

## CALIFORNIA COASTAL COMMISSION

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*RSM*  
  
M 16b

Date Filed: February 23, 1999  
49th Day: April 13, 1999  
180<sup>th</sup> Day: August 22, 1999  
Staff: Robert Merrill - E  
Staff Report: May 21, 1999  
Hearing Date: June 7, 1999  
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-99-013

APPLICANT: HIDDEN VALLEY HOMEOWNERS ASSOCIATION

PROJECT LOCATION: In the Indianola area between Eureka and Arcata, off of  
Hidden Valley Road, Humboldt County

PROJECT DESCRIPTION: Replace portions of the distribution lines of a community  
water system serving 18 lots of an existing residential  
neighborhood that is changing its water source from a  
community well to water purchased from the City of  
Eureka.

Plan Designations: Residential/Exurban (RX)

Zoning: Rural Residential Agricultural – no further subdivisions –  
with Design Review combining zone (RA-X/D).

LOCAL APPROVALS RECEIVED: Humboldt County Coastal Development  
Permit No. CDP-98-34 and Special Permit;  
City of Eureka Agreement to Supply Water.

OTHER APPROVALS REQUIRED: None required.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed waterline replacement project with conditions. The proposed project is needed to solve a contamination problem affecting an existing community water system that serves 18 residences. The applicant has entered into an agreement to purchase municipal water from the City of Eureka to substitute for the use of water drawn from a shallow well that is prone to contamination. To draw from the City's water main, the applicant must construct a 4-inch-in-diameter water line to extend service to the 18 residences. The line is double the diameter of the existing waterline that serves the community and has the potential to induce growth in nearby agricultural areas that contain wetlands. To ensure that the line would not be used to induce growth inconsistent with LCP and Coastal Act provisions that protect coastal agriculture and wetlands, the applicant's project description states that the new waterline would only be used to serve the existing 18 residences and that any future proposal to allow a connection to the waterline within the Commission's jurisdiction would require an amendment to the permit. Staff recommends that a special condition be attached requiring the applicant to fulfill these commitments. Staff also recommends a special condition that would require the submittal of a spoils disposal plan for the review and approval of the Executive Director to ensure that excess excavated material not be placed in environmentally sensitive habitat areas. As conditioned, staff recommends that the Commission approve the proposed project and find that the project is consistent with the Coastal Act.

**STAFF NOTES**

Jurisdiction and Standard of Review.

The proposed project is located near Humboldt Bay in the Indianola area between the cities of Eureka and Arcata in Humboldt County. Humboldt County has a certified LCP. However, the portion of the overall water line project that is the subject of Coastal Development Permit Application No. 1-99-013 is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the project is located within the Coastal Commission's area of original or retained permit jurisdiction and the standard of review that the Commission must apply to the project is the Coastal Act.

**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve Coastal Development Permit Application No. 1-99-013, subject to conditions.

**STAFF RECOMMENDATION OF APPROVAL**

Staff recommends a YES vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present. Approval of the motion will result in the adoption of the following resolution and findings.

**Resolution to Approve Permit:**

The Commission hereby **grants** a permit, subject to the conditions specified below, for the proposed development on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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

1. Limits on Future Connections

By acceptance of the permit, the applicant acknowledges and agrees that as expressly proposed in the revised project description, the water system is only proposed to serve the existing 18 single-family residences. Any proposal to connect other residences or other uses or development to the portion of the water system within the Commission's jurisdiction would require an amendment to the permit approved by the Commission.

2. Spoils Disposal Plan

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall submit, for the Executive Director's review and approval, a plan for the disposal of excess excavated material excavated as part of the proposed project. The plan shall provide for the disposal of the excess excavated material at an approved disposal site not within any environmentally sensitive habitat area (ESHA) or ESHA buffer area. The plan shall indicate the exact location of the disposal site and be accompanied by evidence that the site is not within any ESHA or ESHA buffer area, and that use of the disposal site has been granted all necessary state, local, and federal permits. The permittee shall undertake development in accordance with the approved final spoils disposal plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the

approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **II. FINDINGS AND DECLARATIONS.**

The Commission hereby finds and declares as follows:

### **1. Project and Site Description.**

The proposed project would replace portions of a community water system serving 18 residential lots off of Hidden Valley Road and Walker Point Road in the unincorporated area of Indianola between Eureka and Arcata, in Humboldt County (see Exhibits 1-5). The main element of the proposed development is to install a new 1,745-foot-long, 4-inch-in-diameter waterline extending southward from the intersection of Walker Point Road and Indianola Road and into the residential neighborhood.

The existing water system consists of a shallow 20-foot-deep hand dug well, a 5,000 gallon storage tank, and a 2-inch-in-diameter plastic pipe water distribution line. The system was constructed more than 35 years ago, prior to the passage of the Coastal Initiative. The system is owned and managed by the applicant, the Hidden Valley Homeowner's Association. The Association consists of the owners of the 18 residences served by the water system and was formed solely to manage the community water system.

The proposed project is prompted by contamination problems with the existing water system. These contamination problems are described in a letter to the applicant from the Department of Health Services Division of Drinking Water and Environmental Management, dated January 3, 1999 (see Exhibit 6):

"Due to its shallow construction, the well is very susceptible to contamination and appears to be under the direct influence of surface water. The turbidity of the water from the well varies rapidly during rainy weather, and the system has already issued a boil water advisory once this winter due to high turbidity and concerns over the safety of the water being served. The system is currently working under a compliance agreement with this office. The agreement addresses the issues of surface water influence of the source and installation of corrosion control treatment. The system failed the copper action level during the initial rounds of sampling under the California Lead and Copper Regulations due to the corrosiveness of water from the source."

To avoid the contamination problem, the applicant has secured water from another source. The applicant has entered into an agreement to purchase water from the City of Eureka. A City of Eureka waterline extends along Indianola Road in the vicinity of the residential neighborhood.

