

**CALIFORNIA COASTAL COMMISSION**

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Date Filed:	November 7, 1998
49th Day:	December 22, 1998
180 <sup>th</sup> Day:	May 6, 1999
Staff:	D. Rance
Staff Report:	January 15, 1999
Hearing Date:	February 5, 1999
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-98-029

APPLICANT: **EUGENE & BETTY SENESTRARO**

AGENT: Mary-Jane Ashton, Omsberg & Company

PROJECT LOCATION: On the west side of Valley View Avenue, approximately 700 feet from its intersection with Country Lane, on a property alternatively identified as 510 Valley View Avenue or APNs 301-191-60, 301-201-10/13, 301-211-05/06, 301-221-01, 301-161-01 and 301-161-02, in an unincorporated area just south of Eureka, Humboldt County (Exhibit Nos. 1 – 3).

PROJECT DESCRIPTION: Redivision of six parcels.

Lot Area: Six parcels covering a total of +/- 51.85 acres. See Table 1 on page 4.

Plan Designations: Residential Low Density (applies to upslope areas).  
 Agricultural Exclusive, Prime and Non-Prime Lands (applies to lowland areas).

Zoning: Residential Single-Family, specifying 5,000 square foot minimum parcel sizes (RS-5) (applies to upslope areas).

Residential single family, specifying a 5,000 square foot minimum parcel size, manufactured homes are permitted, with Flood Hazard Area and Coastal Wetland Combining zones. (RS-5 M/F, W) (applies to transitional areas between upslope residential areas and lowland agricultural parcels).

Agricultural Exclusive specifying a 60 acre minimum parcel size, with flood hazard area and Transitional Agricultural Lands combing zones

(AE-60 F, W) (applies to all other lowland areas adjacent to Martin Slough, Martin Slough cutoff or Swain Slough). (Exhibit 5).

LOCAL APPROVALS RECEIVED: Lot Line Adjustment No. LLA-05-97; and Coastal Development Permit No. CDP-08-97.

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

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STAFF NOTES

1. Standard of Review.

The subject property is bisected by the boundary between the coastal development permit jurisdiction of Humboldt County and the California 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). Permit Application No. 1-98-029 addresses the portion of the development within the Commission's retained jurisdiction. Therefore, the standard of review for the proposed development is Chapter 3 of the Coastal Act.

2. Related Agenda Item.

At the February 1999 meeting, the Commission will also consider a related matter, Coastal Development Permit Appeal No. A-1-HUM-101. This item is an appeal of the decision of Humboldt County to grant a permit with conditions to the applicants for the portion of the development within the County's coastal development permit jurisdiction. A separate hearing on the appeal will be held just prior to the Commission's consideration of this coastal development permit request.

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development. The proposed redivision of the six legally created parcels covering a total of +/- 52 acres would concentrate future residential development in the upslope areas which are above the 100-year flood hazard zone and a 100-year tsunami run-up zone. The lowland portion of the property contains a variety of coastal resources including wetlands and coastal agricultural resources with both prime and non-prime coastal agricultural soils and has been used for cattle grazing for at least the past 40 years. The proposed redivision would facilitate the continued use of the lowland parcels for cattle grazing.

Additionally, the redivision would eliminate the split zoning (Agricultural Exclusive, 60 acre minimum / Residential Single Family 5,000 sq. ft. minimum) on Lot 132 and reconfigure lot lines to correspond to the existing topography.

The applicant has submitted evidence to Humboldt County that there are potential building sites on reconfigured Parcels B, C, and D (Parcel A is already developed) that could be developed consistent with the certified LCP. Any future development of the subject property would require the approval of a coastal development permit. The project, as proposed, includes a provision to convey to the County certain development rights on the two resulting lowland parcels, Parcels E & F. The development rights that would be conveyed would be for development other than public access, boating, and public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outtakes and in-falls, pipelines and dredge spoils disposal, pursuant to Section A314-59 (d) of the Humboldt County Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan. Additionally, the project includes a provision to convey to the County development rights for secondary dwelling units on parcels B, C, and D.

The project, as proposed, would protect the wetlands at the site and facilitate continued use of the lowlands for coastal agriculture and is consistent with the environmentally sensitive habitat area, coastal agriculture, and resource protection policies of Chapter 3 of the Coastal Act.

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I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

1. Motion:

I move that the Commission approve Coastal Development Permit No. 1-98-029, subject to conditions.

2. Staff Recommendation of Approval:

Staff recommends a **YES** vote and adoption of the following resolution and findings.

The motion passes only by an affirmative vote of a majority of Commissioners present.

3. Resolution to Approve Permit:

The Commission hereby grants, subject to the condition below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the nearest public road and the sea or the shoreline of any body of water within the coastal zone and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal

Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

- II. Standard Conditions. See Attached.
- III. Special Conditions. None Required.
- IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Site Description & Project Description.

The project site is located south of Valley View Avenue in the vicinity of Country Lane with Valley View Avenue 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 development 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). Permit Application No. 1-98-029 addresses the portion of the development within the Commission'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

Although the local government reviewed the proposed development as a series of lot line adjustments, given the extent of the reconfiguration involved, the proposed development is more properly characterized as a merger and resubdivision or redivision (see Exhibit Nos. 6 & 7). In any case, because the definition of development contained in Section 30106 of the Coastal Act includes “changes in the density or intensity of use of land” as well as “any division of land, including lot splits,” the Commission must assess the consistency of the proposed project with the Chapter 3 policies of the Coastal Act regardless if the proposed development is labeled a redivision or lot line adjustments. Accordingly, the project’s Coastal Act impacts will be the focus of the Commission’s analysis in the sections that follow below.

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.

