

CALIFORNIA COASTAL COMMISSION

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Staff: Jim Baskin
Staff Report: August 25, 2006
Hearing Date: September 15, 2006
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-05-049**

APPLICANT: **Charles Edson and Pat O'Neil**

AGENT: Mary Jane Ashton, Project Facilitator
County of Humboldt – Department of
Community Development Services

PROJECT LOCATION: 3839 and 3841 Trinity Street, Myrtletown
Community Area, east of Eureka, Humboldt
County (APNs 15-192-19, -32, and -33)

PROJECT DESCRIPTION: Subdivision of a ±2.18-acre parcel into three
parcels ranging in size from 0.54-acre to
1.01 acre and installation of related street,
public utility, and community services
improvements and connections.

GENERAL PLAN DESIGNATION: Residential/ Low Density – 3-7 dwelling
units per acre (RL) per the Humboldt Bay
Area Plan segment of the County of
Humboldt Local Coastal Program.

ZONING DESIGNATION: Residential Single Family – Five Thousand
Square-foot Minimum Parcel Size with

Archaeological Resources and Coastal Wetlands and Riparian Corridor Combining Zone (RS-5/A,W)

LOCAL APPROVALS RECEIVED: County of Humboldt Coastal Development Permit No. CDP-05-22, Tentative Parcel Map Subdivision Approval No. PMS-05-15, Planned Unit Development Approval No. PUD-05-01, and Major Vegetation Removal Special Permit No. SP-05-36

OTHER APPROVALS: None

SUBSTANTIVE FILE DOCUMENTS: 1) County of Humboldt Coastal Development Permit No. CDP-05-22, 2) Tentative Parcel Map Subdivision Approval No. PMS-05-15, 3) Planned Unit Development Approval No. PUD-05-01, 4) Major Vegetation Removal Special Permit No. SP-05-36, and 5) County of Humboldt Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions of the coastal development permit application for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the Coastal Act.

The proposed development entails a land division wherein three illegally subdivided parcels would be reverted to common acreage and re-subdivided into three parcels in conformance with state and local subdivision statutes, and County general plan and zoning regulations. The project also entails the construction of access roadway and off-street parking improvements to meet current County standards.

The project site is located in a densely developed portion of the unincorporated Myrtletown residential area east of the City of Eureka along the margins of an uplifted marine terrace above the adjoining estuarine Eureka/Ryan Slough watercourse. The property is situated at the end of a private drive off of the northern terminus of Trinity Street, a publicly-maintained local street. The site is currently developed with two single-family residences that upon parcelization will each be sited on their own lots with their appurtenant accessory structures, in conformance with the zoning district's yard and setback standards.

The primary issue raised by the proposed project is whether the development has been designed and sited so as to avoid and minimize impacts to adjacent environmentally sensitive habitat areas, namely wetlands in and adjoining Eureka/Ryan Slough along the easterly side of the property. Although the tentative subdivision map has identified the location of all existing residential improvements and future building sites as lying in excess of 130 feet from the upland edge of the slough wetlands, much of this buffer area is situated on portions of the parcel which might be pursued for future development, including accessory residential uses, such as the erection of permit-exempt structural additions, accessory structures, or landscaping. Staff is recommending approval of the proposed subdivision with conditions that would require that: (1) an open space deed restriction be imposed over those portions of the project site lying within 100 feet of the slough wetlands; (2) appropriate water quality best management practices be employed during construction of the access, utility, and community service improvements; (3) prohibitions be applied on the planting of invasive and exotic plant species, allowing only the use of native and/or non-invasive plant species obtained from local obtained genetic stocks for replanting any ground-disturbed areas, and excluding the application of anticoagulant-based rodenticides to prevent invasive exotic plant species from invading offsite environmentally sensitive areas and avoid bioaccumulation of toxics in environmentally sensitive species, such as raptors; and (4) the applicant record a deed restriction applying the standard and special conditions of the subject permit as limitations in perpetuity on the future enjoyment and use of the properties. Together, these conditions would provide assurances that the development would not result in sedimentation of coastal waters, preclude the release of hazardous materials into environmental sensitive areas, and would minimize impacts to adjoining environmentally sensitive fish and wildlife habitat areas.

As conditioned, staff believes that the project is fully consistent with the Chapter 3 policies of the Coastal Act.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 4.

STAFF NOTES:

1. Standard of Review

The project site is bisected by the jurisdictional boundary between the County of Humboldt and the Coastal Commission, with the roughly western half lying within the County's permitting jurisdiction and the eastern half subject to the Commission's authority. Humboldt County has a certified LCP, but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the portions of the project within its jurisdiction is the Chapter 3 policies of the Coastal Act. In June 2006, Humboldt County granted a conditional approval of the tentative parcel map and has

issued a coastal development permit for the portions of the project within its permitting area.

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 No. 1-05-049 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Open Space Restriction

- A. No development, as defined in section 30106 of the Coastal Act, shall occur in the portions of the subject subdivided property lying within 100 feet of the wetlands in and adjoining Eureka/Ryan Slough as described and depicted in an Exhibit

attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

1. Vegetation removal for fire management, limbing or cutting of dead or diseased trees, as determined by a State of California registered professional forester or certified arborist to pose a safety risk to existing residences; or removal of non-native vegetation.

AND

2. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit:
 - Planting of native vegetation as part of a fish or wildlife restoration or enhancement project.
 - Minor slope stabilization work, not involving extensive grading or the installation of retaining walls.
- B. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR COASTAL DEVELOPMENT PERMIT NO. 1-05-049**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit No. 6 attached to this staff report.

2. **Erosion Control and Protection of Water Quality**

The applicant shall implement the following erosion and runoff control measures which will serve to minimize the volume and velocity of stormwater runoff leaving the subject development, and to capture sediment and other pollutants contained in stormwater runoff from the subject development, by facilitating on-site infiltration and trapping of sediment generated from construction:

- a. All ground-disturbing excavation and trenching work shall be conducted during the dry season (April 15 through October 15).
- b. A physical barrier consisting of bales of straw placed end-to-end shall be installed between any construction and hillside slopes downslope of the approved construction. The bales shall be composed of weed-free rice straw, and shall be maintained in place throughout the construction period.

- c. An adequate stock of spill containment and clean-up materials shall be maintained at the excavation and grading sites for use in responding to any accidental release of hazardous materials (e.g., lubricating or hydraulic oils, fuel, etc.)
- d. Vegetation at the site shall be maintained to the maximum extent feasible and any disturbed areas shall be replanted or seeded with native vegetation obtained from local genetic stocks immediately following project completion. No non-native or invasive plants shall be used.
- d. All on-site debris stockpiles shall be covered and contained at all times.

3. Revegetation/Reseeding Restrictions

The permittee shall comply with the following revegetation-related requirements:

- (a) Only native and/or non-invasive plant species obtained from local genetic stocks shall be planted as part of the replanting or reseeded of disturbed areas required by Special Condition No. 2.d. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the bounds of the property; and
- (b) No rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall be used.

