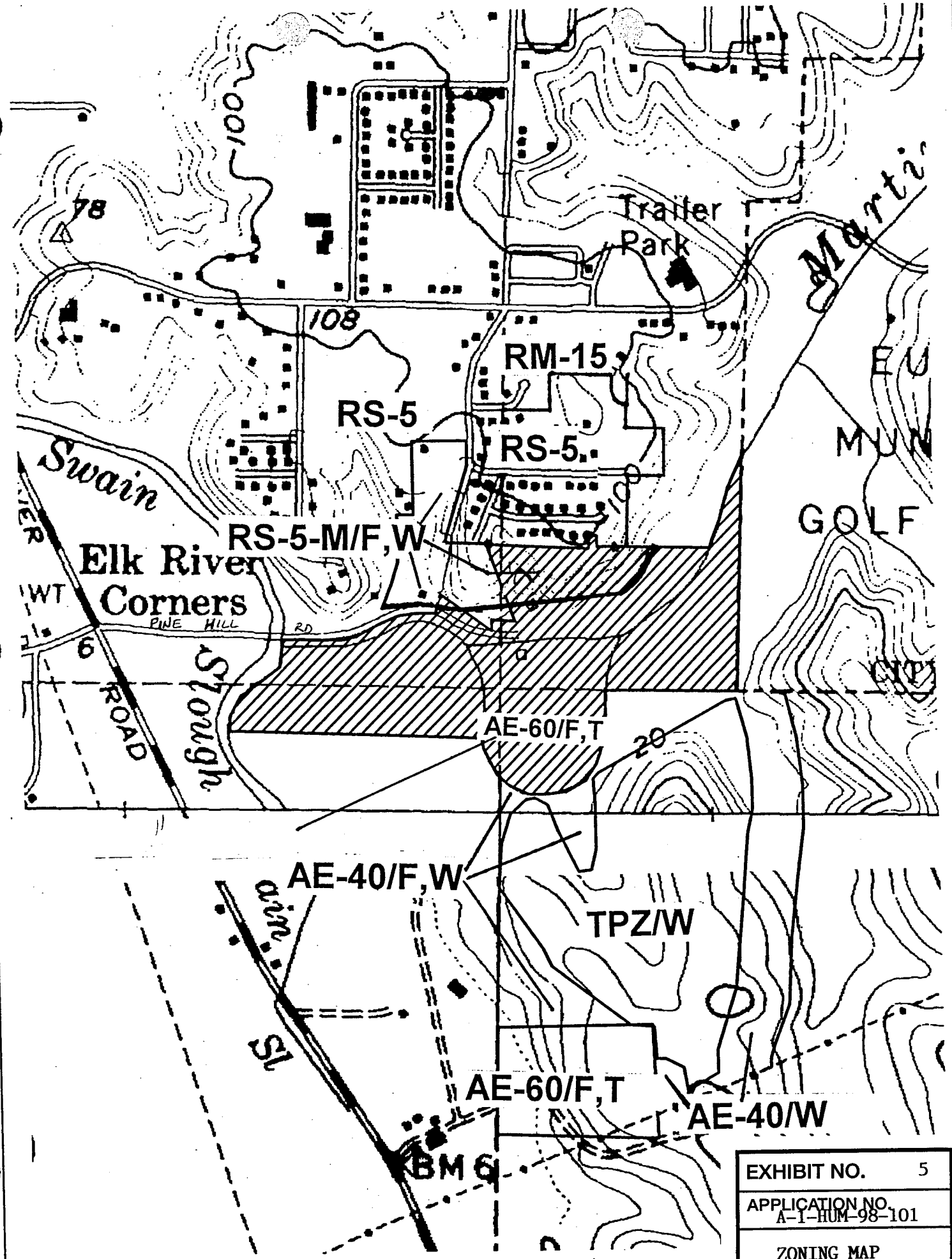

EXHIBIT NO.	5
APPLICATION NO.	A-1-HUM-98-101
ZONING MAP	

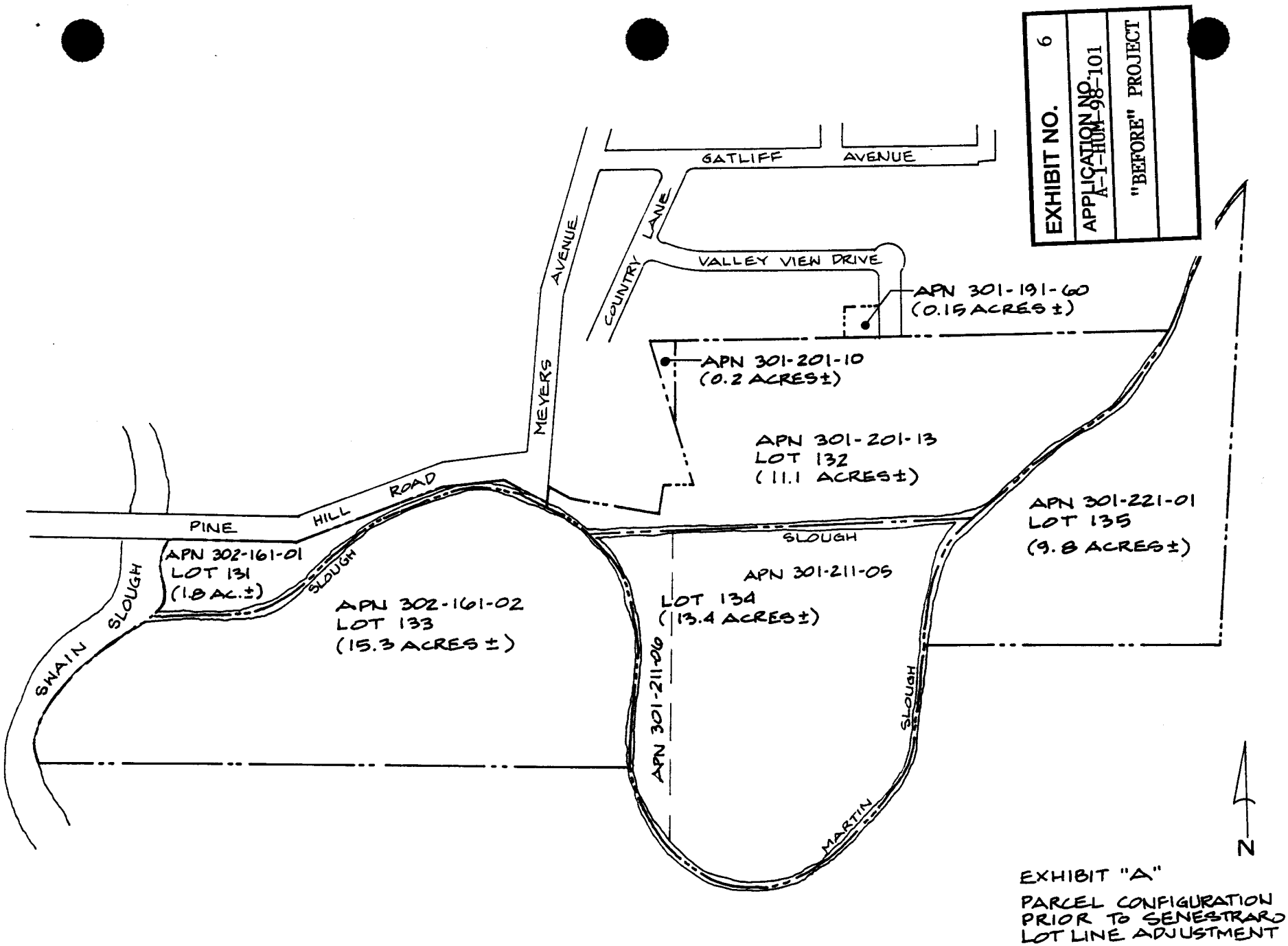

EXHIBIT "A"

PARCEL CONFIGURATION PRIOR TO SENESTRARO LOT LINE ADJUSTMENT

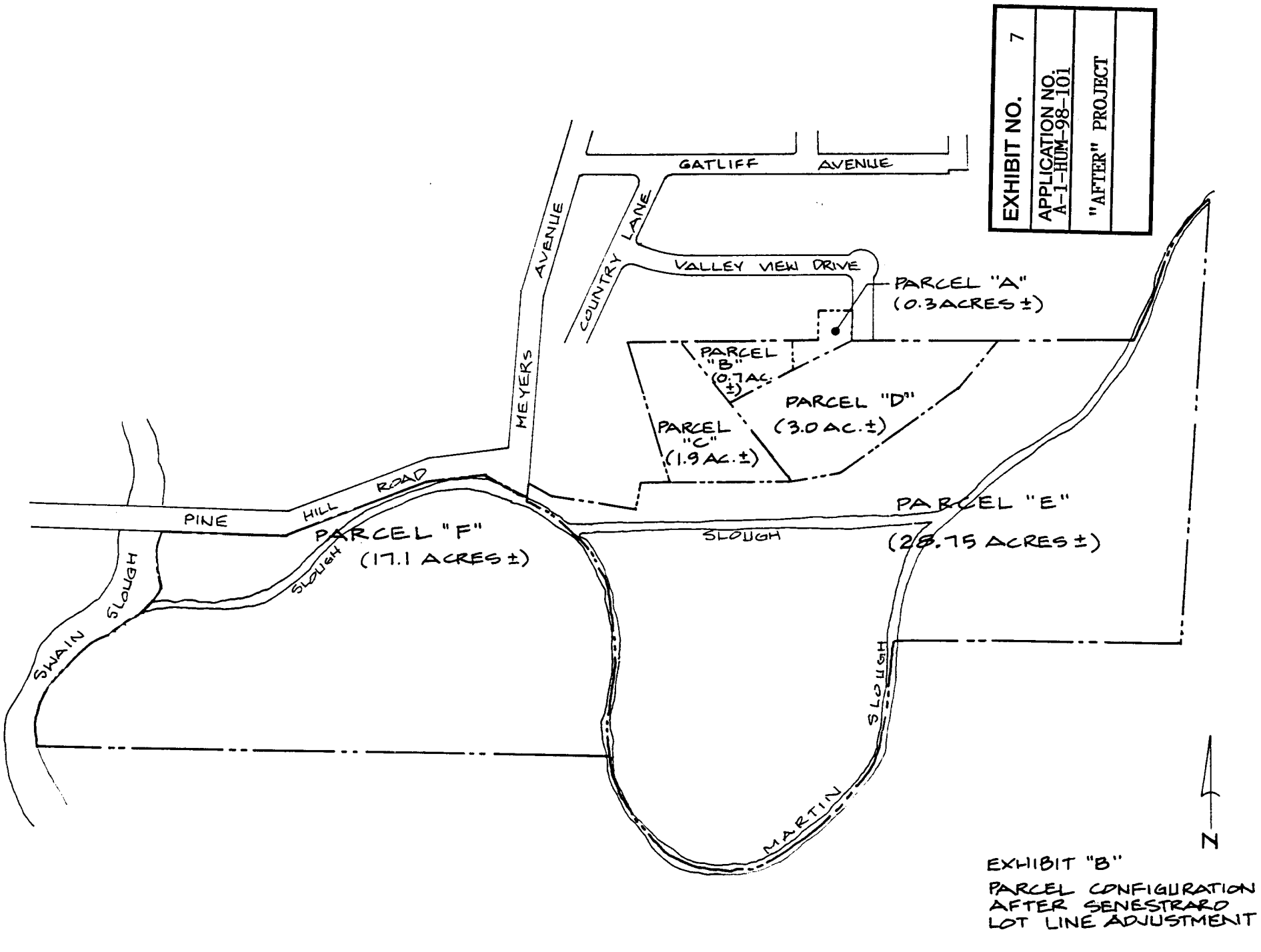

EXHIBIT "B"