The applicants have amended the project description of their permit application to incorporate all of the conditions imposed by Humboldt County in its approval of the local coastal development permit and Lot Line Adjustment Approval (Exhibit No. 9). As revised, the project description

now includes provisions for the landowner to: (a) convey to the County development rights on the agricultural parcels, Parcels E & F, for all development other than public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outtakes and in-falls, pipelines and dredge spoils disposal, pursuant to Section A314-59 (d) of the Humboldt County Coastal Zoning Regulations and Section 3.17 et seq. Of the Humboldt Bay Area Plan; and (b) convey to the County the right to develop secondary dwelling units on parcels B, C, and D. Parcels E & F are located within the 100-year flood plain and below the 100-year tsunami run-up elevation of 12 feet.

2. Environmentally Sensitive Habitat Area.

Coastal Act Section 30240 states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Swain Slough borders the west side of the property. Tributaries of Martin Slough traverse the lowland portions of the subject property with east-west orientations, and are the closest wetland resources to the reconfigured residential parcels. As mapped in the Humboldt Bay Area Plan Biological Resources Map, the only biological resources that are found on the property are farmed wetlands, which exist on the low land portion of the subject property adjacent to the Martin Slough tributary.

The areas where the farmed wetland resources occur are designated in the Humboldt Bay Area Plan as transitional agricultural lands. This designation is consistent with: (a) the historic use of the low land portions of the property as grazing land for dairy cattle; and (b) the location of these lands within the 100-year flood plain and the 100-year tsunami run-up area. Based on the existing zoning and land use designations, the four existing parcels in the low land portion of the property could now potentially be developed for certain non-agricultural purposes. The proposed redivision would reduce the number of existing parcels within the farmed wetland resource area from 4 to 2. The applicants indicate they have no intention to develop the low-lying agricultural lands for non-agricultural uses and plan to continue to use them for cattle grazing purposes. The proposed development includes provisions to: (a) convey development rights on Parcels E & F for all development other than public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outtakes and in-falls, pipelines and dredge spoils disposal, pursuant to Section A314-59 (d) of the Humboldt County Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan; and (b)

convey the right to develop secondary dwelling units on parcels B, C, and D. Thus, no new residential structures could be built on these parcel in the future.

The Department of Fish and Game has indicated that the project will not result in significant adverse impacts to biological resources as long as there is no development below the toe of the slope. All of the identified potential building sites on reconfigured Parcels A through D are located above the toe of the slope and are separated from all wetlands by a spatial buffer of a minimum of 100 feet. As approved by the County and reflected in the project description for the subject CDP application, all development on Parcels A through D is restricted to the area above the toe of the slope. Any future development requests will require coastal development permit review and authorization that should address any potential adverse impacts to biological resources.

Thus, the Commission finds that the proposed redivision will not cause future development of the parcels as adjusted to be located within any environmentally sensitive habitat area. Furthermore, as building sites more than 150 feet away from the nearest wetland have been identified for each of the residential parcels resulting from the redivision, the Commission finds that the proposed development will not result in future development that would adversely affect nearby wetland areas. Therefore, the Commission finds that the proposed development is consistent with Section 30240 of the Coastal Act.

3. Agricultural Resources.

Coastal Act Section 30241 states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

*(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Coastal Act Section 30242 states:

*All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

The proposed development would not result in a conversion of agricultural lands. On the contrary, the proposed development would help facilitate continued agricultural use of the portions of the property that are currently and have historically been used for agriculture.

There are currently four parcels that have a zoning designation of Agricultural Exclusive 60-acre minimum parcel size. Each of these have been legally created and are considered legal and non-conforming, because they are much smaller in area than the current zoning designation allows. These four parcels make up the majority of the lowland area of the subject property. The existing lowland parcel configuration includes Lot Nos. 131 (1.8 ac), 133 (15.3 ac), 134 (13.2 ac), and 135 (9.8 ac) for a total of +/- 40 acres. The lowlands also include a portion of Lot No. 132 which has split zoning, a portion of which is Agricultural Exclusive and the other Low Density Residential. The Agricultural Exclusive zoning designation allows for, among other things, single family residential development, and would allow for a total of up to four residential dwellings on the lowland parcels.

The proposed redivision would reconfigure all six of the existing lots that constitute the subject property. As such, Lot Nos. 131 and 133 would be combined to create Parcel F, a +/- 17.1-acre parcel. Additionally, Lot Nos. 134 and 135 and a portion of Lot No. 132 would be combined to create Parcel E, a +/- 28.75-acre parcel. Although still substandard in size, compared to the 60-acre minimum required by the current Agricultural Exclusive zoning, the redivision would reduce the total number of parcels within the agricultural area from 4 to 2 and would reduce the number of substandard parcels from 4 to 2.



Furthermore, the applicants intend to continue to use the two parcels resulting from the redivision that cover the agricultural lands, Parcels E and F, for cattle grazing, as has been the historical use. As revised, the project description includes a provision to convey the development rights on Parcels E & F for all development other than public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, ocean outtakes and in-falls, pipelines and dredge spoils disposal, pursuant to Section A314-59 (d) of the Humboldt County Coastal Zoning Regulations and Section 3.17 et seq. of the Humboldt Bay Area Plan. These measures would serve to reduce adverse affects to coastal agricultural resources and to ensure a viable agricultural operation can continue at the subject properties.