To utilize City water, the applicant proposes to install the new waterline which would connect with the City's waterline at the intersection of Indianola Road and Walker Point Road, and extend into the residential neighborhood (see Exhibits 2 and 4). The line would run along Walker Point Road (a County road) to its southern terminus, and branch off into extensions along Hidden Valley Road and Lombard Street (both private roads). Distribution lines to individually metered residential service connections will extend from the waterlines to be installed along the streets to the 18 lots to be served. The existing shallow well and 2-inch distribution lines would be either abandoned or demolished in place.

During project construction, a construction yard for the storage of equipment and materials would be maintained at the south end of Lombard Street. The applicant is proposing that all material excavated from the trenches be appropriately disposed of by the contractor at a location yet to be determined.

The proposed 4-inch waterline will be double the size of the water system's current waterline. The 4-inch waterline is the minimum size necessary to meet State standards and provide fire fighting needs. As stated in the previously referenced letter from the Department of Health Services (see Exhibit 6):

"According to Section 64628(a) of the Waterworks Standards in Title 22 of the California Code of Regulations, "Water mains shall have a minimum inside diameter of at least four inches." In order to install mains of a smaller diameter, a detailed hydraulic analysis must be performed by a registered engineer to prove that the smaller mains can supply water at adequate pressure and volume to meet demands. Although not directly under our authority, it is also noted that two inch diameter mains would not generally provide enough flow to adequately support fire fighting needs."

To address concerns about the potential growth inducing impacts of the installation of a larger diameter waterline, the project description of the application includes the following language:

"The water system is only proposed to serve the existing 18 single-family residences. Any proposal to connect other residences or other uses or development to the portion of the water system within the Commission's jurisdiction would require an amendment to the permit approved by the Commission."

The project site is bisected by the boundary between the coastal development permit jurisdiction of Humboldt County and the Coastal Commission (see Exhibit 5). The Commission's jurisdiction includes portions of the overall project area south of Hidden Valley Road. Permit Application No. 1-99-013 only addresses the portion of the development within the Commission's jurisdiction. The County has already approved a coastal development permit for the portions of the overall project within its coastal permit jurisdiction.

The 18 residential lots are part of an existing rural residential neighborhood where the generally 1/4-1/2-acre residential lots have been developed with single family homes. Areas to the west of the neighborhood are agricultural lands used mainly for grazing. Areas to the north east and south of the neighborhood are reserved for rural residential agriculture, where residents may conduct agricultural activities, even though the lands are generally not actively used for commercial agriculture (see Exhibit 3).

The project area is largely hidden from view of Highway 101 to the west, Indianola Road to the north, and Old Arcata Road to the east by intervening tree-covered hills. Low areas within the valley where the neighborhood is located contain riparian areas and other wetlands. These environmentally sensitive habitat areas are located to the rear of the residential lots located off the southern end of Walker Point Road and Lombard Street. The route of the proposed waterline would be installed edge in upland areas along the front side of the properties just off the pavement edge of the roadways.

## **2. New Development and Growth Inducing Impacts**

Section 30250(a) of the Coastal Act encourages new development to occur where public services are available. Section 30250(a) states in applicable part:

*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...*

Section 30254 of the Act provides that new public works facilities be designed and limited to accommodate needs generated by development consistent with the Act. Section 30254 states in applicable part:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division...*

The proposed waterline development is intended to provide water service to 18 existing residences and would replace service from an existing water system that is plagued by contamination problems. As stated by the applicant in its project description, the project is only intended to serve the 18 existing residences. However, the proposed new waterline would be double the diameter of the existing water distribution lines and would convey water from a municipal water system rather than from the neighborhood's own community well, the current water source for the system. Both aspects of the development raise concerns that the proposed project could be growth inducing, as the proposed development would make a greater quantity of water at a much higher quality available in the area.

Section 30254 provides that new public works facilities must be designed and limited to accommodate needs generated by development consistent with the Act. In that regard, the Commission must consider the extent to which the proposed water line would induce new development inconsistent with the LUP and the Coastal Act in adjoining and nearby areas. Of particular concern is the fact that some of the surrounding lands are designated and zoned in the certified LCP for coastal agriculture and contain seasonal wetlands. Protection of coastal agriculture and wetland habitats are major goals of both the LCP and the Coastal Act. The extension of high-quality municipal water close to these areas at a capacity that exceeds existing service in the area could increase the development pressure on the agricultural lands by reducing the extent to which lack of water availability is a constraint to development.

To evaluate this concern, the Commission must first consider whether the new water line will be the minimum size necessary. As discussed in the Project and Site Description finding above, even though the new waterline will be double the diameter of the current waterline, the new 4-inch line will be the minimum size necessary. As noted in the letter to the applicant from the Department of Health Services (see Exhibit 6), Section 64628(a) of the Waterworks Standards in Title 22 of the California Code of Regulations specifies that "Water mains shall have a minimum inside diameter of at least four inches."

Although the law provides that a smaller water main could be allowed if a detailed hydraulic analysis proves that the smaller mains can supply water at adequate pressure and volume to meet demands, the need to adequate water pressure for fire fighting needs would preclude installing a smaller diameter line. The City of Eureka had recommended that a 10-inch line be installed to provide adequate fire protection. As a condition of its agreement to supply water, the City has required the applicant and its members to assume the risk that the system to be designed and built by the applicant may be inadequate for fire protection purposes.

Although the Commission finds that 4-inch diameter line is the minimum size necessary, the waterline will, in fact, have greater capacity than the existing water distribution lines and could have a growth inducing effect if the water service is not limited in some

fashion. Recognizing this concern, the applicant has incorporated into the project description for the application the following statement:

"The water system is only proposed to serve the existing 18 single-family residences. Any proposal to connect other residences or other uses or development to the portion of the water system within the Commission's jurisdiction would require an amendment to the permit approved by the Commission."