PARCEL CONFIGURATION AFTER SENESTRARO LOT LINE ADJUSTMENT

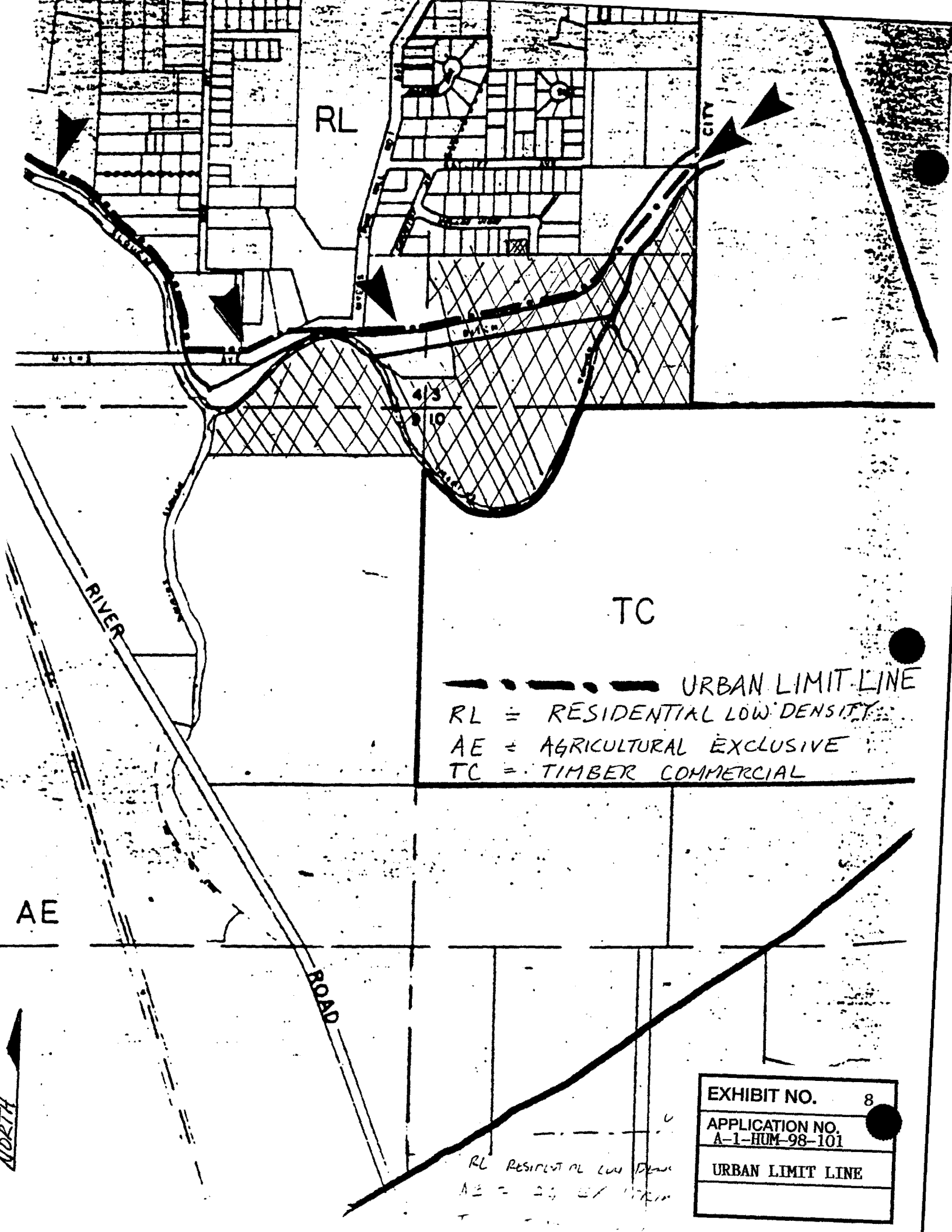

EXHIBIT NO. 8
APPLICATION NO. A-1-HUM-98-101
URBAN LIMIT LINE

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
[redacted]MONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

RECEIVED
DEC 09 1998
HUMBOLDT COUNTY
PLANNING COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

Rick Pelren
600 Valley View Drive
Eureka, CA 95503 (707) 444-8536
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Humboldt County Planning Commission

2. Brief description of development being appealed: CDP # 08-97 case # LLA-05-95
File # 301-191-60 et al,
Sinastrare Lot Line adjustment appliation # 1-98-029

3. Development's location (street address, assessor's parcel no., cross street, etc.): AP 301-201-13

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: Ground instability noted

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. 9
APPLICATION NO. A-1-HUM-98-101
APPEAL

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

a. __Planning Director/Zoning Administrator

c. ✓Planning Commission

b. __City Council/Board of Supervisors

d. __Other_____

6. Date of local government's decision: 11-5-98

7. Local government's file number (if any): 301-191-60 etal.

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:
Eugene J. and Betty Senestraro
510 Valley View Drive
Eureka CA 95503

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) George Ponnay Jr
5681 Country Ln.
Eureka CA 95503

(2) Mr. Stephanie Bunch M.S. Affey
580 Valley View Drive
Eureka CA 95503

(3) Ron Maher
5658 Country Lane
Eureka CA 95503

(4) Dennis Andrews
646 Valley View Dr.
Eureka CA 95503

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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.)

Project is inconsistent with the Humboldt Bay Area Plan:

SEE Attached Sheets (exhibits A, B, C, D, E, F)

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.

Signature of Appellant(s) or Authorized Agent

Date 12-6-98

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)

Date _____

From the desk of Rick Pelren
600 VALLEY VIEW DRIVE EUREKA, CA 95502 FAX 707-269-0978 PHONE 707-444-8536

EXHIBIT A

SLOPE STABILITY HAZARD (north end of parcel D)

The Humboldt County Planning Department had prior knowledge that the proposed road right-of-way location had a history of landslide, but this slope stability hazard was never disclosed by planning department at the 11/5/97 planning commission hearing, even though I pointed out this area (see exhibit B) as a landslide area and recommended denial of Senestraro's application. This slope stability hazard was also not disclosed on the plans submitted for the project by Senestraro (drawn by Omsberg and Company - job # 96-298-1):

1) Note #7 on the Omsberg plot plan says, "No hazardous areas ... are known to exist on or adjacent to the property. This is a false statement.

2) The contour lines on the Omsberg plot plan do not even show the steep ravine below the proposed road right-of-way (see exhibit B). They did not survey the property, but instead elected to use the California Division of Highways 1964 Aerial Survey, which does not even show the ravine in question (see exhibit B).

The above errors, omissions, non-disclosures, and misrepresentations, indicate a failure to meet the requirements of the Humboldt Bay Area Plan of the Humboldt County Local Coastal Program.

This slope stability hazard was noted in the Soils Engineering Report done by Walter B. Sweet, Civil Engineer (Job # 97-4654). The Sweet soils report points out that the proposed road right-of-way is a landslide area that has been filled extensively using uncompacted "topsoil, subsoils, and woody debris". The Sweet Soils report concludes that:

1) This fill mass is unstable
2) The risk of shallow landsliding is considered HIGH
3) 30 to 40 feet of the (proposed road right-of-way) will need to be either moved uphill so that it avoids the head of the filled in drainage head, or rebuilt (option 1)
4) Place a flatcar across the filled in drainage head (option 2)
5) It is recommend a Hilfiker Welded Wire Wall be installed.

HAZARDS

Chapter 3.17 *** 30253-(2) of the Humboldt Bay Area Plan says,
NEW DEVELOPMENT SHALL ASSURE STABILITY AND STRUCTURAL INTEGRITY, AND NEITHER CREATE NOR CONTRIBUTE SIGNIFICANTLY TO EROSION, GEOLOGIC INSTABILITY, OR DESTRUCTION OF THE SITE OR SURROUNDING AREAS OR IN ANY WAY REQUIRE THE CONSTRUCTION OF PROTECTIVE DEVICES THAT WOULD SUBSTANTIALLY ALTER NATURAL LANDFORMS ALONG BLUFFS AND CLIFFS.

The recommendations made in the Sweet Soils report cannot be implemented because they are inconsistent with Chapter 3.17.

WETLAND BUFFER AREA

Chapter 3.30-B-6-a of the Humboldt Bay Area Plan says,
NO LAND USE OR DEVELOPMENT SHALL BE PERMITTED IN AREAS ADJACENT TO COASTAL WETLANDS, CALLED WETLAND BUFFER AREAS, WHICH DEGRADE THE WETLAND OR DETRACT FROM THE NATURAL RESOURCE VALUE.

Chapter 3.30-B-6-a-2 of the Humboldt Bay Area Plan says,
WETLAND BUFFER AREAS SHALL BE DEFINED AS 250 FEET FROM THE WETLAND, WHERE THE NEAREST PAVED ROAD OR 40 FOOT CONTOUR EXCEED THIS DISTANCE.

This proposed road right-of-way is located within the Wetland Buffer Area (see exhibit B):

1) The proposed road right-of-way sits at the top of a ravine that spills down into a Martin Slough tributary.

2) The gatepost (top) of the proposed road right-of-way is about 175 feet from the Martin Slough tributary.

3) The 40 foot contour is up-slope from the proposed road right-of-way

The proposed road right of way cannot be built because it would be inconsistent with Chapter 3.30.

CONCLUSION

The Senestraro project is inconsistent with the Humboldt Bay Area Plan for the above-noted reasons, and the decision warrants a new hearing.

HISTORIC SLOPE STABILITY HAZARDS IN THIS AREA

* see exhibit C for documentation of landslide activity locally

* see exhibit D, E, and F for letters from homeowners who have experienced landslides locally

...001 COUNTRY LANE
EUREKA, CALIFORNIA 95501

December 7, 1998

To Whom It May Concern,

In December of 1981, the eastern side of my property (A.P. 301-191-52) slipped away. The slipout was approximately 40 feet wide by 45 feet deep, four feet from the rear of my house. In order to save the property I had Selvage & Heber Consulting Engineers install a Hilfiker wire wall at a cost of approximately $32,000.00. Simultaneous slides occurred at Debbie & Dennis Andrews (A.P. 301-191-53) and the parcel East of that belonging to Jean & Dan Dordon. Some few years later, West of my parcel, a major slide occurred on (A.P. 301-191-31) Cathy & Ron Wahers lot.

Since installing the wire wall, numerous small slides have appeared with what appears to be major movement a hundred yards South on the parcel owned by the Coytés.

The geography of this area, affected by any steep slope in constant motion. From all engineering reports this area consists of lenses of bay bottom clay interspersed with layers of fine sand. During the wet season the ground water can these layers to slide

Sincerely,

Gene Moore

exhibit D p. 2

Exhibit E

TO: WHOM IT MAY CONCERN

FROM: RON MAHER · 5658 COUNTRY LN.
EUREKA, CA. 95503

RE: LAND SLIPPAGE ON MY PROPERTY.