Moreover, because the future residences that would be accommodated on the upslope areas by the proposed redivision would be located adjacent to an agricultural zoned area, the project description, as revised, provides for the filing of a statement notifying potential successors-in-interest to these parcels that agricultural operations occur nearby. The statement, entitled "Notice and Acknowledgement Regarding Agricultural Activities in Humboldt County", was required by the County pursuant to the Humboldt County "Right to Farm Ordinance" [Ch. 6.2 of the HCC]. The statement will warn potential residents of the fact that agricultural operations can create dust, odors, and other emissions that may be less than desirable for nearby residents and thereby help reduce the potential for pressure to be applied to the rancher in the future to curtail operations to avoid such emissions.

The Humboldt County Farm Bureau has reviewed the project and suggested that: (1) the northern boundary of the Agricultural Exclusive parcels should follow the 100-year flood limit line (10 foot contour); and (2) the lowland agricultural parcels should be retained in the largest possible parcel size, with the ultimate emphasis on meeting the minimum parcel size requirement. As proposed, the reconfigured lowland (Exclusive Agricultural) parcel boundaries do conform to the 100-year flood limit line.

Therefore, the Commission finds that the project as proposed would not result in a conversion of agricultural lands contrary to Sections 30241 and 30242 of the Coastal Act. In addition, by reducing the number of lots that can currently be developed for non-agricultural purposes from four to two, conveying to the County the development rights on Parcels E & F for all non-agricultural related development, and notifying future buyers of the residential lots of the agricultural operations being conducted on the adjacent lowlands, the proposed development would help facilitate continued agricultural use of the portions of the property that are currently and have historically been used for agriculture, consistent with Coastal Act Sections 30241 and 30242.

#### 4. New Development.

Coastal Act Section 30250 (a) states:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

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 (Exhibit Nos. 5 & 8). According to the County Zoning Ordinance, the purpose of the Residential Low-Density, 5,000 sq. ft. minimum parcel size (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 site is within the service area of the Humboldt Community Services District which will provide sewer and water services to any future residences constructed within the portion of the property zoned for residential use. The Commission therefore finds that the proposed project is consistent with Section 30250(a) of the Coastal Act in that the project will be located in an existing developed area with adequate public services able to accommodate the future low-density residential development that would be accommodated by the proposed redivision.

5. Public Access.

The proposed project is located between the nearest public road and Martins Slough, an arm of the sea. Section 30604(c) of the Coastal Act requires every permit issued for any development between the nearest public road and the sea or the shoreline of any body of water within the coastal zone to include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

Coastal Act Section 30210 states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for*

*all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30211 states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30210 of the Coastal Act requires maximum access and recreational opportunities to be provided for all the people consistent with the need to protect public rights, rights of private property owners and natural resource areas. Section 30211 of the Act requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30210 and 30211, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The project will not result in significant adverse impacts to existing or proposed public access opportunities. The site is located in an area traversed by a series of tidally influenced sloughs that have a hydrological connection to Humboldt Bay, but are not part of the Bay itself. This area is primarily agricultural in nature and there is no evidence of public access use. Therefore, the Commission finds that the proposed project, which does not include any new public access, will not adversely affect public access and is consistent with the public access policies of the Coastal Act.

6. California Environmental Quality Act (CEQA):

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the permit, as modified by any conditions of approval, is consistent with any applicable requirement of the CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits approval of proposed development if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

For purposes of CEQA, the lead agency for the project is the County of Humboldt. On November 5, 1998, the County adopted a Mitigated Negative Declaration for the project. The mitigation measures required by the Mitigated Negative Declaration have been incorporated into the project description for the coastal development permit application that is before the Commission at this time.

The project, as submitted, includes adequate provisions to ensure consistency with the resource protection policies of the Coastal Act and the requirements of Section 21080.5(d)(2)(A) of the

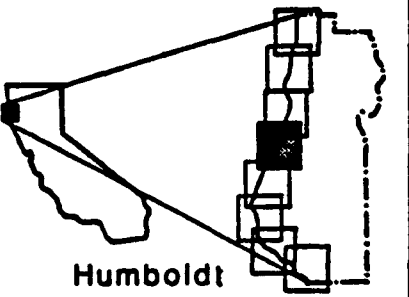
CEQA. Further, the project, as modified by mitigation measures contained in the Mitigated Negative Declaration and submitted for Coastal Commission consideration, will minimize project-related adverse environmental impacts. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the redivision project may have on the environment. Thus, the Commission finds that the project, as submitted, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

## APPENDIX A

### STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the executive director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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