4. Deed Restriction

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-04-049, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Background.

The impetus for this land division development project arises from a desire on the part of the applicants and the County of Humboldt to resolve a series of decades-old subdivision violations involving the subject property. The property consists of portions of Lot 8 of Block 2 of the Stephen Hill Estate Subdivision, created by record-of-survey map in the early 20th Century. Following a series of deed transactions made in conformance with State and County subdivision regulations and street abandonment/vacation processes in place at the time of the conveyances, the property assumed its last legal configuration as a 2.18-acre parcel in 1964.

Since the 1964 platting, the parcel underwent a series of further deed conveyances performed contrary to state and local subdivision statutes, which resulted in the creation of a total of three illegal parcels, ranging in size from 0.22 to 1.28 acres, corresponding to Assessor's Parcel Numbers 15-192-19, -32, and -33 (see Exhibit No. 5).

During a review of an earlier lot line adjustment proposal by the County of Humboldt Community Development Services Department, the illegal lot conveyances were disclosed. Since discovering the violation, County staff has worked with the current owner/applicants to resolve the illegal land division and remove the clouded ownership status of the properties by reverting the three illegally subdivided portions of the Edson property to common acreage and then re-subdividing the property into three lots conforming to current zoning standards following procedures established under the Subdivision Map Act (California Government Code §§66410 *et seq.*) and local enabling County ordinances for so-called "parcel map subdivisions" (less than four lots).

On October 5, 2005, the applicants submitted a request for approval of a tentative subdivision map, a planned unit development, and a major vegetation removal special permit authorization in order to resolve the subject illegal subdivision and bring the site into conformance with current zoning standards. In addition, a coastal development permit application was submitted to the County for those portions of the project site within the local government's jurisdictional area (see Exhibit No. 3).

On October 6, 2006, a coastal development permit application was submitted to the Commission's North Coast District Office for the portions of the site within the Commission's original and retained jurisdictional area, the subject of this permit review.

On June 15, 2006, the Humboldt County Planning Commission approved with conditions a tentative parcel map and accompanying Planned Unit Development Permit and Special Permit for the subject land division (see Exhibit No. 7). In addition, a concurrent coastal

development permit was conditionally approved for the portions of the project site within the County's jurisdiction (see Exhibit No. 3). The conditions applied by the County include requirements that: (1) payment of property taxes current on a *pro rata* basis corresponding to the new parcel configurations; (2) all required road improvements be installed or bonded for prior to recordation of the final parcel map; (3) planning department conditional compliance review fees be remitted; (4) a development plan be approved and a Notice of Development Plan recorded delineating the 100-foot-wide wetland buffer area as "non-developable;" (5) rights to secondary dwelling units and further subdivision be conveyed to the County in exchange for granted exceptions to road improvement standards; and (6) all requisite permits and grants of authority be obtained from other regulatory agencies, including the Coastal Commission.

B. Site & Project Description.

The applicant proposes a land division project to resolve a series of illegal subdivisions. Three properties illegally subdivided through grant deed conveyances, executed in the absence of a public hearing process and without parcel map recordation, would be re-subdivided into three parcels conforming to current state and county land division and zoning standards. The subject property is located at 3839 and 3841 Trinity Street, in the unincorporated community area of Myrtletown, east of the City of Eureka in Humboldt County. The property is bisected by the permit jurisdictional boundary between the County of Humboldt and the Coastal Commission, with the westerly half of the site lying in the County's permitting area and the easterly half under the Commission's authority (see Exhibit No. 3).

1. Site Description

The Myrtletown community area is located on the urbanized eastern fringe of the City of Eureka, on the margins of the incised uplifted marine terrace upon which much of the city is situated. To the east of the area, the terrain descends down relatively moderate slopes to the coastal plain surrounding Humboldt Bay, with the tidally-influenced Eureka Slough / Freshwater Creek / Ryan Slough watercourses running along the base of the terrace. Most of the lots in this predominantly residential zoned neighborhood have been developed with single-family and multi-family dwellings of varying sizes and architectural styles. The main road serving the area is Myrtle Avenue, separating the community area from other urbanized areas within the municipal boundaries of Eureka. Although the slough and creek channels are accessible to the public from various launching points further downstream from the site, there is no public access available to these watercourses from the private lands within the Myrtletown residential area.

The subject property is located on a private drive at the end of Trinity Street, one of several dead-end streets that branch off of Myrtle Avenue. The roughly rectangular property is approximately 290 feet in width and approximately 300 feet deep, covering a total of approximately 2.18 acres. Vegetated cover on the site consists of second-growth

coastal redwood forest with a mixture of upland shrubs, forbs, and grasses forming a dense understory in places. The property is situated along the crest of a saddle on the uplifted terrace, whose rear half descends down a 20 to 30 percent forested slope to Ryan Slough. As a result, a roughly 45- to 95-foot-wide band of the easterly side of the parcel lies within 100 feet of the adjoining wetland environmentally sensitive habitat area (ESHA) along the slough margins. This lower slope area is proposed, and was required by the County of Humboldt in their action on the tentative subdivision map, to be reserved as an open space area in which no development would be permitted.

The project site is currently developed with two single-family residences and accessory structures along the southern half of the subject property. The Edson residence near the center of the property consists of a single-story 2,300-square-foot, four-bedroom house with a detached 1,500-square-foot garage/shop building that were erected in 1958. The McNeil residence, constructed in 1961, consists of a 900-square-foot, single-story house with a detached 288-square-foot garage. Other site improvements include an existing 12-foot-wide asphalt-concrete roadway, community water and sewer connection lines, and overhead public utility power and service facilities.

The project site is not located within a coastal view or scenic area, as designated within the Humboldt Bay Area Plan segment of the County of Humboldt's LCP. Due to its location along a private right-of-way, the presence of intervening significant forested tree and shrub cover, and significant breaks in topography, no views across the property to and along the ocean exist from vantage points along public streets, parklands, or open shoreline or water areas.

2. Specific Project Description

The proposed project entails the land division of the 2.18-acre property into three lots ranging from 0.54-acre to 1.01 acre in size. The property would be platted such that the Edson and McNeil houses and outbuildings would be situated on Parcel 1 and 2, respectively, in conformity with the site's RE-5 zoning district setback standards (see Exhibit No. 6). As required under the County's development codes, various roadway improvements, utility connections and community service extensions must also be provided to each lot. For the portion of the project site within the Commission's jurisdiction, this work entails the grading and paving of a driveway entrance onto vacant Parcel 3, which would require the removal of one second-growth redwood tree. In addition, one diseased redwood tree situated within 15 feet of the designated building site on Parcel 3 would also be removed consistent with California Department of Forestry and Fire Protection's "FireSafe" standards.

C. Locating and Planning New Development.

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate

public services and where it will not have significant adverse effects, either individually or cumulatively, 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 subject property is within a developed unincorporated urban area that is zoned for single-family residential development as its principally permitted use pursuant to 5,000-square-foot minimum parcel size and 3-7 dwelling-units-per-acre density standards. The site is located within the boundaries of the Humboldt Community Service District (HCSD) where community water and sewer infrastructure is in place with adequate reserved capacities to serve both the existing dwellings and the proposed additional residential site.