TWO YEARS AGO I HAD A SLIPPAGE ON THE SOUTH PORTION OF MY PROPERTY. I TOOK OUT A $10,000 SBA LOAN TO BUILD A TIRE & GRAVEL RETAINING BARRIER & FILL IN LOST PROPERTY.

Ronald S. Maher
12-7-98

Exhibit F

Dennis Andrews
646 Valley View Drive
Eureka, Calif. 95503

To whom it may concern,

Approximately fourteen years ago, we sustained a substantial landslide in our backyard at 646 Valley View Drive. There are a lot of springs in the general area which we think contributed to the slide. When the water table rises and the soils become saturated, the areas on the fringes of the hillsides are susceptible to landslides. There are also other neighbors in the area who have also suffered landslides. My landslide alone took 140 cubic yards to back fill. An adjoining neighbor had a very expensive Hillficker wire wall to repair their landslide. There currently is a house under construction on Pine Hill Road, that has already sustained damage due to a landslide.

Dennis Andrews

From the desk of Rick Pelren

RECEIVED 12/10/98

600 VALLEY VIEW DRIVE EUREKA, CA 95503 FAX 707-269-0978 PHONE 707-444-8536

Bob Merrill
California Coastal Commission

SUBJECT: ADDENDUM TO MY APPEAL ON SENESTRARO APPLICATION #1-98-029

Dear Bob,

CHAPTER 3.21 RURAL SUBDIVISION REQUIREMENTS
B - DEVELOPMENT POLICIES
i - SOUTH OF EUREKA/PINE HILL AREA - RURAL RESIDENTIAL
"PLANNED RESIDENTIAL DENSITY IS ONE UNIT/ONE ACRE"

Since parcel B is only .7 acres, this proposal would be inconsistent with Humboldt County's local coastal program.

Thank you

Rick Pelren

PLANNING COMMISSION
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of November 5, 1998.

SUBJECT: **EUGENE & BETTY SENESTRARO**, Eureka Area, Case No. LLA-05-97 & CDP-08-97; File No. APN 301-191-60.

ACTION:
1. Opened the Public Hearing Item #1.
2. Received staff report.
3. Received Public Testimony (See attached Minutes).
4. Closed the Public Hearing.
5. Approved project as recommended and conditioned by staff.

MOTION: **To adopt the Mitigated Negative Declaration in Attachment #3 and make all of the required findings, based on evidence in the staff report, and approve the application as described in the Agenda Item Transmittal and subject to the recommended conditions in Attachment #1. Also include the added conditions: 1) Applicant shall convey developments rights for secondary dwelling units on Parcels B, C, and D. 2) The applicant will attempt to form a Road Maintenance Association. 3) A notation is to be added to the Development Plan: A R-2 report will be required on Parcel C prior to the issuance of a building permit.**

Adopted on motion by COMMISSIONER WHITCHURCH, second by COMMISSIONER GARRETT SMITH, and the following vote:

AYES: EMAD, FLESCHNER, GEARHEART, GARRETT SMITH, & WHITCHURCH
NAYS: NONE
ABSTAIN: NONE
ABSENT: BLYTHER & JEFF SMITH

STATE OF CALIFORNIA)
)
COUNTY OF HUMBOLDT)

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

BY: Mandi Jordan, Clerk

DATE: November 10, 1998

EXHIBIT NO. 10
APPLICATION NO. A-1-HUM-98-101
HUMBOLDT COUNTY FINDINGS

Last day to appeal the LLA to the Board of Supervisors: November 16, 1998 (file with both the Clerk of the Board and the Planning Division).

Last day to appeal the CDP to the Board of Supervisors: November 20, 1998 (file with the Planning Division only).

PUBLIC HEARINGS

1. **EUGENE AND BETTY SENESTRARO, EUREKA AREA;** a Coastal Development Permit for a Lot Line Adjustment between six parcels. (Parcel Numbers involved: APN 301-191-60, 301-201-10, 301-201-13, 301-221-05, 301-221-06, 301-221-01, 302-161-01, and 302-161-02) Parcel A will result in +/-0.3 acres. Parcel B will result in +/-0.7 acres. Parcel C to result in +/-1.9 acres. Parcel D to result in +/-3.0 acres. Parcel E to result in +/-28.75 acres and Parcel F will result in +/-17 acres. An exception to allow a 20 foot right of way to serve Parcels B and D, where 40 feet is required. Also, an interpretation of the zone boundary between Residential Single Family and Agricultural Exclusive to correspond to existing topography. **CASE NOS. LLA-05-97 and CDP-08-97 (filed on 7/31/97). FILE NO. APN 301-191-60.** (MGN)

Issues: Increase in the use of private roads, drainage issues (driveway and Parcel C), geological issues for Parcel C, increase in density.
Staff report and recommendation: Supplemental was given for the Commission's review. The supplemental contains a copy of revised Attachment #1. The LLA is between six separate legal parcels. Staff described the display maps for the Commission. The new project would have four Upland parcels and 2 bottomland parcels. Applicant is not proposing development of these parcels at this time. Bottomland parcels can not be developed as residential parcels, because they are in the 100 year tsunami run up area. A Mitigated Negative Declaration has been prepared for the project (Attachment #3). Neighborhood concerns include: increase in traffic from the project, drainage, maintenance of privately owned roads, and legal access for the parcels (Valley View usage). Three of the upland parcels will be using Valley View as their legal access. The fourth parcel will use an existing easement from the County road. The two bottomland parcel will continue to be used for grazing purposes. Staff recommends the Commission conduct the public hearing; adopt the Mitigated Negative Declaration; make the required findings, based on evidence in the staff report and public testimony; and approve the project subject to the recommended conditions of approval.

Commissioner Whitchurch is the project subject to the subdivision criteria and map act? **Giny Chandler** said LLA are by definition excluded from the Map Act. Since LLA are categorically exempt from CEQA, if the Commission found there to be circumstances that would place the project as creating major environmental concern, the project could be sent back for more environmental study before approving the LLA. The project also requires a discretionary permit (CDP) because it lies in the Coastal Zone.

Speakers For:
KEN OMSBERG, Omsberg & Company, agent for the applicant.
-The project is a LLA; but it is in compliance with most of the subdivision regulations.
-Historically the bottomland parcels have been used for Ag purposes. The higher plateau has been zoned residential.
-He described the displayed maps for the Commission

Speakers Against:
Rick Pelren , 600 Valley View Drive, EKA. He submitted maps & display map for Commission's review.
-He believes the map for the project is not adequately drawn. The driveway serving the Senestraro's and the Sylvia's residence is not 50 feet wide as drawn. The driveway is 14 feet wide.
-Red line on submitted maps indicates the steep slope. The narrow driveway will have to provide access for two more building sites (duplexes could be built). The driveway would have to make a sharp corner to avoid the steep slope.
Jim Sylvia, 536 Valley View, EKA (since 1965).
-30% of the run-off water from the later 1/3 of Valley View runs down his driveway. 70% is taken care of by a natural drainage course at the driveway.
-The potential to build on the new parcels must address the run-off. The widening of the driveway would disrupt the natural drainage course and direct more run-off to his property.
George Ponnay Country Lane, EKA.
-Lives at the top of proposed Parcel C.
-The slope fell away behind his house. A $32,000.00 retaining wall was built to stop the slumping of the slope.
-Buildable site for Parcel C is in the 100 year tsunami run up area.
-Country Lane is not a paved road. It is a privately maintained road.
Stephanie McAffee, submitted petitions from the Valley View neighbors.
-Due to the condition of the road and the potential for increased traffic, neighbors on Valley View have signed a petition to deny the proposed LLA.
-Country Lane and Valley View are privately owned and maintained roads. Only property owners whose property exists along the road are responsible for the repairs.
-She would like to see a limitation on the heights of buildings to protect views.
Kathy Mayer, 5658 Country Lane, EKA (since 1971).
-Concerns: upkeep of the roads and slope slippage.
Bob Bowman, 603 Valley View Drive, EKA (since 1962).
-Valley View is a real concern. He would like the County to take over the road.

Commission Discussion:
Commissioner Whitchurch asked the agent to review the neighbor's concerns.
Ken Omsberg, agent.
-Applicant wishes to convey right to develop secondary dwelling units on the residential parcels.
-Driveway from Valley View is a 50 foot right of way. The driveway is conditioned to be brought up to a Road Category 3 standard. Public Works must sign off on the improvements, thus checking for correct drainage features.
-Steep slope areas are avoided when it comes to placing building sites. 40 foot setback from the slope.
-Mitigation for traffic is to limit development to (1) single family residence per parcel.
-To address maintenance, Mr. Senestraro would join a Road Maintenance Association (if one exists).
Commissioner Emad asked how emergency vehicles would access the newly formed parcels through such a small area?
Ken Omsberg
-Surveys have been done for the purposes of widening the driveway. There will be an adequate width for a Class 2 road. The fire marshal visited the site and expressed no concern over the road.
Commissioner Gearheart asked if the slump was on Proposed Parcel C?
George Ponnay said the slump was actual on Parcels 301-191-53 and -34, as well as his property. The property owners built their property back up by installing a retaining wall made of tires. Mr. Ponnay built his wall with an engineered wire wall.
Commissioner Garrett Smith disclosed ex-parte communication with Mr. Rick Pelren about his concerns. Commissioner Smith asked staff if there is currently a road maintenance association? **Michelle Nielsen** said there is no association yet formed. The applicant offorded to form a road maintenance association as mitigation.
Eugene Senestraro
-Would like to bring the road up to standard. He would be happy to form a road maintenance association.
-Drainage will continue to be taken care of by Mr. Senestraro and his neighbor J. Sylvia.
Commissioner Whitchurch asked why Parcel C was not addressed by the soil report? **Michelle Nielson** answered the Chief Building Official determined that a soils report on Parcel C was not necessary at this time because of the former barn located on this parcel. Given the facts of past slippage, an R-2 report would likely be requested by the person building on the parcel. **Commissioner Whitchurch** asked if a notation could be placed in the conditions for the requirement of an R-2 study prior to building? **Giny Chandler** said LLAs are exempt from Subdivision Map Act. Subdivision criteria can not be required of a LLA.

Commissioner Gearheart asked if approved, would the Commission be okaying the building sites? **Giny Chandler** stated building permit processes would still have to be followed. **Steve Werner** noted the area is in a Coastal Zone and any development would require a CDP. The notice of development plan provides future purchasers with upfront information about what could be required of a parcel. **Giny Chandler** explained a subdivision is where new lots are created. A Lot Line Adjustment is redrawing the lines of the existing lots.
Commissioner Whitchurch asked if the zone boundary was changed with this project? **Giny Chandler** said zoning boundaries are not surveyed, they are drawn on topography. This parcel will provide a surveyed portion of the zone boundary line.
Clarification of Motion:
Commissioner Gearheart asked how notification of required soils studies and geo reports be handled for Parcels B, C & D? **Steve Werner** stated the general Notice of Lot Line Adjustment has a disclaimer that says all review has not been completed for future development. A building permit must stand on its own at the time the application comes in. **Kirk Girard** said a note could be placed in the conditions that state under the Mitigated Negative Declaration, the Commission has determined to abate the risk of geological hazards a R-2 report will be required prior to issuance of building permits on Parcel C. Usually the Chief Building Inspector will make the call if a soils or geo report is required and to what extent.