Therefore, as proposed, the waterline would be limited to serving only the existing 18 residences served by the existing water system and the applicant would have to obtain an amendment to the permit if it ever intends to connect other users to the system within the Commission's jurisdiction. In the review of any such amendment request, the Commission would have the opportunity to ensure that within its jurisdiction, only development consistent with the Coastal Act and the certified LCP would be served by the proposed waterline. As proposed, the Commission finds that the project would be consistent with the limits of Section 30254 of the Coastal Act. The Commission attaches Special Condition No. 1 to ensure that the applicant carries out its pledge to only serve the 18 existing residences unless an amendment is obtained.

The Commission also notes that other institutional arrangements are in place to control the potential growth inducing impacts of the project. First, the agreement between the City of Eureka and the applicant to supply City water to the water system contains a provision stating that the Hidden Valley Homeowners Association shall not permit the connection of other residences to its system, nor supply water for other used including but not limited to agricultural or industrial use, without prior written consent of the City.

Humboldt County attached certain special conditions to its approval of a local coastal development permit and special permit for the project that attach more stringent controls. Special Condition Nos. 1 and 2 require the property owners of each member parcel to convey subdivision and development rights to the County that would preclude further subdivision of the property or the development of second residential units on each parcel to be served. The owners can be released from the conveyance only if further County permit approvals are obtained and County environmental review is conducted.

Finally, the proposed project will not change the existing urban limit line. The 18 residences to be served and the surrounding area will remain outside of the urban limit line. Thus, future coastal development permit applications for new development in the expanded service area and adjoining and nearby areas will continue to be subject to the rural development policies of the LCP which are more limiting than the urban development policies.



Therefore, the Commission finds that the proposed project is consistent with Sections 30250 and 30254 of the Coastal Act as the waterline replacement project is designed and limited to accommodate needs generated by development consistent with the Act.

**3. Protection of Environmentally Sensitive Habitat**

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected. 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.*

The neighborhood to be served by the proposed waterline replacement project contains environmentally sensitive habitat areas consisting of riparian habitat and other wetlands in low areas within the valley. These environmentally sensitive habitat areas are located to the rear of the residential lots located off the southern end of Walker Point Road and Lombard Street.

The permanent improvements associated with the development would not affect the existing ESHA in the area. The route of the proposed waterline would be installed edge in upland areas just off the pavement edge of the roadways. The waterline will be installed along a route that is generally more than 100 feet away from the ESHA.

Construction of the line, however, could adversely affect ESHA if the excess excavated material is allowed to be disposed of within the ESHA. As noted above, the disposal site for the excavated material has not yet been determined. The applicant intends to allow the contractor who successfully bids on the project to decide where the contractor wants to dispose of the material. To prevent the material from being disposed of within the ESHA, the Commission attaches Special Condition No. 2. This condition requires the applicant prior to issuance of the permit to submit a spoils disposal plan that provides for disposal of the excess excavated material at an approved disposal site not within any ESHA or area needed ESHA buffer area.

Therefore, the project as conditioned is consistent with the requirements of Coastal Act Sections 30240 in that the project will be sited and designed to prevent significant adverse impacts to environmentally sensitive habitat areas.

4. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures, which will minimize all adverse environmental impacts, include requirements that (1) the applicant not allow any additional development to connect to the water system within the Commission's jurisdiction unless the applicant obtains further authorization from the Commission and (2) that the applicant submit for the review and approval of the Executive Director a spoils disposal plan that provides for disposal of excess excavated material at an approved disposal site outside of any environmentally sensitive habitat area or needed buffer area. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

EXHIBITS

1. Regional Location
2. Vicinity Map
3. Zoning
4. Site Plan
5. Jurisdiction Map
6. DOHS Letter
7. County Approval

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.