As discussed in Coastal Water Quality Findings Section IV.D below, the project has been conditioned to minimize adverse impacts to coastal water quality, primarily from potential entrainment of sediment and other pollutants in stormwater runoff from the construction sites of the road, utility, and community service improvements. Furthermore, as discussed in Protection of Environmentally Sensitive Habitat Area (ESHA) Findings Section IV.E below, the project has been conditioned to prevent adverse impacts that would significantly degrade ESHA.

Therefore, the Commission finds that as conditioned, the proposed development is consistent with Coastal Act Section 30250(a) in that it is located in a developed area, it has adequate water and sewer capability to accommodate it, and it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

D. Protection of Water Quality.

Section 30230 of the Coastal Act states, in applicable part:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act addresses the protection of coastal water quality in conjunction with development and other land use activities. Section 30231 reads:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall

be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantially interference with the surface water flow, encouraging, wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Impacts to coastal water resources could result if not adequately mitigated. During construction of the requisite subdivision road, utility, and community service improvements, stormwater runoff across the excavated areas could entrain excavated soil or other materials. In addition, accidental releases of hazardous materials associated with construction materials handling and storage, or equipment maintenance activities could similarly occur. If not properly intercepted and cleaned up, these materials could spread to adjacent unpaved areas of the site and contaminate soil and groundwater beneath the project site, and/or be conveyed downslope to be released into the adjoining farmed seasonal wetland areas and, in turn, into the adjacent estuarine slough. Accordingly, the Commission attaches Special Condition No. 2. Special Condition No. 2 requires that the applicants: (1) perform the installation of subdivision improvements during the dry season (April 15 through October 15); (2) install straw bales to contain runoff from excavation and grading areas; (3) maintain a stock of hazardous materials spill prevention and clean-up supplies at the site; (4) preserve on-site vegetation to the maximum extent possible during construction; (5) replant or reseed any disturbed areas following project completion. In addition, Special Condition No. 2 requires that all on-site stockpiles of construction debris or excavated earthen materials be covered and contained to prevent polluted water runoff.

The Commission thus finds that feasible mitigation measures have been provided to offset the potential adverse environmental effects of sedimentation of coastal waters associated with the ground disturbing excavation work such that the habitat values of coastal streams, wetlands, and estuaries will be maintained or enhanced. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

E. Protection of Environmentally Sensitive Habitat Areas (ESHA)

Section 30240(b) of the Coastal Act requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. Section 30240(b) of the Coastal Act states in applicable part:

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 project site itself does not contain any known environmentally sensitive habitat. However, the property is located approximately fifty feet from the farmed seasonal wetlands and the open waters of Ryan Slough, where intertidal saltmarsh vegetation and riverine wetland environmentally sensitive habitat exists. The Commission finds that the ESHA located near the site could be adversely affected if: (1) further encroachment of development into the portions of the proposed 100-foot-wide open space / wetland buffer situated on the subject property were to occur; (2) non-native, invasive plant species are introduced in related reseeding/revegetation of disturbed areas; and (3) sediment associated with subdivision-related ground disturbing roadway and utility excavations is allowed to become entrained in stormwater runoff.

The property lies adjacent to farmed seasonal wetlands ESHA situated within the coastal plain at the tow of the forested slope to the east of the project parcel. These resource areas, together with the various coastal watercourses passing through them form a mosaic of tidal, brackish, and freshwater aquatic habitats utilized by an extensive selection of waterfowl and other aquatic organisms. To protect the habitat characteristics afforded in these areas, appropriately sized buffer areas need to be established between the outer extent of the wetlands resources and sites where development could be undertaken without significant direct or cumulative adverse impacts resulting. In the absence of specific information indicating the need for a greater or smaller setback, the Commission and the County of Humboldt have utilized a 100-foot-wide buffer as a default buffer width between wetlands and development sites. Consistent with this policy, the applicants delineated a 100-foot-wide setback line on the tentative parcel map, proposing the area remain as an "open space area" (see Exhibit No. 6). In its action on the tentative subdivision map, the County required that the applicants receive approval of a development plan for the project site, declaring the portion of the 100-foot-wide open space buffer area on the property as "non-buildable." The County also required that a notice of development plan also be recorded, constructively noticing this development constraint within the chain of title for Parcels 2 and 3, the lots affected by the buffer (see Exhibit No. 7).

To assure that the area proposed to be reserved as an open space buffer around the adjoining wetlands remains free of encroachment by development that could either directly, indirectly, or cumulatively impact the habitat value of the adjacent ESHA, the Commission attaches Special Condition No. 1. Special Condition No. 1 requires that all portions of the project site over which the 100-foot wetland buffer extends be restricted as open space, where no development may occur with the exception of: (1) vegetation removal for fire management or other safety purposes; (2) the planting of native vegetation as part of a fish or wildlife restoration or enhancement project; (3) minor slope stabilization work not involving extensive grading; or (4) the installation of retaining walls or utility lines. Special Condition No. 4 also requires that the applicant record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on

the use and enjoyment of the property. Special Condition No. 4 will also help assure that future owners are aware of these CDP requirements applicable to all future development. Unlike the notice of development plan condition applied by the County, wherein only notice of the existence of a development plan is disclosed, leaving the owner to research on their own the nature of any conveyed or constrained development rights, the open space deed restriction will specifically disclose the extent of the area affected and enumerate the specific prohibitions on and allowance for development within the open space area.

Introduced invasive exotic plant species could also physically spread into the ESHA and displace native riparian and wetland vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing any landscaping as part of the proposed project. However, to prevent erosion and sedimentation impacts, excavations and trenching associated with installation of the subdivision access road improvements and public utility and community service connections are required to be promptly re-seeded and re-planted following completion of the work. To ensure that the ESHA near the site is not significantly degraded by any re-seeding/replanting that could contain invasive exotic species, the Commission attaches Special Condition No. 3 that requires only native and/or non-invasive plant species be planted at the site.

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to poses significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As these target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, the pest control compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition No. 3 contains a prohibition on the use of such anticoagulant-based rodenticides.

Finally, as discussed in Protection of Water Quality Findings Section IV.D above, sediment and other pollutants entrained in stormwater runoff from ground-disturbed sites associated with the installation of subdivision improvements could result in siltation of the seasonal wetlands located at the toe of the slope below the project site. Special Condition No. 2 requires that, during the installation of the related subdivision road, utility, and community service improvements, the applicants utilize specific water quality best management practices designed to prevent and minimize the entrainment of sediment in stormwater runoff.

With the mitigation measures discussed above, which are designed to prevent potential significant adverse impacts to the adjacent environmentally sensitive habitat area, the project as conditioned will not significantly degrade adjacent ESHA and will be

compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with Section 30240(b) of the Coastal Act.