Humboldt

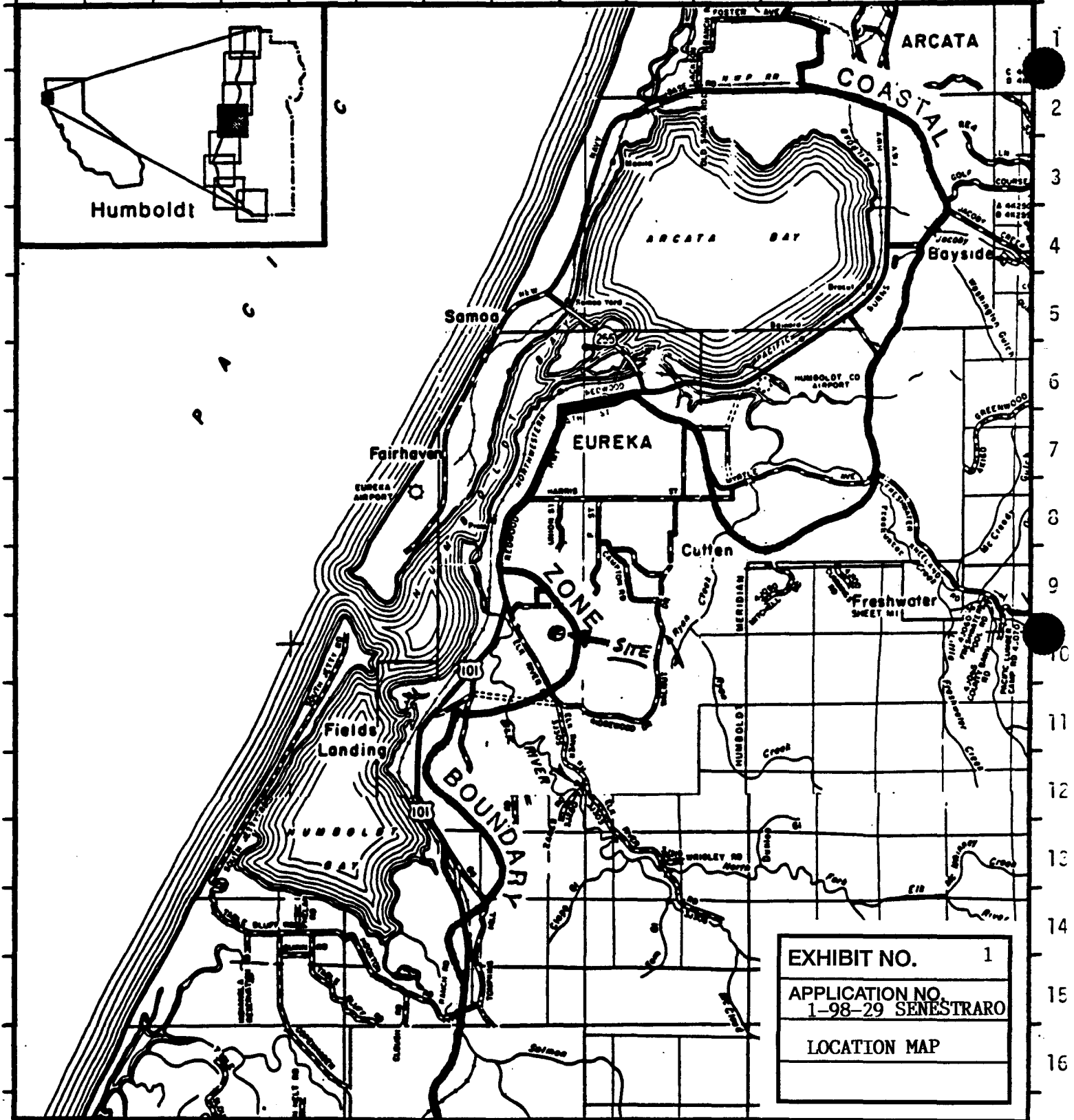


EXHIBIT NO.	1
APPLICATION NO.	1-98-29 SENESTRARO
LOCATION MAP	



# LOCATION MAP



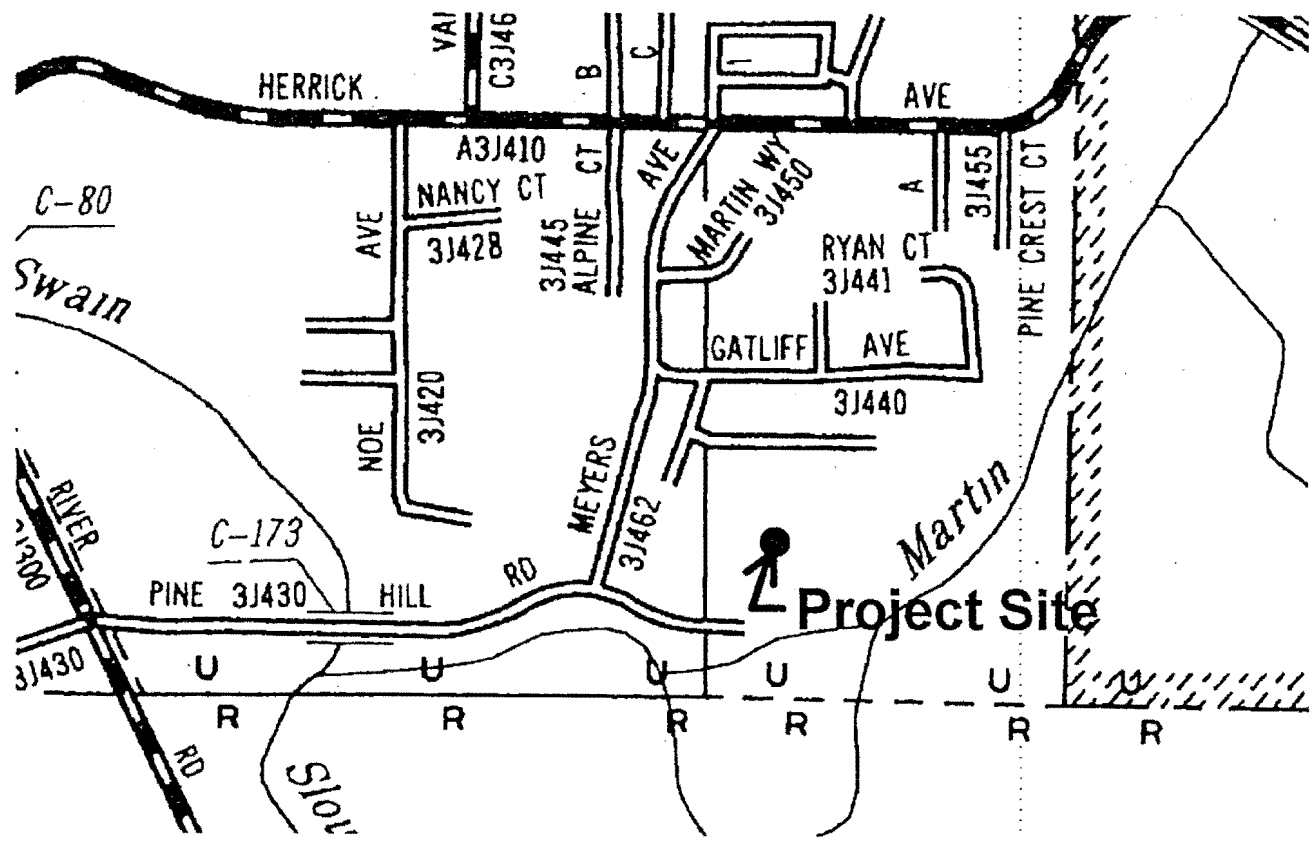


EXHIBIT NO.	2
APPLICATION NO.	1-98-29 SENESTRARO
LOCATION MAP	

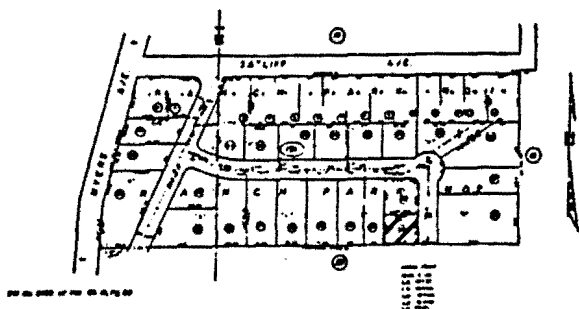
**Proposed Senestraro  
Lot Line Adjustment and  
Coastal Development Permit  
in the Eureka Area**



No Scale <sup>6</sup>

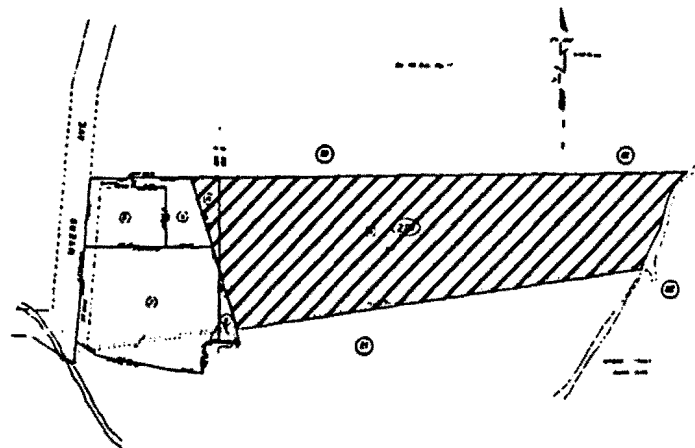
PTN 31W 1/4 SEC 3 & SE 1/4 SEC 4, 4N 1W  