THE MOTION WAS MADE (Whitchurch/ Garrett Smith) to adopt the Mitigated Negative Declaration in Attachment #3 and make all the required findings, based on evidence in the staff report and public testimony, and approve the application as described in the Agenda Item Transmittal subject to the recommended conditions in Attachment #1. Also include the added conditions: 1) Applicant shall convey developments rights for secondary dwelling units on Parcel on B, C, and D. 2) The applicant will attempt to form a Road Maintenance Association. 3) A notation is to be added to the Development Plan: A R-2 report will be required on Parcel C prior to the issuance of a building permit.

THE MOTION PASSED 5-0.

OLD BUSINESS

1. Discussion and scheduling of Study Session topics (January-June 1999).
Kirk Girard suggested a joint meeting between Current Planning Staff and the Commission. Proposed date: December 17, 1998. Possible Christmas Party with staff.

AGENDA ITEM TRANSMITTAL

TO: Kirk A. Girard, Director of Planning and Building

FROM: Steve Werner, Supervising Planner

MEETING DATE:	SUBJECT: ☒Public Hearing Item	CONTACT:
November 5, 1998	Coastal Development Permit and Lot Line Adjustment	MICHELLE NIELSEN

Before you is the following:

PROJECT: A Coastal Development Permit for a Lot Line Adjustment between six parcels.

Parcel	Creation Document	Area Before LLA	Area After LLA
301-191-60	Parcel Map 2183 of PM, Bk. 19, Pg. 59	±0.15 acres	Parcel A: ±0.30 acres
301-201-10/13 & ptn. of APNs 301-211-05/06	Lot line adjustment as shown on Record of Survey Bk. 48 of Surveys, Pg. 17 recorded April 12, 1988.	±11 acres	Parcel B: ±0.70 acres Parcel C: ±1.90 acres Parcel D: ±3.00 acres
301-211-05/06	Lot 134 of Myers Tract, Maps 6, Page 40	±13.2 acres	Parcel E: ±28.75 acres
301-221-01	Lot 135 of Myers Tract, Maps 6, Page 40	±9.8 acres	Becomes part of Parcel E
302-161-01	Lot 131 of Myers Tract, Maps 6, Page 40	±1.8 acres	Parcel F: ±17 acres
302-161-02	Lot 133 of Myers Tract, Maps 6, Page 40	±15.3 acres	Becomes part of Parcel F

An exception to allow a 20 foot right of way to serve Parcels B and D where 40 feet is required. Also, an interpretation of the zone boundary between Residential Single Family and Agricultural Exclusive to correspond to existing topography.

PROJECT LOCATION: The project site is located in Humboldt County in the Eureka area on the West side of Valley View Avenue, approximately 700 feet from the intersection of Country Lane with Valley View Avenue, on the property known as 510 Valley View Avenue.

APNs:	PRESENT ZONING	PLAN DESIGNATIONS
301-191-60	Residential Single Family specifying a 5,000 square foot minimum parcel size (RS-5).	Residential/Low Density (RL), Humboldt Bay Area Plan; Land Use Density: 3 to 7 dwelling units per acre.
301-201-10	Residential Single Family, specifying a 5,000 sq. ft. minimum parcel size, manufactured homes are permitted, with Flood Hazard Area and Coastal Wetland combining zones (RS-5-M/F,W).	Residential/Low Density (RL), Humboldt Bay Area Plan; Land Use Density: 3 to 7 dwelling units per acre.
301-201-13	Agricultural Exclusive, specifying a 60 acre minimum parcel size, with Flood Hazard Area and Transitional Agricultural Lands combining zones; and Residential Single Family, specifying a 5,000 sq. ft. minimum parcel size, manufactured homes are permitted, with Flood Hazard Area and Coastal Wetland combining zones (AE-60/F,T; RS-5-M/F,W).	Agricultural Exclusive/Prime and Non-Prime Lands (AE); Humboldt Bay Area Plan. Density: 1 dwelling unit per 60 acres. Residential/Low Density (RL), Humboldt Bay Area Plan; Land Use Density: 3 to 7 dwelling units per acre.
301-211-05	Agricultural Exclusive, specifying a 60 acre minimum parcel size, with Flood Hazard Area and Transitional Agricultural Lands combining zones (AE-60/F,T)	Agricultural Exclusive/Prime and Non-Prime Lands (AE); Humboldt Bay Area Plan. Density: 1 dwelling unit per 60 acres.
301-211-06	Agricultural Exclusive, specifying a 60 acre minimum parcel size, with Flood Hazard Area and Transitional Agricultural Lands combining zones (AE-60/F,T)	Agricultural Exclusive/Prime and Non-Prime Lands (AE); Humboldt Bay Area Plan. Density: 1 dwelling unit per 60 acres.
301-221-01	Agricultural Exclusive, specifying a 60 acre minimum parcel size, with Flood Hazard Area and Transitional Agricultural Lands combining zones (AE-60/F,T)	Agricultural Exclusive/Prime and Non-Prime Lands (AE); Humboldt Bay Area Plan. Density: 1 dwelling unit per 60 acres.

APNs:	PRESENT ZONING	PLAN DESIGNATIONS
302-161-01	Agricultural Exclusive, specifying a 60 acre minimum parcel size, with Flood Hazard Area and Transitional Agricultural Lands combining zones (AE-60/F,T)	Agricultural Exclusive/Prime and Non-Prime Lands (AE); Humboldt Bay Area Plan. Density: 1 dwelling unit per 60 acres.
302-161-02	Agricultural Exclusive, specifying a 60 acre minimum parcel size, with Flood Hazard Area and Transitional Agricultural Lands combining zones (AE-60/F,T)	Agricultural Exclusive/Prime and Non-Prime Lands (AE); Humboldt Bay Area Plan. Density: 1 dwelling unit per 60 acres.

APPLICANT
Eugene & Betty Senestraro
510 Valley View Drive
Eureka Ca 95503
707-442-6396

OWNER(S)

AGENT
Omsberg & Company
1864 Myrtle Avenue
Eureka Ca 95501
707-443-8651
Fax: 707-443-0422

ENVIRONMENTAL DETERMINATION:
☒ Review required per the State CEQA Guidelines.

MAJOR ISSUES
☒ None

STATE APPEAL STATUS:
☒ Appealable to the California Coastal Commission.

EXECUTIVE SUMMARY

Senestraro Lot Line Adjustment and Coastal Development Permit:
Case Numbers LLA-05-97 and CDP-08-97.

The applicant has requested approval of a Lot Line Adjustment and Coastal Development Permit, between six parcels. The lot line adjustment will result in the following six parcels:

Parcel A	±0.30 acres	Parcel D	±3.00 acres
Parcel B	±0.70 acres	Parcel E	±28.75 acres
Parcel C	±1.90 acres	Parcel F	±17 acres

No physical development of the property is proposed at this time. The applicant intends to continue to use the bottomland parcels for grazing land, which is their historical use. The purpose of the Lot Line Adjustment is to separate the upland areas, adjacent to and suitable for residential development, from the lower agriculture lands located within the limit of the 100-year flood plain, and below the 100-year tsunami run-up elevation. Additionally, the Lot Line Adjustment will eliminate the split zoning (Agriculture Exclusive 60 acre minimum parcel size/Residential Single Family, 5,000 square foot minimum parcel size) on APN 301-201-13. For Parcels B and D, the applicant is also requesting a zone boundary interpretation between the Agriculture Exclusive and Residential Single Family zoning districts to correspond to the existing topography.

The applicant has submitted evidence demonstrating that there are six separate legal parcels within the subject property. The applicant has submitted information that there are potential building sites on Parcels B, C, and D (Parcel A is already developed with a single family residence). Although no physical development of the property is proposed at this time, any future physical development in would require the approval of a CDP. Parcels E and F are below the 100-year tsunami run-up elevation of 12 feet. The project has been conditioned on the conveyance of development rights on Parcels E and F for development other than public access, boating, and public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outakes, and infalls, pipelines, and dredge spoils disposal, pursuant to Section A314-59(d) of the Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan. According to the applicant's agent, the Senestraros are agreeable to this condition because they do not have intentions of developing this portion of the property for residential purposes. All referral agencies have reviewed the lot line adjustment and are recommending either approval or conditional approval. The Department has prepared and circulated a mitigated Negative Declaration, and has found that the project as proposed and mitigated will not result in an significant adverse impact on the environment. Based on the on-site inspection, a review of Planning Division reference sources, and referral agency comments, Planning Staff believes that the applicant has submitted evidence in support of finding that the project will result in a less than significant environmental impact as proposed, mitigated, and conditioned, and all of the required findings for approving the proposed Lot Line Adjustment and Coastal Development Permit can be made.

STAFF RECOMMENDATIONS:

1. Describe the application as a Public Hearing Item;
2. Allow staff to present the project;
3. Open the public hearing;

"I move to adopt the Negative Declaration in Attachment 3, and make all of the required findings, based on evidence in the staff report, and approve the application as described in the Agenda Item Transmittal and subject to the recommended conditions in Attachment 1."

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

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number 98-81

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE SENESTRARO LOT LINE ADJUSTMENT & COASTAL DEVELOPMENT PERMIT: CASE NUMBERS: LLA-05-97 & CDP-08-97; FILE NO.: APN 301-191-60 et al.

WHEREAS, Eugene and Betty Senestraro submitted an application and evidence in support of approving a Lot Line Adjustment between six parcels contained within 301-191-60, 301-201-10, 301-201-13, 301-221-05, 301-221-06, 302-161-01, and 302-161-02. The lot line adjustment will result in six parcels that will be ±0.30 acres, ±0.70 acres, ±1.90 acres, ±3 acres, ±28.75 acres, and ±17 acres in size. Also a Coastal Development Permit for the Lot Line Adjustment.

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

WHEREAS, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division prepared a Negative Declaration included in Attachment 3; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Lot Line Adjustment and Coastal Development Permit for the proposed project;

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

1. The Planning Commission adopts the proposed Negative Declaration in Attachment 3 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Nos. LLA-05-97 & CDP-08-97 based on the submitted evidence.
3. The Planning Commission approves the Coastal Development Permit and Lot Line Adjustment applied for as recommended and conditioned in Attachment 1 and Attachment 2 for Case Nos. LLA-05-97 & CDP-08-97.

Adopted after review and consideration of all the evidence on NOVEMBER 5, 1998.

The motion was made by Commissioner Whitchurch and seconded by Commissioner Garrett Smith.

AYES: Commissioners: EMAD, FLESCHNER, GEARHEART, GARRETT SMITH, & WHITCHURCH

NOES: Commissioners: NONE

ABSTAIN: Commissioners: NONE

ABSENT: Commissioners: BLYTHER & JEFF SMITH

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

Kirk A. Girard, Director of Planning and Building By: Mandi Jordan
Mandi Jordan

Last Day to Appeal to the Board of Supervisor for LLA-05-97: **NOVEMBER 16, 1998** (must be filed with the Clerk of the Board & Planning Division).
Last Day to Appeal to the Board of Supervisor for CDP-08-97: **NOVEMBER 20, 1998** (must be filed with the Planning Division)

REVISED ATTACHMENT 1**
Conditions of Approval

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

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:

   a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.

   b. A Lot Book Guarantee or Title Report regarding ownership of parcels involved; (If the submitted title documents are more than 6 months old, updated documents must be submitted).

   c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel (enclosed in the final approval packet).

   d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $116.00 per notice plus applicable recordation fees).