F. Visual Resources.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The size, location, and arrangement of lots resulting from land divisions dictate where subsequent development may occur. Though no specific above-grade physical development may be proposed as part of a subdivision project, the configuration of the subdivision will nonetheless influence the degree future development will impact the visual resources of the surrounding area.

The subject development entails the subdivision of a 2.18-acre parcel into three lots ranging from 0.54 acre to 1.01 in size. As a result of the land division, the two existing homes and their accessory structures would be placed each on their own lots with a third vacant, roughly ½-acre lot being platted.

The project site is located well inland from the open shorelines of the Pacific Ocean and Humboldt Bay. The subject property is situated on the crest and along the moderately steep slopes of the forested hillside comprising the face of the uplifted, stream-incised, marine terrace on which much of the City of Eureka has been developed. Vegetation cover on the property consists of second-growth coastal redwood forest with a dense understory of related shrubs and forbs. Although the project site is not designated as a highly scenic area, the eastern side of the property is visible from several public vantage points, including Myrtle Avenue, the open waters of Ryan Slough, and from southbound Highway 101 approximately one mile away. The eastern Myrtletown area is suburban in character, comprised of an assortment of lots of varying sizes developed chiefly with single-family dwellings in a variety of sizes and styles.

Although the creation of a new lot would allow for the development of an additional residence, this additional housing site will not result in development that adversely affects the area's visual resources. While portions of the property are visible from public viewing areas, due to its location well inland on a private road, no views to and along the ocean through the project site are available to the public. Further, because of the presence of intervening major vegetation and significant breaks in topography, none of the building sites, including that on vacant Parcel 3 would be visually prominent to motorists traveling on Myrtle Ave or Highway 101, or boating within Ryan Slough. Any incidental glimpses of residential structural improvements on the parcels through the trees and other vegetation as viewed from public vantage points would be similar to that

existing on other nearby developed sites and would not be out of conformity with the character with the Myrtletown community area. Moreover, at the time when specific development on vacant Parcel 3 is proposed, the Commission will have the opportunity to assess a proposed development's potential effects on visual resources of the area as part of the review of that permit request.

Therefore, the Commission thus finds that given the site-specific conditions at the project site, the proposed development is consistent with Coastal Act Section 30251, as the project has been designed to minimize visual impacts, will be visually compatible with the character of surrounding areas, and will provide for the protection of coastal views.

G. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections, 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 proposed project would not adversely affect public access. The project site does not front directly on the Pacific Ocean, Humboldt Bay, or the tidal estuarine watercourses such as Ryan Slough feeding into the bay. As noted previously, with the exception of informal accessways at certain street ends and roadsides along Eureka, Second, Third, and Ryan Sloughs,¹ none of the exclusively private lands along the eastern side of the Myrtletown community area are open and available for public access use. Although it might be possible to cross the project site to access Ryan Slough, no evidence has been presented to suggest that an implied dedication of a public access easement across the property has occurred. Therefore, the proposed project would not adversely affect any

¹ These potential public access points were identified and subsequently deleted from the final access inventory of the certified Humboldt Bay Area Plan, citing potential conflicts with adjoining agricultural operations and the availability of boating access to these watercourses from other boat launching facilities further downstream within the City of Eureka.

existing rights of access that may have been acquired through use, as no existing public access would be blocked by the proposed development.

With respect to the provision of public access to offset the increased demand for, or overcrowding impacts on existing access facilities resulting from the development, the one additional residence that would be created by the project would not represent a significant increase in such demand nor would directly or cumulatively cause overcrowding of the area's coastal access facilities.

Therefore, the Commission finds that the proposed project does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214.

J. California Environmental Quality Act.

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

The Commission incorporates its findings on conformity with the Chapter 3 policies of the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

V. EXHIBITS

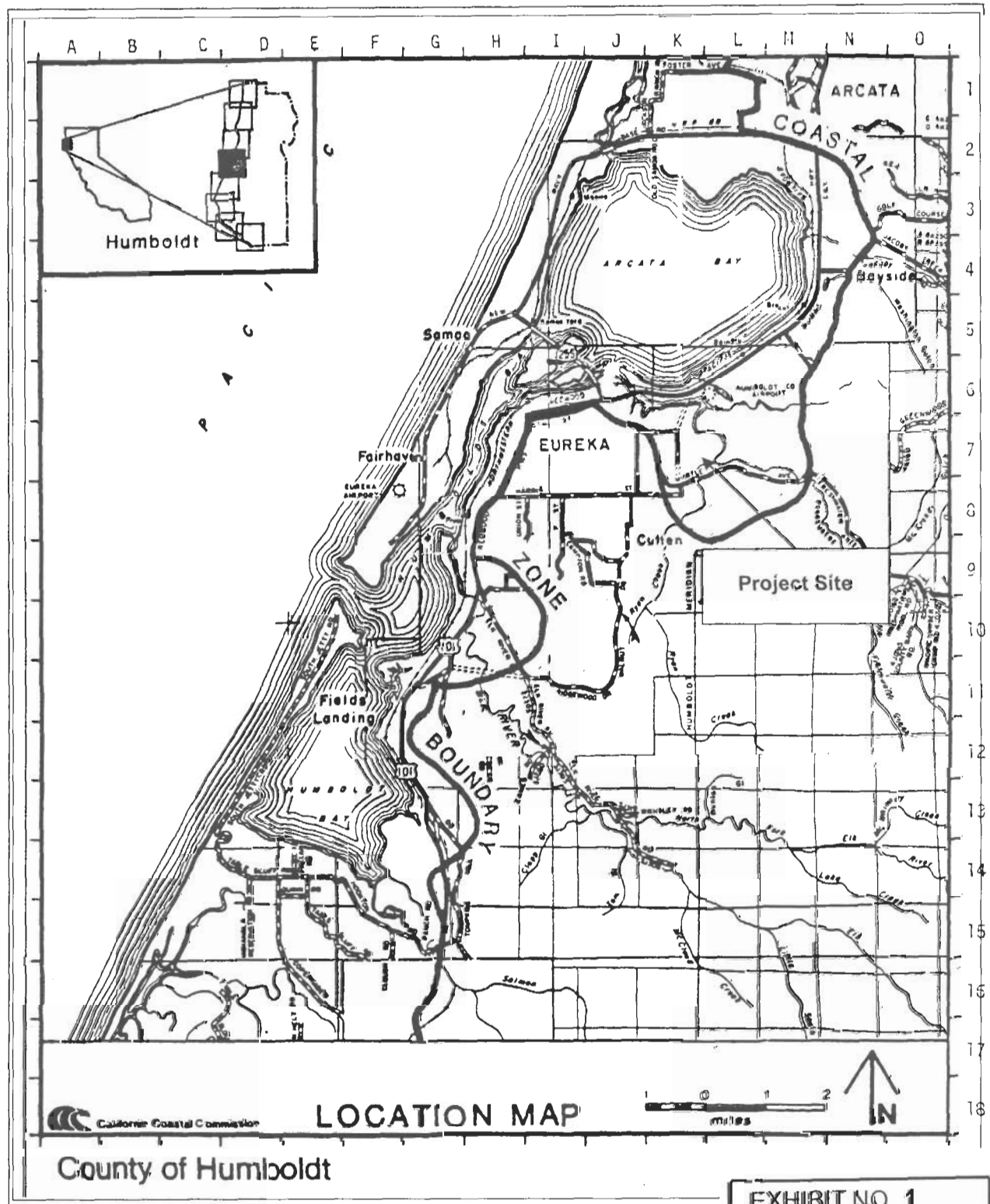
1. Regional Location
2. Vicinity Map
3. Portion, County of Humboldt LCP Post-Certification Jurisdictional Map No. 13
4. Project Site Aerial Photograph