SURVEY OF RANCH FROM 1882 & 87

301-19  
300 ACRES  
17 1/2 1/2  
1882



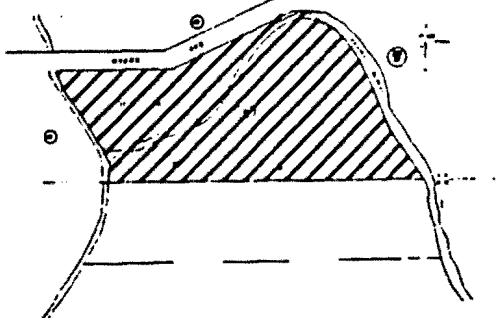
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301-20



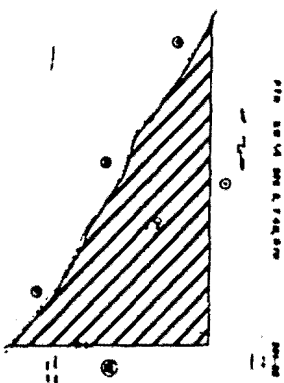
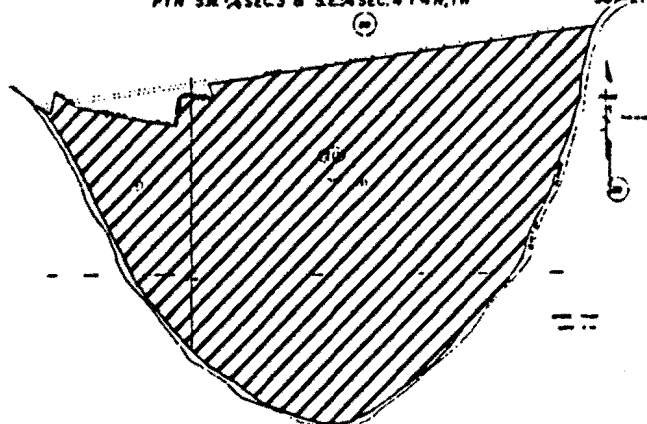
PTN S.E. 1/4 SEC 4, T 4N, R 1W

302-18



PTN 31W 1/4 SEC 3 & SE 1/4 SEC 4 T 4N, 1W

301-21



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

EXHIBIT NO.	3
APPLICATION NO.	1-98-29 SENESTRARO
ASSESSOR MAP(S)	