2. If the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.

3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $39.00) as required by the County Assessor shall be paid to the County Planning and Building Department, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.

4. The owner(s) of the involved parcels shall execute and file the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 316.2-4 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.

5. The applicant shall obtain either a Coastal Development Permit or a waiver from the California Coastal Commission.

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6. The applicant shall record all of the proposed easements shown on the approved plot plan to the satisfaction of the Department of Public Works.

7. The applicant shall submit three (3) copies of a Development Plan to the Planning Division for review and approval. The Development Plan shall be drawn to scale and give specifications and notes as detailed below regarding the development and improvement of the site. The Development Plan shall include the following elements **clearly and distinctly** on the map:

   A. Mapping Details:

      1. Thirty (30) percent slope break.
      2. 40-foot slope setbacks for 30 percent slope break.
      3. Setbacks from property lines.
      4. Location and width of the proposed contingent easement for ingress/egress over Parcel 3 to serve future development on Parcel 2 as reconfigured.
      5. Location of the 12 foot elevation, labeled as "limits of 100-year tsunami run-up area".
      6. The extent of Flood Zone A, i.e., the 100-year flood plain, per Flood Insurance Rate Map Panel No. 060060 0775B, effective August 5, 1986.

   B. Notations:

      1. Estimated engineering costs for both the **design and construction** of the access road flat car option in accordance with the recommendations found in Soils and Geologic Report Addendum dated March 1998, prepared by Walter B. Sweet, Civil Engineer, and Mark Verhey, Registered Geologist.
      2. *"The access road for Parcels B and D must be developed and certified as to construction by a registered engineer. This certification shall include the correction of any drainage problems associated with the road work. The plans for the construction of the access road and development of the flat car bridge (or retaining wall) structure shall be approved by both the Land Use Division of the Department of Public Works and the Building Inspection Division prior to the commencement of the road work on either parcel. The minimum standard is Road Category 2 from the point where the easement meets ingress/egress easement per 1055 O.R. 440, and Road Category 3 or better over ingress/egress easement per 1055 O.R. 440. This requirement includes improvement of any substandard portions of the roadway traversing over the ingress/egress easement per 1055 O.R. 440. Prior to release of the Building Permit, certification from a registered engineer that work has been completed in accordance with the approved plans shall be submitted to both the Land Use Division of the Department of Public Works and the Building Inspection Division. Any costs incurred by the Land Use Division of the Department of Public Works and the Building Inspection Division for review of the above plans shall be fully reimbursed by applicant."*
      3. "A Soils and Geologic report has been submitted and approved for Parcels B and D, and is on file at the Humboldt County Planning and Building Department. All of the recommendations in the Soils Report shall be followed."

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4. *"Rights for development other than public access, boating, and public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outakes, and infalls, pipelines, and dredge spoils disposal, pursuant to Section A314-59(d) of the Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan have been conveyed on Parcels E and F to the County of Humboldt. Release from this conveyance shall be given at such time when the standards of Section A314-59(d) of the Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan are eliminated by the Humboldt County Board of Supervisors and California Coastal Commission."*

5. *"Development below the 100-year tsunami run-up elevation is limited to public access, boating, and public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outakes, and infalls, pipelines, and dredge spoils disposal, pursuant to Section A314-59(d) of the Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan."*

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

   - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
   - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."

7. A R-2 soils report shall be required on Parcel C prior to the issuance of the building permit.**

8. The applicant shall cause a Notice of Development Plan to be recorded on a form provide by the Humboldt County Planning and Building Department. A copy of the existing deed for the parcel, and associated review (currently $116.00) and recording fees must accompany the Notice.

9. The applicant shall cause a Notice of Geologic Report to be recorded for Parcels B and D on a form provide by the Humboldt County Planning and Building Department. A copy of the existing deed for the parcel, and associated review (currently $116.00) and recording fees must accompany the Notice.

10. The applicant shall convey to the County of Humboldt the rights for development other than public access, boating, and public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outakes, and infalls, pipelines, and dredge spoils disposal, pursuant to Section A314-59(d) of the Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan on Parcels E and F. Release from this conveyance shall be given at such time when the standards of Section A314-59(d) of the Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan are eliminated by the Humboldt County Board of Supervisors and California Coastal Commission.

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11. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning and Building Department (enclosed in the final approval packet). Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $116.00) will be required.

12. The applicant shall conform with the mitigation measures specified in the Exhibit A of Attachment 1 "Mitigation Monitoring Report", and shall fully reimburse the County of Humboldt for the costs of reviews and monitoring required by the conditions of project approval and the Mitigation Monitoring program.

13. The applicant shall convey to the County of Humboldt the rights to any development other than one (1) single family residences and appurtenant structures on Parcels B, C, and D, as shown on the approved plot plan. Release from this conveyance shall be given at such time as the access roads, Valley View Drive and Country Lane, to Parcels B, C, and D is improved to Road Category 4.**

14. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning and Building Department (enclosed in the final approval packet). Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $116.00) will be required.**

15. The applicant shall attempt to join the Valley View Drive and Country Lane Road Maintenance Association (RMA) if one exists, or if there currently is no RMA, the applicant shall form a road maintenance association for Valley View Drive and Country Lane and shall encourage other property owners using Hughes Avenue to join. A copy of the written agreement signed by all parties involved shall satisfy this condition. Note: This condition may be waived by the Planning Division if (1) a RMA for Valley View Drive and Country Lane exists and the applicant is not permitted to join the association, or (2) if none exists, more than fifty percent (50%) of the property owners using Valley View Drive and Country Lane for access decline to join the RMA being formed by the applicant. **

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".

2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.

3. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval that are administered by the Planning Division (Namely: Conditions 1 through 12) for review as a package at least one (1) week before the desired date for recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for

the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.

4. The property is located in the Coastal Zone. Physical development in the Coastal Zone will be subject to the issuance of a Coastal Development Permit. Please contact the Humboldt County Planning and Building Department for information.

5. All development outside the Coastal Zone and within the Streamside Management Area and/or stream channel shall comply with the Sensitive and Critical Habitat policies and standards, §3420 et seq., of the Humboldt County Framework Plan, Volume I; and all development within the Coastal Zone shall comply with Natural Resource Protection Policies and Standards of the Trinidad Area Plan, §3.30 et seq.

** Added by the Humboldt County Planning Commission, November 5, 1998.

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March 26, 1998

APPROVED
HUMBOLDT COUNTY
BUILDING INSPECTION DEPARTMENT
APR 03 1998
BY

Ken Omsberg
Attn: Mary-Jane Ashton
1864 Myrtle Avenue
Eureka, CA 95501

Our Job No. 97-4654

re: Addendum to Soils and Geology Report, Parcel B and Parcel D, Senestraro Property, Lower Elk River Valley, Eureka, APN 301-191-60

INTRODUCTION

This letter report is an addendum to our previous report dated March 4, 1998. It presents recommendations for relocating and rebuilding a portion of the access road into the Senestraro site. The proposed new location of the access road is shown on Figure Three (revised).

Site Conditions In The Area Of The Proposed Driveway

We estimate that there is approximately nine feet of soft, moist fill soils in a portion of the existing roadway that crosses a drainage head at the site (see Figure Three). The face of this fill prism is sloped at 65%. The buried native slope appears to have an approximately 50% slope steepness. The fill is underlain by topsoil. At the time of our visit, water was perched in the basal portion of the fill. We previously determined that this fill is unstable and recommended that the fill be retained, or the road be moved upslope to avoid the drainage head.

In Hole Number Six, located at the base of an existing wood wall, the fill is approximately three feet thick and underlain by a one foot thick layer of soft, wet, topsoil. The elevation of this hole is approximately six feet below the elevation of the road. The native subsoil in Hole Six is a silty clay with a moderate to high plasticity (USCS CL-CH).

On a recent site visit, we drilled two additional holes upslope of the existing road (Holes 8 and 9, see Figure 3, revised). These holes indicate that the fill prism extends farther upslope than we previously estimated. The fill in each of these holes is approximately three feet thick and underlain by approximately one to one and one-half feet of topsoil. The native subsoil in these two holes is a silty sand.

EXHIBIT NO. 11
APPLICATION NO. A-1-HUM-98-101
SOILS AND GEOLOGY REPORT
APN 301-191-60

RECOMMENDATION

Wall Option:

We recommend that a retaining structure be designed and constructed to support the portion of the road that traverses the head of the drainage. Because of the seasonally shallow water table at the site, any retaining structure should have an appropriate backdrain to avoid the buildup of hydrostatic stresses. To decrease the height and length of a retaining structure, and the size of the required excavation, we recommend that the road be moved upslope (see Figure Three, revised).

We recommend a Hilfiker Welded Wire Wall. We prefer this option because it is relatively simple to construct, it can be free draining if backfilled with an imported sandy gravel fill, and it can deform slightly without affecting the integrity of the wall.

We recommend that the toe of a proposed Hilfiker Welded Wire wall be embedded a minimum of two feet into the native subsoil. The length of the primary mats for a Hilfiker Wall are approximately 0.7 times the height of the wall. Our preliminary calculations show that if the wall is built in the location as shown on Figure Three (revised), the height of the wall, including embedment at the toe, will be approximately seven feet. Thus, the cut for the primary mats will be approximately five feet. We recommend that the cut on the uphill side be no steeper than 1 ½:1.

We recommend that completed excavations be inspected by a representative from our office prior to placement of fill soils or commencement of retaining wall construction.

Provide a means of drainage at the heel of the Hilfiker Welded Wire Wall. We recommend using four inch corrugated perforated plastic pipe with perforations down. The pipe should be wrapped in filter fabric, and have a minimum slope of 2%. Drain outlets should extend beyond the toe of the wall. Tightline the portion of the drain that will daylight. Protect the outlets from erosion by placing cobble or similar.

Grade the site or construct temporary ditches to avoid water run-off into the excavation.

Place the fill in eight inch lifts and compact with a vibratory roller or hand held whacker. Be careful to avoid bulging of the face of the Welded Wire Wall. The primary mats should be spaced a minimum of every two vertical feet. Have the relative density of the compacted fill materials tested (ASTM D 2922) every two vertical feet. We recommend that the relative density of the compacted fill material be a minimum of 90% of the maximum dry density.

We recommend that the fill materials on the downhill side of the proposed Hilfiker wall be removed, and the slope regraded to its original configuration.

Flatcar Option:

Another possibility is to place a flatcar across the filled in drainage head. If this option is chosen, the flatcar must be a minimum of nine feet wide, and concrete abutments will need to be designed to accommodate design loads (traffic, lateral, dead load plus live load). We recommend that the ends of the flatcar extend a minimum of ten feet into the native soil on either side of the filled in depression.