5. County of Humboldt Assessor's Parcel Map Book 15, Page 19
6. Tentative Parcel Map
7. Excerpt, County of Humboldt County Development Services Department Special Conditions and Findings for Approval of Tentative Parcel Map No. PMS-05-15, Planned Unit Development No. PUB-05-01, Major Vegetation Removal Special Permit No. SP-05-36, and Coastal Development Permit No. CDP-05-22

ATTACHMENT NO. 1

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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



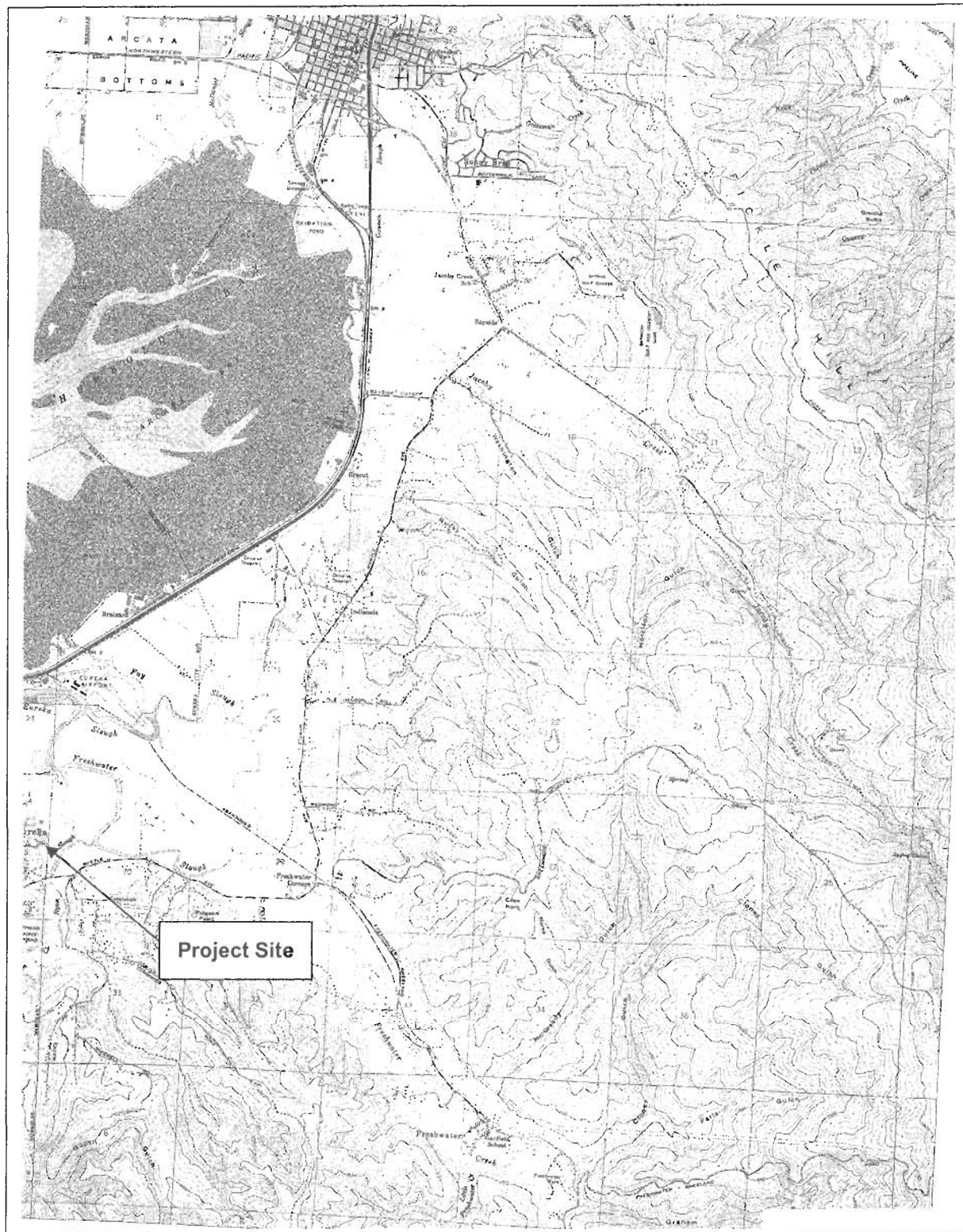


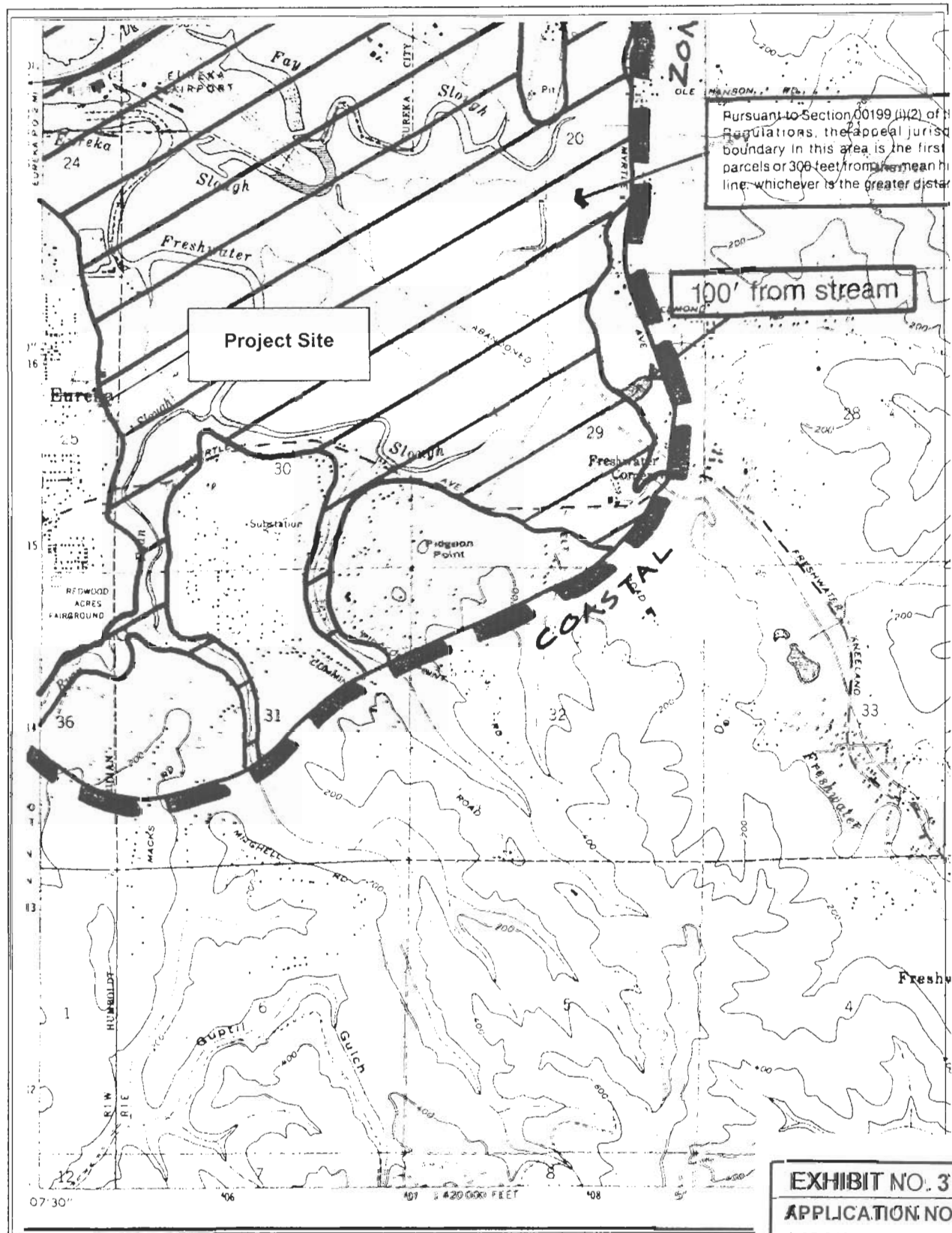
EXHIBIT NO. 2

APPLICATION NO.

1-05-049

EDSON & O'NEIL

VICINITY MAP



Pursuant to Section 00199 (1)(2) of the Regulations, the appeal jurisdiction boundary in this area is the first parcels or 300 feet from the mean high line, whichever is the greater distance.