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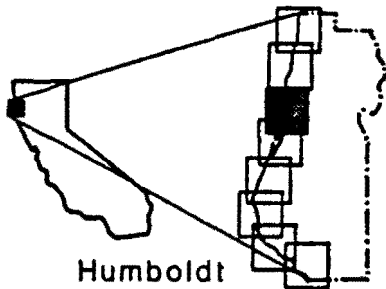
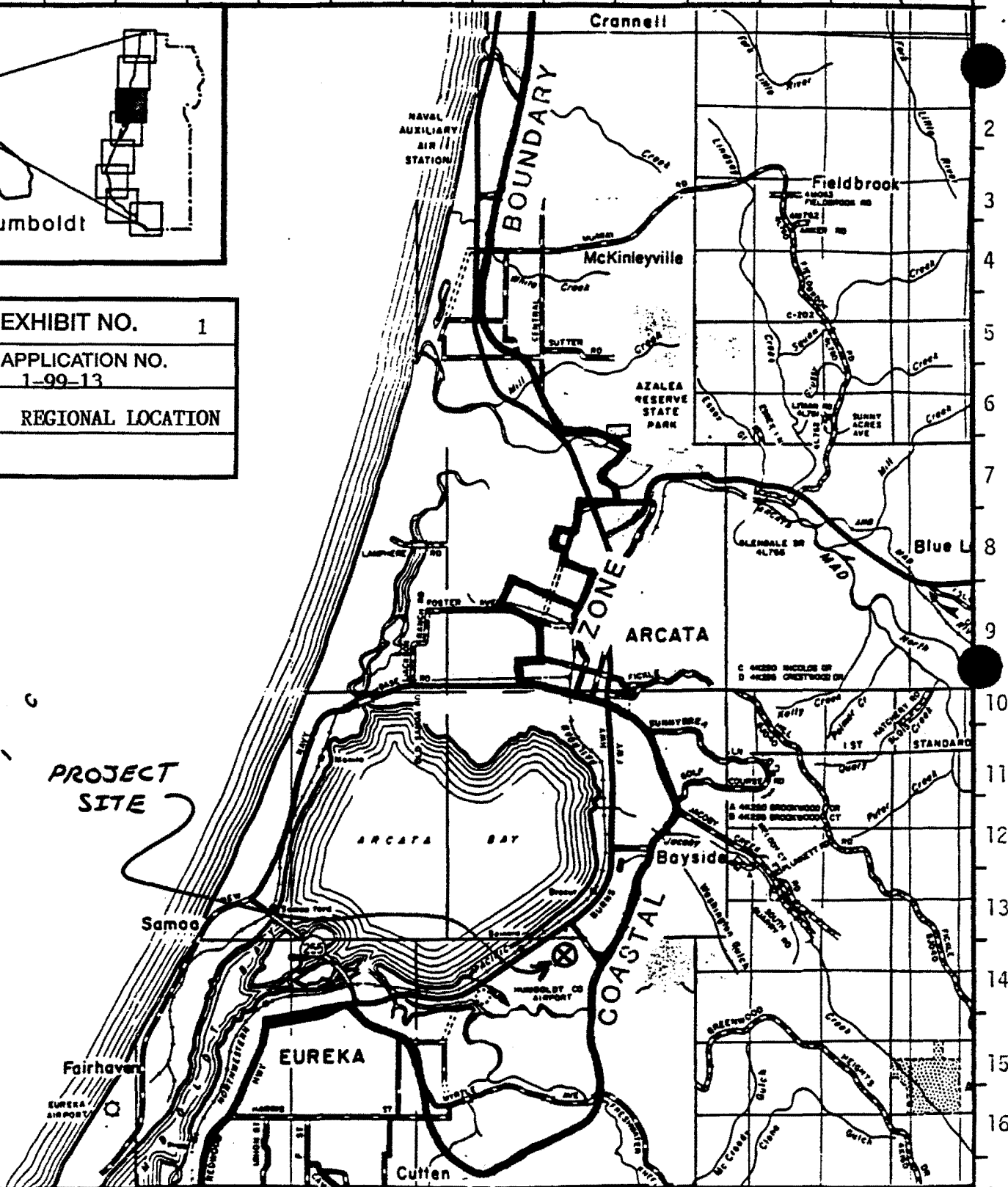