Summary:

We have presented two possible options to mitigate the hazard of unstable fill soils in a portion of the access roadway. We prefer the wall option because it removes most of the deleterious materials and provides a means of drainage in an area with a seasonally high water table. Further work will need to be done to provide soils data, topographic data, and engineering design for each option. This report is intended to provide a conceptual design. It is not intended to be used for construction. It is our opinion, that if our recommendations are followed, this portion of the access roadway will be exposed to an acceptable level of risk from hillslope instability.

We thank you for this opportunity to be of service. If there are any questions, or if we can be of further assistance, please call.

Very truly yours,

John Bulinski, Civil Engineer
R.C.E. 43,826 License Expires 6-1-01

Mark Verhey, Registered Geologist
R.G. 6,729 Expires 1/31/99

MV/JB (4654SR2.doc)

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DESIGNED	MV	DATE	March 3, 1998	TITLE	FIGURE-3 (REVISED)
DRAWN	SB	SHEET	1 OF 1	SCALE	AS NOTED
CHECKED	W.B.S.	DWG. NO.	4656.DWG	JOB NO.	97-4654

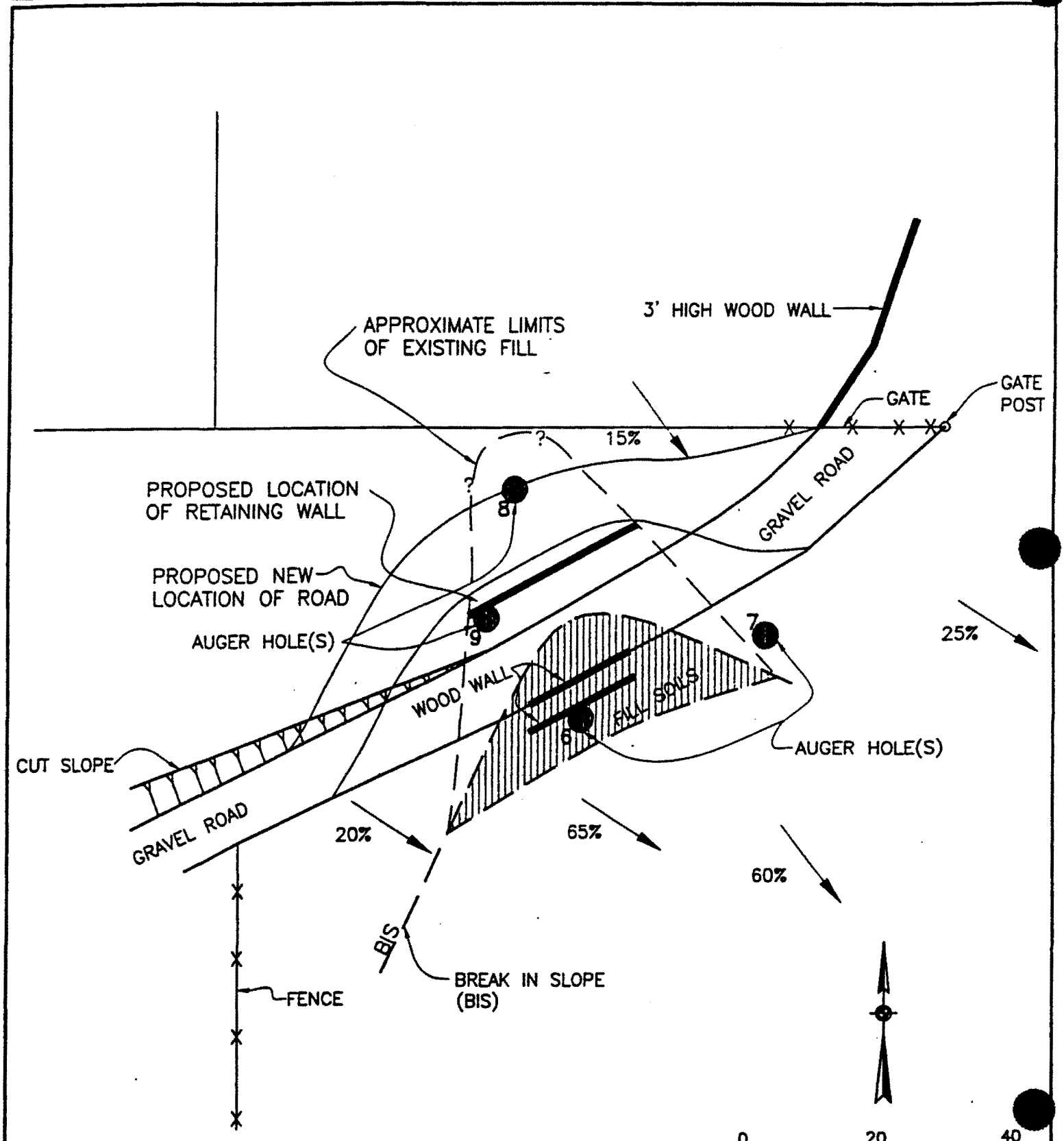

FIGURE 3 (REVISED, 3-26-1998)
JOB 97-4656

Soils Report

For
Parcel B and Parcel D

Senestraro Property
Lower Elk River Valley,
Eureka
Assessor's Parcel Number 301-191-60

by

Walter B. Sweet, Civil Engineer
Job Number 97-4654
March 1998

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March 4, 1998

Ken Omsberg
Attn: Mary-Jane Ashton
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Eureka, CA 95501

Our Job No. 97-4654

re: Soils and Geology Report, Parcel B and Parcel D, Senestraro Property, Lower Elk River Valley, Eureka, APN 301-191-60

INTRODUCTION

This report presents the results of our field and laboratory investigation at Parcel B and D of the Senestraro Property , located in the SW ¼ of section 3, T4N, R1W, HBM, of the USGS Eureka 7.5' quad. The proposed building sites occupy a gently to moderately sloping late Pleistocene terrace remnant approximately 65 feet above, and north of, the floor of the Elk River Valley and Martin Slough. The proposed locations of two building sites and one driveway are shown on Figure One, which is based on the plot plan provided by Ken Omsberg (scale 1:100; C.I.= 10 ft). Both parcels are proposed to be accessed by an existing gravel road that connects with Valley View Drive.

The location of a break-in-slope separating the terrace surface from an approximately 60% hillslope leading down to Martin Slough and its tributaries is not well constrained as shown on Figure One. This break-in-slope was sketched in the field, at a 1:100 scale. It should not be used for site development planning. We recommend that it be staked prior to construction.

SCOPE OF WORK and SITE INVESTIGATION

Our scope of work was limited to characterizing soil conditions, qualitatively assessing the risk of slope stability, reviewing previous reports in the site vicinity, providing a suite of recommendations for foundation design and site development, and preparing this report.

Mark Verhey, Registered Geologist of this office, drilled seven hand auger holes and collected undisturbed samples in brass tubes at selected intervals on January 13, 1998. In our Arcata laboratory, we ran tests for moisture content, dry density, unconfined compressive strength (by pocket penetrometer), and plasticity index

(Atterberg Limits). In addition, we visually inspected the hillslopes at the site, and the site vicinity, for geomorphic evidence of recent instability.

Figure One shows proposed building sites, the location and number of our hand auger holes, and pertinent geomorphic features. Appendix I is the soil logs. Laboratory results are shown on the soil logs. Soil descriptions follow the guidelines of the Unified Soils Classification System (USCS) (Figure Two). Appendix II is the results of the Atterberg Limits test. Figure Three is a sketch map of the proposed access driveway.

SITE DESCRIPTION

Slope gradients at the two proposed building sites are approximately 15% at Parcel B, and 22% on Parcel D. The aspect is to both the southwest and south-southeast. There is a rounded, gradual, break-in-slope separating the inclined terrace remnant with an approximately 60% hillslope leading down to Martin Slough and its tributaries. A series of trails transect the hillslopes. Vegetation consists of a sparse cover of conifers and alders on the hillslopes, and perennial grasses on the terrace surface.

There are two prominent drainages at the site that are unnamed tributaries of Martin Slough. The drainage on the west trends north-northwest and extends approximately 500 feet north of the valley floor. There is another drainage at the site, located on the eastern portion of Parcel D that is not shown on the Omsberg plot plan. The head of this drainage extends to the proposed access driveway. The slope steepness in the head of this drainage is 65%.

Groundwater is shallow at the site. At the time of our visit, the water table was 1.3, 0.2, 1.0, and 1.6 feet below the ground surface in hole numbers One through Four, respectively. Adjacent to the gravel driveway, there is an area of emergent groundwater (see Figure Three). Hole Number Five, which was five feet deep, did not encounter water. Hole Number Six, located in the fill prism along the existing road, encountered water in the fill soils. Hole number Seven was a shallow hole augered to confirm the limits of fill soils. It was dry.

GEOLOGIC SETTING

The site occupies a portion of a late Pleistocene marine terrace remnant at an average elevation of 80 feet above mean sea level (msl). At a relatively shallow depth (less than ten feet), the site is underlain by the Pleistocene Hookton Formation (Ogle, 1953). The Hookton was deposited in a variety of nearshore

depositional settings including flood plain, lagoon, bay, estuary, beach, and fluvial. In the area of our investigation, the Hookton consists of a minimum four foot thick silty clay (USCS CL-CH) underlain by a sequence of thickly bedded sands. There are no mapped folds at the site. However, the terrace surface at the site, and in the site vicinity, is visibly inclined to the south.

The nearest mapped fault trace, the North Spit fault, is located approximately 1500 feet to the southwest. Although there is sparse information on the activity of this fault, it is considered to be an active structure (Kilbourne and others, 1980). It is well defined in the offshore from seismic reflection profiles (ESA, 1977), but is mapped as a concealed structure for its onland extension (Kilbourne and others, 1980). The North Spit fault reportedly has a near vertical dip near the mouth of the Elk River, with as much as 300 feet of vertical offset of the Hookton Formation, north side up (Kilbourne and others, 1980; ESA, 1977).

A three point solution for the top of a stiff clayey silt (USCS CL-CH) unit encountered in the field (see Appendix I, Holes One - Three) suggests the orientation of shallow soils at the site is approximately N25W 10SW. This coincides with the trend of a deeply incised tributary valley located on the western portion of the site. At the base of the slope, located in the southeastern portion of Parcel D is an active landslide that exposes thickly layered silty sands and sandy silts of the Hookton Formation. At this location we determined that the strike and dip is approximately N65E 15SW.

The difference between the two measurements of the strike and dip at the site suggests that either there is an anticlinal structure at the site, with an approximately N20E trend, or that at least one of the measurements is in error. In either case, it appears that the sediment at the site is inclined to the south, and that the topography of the terrace surface is inclined in a similar fashion. Other examples where the topography of terraces mimics the underlying structure occur at Table Bluff (Carver, 1987), Grizzly and Weymouth Bluff (Verhey, 1992), and the area between Hydesville and Fortuna (Ogle, 1953). In these areas, the terraces are interpreted to be deformed by progressive growth of faults and fault related folds.