100' from stream

Project Site

EXHIBIT NO. 3
APPLICATION NO.
 1-05-049
 EDSON & O'NEIL
 PORTION, COUNTY OF HUMBOLDT
 LCP POST-CERTIFICATION
 JURISDICTIONAL MAP NO. 13



Image Courtesy of U.S. Geological Survey

EXHIBIT NO. 4

APPLICATION NO.

1-05-049

EDSON & O'NEIL

PROJECT SITE AERIAL
PHOTOGRAPH

EXHIBIT NO. 5

APPLICATION NO.

1-05-049

EDSON & O'NEIL

COUNTY OF HUMBOLDT
ASSESSOR'S PARCEL MAP
BOOK 15, PAGE 19

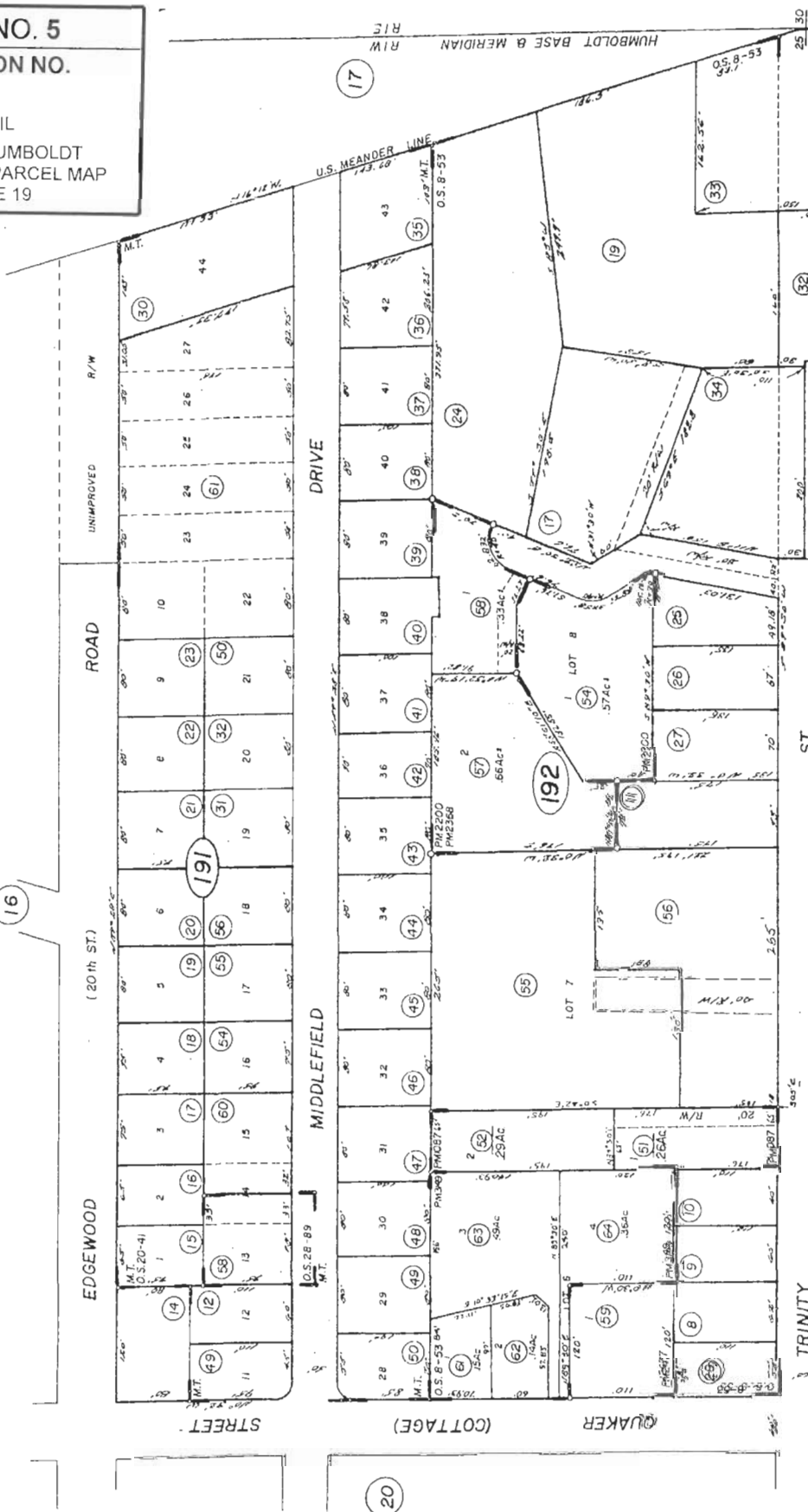
SCALE IN 1/10 OF AN INCH



1-800-345-7334

POR. NE 1/4, SEC 25, T5N, R1W, HB&M

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RM 14, Pg. 23 Middlefield Terrace Sub, Tract 21
RS. 8, Pg. 53 Stephen Hill Estate Sub.
RS. 20, Pg. 41
RS. 28, Pg. 89
PM. No. 1087 of PM Bk 9, Pg. 115