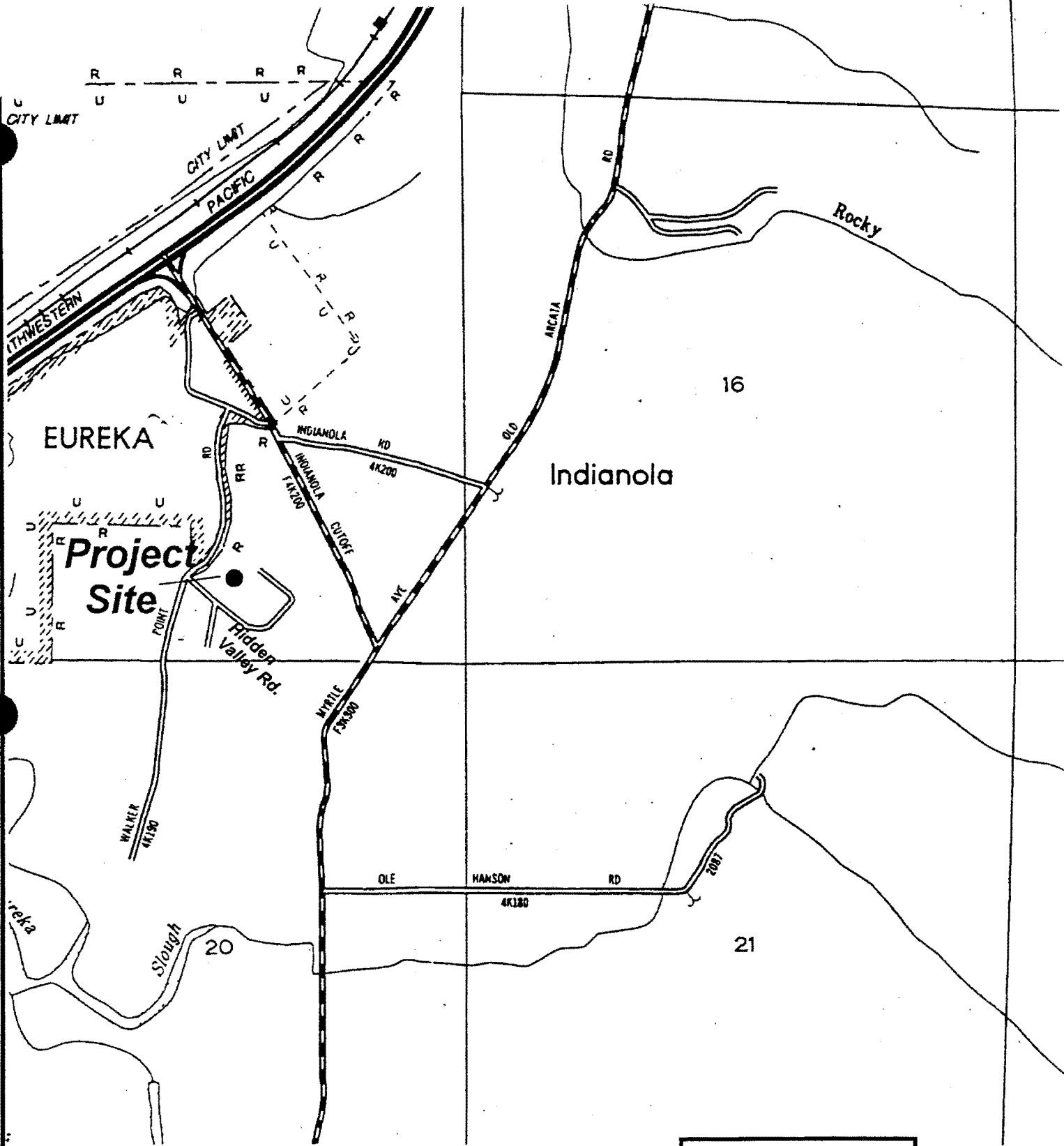
EXHIBIT NO. 1

APPLICATION NO.  
1-99-13

REGIONAL LOCATION

PROJECT SITE



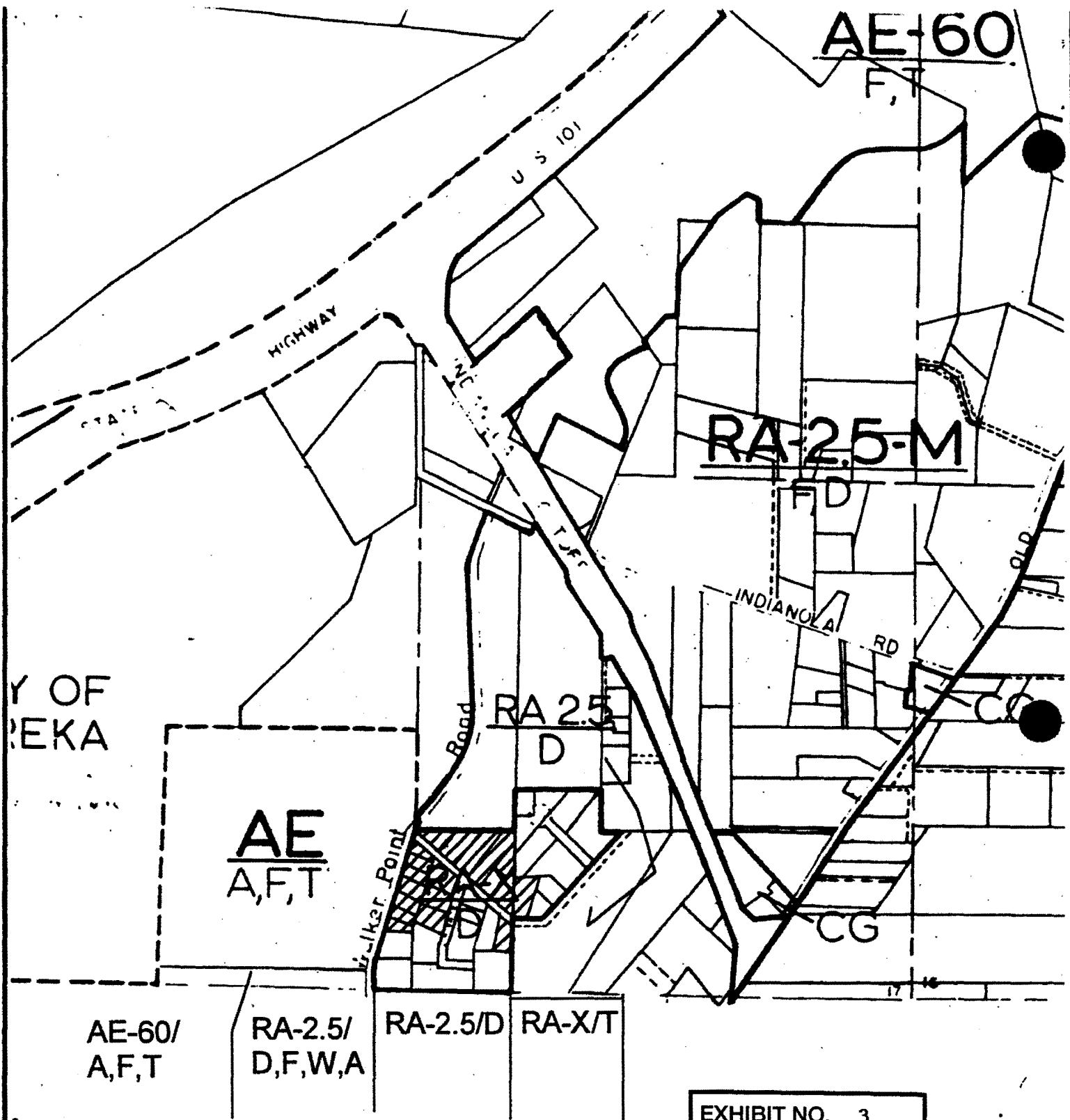


**Proposed Hidden Valley Homeowners Assoc.**  
**Coastal Development Permit**  
**Bayside Area CDP-98-34**  
**APN: 402-042-19, 402-321-01, etc.**  
**Section 17, T5N R1E, H.B.&M.**

**LOCATION MAP**

EXHIBIT NO.	2
APPLICATION NO.	1-99-13
VICINITY MAP	





**Proposed Hidden Valley Homeowners Assoc.  
Coastal Development Permit  
Bayside Area CDP-98-34  
APN: 402-042-19, 402-321-01, etc.  
Section 17, T5N R1E, H.B.&M.**