DESCRIPTION OF SITE SOILS

Parcel B

Topsoils at this proposed building site are one to one and one-half feet thick. They are underlain by a one-half to one foot layer of slightly clayey, sandy, medium dense, yellowish brown silt (USCS ML). This in turn is underlain by a one to two foot thick section of clayey, slightly silty, medium dense, yellowish brown sand

(USCS SC-SM). At a depth of four and one half feet in Auger Holes Number One and Two, and seven feet in Auger Hole Number Three, we encountered a medium stiff, silty clay with a moderate to high plasticity (USCS CL-CH, see Appendix I). In our Arcata laboratory, we determined the plasticity index of this unit from a sample collected in Auger Hole Number One at five foot depth. The plasticity index and liquid limit are 29 and 50 respectively (See Appendix II). This indicates that the silty clay has a moderate to high expansivity potential. The thickness of this unit is a minimum of four feet.

The average dry density (n=3) of the subsoils, excluding the clay unit, is 96 pounds per cubic foot (pcf)). The average moisture content is 26 percent. The average unconfined compressive strength (by pocket penetrometer) is 0.75 tons per square foot (tsf).

At the time of our visit, the water table on this parcel was one foot-four inches, two and one-half inches, and one foot, in Auger Holes One through Three, respectively.

Parcel D

Site soils in this proposed building area consist of one and one-quarter to one and three-quarter feet of black topsoil (USCS ML) over a yellowish brown, medium stiff, clayey sand (USCS SC). The average dry density of the clayey sand (n=4) is 101pcf. The average moisture content is 24 percent. The average unconfined compressive strength (by pocket penetrometer) is 1.8 tsf. Underlying the clayey sand is a sandy silt to silty sand. The silty clay unit encountered in Parcel B was not encountered in the auger holes on this parcel. The three point solution determined from Auger Holes One, Two and Three, indicate that holes Four and Five lie at an elevation below the silty clay unit.

At the time of our visit, the water table on this parcel was one foot seven inches in Auger Hole Number Four. Auger Hole Number Five, which was five feet deep, did not encounter any free water.

Access Driveway

We identified one area of fill soils along the existing gravel road (see Figures One and Three). The fill in this portion of the road was soft and wet at the time of our visit. It consists of a mixture of topsoil, subsoils, and woody debris. In Hole Number Six, located at the base of a wood wall, the fill is approximately three feet thick and underlain by a one foot thick layer of soft, wet, topsoil. The elevation of this hole is approximately six feet below the elevation of the road. We anticipate that there is a

significantly greater thickness of fill under this portion of the road. The fill is underlain by a soft clay, similar in texture to the clay unit encountered in holes One through Three.

SLOPE STABILITY

Site Slopes

We visually inspected the site hillslopes for evidence of recent instability. The geomorphic indicators that we looked for include scarps, abrupt changes in slope, backtilted blocks or shallow undrained depressions, tilted trees, tension cracks, areas of bare soil, and arcuate shaped depressions. The site slopes contain a number of trails and old roads that generally travel along contour. Some of these features may obscure from view previous landsliding events.

The site slopes are generally planar features. The few conifers that exist are straight and upright. Although there are several small depressions, we did not observe signs of any recent large failures along the adjacent site slopes. There is one relatively small active failure located in the southeastern portion of Parcel D (see Figure One). This failure is a shallow debris slide located at the base of the slope. It occurred on a 60% slope in thickly layered silty sands and sands. The head scarp is approximately four feet high. The total length of the slide is approximately 65 feet (see Figure One).

The break-in-slope separating the inclined terrace surface from the hillslopes leading down to the Martin Slough and its tributaries, is a gradual, rounded feature. The rounded nature of this break-in-slope suggests that landslides have not extended up to the break-in-slope for the last approximately 50 years.

In summary, the adjacent site slopes do not show any obvious geomorphic indicators of recent landsliding. However, the presence of a shallow debris slide on a 60% slope in the site vicinity attests to a relatively low factor of safety for site slopes. This observation, in combination with the dip-slope condition, suggests that shallow landslides are likely to occur on the site slopes during the assumed 50 year economic lifespan of a residence. For these reasons, we recommend that homes be set back a minimum of 40 feet from the break-in-slope. As noted earlier, the break-in-slope is a gradual, rounded feature. Its location in the field is somewhat subjective. We recommend that it be staked prior to construction. Note that the proposed building site on Parcel D should be set back from the break-in-slope along both the southern and eastern portions of this lot.

We conclude that the risk of shallow landsliding on site slopes, under static conditions is Moderate to High. In the event of a low frequency storm event or an earthquake event of significant magnitude and duration located within 30 miles of the site, the risk of shallow landsliding is considered HIGH. The seismic setting and in part the historic record, suggests that the site should experience strong ground shaking at least once during the assumed 50 year economic lifespan of the buildings.

Fill Slopes

The fill in a portion the existing roadway (Figure 3) consists of a mixture of topsoil, subsoils, and woody debris. At the time of our visit, it was soft and wet. Beneath the fill is native topsoil (see appendix I). At the time of our visit, water was perched in the basal portion of the fill. In addition, there was an area of emergent groundwater slightly uphill from this fill prism.

The fill rests on an approximately 65% slope. This slope was not prepared to receive the fill. Vegetation and topsoil was not removed, and no toe key was cut. There are two existing wood walls attempting to resist the downhill motion of this fill. Both walls are currently inclined. It appears the lower wall was built after the first wall began to fail. The fill soils extend four feet below the base of the lower wall. Beneath the fill soils is a silt clay with a moderate to high plasticity (USCS CL-CH).

We conclude that this fill mass is unstable. Consequently, the portion of the existing road encompassed by this fill is also unstable. We estimate that 30 to 40 feet of the existing roadway will need to be either moved uphill so that it avoids the head of the filled in drainage head, or rebuilt. If the road is rebuilt in its current location, then the design should utilize an appropriate retaining structure for the head of the drainage. Due to the steepness of the native slope in the head of the drainage, we do not recommend removing and replacing the fill without the aid of a retaining structure. Any retaining structure should have an adequate backdrain to avoid buildup of hydrostatic pressures.

RECOMMENDATIONS

Site Development

We recommend that the break-in-slope be staked in the field prior to construction. We define the break-in-slope at this site by the location where slope steepness becomes 30% or greater.

Set back all foundation elements a minimum of 40 feet from the break-in-slope.

Foundations

All shallow footings should be embedded into the yellowish brown subsoil, which underlies the black topsoil. We recommend that perimeter footings be embedded into the native yellowish brown soils a minimum of eight inches for one story foundations, and a minimum of twelve inches for two story foundations. Interior pier and post support pad footings should bear a minimum of four inches into the recommended bearing soils. Topsoils and/or fill materials should not be taken as a part of embedment measurements.

The target bearing soil at Parcel B varies between a sandy silt and a slightly silty, clayey, sand. We recommend using an allowable foundation pressure of 1000 pounds per square foot (psf) for dead plus live loads. This value may be increased by one third for combined loads, including wind and seismic. All other allowable increase for foundation and lateral pressure should follow the guidelines of the 1994 UBC, Table 18-I-A, material type Five.

We recommend that foundation elements do not rest on the clay unit encountered between four and one-half and seven feet depth. If foundation excavations extend to the CL-CH unit on Parcel B, please call us for additional recommendations. It is important to keep footings above this unit to decrease the risk of differential settlement. Due to the thickness of this moderate to high plasticity unit, it may be cost prohibitive to extend foundation elements through this layer.

The target bearing soils at Parcel D is a clayey sand. We recommend using an allowable foundation pressure of 1500 pounds per square foot (psf) for dead plus live loads. This value may be increased by one third for combined loads, including wind and seismic. All other allowable increase for foundation and lateral pressure should follow the guidelines of the 1994 UBC, Table 18-I-A, material type four.

We recommend that plans be reviewed for conformance with our recommendations, and that completed foundation excavations be inspected by a registered geologist or civil engineer, or a representative from their office, prior to placement of reinforcing steel, forms, or concrete.

Foundation design should, at minimum, meet the criteria of the 1994 Uniform Building Code (UBC) for Seismic Zone Four.

For a stepped perimeter foundation, do not make any steps greater than 18 inches in elevation.

Do not make any cuts in excess of three feet without first obtaining advice from a registered geologist or civil engineer with a background in soils work.

Slabs

We recommend that slabs be underlain by compacted free draining gravels bearing upon yellowish brown soils. Compacted gravel thickness should be a minimum of six inches. Due to high groundwater conditions, we recommend slabs be above grade and that an additional layer of Number Three rock, a minimum four inches thick, be added above the minimum six inch compacted gravel thickness. This layer will serve as a capillary break.

Slabs should be underlain by a minimum six-mil poly vapor barrier, with seams overlapped or sealed. A two inch sand layer may be placed over the vapor barrier to protect its integrity during placement of slab reinforcement and concrete. All slabs should be designed with reinforcing steel.

Grading/Drainage

We recommend that the adjacent ground surface be sloped away from structures a minimum of two percent for a minimum distance of six feet.

Roof drainage should be directed away from all foundations and footings by solid pipe.

Do not allow water to concentrate on the ground surface or pond against foundations.

Do not place fill soils below the break-in-slope.

Construct either a subfoundation drain for both residences or an intercept drain. An intercept drain is likely to be effective at this site due to the slope steepness, the relief, and the presence of a perching layer. Intercept drains should be keyed into the clayey sand on Parcel D (USCS SC)and the silty clay (USCS CL-CH) on Parcel B. Protect all outlets from erosion by placing cobble or similar. Do not allow outlets to discharge at the break-in-slope.

Settlement:

If footing design and dimensions are based upon given soils bearing values and recommendations given above, and if live loads are distributed uniformly across floor areas, differential settlement is not expected to exceed 3/4 inch for any fifty foot span during the assumed 50 year economic lifespan.

Total uniform settlement is not expected to exceed one inch over the same economic life span under the same loading conditions. Initial construction settlement is not expected to exceed 1/2 inch.

CLOSURE:

The conclusions and recommendations in this report are based on our interpretation of conditions existing at the time of our investigation. Based on the results of our field and laboratory investigations, it is our opinion that no further investigation is necessary for the proposed building sites, provided the recommendations in this report are implemented during design and construction. It may be necessary to obtain additional soils and geologic data for reconstruction of a portion of the existing gravel road. This report provides criteria for foundation design. It is not intended to be used as a final structural design.

Changes in development type from those discussed in this report will necessitate additional investigation and/or recommendations. If, during construction, conditions are encountered which differ significantly from those discussed above, contact this office immediately for further recommendations.

Determination of any potential environmental hazards due to the possible presence of hazardous and/or toxic wastes was not a part of our investigation.

We thank you for this opportunity to be of service. If there are any questions, or if we can be of further assistance, please call.