PM 2200 of PM Bk 15, Pg. 82
PM 2368 of PM Bk 21, Pg. 10
PM 2477 of PM Bk 22, Pg. 31
PM 3149 of PM Bk 29 Pgs 84-85

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

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06
Assessor's Maps Bk. 15 - Pg. 19
County of Humboldt, Ca

DEC 15 1997

AGENDA ITEM TRANSMITTAL

TO: Humboldt County Planning Commission
 FROM: Kirk Girard, Director of Community Development Services

MEETING DATE: June 15, 2006	AGENDA ITEM: <input type="checkbox"/> Public Hearing Item <input checked="" type="checkbox"/> Consent Agenda Parcel Map Subdivision, Coastal Development/Special and Planned Unit Development Permits	CONTACT: Alyson Hunter
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PROJECT DESCRIPTION: This parcel map subdivision proposes reverting previously illegally subdivided parcels (known as APN 015-192-19, -32, and -33) to acreage and resubdividing by this tentative parcel map. APN 015-192-19 (± 1.34 ac) is currently developed with a $\pm 2,300$ sf residence and a $\pm 1,500$ sf detached garage/workshop. APN 092-192-32 (± 0.22 ac) is vacant. APN 015-192-33 (± 0.62 ac) is developed with a ± 288 sf garage and a ± 900 sf residence. The resubdivision will result in three parcels of 1.01 \pm acres/43,937 sf (Parcel 1), 0.63 \pm acres/27,470 \pm sf (Parcel 2) and 0.54 \pm acres/23,555 \pm sf (Parcel 3). The resubdivision will place the existing 2,300 sf residence and garage on proposed Parcel 1 and the existing 900 sf residence on proposed Parcel 2. A Planned Unit Development (PUD) is also requested to allow development in the buildable portion of the parcels. An exception is requested through the Land Use Division to allow a 20' wide access right of way and a less than road category 4 standard due to sight constraints. A Coastal Development Permit for the subdivision and associated improvements; ± 5 cy of cut to create an additional parking space for Parcel 2 with the excess soil to be placed for creation of the driveway at proposed Parcel 3. A Special Permit for the removal of five redwoods is also requested. A CDP from the State is also requested since the eastern portion of the property is within the California Coastal Commission's permit jurisdiction, a CDP application is simultaneously being processed by the CCC.

PROJECT LOCATION: The project is located in Humboldt County, in the Myrtletown area, on the east side of Trinity Street, approximately 1200 feet east of the intersection of Trinity Street and Quaker Street, on the properties known as 3839 & 3841 Trinity Street.

PRESENT PLAN LAND USE DESIGNATION: Residential Low Density (RL) "Humboldt Bay Area Plan" (HBAP) Density: 3 - 7 units per acre. Slope Stability: Relatively stable to low instability (E_1 , C_0).

PRESENT ZONING: Residential Single Family in the Coastal Zone, specifying a minimum parcel of 5,000 sf (RS-5); Residential Single Family in the Coastal Zone, specifying a min. parcel of 5,000 square feet in an Archaeological Resource Area and Coastal Wetlands Combining Zone (RS-5/A, W)

Assessor Parcel Number: 015-192-19, -32, -33

APPLICANT

EDSON, CHUCK
 528 PACIFIC TERRACE
 KLAMATH FALLS, OR 97601
 Phone: 541-884-3398

OWNER(S)

PAT O'NEIL
 3841 TRINITY STREET
 EUREKA, CA 95501

AGENT

SAME AS APPLICANT

ENVIRONMENTAL REVIEW:

☒ Project requires environmental review.

MAJOR ISSUES:

☒ Coastal Comm. jurisdiction, access

STATE APPEAL STATUS:

☒ Project is appealable to the California Coastal Commission.

EXHIBIT NO. 7

APPLICATION NO. 1-05-049
 EXCERPT, SPECIAL COND. & FINDINGS
 FOR APPROVAL OF TENTATIVE PARCEL
 MAP NO. PMS-05-15, PLANNED UNIT
 DEVELOPMENT NO. PUB-05-01, MAJOR
 VEGETATION REMOVAL SPECIAL PERMIT
 NO. SP-05-36, & COASTAL DEVELOPMENT
 PERMIT NO. CDP-05-22 (1 of 9)

**EDSON MINOR SUBDIVISION, PLANNED UNIT DEVELOPMENT, COASTAL
DEVELOPMENT AND SPECIAL PERMITS**

Case Numbers: PMS-05-15/CDP-05-22/PUD-05-01/SP-05-36

RECOMMENDED COMMISSION ACTION:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

"I move to adopt the Mitigated Negative Declaration and to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions."

EXECUTIVE SUMMARY

The project is meant to remedy an existing subdivision wherein the three (3) existing parcels were created without the benefit of County review. These conveyances by deed occurred in the mid-1960s and early 1970s and were identified during the title review for an earlier lot line adjustment proposal. This subdivision process will revert the parcels to acreage and then resubdivide resulting in three slightly reconfigured "legal" parcels. Two of the parcels are developed with one residence each. Proposed Parcel 3 will be vacant. A suitable building site has been identified and this parcel will likely be developed with a residence in the near future. The Planned Unit Development permit is required to allow the existing development to encroach slightly into setbacks and allow future development on Parcel 3 to be located on a limited building site. The project includes conditions to convey further subdivision and secondary dwelling unit rights.

The Trinity Street extension by which these three parcel are accessed is a roughly 12' wide travel way. Parcels 2 and 3 will be accessed via easement across Parcel 1. An exception is requested through the Land Use Division (LUD) to allow a 20' wide access right of way and a less than road category 4 standard due to topography and location of existing structures. LUD has approved the exception subject to the conveyance of development rights for secondary dwelling units on each of the parcels. An emergency vehicle turnaround will be developed on Parcel 1 for the benefit of all three parcels. Additionally, a new fire hydrant will be placed near the site where the publicly maintained portion of Trinity Street ends just to the west of the three subject parcels. With this measure, the Humboldt Fire District #1 has recommended approval. The neighborhood is not in the State's Responsibility Area (SRA) for fire protection.

The parcels are located in the Myrtletown area at the far northern end of Trinity Street. The neighborhood is part of the Stephen Hill Tract which was developed in the early 20th century. The entire area is in the Coastal zone, but the State's permit jurisdiction boundary is located across all three parcels in a roughly north-south trajectory. The State Coastal Commission retains permitting authority on the NE side of this line. Any new development on proposed Parcel 3 will require a Coastal Development Permit or waiver from the State, as will the approval of this subdivision as portions of the newly configured parcel lines are located within the State's jurisdiction. This project was referred to the local office of the Coastal Commission which did not comment.