**ZONING MAP**

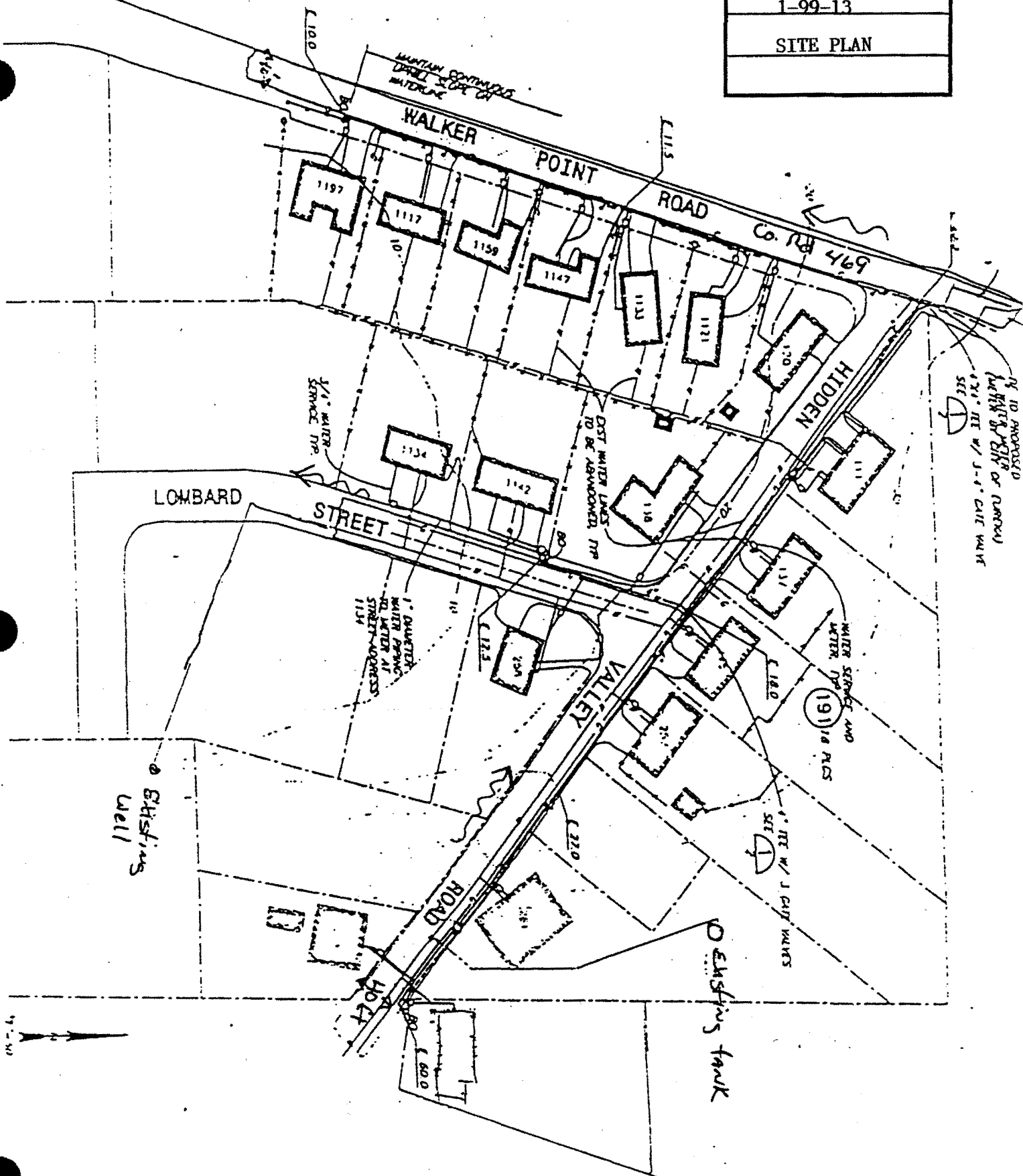
EXHIBIT NO. 3
APPLICATION NO. 1-99-13
ZONING