No Scale





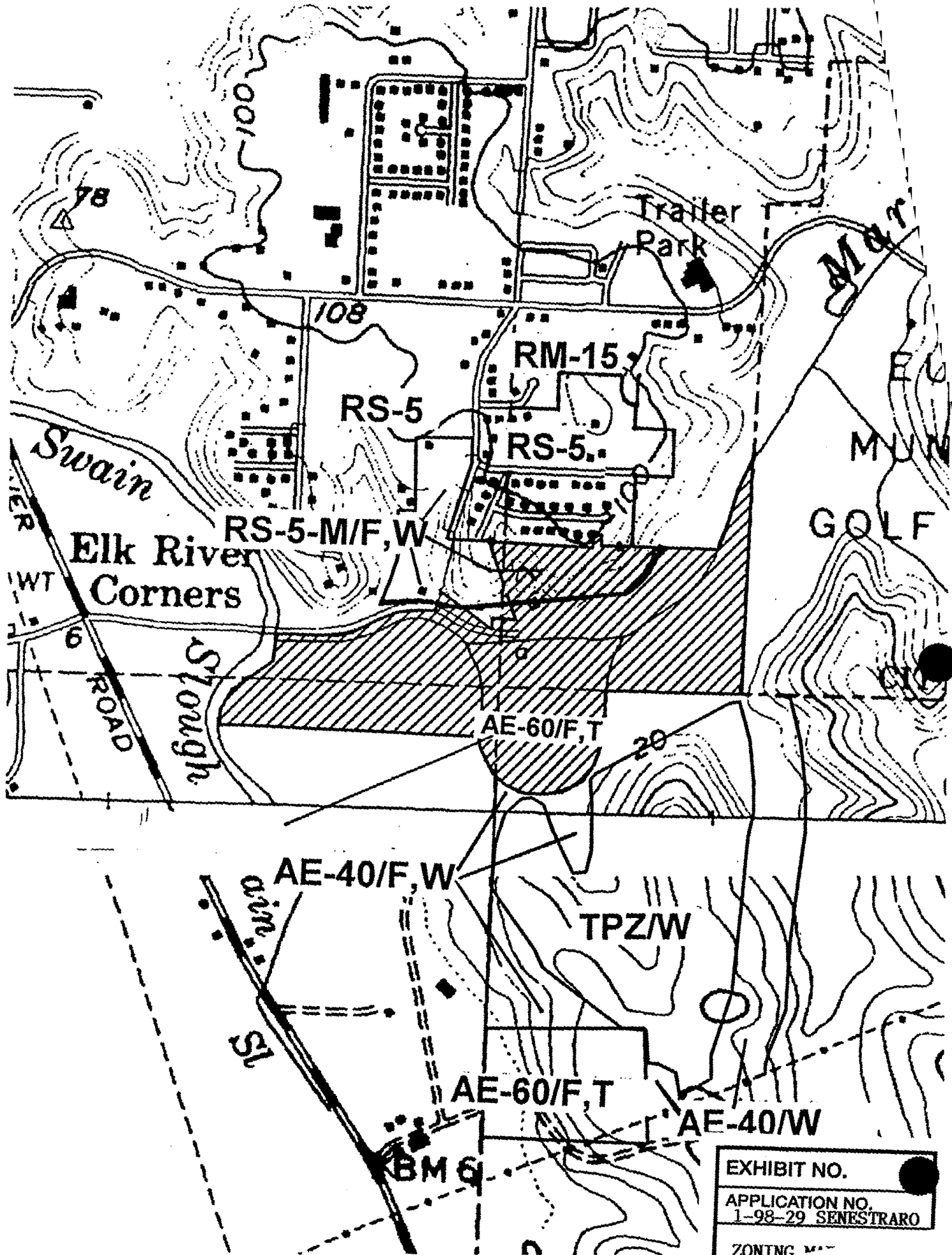


EXHIBIT NO. 6  
 APPLICATION NO. 1-98-29 SENESTRARO  
 "BEFORE" PROJECT

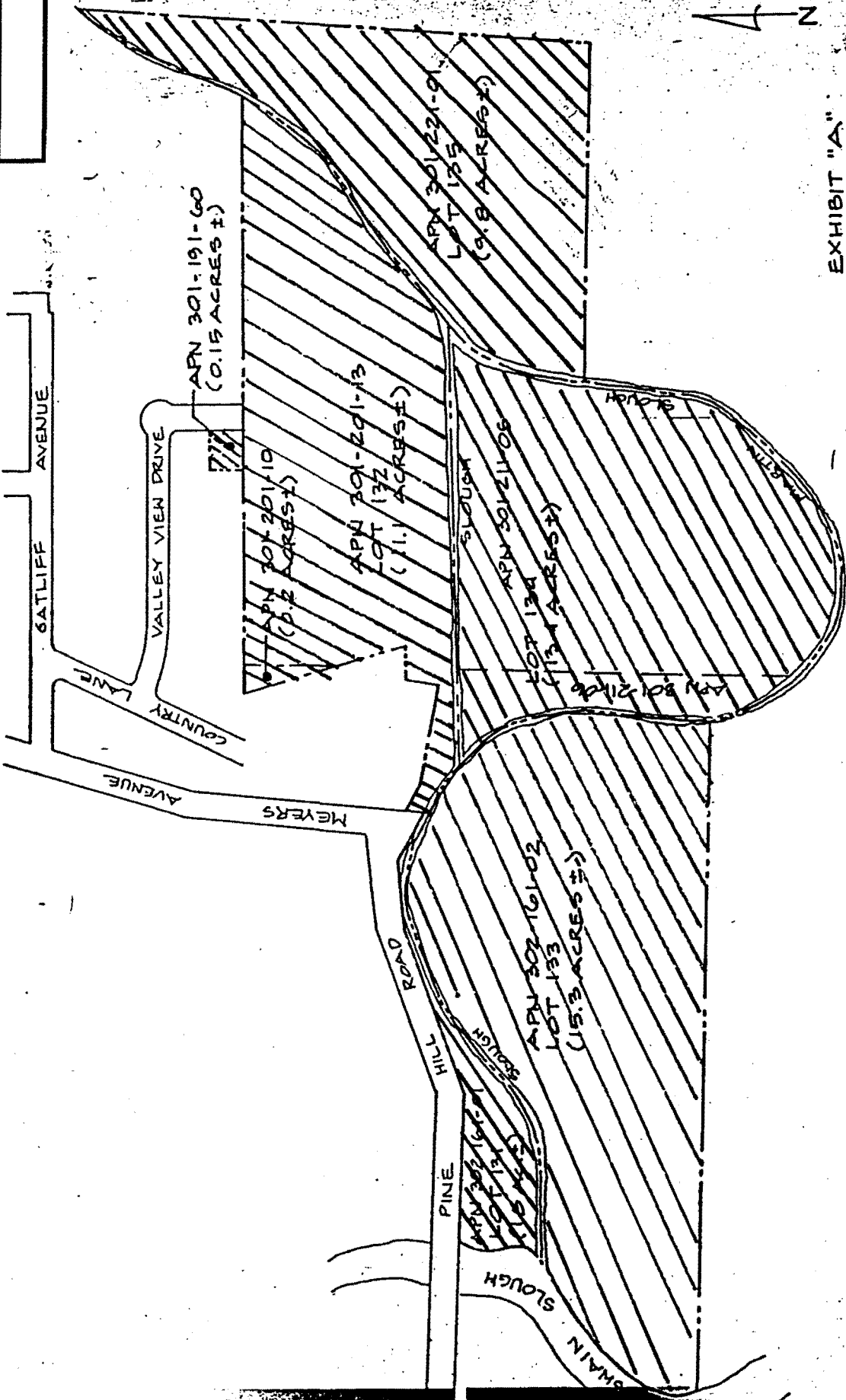