The immediate neighbor (APN 015-192-17) has submitted a letter (See Attachment 6) expressing concerns over the project, primarily increased traffic. LUD has determined that the access is satisfactory with the restriction on secondary dwelling units; the project will create one (1) additional building site and will place the two existing residences onto their own legal parcels. The narrowness of the existing roadway will act to a certain degree as a traffic calming measure to slow traffic. Use of a speed hump could be added consistent with LUD's draft policy recommendations. No turnouts are proposed. Development of a turnout on Parcel 1 opposite the residence could be accommodated if required by the Commission but would require additional right of way dedication.

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

ALTERNATIVES: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all 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.

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**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 06-__

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE
EDSON PMS/PUD/CDP/SP APPLICATION**

CASE NUMBERS: PMS-05-15/CDP-05-22/PUD-05-01/SP-05-36;

ASSESSOR PARCEL NUMBERS: 015-192-19, -32, -33

WHEREAS, the owner submitted an application and evidence on his behalf in support of approving the merger and resubdivision to result in three (3) parcels with the required additional permits;

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 not exempt from environmental review under the California Environmental Quality Act (CEQA). A Draft Mitigated Negative Declaration has been prepared and circulated for the Planning Commission's adoption; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Case Nos.: PMS-05-15/CDP-05-22/PUD-05-01/SP-05-36);

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

- The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 5, 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;
- The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Nos.: PMS-05-15/CDP-05-22/PUD-05-01/SP-05-36 based on the submitted evidence; and
- The Planning Commission conditionally approves the proposed PMS/PUD/CDP/SP as recommended in the Planning Division staff report for Case Nos.: PMS-05-15/CDP-05-22/PUD-05-01/SP-05-36.

Adopted after review and consideration of all the evidence on June 15, 2006.

The motion was made by COMMISSIONER and seconded by COMMISSIONER.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

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: _____
Sharyn Lodes, Clerk

Last day to appeal to Board of Supervisors: _____, 2006 (filed with the Planning Division).

THE PROJECT IS NOT EFFECTIVE UNTIL ALL APPEAL PERIODS HAVE ENDED.

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ATTACHMENT 1

****REVISED** RECOMMENDED CONDITIONS OF APPROVAL**

APPROVAL OF THE PMS/PUD/CDP/SP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral included herein as Exhibit A dated April 26, 2006, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. 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 \$77.00 per parcel) as required by the County Assessor shall be paid to the County Community Development Services, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1. below for suggestions to reduce the cost for this review.
6. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be a minimum of 11 inches by 17 inches (11" x 17"). The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the following site development details:

A. Mapping

- (1) Topography of the land in 5-foot contours.
- (2) Building "envelope" for Parcel 3 (dwelling site locations with applicable yard setback, maximum lot coverage and building height standards), including dimensioned setbacks to property lines and easements. Parking area detail showing conformance with parking requirements of Humboldt County Code Section 313-109 and County Subdivision Regulations.
- (3) Proposed circulation improvements including streets, driveways, turnouts, and emergency vehicle turn-arounds.
- (4) Open space area and wetland buffer setback, labeled as "non-developable".

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- (5) ****The cluster of three (3) trees identified on the tentative map for removal shall not be removed under this permit. The tree identified as "diseased" and the tree in the proposed driveway may be removed. Future tree removal on Parcel 3 shall be reviewed under separate permit.****

B. Notations

- (1) "All flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be disposed of by chipping, burying, burning or removal to a landfill site approved by the County."
- (2) "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."
- (3) "A Conveyance and Agreement has been recorded over all three (3) resultant parcels which conveys all rights for the development of secondary dwelling units on Parcels 1, 2 and 3 until such time as the access off Trinity Street is improved to current County standards; i.e., a minimum of Road Category 4."
- (4) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
- (5) ****Prior to the issuance of any Building or Grading Permit on Parcel 3, the applicant/owner shall cause to be submitted a Phase I Archaeological Survey prepared by a qualified archaeologist. This survey shall be submitted to the Planning Division which will refer it to the Wiyot Tribe, NCIC and the Natural Resources Division of the County's Public Works Department for their review and comment. The original approved survey will be kept on file in the Planning Division safe and copies will be sent to the Wiyot Tribe, the NR Division and NCIC for their records.**
- Any appropriate mitigation measures or recommendations in the survey will be required as part of the Building Permit review.****

7. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the

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schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$146.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.

8. The applicant shall convey future development rights to the County of Humboldt for secondary dwelling units and subdivision on proposed Parcels 1, 2 and 3. Release from this conveyance may be pursued at such time that the access to the parcels off Trinity Street is upgraded to "Road Category 4" standards. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning Division. 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 \$146.00) will be required.
9. The property owner shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 313-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.
10. The applicant shall obtain written verification from the utility companies that they have no objection to the recordation of the parcel map.
11. The applicant shall obtain written verification from Humboldt Fire District #1 that they have no objection to the recordation of the parcel map **and that the fire hydrant has been installed to their satisfaction. The applicant shall work with the Fire District to relocate the proposed fire hydrant to an appropriate location away from the corner. **
12. The applicant shall provide a letter from the Humboldt Community Services District stating that the conditions of the referral dated December 12, 2005 have been completed to their satisfaction and that the District has no objection to the recordation of the parcel map.
13. The applicant shall secure a Coastal Development Permit or Waiver from the California Coastal Commission for that portion of the project occurring within the Coastal Commission's area of retained CDP jurisdiction.
14. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division, made out the Humboldt County Recorder, in the amount of \$25 pursuant to Section 711.4 of the Fish and Game Code.

Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Condition(s) 3-14). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Please contact the Planning Division for copies of all required forms and instructions.

* Each item evidencing compliance should note in the upper right hand corner:

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Assessor's Parcel No. _____ Exhibit "A", Condition _____
(Specify) (Specify)

2. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
3. The term of the Coastal Development Permit, Planned Development Permit and Special Permit shall run concurrent with the tentative map (i.e., 24 months). If necessary, an extension of these permits may be requested in accordance with the provisions of Section 312-11.3 of the Humboldt County Code.

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ATTACHMENT 2**Staff Analysis of the Evidence Supporting the Required Findings for Approval of the Subdivision**

Required Findings: To approve this project, the Planning Commission must determine that the applicants have submitted evidence in support of making all of the following required findings.

A. *Subdivision Findings:* §66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (H.C.C.) specifies the findings that must be made to approve parcel subdivision maps. Basically, the Hearing Officer may approve a parcel map if the applicants have submitted evidence that supports making all of the following findings:

1. That the proposed subdivision, together with the provisions for its design and improvements, is consistent with the County's General Plan.
2. That the tentative subdivision map conforms to the requirements and standards of the County's subdivision regulations.
3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
4. The proposed subdivision is not likely to cause substantial environmental damage.

B. *Coastal Development / Planned Development Permit / Special Permit Findings:* Section 312-17 of the Zoning Regulations of the Humboldt County Code (Required Findings for All Permits and Variances) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County's General Plan; and
2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and the conditions under which it may be operated or maintained, will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity; and

Furthermore, the California Environmental Quality Act requires that the required CEQA findings be made for any development which is subject to the regulations of CEQA.

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