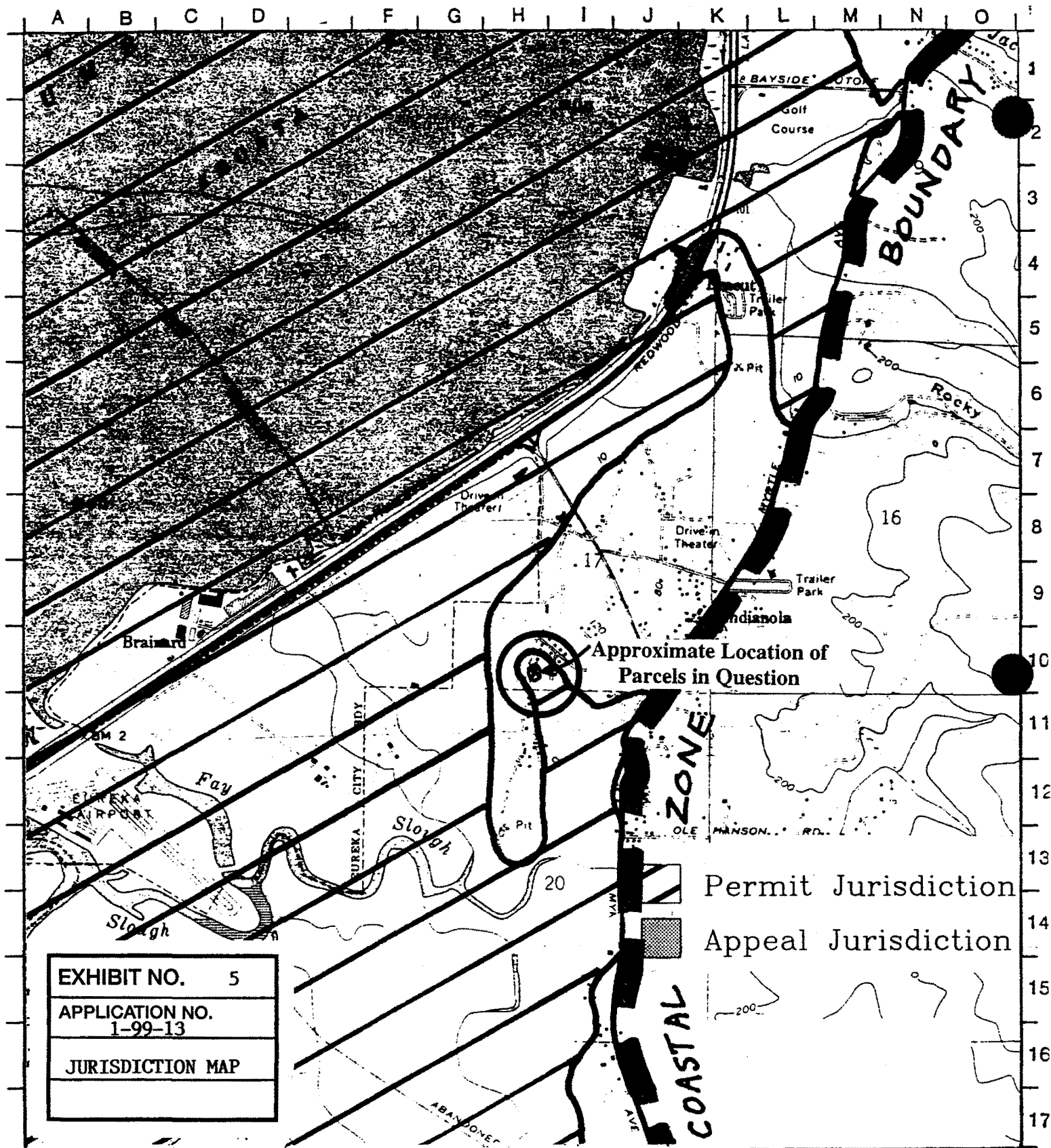


EXHIBIT NO. 4

APPLICATION NO.  
1-99-13

SITE PLAN





BD 31-97  
APN 402-321-12 and 13

 California Coastal Commission

Portion of Post-LCP  
Certification Map#13  
Arcata South Quad

County of Humboldt



STATE OF CALIFORNIA-HEALTH AND HUMAN SERVICES AGENCY

GRAY DAVIS, Governor

**DEPARTMENT OF HEALTH SERVICES**  
**DIVISION OF DRINKING WATER AND ENVIRONMENTAL MANAGEMENT**  
415 KNOLLCREST DRIVE, SUITE 110  
REDDING, CA 96002  
(530) 224-4800 FAX (530) 224-4844



January 3, 1999

Hidden Valley Homeowner's Association  
1197 Walker Point Road  
Bayside, CA 95524

Attention: Grady Teasley

You recently requested information from this office regarding the public water supply system operated by the Hidden Valley Homeowner's Association (HVHA). It is our understanding that HVHA is requesting that the City of Eureka provide water to the system from the transmission main located near the boundaries of the area. HVHA is a public water supply system under the jurisdiction of this office. The system is considered a public water supply system because the 17 service connections served exceeds the minimum of 15 contained in the definition in the Safe Drinking Water Act.

The current source of water for the system is a 20 foot deep, hand dug well. Due its shallow construction, the well is very susceptible to contamination and appears to be under the direct influence of surface water. The turbidity of the water from the well varies rapidly during rainy weather, and the system has already issued a boil water advisory once this winter due to high turbidity and concerns over the safety of the water being served. The system is currently working under a compliance agreement with this office. The agreement addresses the issues of surface water influence of the source and installation of corrosion control treatment. The system failed the copper action level during the initial rounds of sampling under the California Lead and Copper Regulations due to the corrosiveness of water from the source.

As you can see, the current source of water being used by HVHA has serious water quality problems. Surface water and corrosion control treatment to address these problems will be costly for a system with so few service connections. If the City of Eureka can provide water to HVHA, it would appear to be the best solution for them.

It is our understanding that there is some concern regarding the upsizing of mains in the subdivision in connection with this project. According to our files, the existing mains are two inch diameter polyethylene, being replaced due to age and deteriorating condition. The replacement mains are to be four inch diameter PVC, as shown in plans reviewed and approved by this office. According to Section 64628(a) of the Waterworks Standards in Title 22 of the California Code of Regulations, "Water mains shall have a minimum inside diameter of at least four inches". In order to install mains of a smaller diameter, a detailed hydraulic analysis must be performed by a registered engineer to prove that the smaller mains can supply water at adequate pressure and volume to meet demands. Although not directly under our authority, it is also noted that two inch diameter mains would not generally provide enough flow to adequately supply fire fighting needs.

EXHIBIT NO. 6
APPLICATION NO. 1-99-13
DOHS LETTER
(Page 1 of 2)

Hidden Valley HA  
January 3, 1999  
Page 2

To help ensure that the water served for domestic purposes to the consumers served by HVHA is safe to drink, this office fully supports the efforts by the City of Eureka to provide drinking water to your area. Our support also includes the installation of mains with a minimum diameter of four inches.

Should you have any further questions, please contact Mike Lewis at (530) 224-4875 or me at (530) 224-4800.

*Michael W. Lewis*

Michael W. Lewis, P.E.  
Associate Sanitary Engineer  
DRINKING WATER FIELD  
OPERATIONS BRANCH

cc: Faxed copy to Grady Teasley

MWL

1200890

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 99-20**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE HIDDEN VALLEY  
HOMEOWNERS ASSOCIATION COASTAL DEVELOPMENT PERMIT APPLICATION:  
CASE NUMBER CDP-98-34  
ASSESSOR PARCEL NUMBER 402-042-19 ET AL.**

**WHEREAS**, Hidden Valley Homeowners Association submitted an application and evidence in support of approving Coastal Development Permit for the development a replacement domestic water system;

**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 draft Mitigated Negative Declaration included in Attachment 3; and

**WHEREAS**, Attachments 1 and 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Coastal Development Permit for the proposed project;

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

1. The Planning Commission approves the proposed Mitigated 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 1 of the Planning Division staff report for Case Number CDP-98-34 based on the submitted evidence.
3. The Planning Commission approves the Coastal Development Permit applied for as recommended and conditioned in the Planning Division Staff Report for Case Number CDP-98-34.

Adopted after review and consideration of all the evidence on APRIL 15, 1999.

The motion was made by COMMISSIONER GARRETT SMITH and seconded by COMMISSIONER BRUCE EMAD.