EXHIBIT "A"  
 PARCEL CONFIGURATION  
 PRIOR TO SENESTRARO  
 LOT LINE ADJUSTMENT

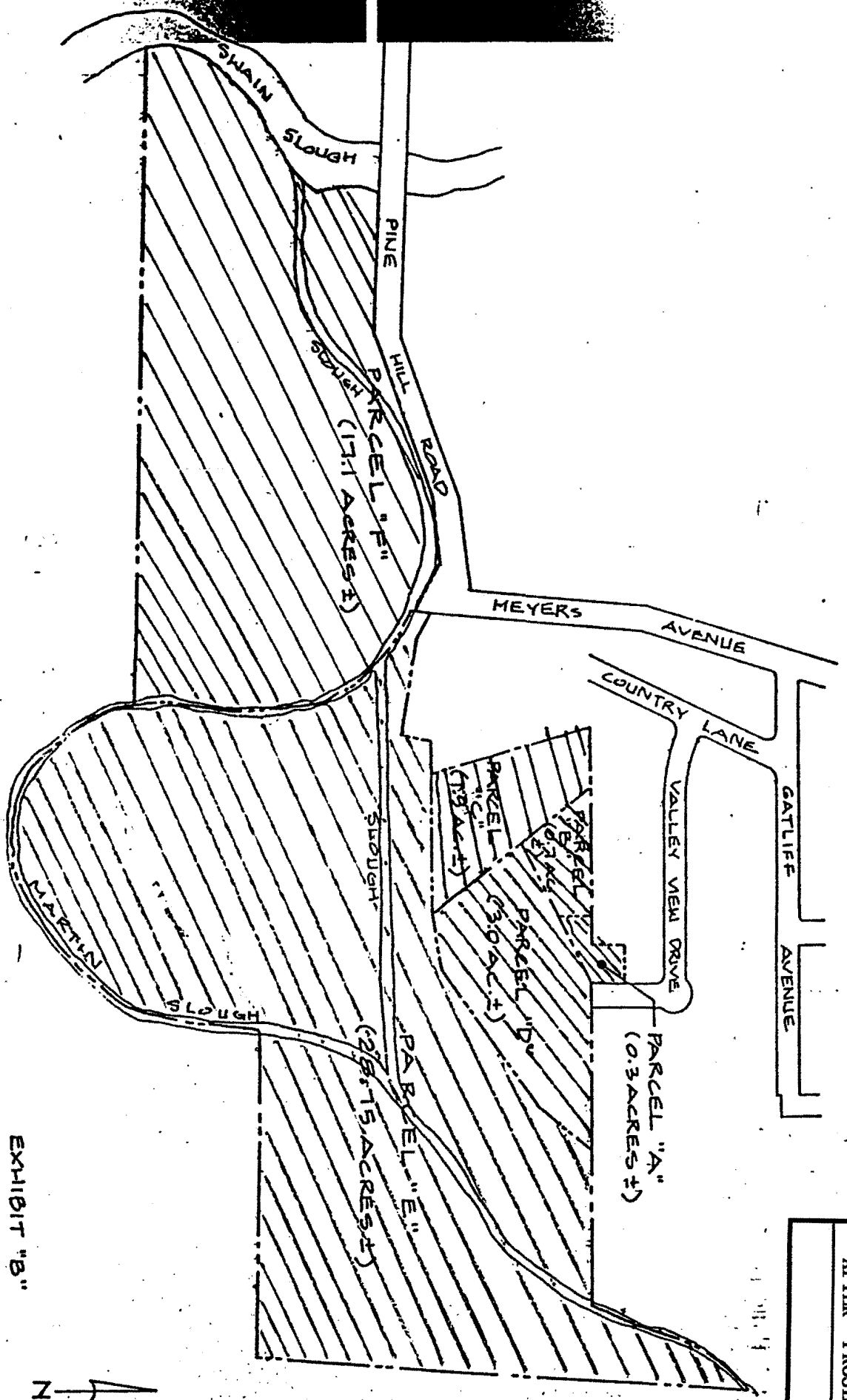
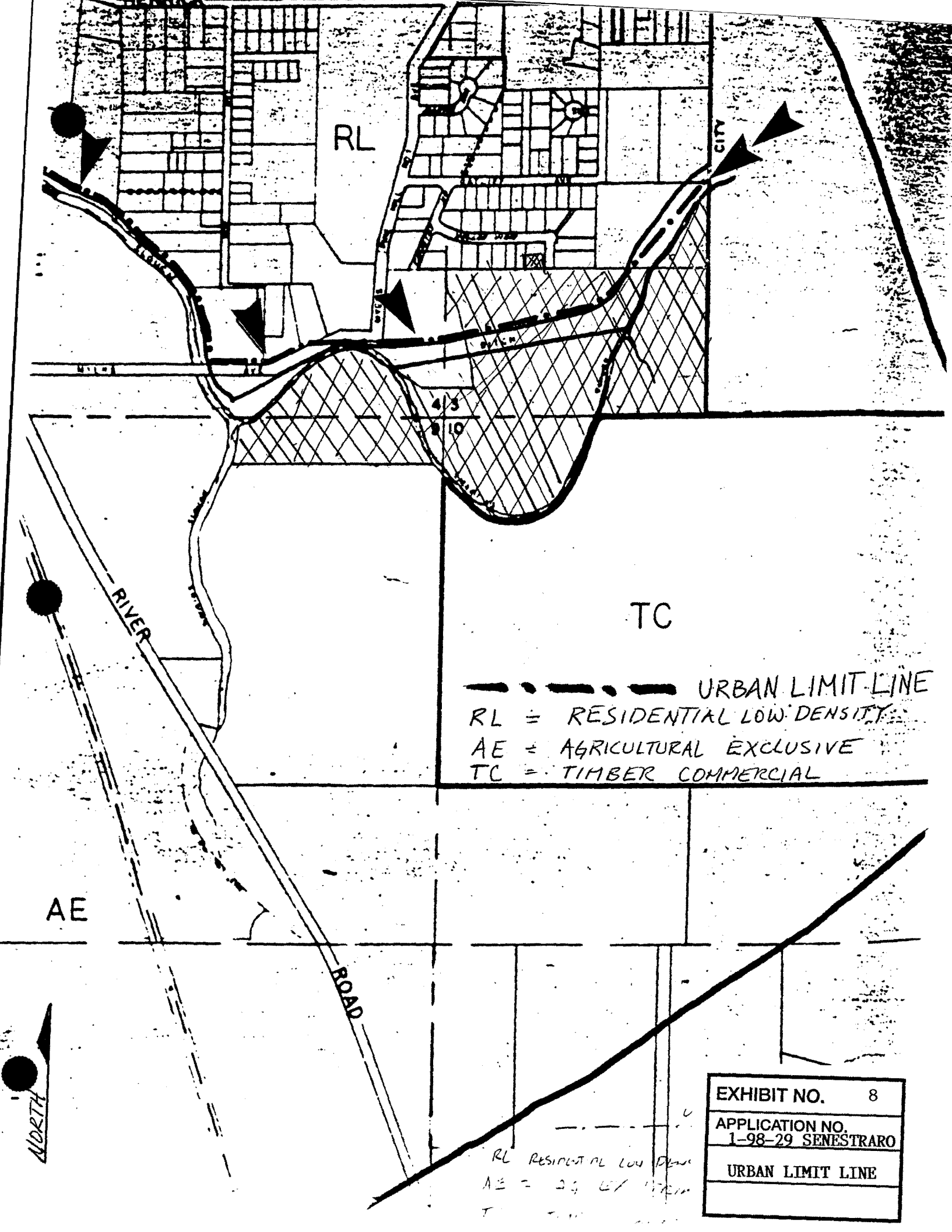