Very truly yours,

REGISTERED PROFESSIONAL ENGINEER WALTER B. SWEET NO. 13184 EXP. 3-31-01 CIVIL STATE OF CALIFORNIA

REGISTERED GEOLOGIST MARK A. VERNEY No. 6729 STATE OF CALIFORNIA

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Mark Verney, Registered Geologist
R.G. 6,729 Expires 1/31/99

WBS/MV:mv (4654SR.doc)

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DESIGNED	MV	DATE	March 3, 1998	TITLE	FIGURE-1
DRAWN	S.B.	SHEET	1 OF 1	SCALE	AS NOTED
CHECKED	W.B.S.	DWG. NO.	4654.DWG	JOB NO.	97-4654

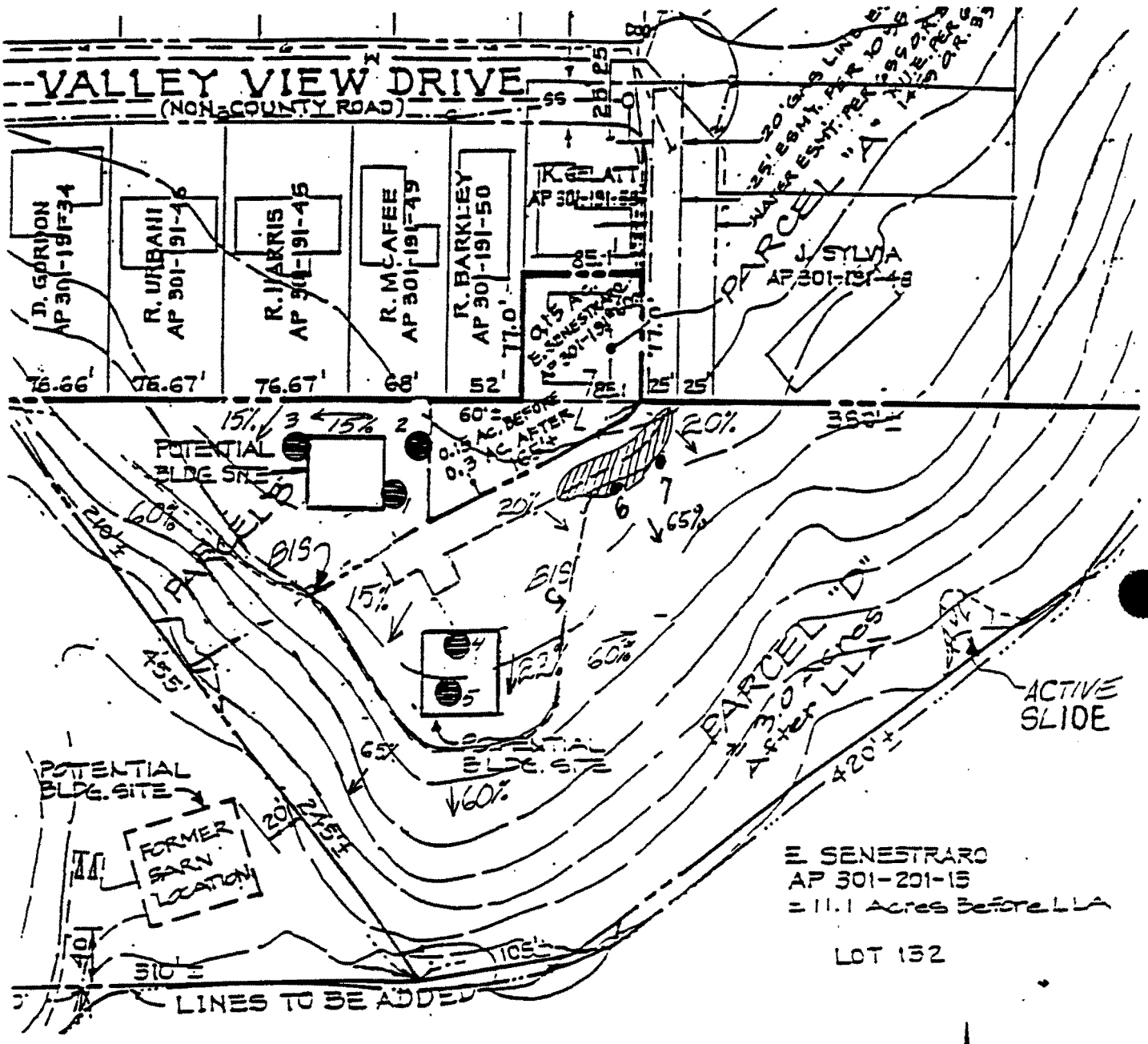


FIGURE 1
JOB 97-4656

(SCALE APPROXIMATE)

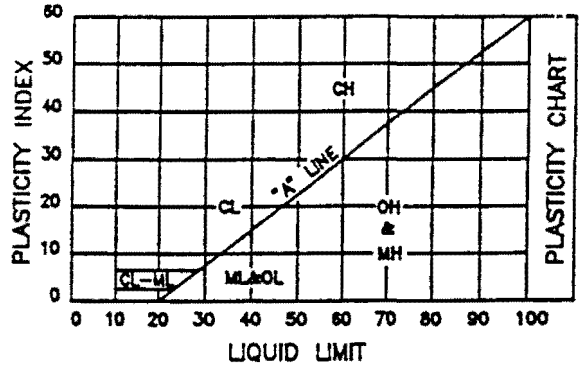
METHOD OF SOIL CLASSIFICATION

MAJOR DIVISIONS		SYMBOLS	TYPICAL NAMES
COARSE GRAINED SOILS (More than 1/2 of soil > No. 200 Sieve)	GRAVELS (More than 1/2 of coarse fraction > No. 4 Sieve)	GW	Well graded gravels or gravel–sand mixtures, little or no fines
		GP	Poorly graded gravels or gravel–sand mixtures, little or no fines
		GM	Silty gravels, gravel–sand–silt mixtures
		GC	Clayey gravels, gravel–sand–clay mixtures
	SANDS (More than 1/2 of coarse fraction < No. 4 Sieve)	SW	Well graded sands or gravelly sands, little or no fines
		SP	Poorly graded sands or gravelly sands, little or no fines
		SM	Silty sands, sand–silt mixtures
		SC	Clayey sands, sand–clay mixtures
FINE GRAINED SOILS (More than 1/2 of soil < No. 200 Sieve)	SILTS & CLAYS Liquid Limit < 50	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity
		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
		OL	Organic silts and organic silty clays of low plasticity
	SILTS & CLAYS Liquid Limit > 50	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
		CH	Inorganic clays of high plasticity, fat clays
		OH	Organic clays of medium to high plasticity, organic silty clays, organic silts
HIGHLY ORGANIC SOILS		PT	Peat and other highly organic soils

CLASSIFICATION CHART

CLASSIFICATION	U.S STANDARD SIEVE SIZE
BOULDERS	Above 12"
COBBLES	12" to 3"
GRAVEL	3" to No. 4
coarse	3" to 3/4"
fine	3/4" to No. 4
SAND	No. 4 to No. 200
coarse	No. 4 to No. 10
medium	No. 10 to No. 40
fine	No. 40 to No. 200
SILT & CLAY	Below No. 200

GRAIN SIZE CHART



PLASTICITY CHART

CONSISTANCY OF FINE GRAINED SOILS		DENSITY OF COARSE GRAINED SOILS	
CLASSIFICATION	COHESION (psf)	CLASSIFICATION	STANDARD PENETRATION (Blow Count)
Very Soft	0–250	Very Loose	0–4
Soft	250–500	Loose	4–10
Medium Stiff	500–1000	Medium Dense	10–30
Stiff	1000–2000	Dense	30–50
Very Stiff	2000–4000	Very Dense	50+
Hard	4000+		

MOISTURE CLASSIFI–CATIONS
Dry
Damp
Moist
Wet

BASED ON UNIFIED SOILS CLASSIFICATION SYSTEM

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DRAWN	S.B.	SHEET	1 OF 1	SCALE	AS NOTED
CHECKED	W.B.S.	DWG. NO.	4034.DWG	JOB NO.	97-4654

LEGEND

HE HAND AUGER HOLE LOCATION AND NUMBER

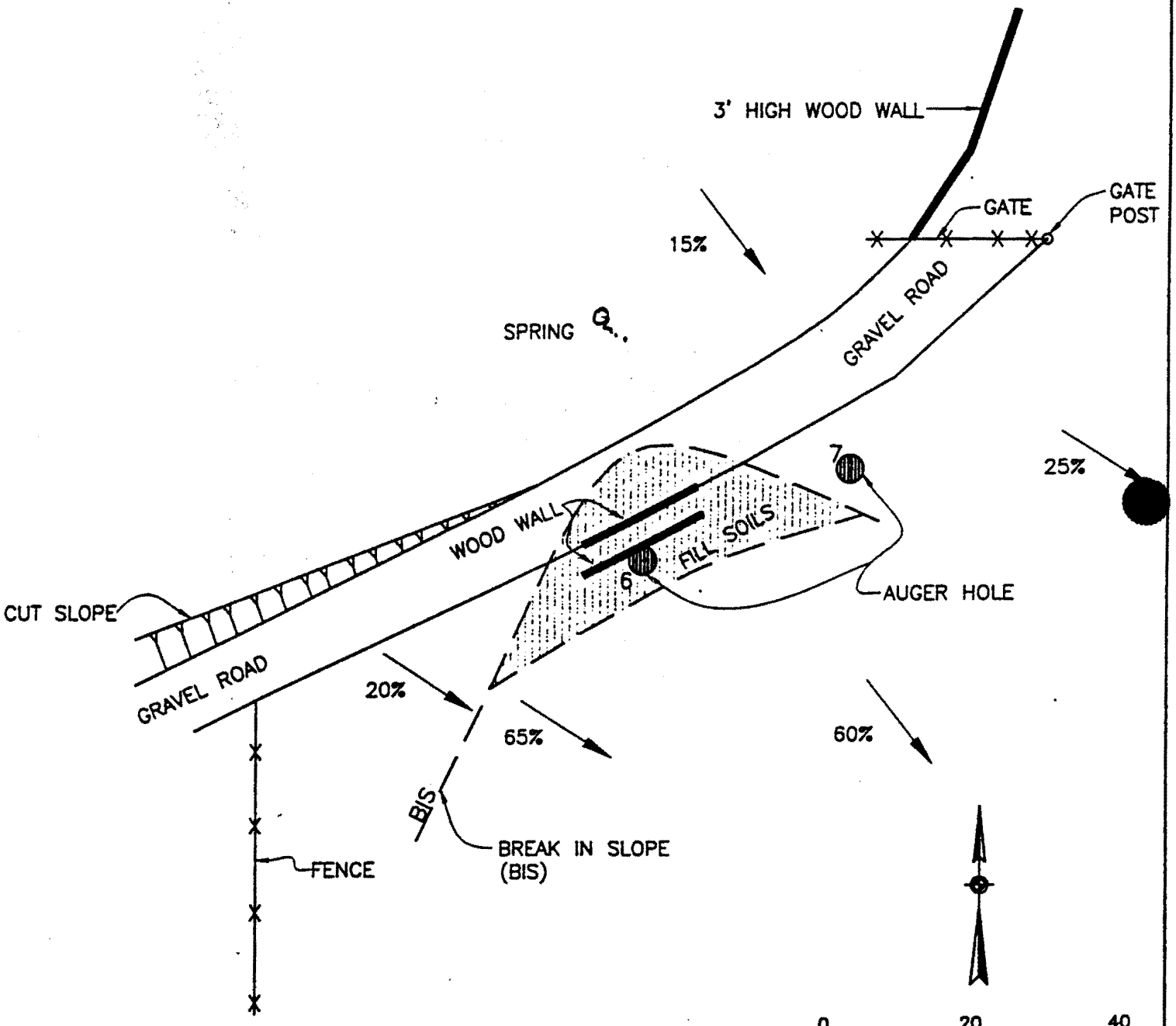

FIGURE 3
JOB 97-4656