**AYES:** Commissioners: BLYTHER, EMAD, GEARHEART, HANGER, RICE, G. SMITH, & J. SMITH.

**NOES:** Commissioners: NONE

**ABSTAIN:** Commissioners: NONE

**ABSENT:** Commissioners: NONE

I, Kirk 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 Girard, Director of Planning and Building

By: 

Mandi Jordan, Clerk

Last day to Appeal to the Board of Supervisors: April 29, 1999 (Planning Division Only)

EXHIBIT NO.	7
APPLICATION NO.	1-99-13
COUNTY APPROVAL	(Page 1 of 4)

**CONDITIONS OF APPROVAL**

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT IS CONDITIONED UPON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE COMMENCEMENT OF THE PROJECT:

**Conditions of Approval:**

1. The scope of the project is limited to only replacement water service to existing residences served by the Hidden Valley Homeowners Association. As a measure to mitigate for potential growth inducement, the project is conditioned with a requirement that the property owners of each member parcel convey subdivision and development rights to the County as follows:

- a. For developed parcels, the parcel owners shall convey to the County of Humboldt the rights to further subdivide or develop second residential units on each parcel to be served by this permit. Release from this conveyance shall be given at such time as the following steps are taken: a) Amendment of the existing agreement with the City of Eureka to provide for additional water service; b) Owner secures a Coastal Development Permit for either further subdivision of the property or for a second residential unit; and c) An environmental review is conducted and an environmental document is prepared pursuant to the requirements of the California Environmental Quality Act for addressing water service extension not covered by existing Coastal Development Permits.

- b. For undeveloped parcels, the parcel owners shall convey to the County of Humboldt the rights to further subdivide or develop residential units on each parcel to be served by this permit. Release from this conveyance shall be given at such time as the following steps are taken:

**EITHER:**

- Obtain an additional membership from the Hidden Valley Homeowners Association (the Association) pursuant to Paragraph 5 of the Associations By-Laws.
- Amendment of the existing agreement with the City of Eureka to provide for additional water service.
- Owner secures a Coastal Development Permit for extension of service and development of a single family residence, second residential unit or subdivision.
- An environmental review is conducted and an environmental document is prepared pursuant to the requirements of the California Environmental Quality Act for addressing water service extension not covered by existing Coastal Development Permits (ref. CDP-98-34).

**OR:**

- Owner develops a private water system acceptable to the Division of Environmental Health in conformance with applicable requirements for Coastal Development permitting and environmental review under the California Environmental Quality Act.

2. 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 \$121.00) will be required.

3. A Coastal Development Permit or a Waiver shall be obtained from the California Coastal Commission for that portion of the project area within their jurisdiction. A copy of such permit or waiver shall be submitted to the Planning Department prior to commencement of the work authorized by this permit.
4. An Encroachment Permit shall be secured from the Department of Public Works prior to the initiation of construction activities. A copy of the issued permit shall serve as evidence of applicant's satisfaction of this condition.
5. A trench spoils disposal plan shall be submitted for review and approval by the Planning Director. Excavated material shall be disposed of off-site and outside of the Coastal Zone at an approved disposal location. Evidence of an agreement with the property owner(s) accepting the fill (i.e., trench spoils) and a copy of the grading permit(s) for the placement of the material shall be provided. Note: All fill requires prior approval from the Building Inspection Division (BID). No more than 50 cubic yards of non-engineered fill shall be placed as accessory to any residential use without the prior securement of a Special Permit from the Planning Department. Fill placed in the Coastal Zone must obtain prior written approval of the Planning Director and will likely require the issuance of a Coastal Development Permit.
6. The applicant shall obtain approval from the Humboldt County Local Agency Formation Commission (LAFCO) pursuant to Government Code Section 56133 for the extension of water service by the City of Eureka outside of their service area. A copy of the LAFCO written approval shall be provided to the Planning Division to satisfy this condition.

**Requirements/Restrictions Which Must be Satisfied During the Construction Phase of the Project:**

1. During construction, the hours of operation of construction activities shall be limited to the daylight hours (7:30 a.m. - 5:30 p.m.), Monday through Saturday, in order to minimize project effects on the neighborhood.
2. Dust suppression measures, such as watering, shall be implemented to minimize fugitive dust generated by construction operations.
3. The staging area at the south end of Lombard Street shall either be confined to the paved portion of the roadway, or if equipment and/or materials are proposed to be temporarily sited outside of the roadway in proximity to the existing well-house, all such operations and location of the staging area shall require the prior approval from the Department of Fish and Game, and any ground disturbed within the staging area shall be reseeded following construction to the satisfaction of the Planning Director.
4. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to a halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

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

5. The applicant shall include in the project specifications for the water line installation project erosion control measures using Best Management Practices. See County Public Works for a copy of minimum acceptable standards. At the conclusion of the work, the project engineer shall submit a written certification to the Planning Division that all required measures have been implemented.
6. Construction equipment shall be maintained in good repair and the construction contractor shall immediately report any fuel or solvent spills to the County's Division of Environmental Health for evaluation and cleanup requirements.
7. The construction contractor shall provide traffic control as necessary and shall notify the sheriff and fire agencies at least 24 hours in advance of the commencement of operations of dates and times that work will occur. Traffic control shall be conducted in such a manner and through staging of road crossing(s) to maintain one-lane traffic flow at all times.
8. All construction equipment shall have properly functioning mufflers to control exhaust noise.

**Informational Notes:**

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. If the existing water supply well is to be abandoned, a Well Destruction Permit from the Division of Environmental Health (DEH) must be secured and the well destroyed according to California Well Standards. Please contact DEH at 445-6215 (Attn. Paul Dalka) for more information. Should the existing well remain in service for any auxiliary domestic water supply needs (e.g., irrigation), appropriate cross-connection-control devices shall be installed in accordance with the requirements of DEH and the City of Eureka.
3. This permit authorizes the placement of temporary signs for traffic direction during construction and for such other informational signs as may be required under State law (e.g., Fair Employment Practices, State Prevailing Wage, OSHA, etc.). All such signs shall be removed upon the completion of the work authorized by this permit.
4. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section A315-24 of the Humboldt County Code.