EXHIBIT "B"  
 PARCEL CONFIGURATION  
 AFTER SENSTRARO  
 LOT LINE ADJUSTMENT

EXHIBIT NO. 7
APPLICATION NO. 1-98-29 SENSTRARO
"AFTER" PROJECT



RL

CITY

TC

AE

- - - - - URBAN LIMIT LINE  
 RL = RESIDENTIAL LOW DENSITY  
 AE = AGRICULTURAL EXCLUSIVE  
 TC = TIMBER COMMERCIAL

NORTH

EXHIBIT NO.	8
APPLICATION NO.	1-98-29 SENESTRARO
URBAN LIMIT LINE	

RL RESIDENTIAL LOW DENSITY  
 AE = AGRICULTURAL EXCLUSIVE  
 TC = TIMBER COMMERCIAL

**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.

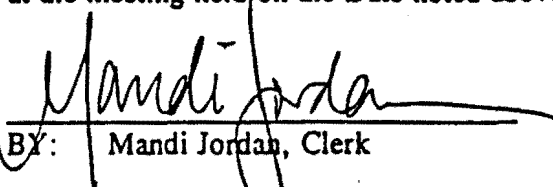
**MOTION:** To adopt the Mitigated Negative Declaration in Attachment #3 and make all of the required findings, based on evidence in the staff report, and approve the application as described in the Agenda Item Transmittal and subject to the recommended conditions in Attachment #1. Also include the added 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, FLESCNER, 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 18, 1998

EXHIBIT NO. 9
APPLICATION NO. 1-98-29 SENESTRARO
HUMBOLDT Ca
FINDINGS & CONDITIONS

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 McAfee, 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 offered 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.

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.

**AGENDA ITEM TRANSMITTAL**

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

FROM: Steve Werner, Supervising Planner

*Michelle Nielsen*

MEETING DATE: November 5, 1998	SUBJECT: <input checked="" type="checkbox"/> Public Hearing Item Coastal Development Permit and Lot Line Adjustment	CONTACT: MICHELLE NIELSEN
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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.

**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

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.

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.

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