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Date Filed: September 25, 2006
49th Day: November 13, 2006
180th Day: March 24, 2007
Staff: Jim Baskin
Staff Report: December 22, 2006
Hearing Date: January 12, 2007
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-06-034**

APPLICANTS: **PATRICK & STEPHANIE WILLIAMS**

AGENT: Hunt Surveying and Forestry, Inc.

PROJECT LOCATION: 1664 Victor Boulevard, adjacent to Humboldt Bay, in the Manila Community Area, Humboldt County (APNs 400-101-48 & -51).

PROJECT DESCRIPTION: 1) Adjust the lot line between two parcels wherein the common property line will be shifted 39.28 feet westerly to add approximately 3,082 square-feet of lot area onto APN 400-101-51 from APN 400-101-48; and 2) Construct a two-story, 2,665-square-foot single-family residence and a 638-square-foot attached garage (2,300-square-foot footprint), 10-foot-wide gravel driveway, approximately 1,100 paved parking apron, septic interceptor tank, with an extension of community water, sewer, and public utility hook-ups.

GENERAL PLAN DESIGNATION:	Residential Single Family with Manufactured Home and Archaeological Resources Area combining zones (RS- 5/M,A)
ZONING DESIGNATION:	Residential/ Low Density (RL), 3-7 units per acre
LOCAL APPROVALS RECEIVED:	County of Humboldt Coastal Development Permit No. CDP-05-73 and Lot Line Adjustment Approval No. LLA-05-27, issued July 6, 2006.
OTHER APPROVALS:	None Required
SUBSTANTIVE FILE DOCUMENTS:	1) Coastal Development Permit De Minimis Nos. 1-04-015-W and 1-04-016-W; and 2) Humboldt County Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of the proposed lot line adjustment and related construction of a two-story, 35-foot-high, 2,665-square-foot single-family residence with an attached 638-square-foot garage (2,300-square-foot footprint), a 10-foot-wide, 2,175-square-foot gravel driveway, 1,100 paved parking apron, septic interceptor tank, and associated community water service and public utility connections. The project site is located in the rural residential area of Manila, an unincorporated area along the west side of Humboldt Bay on the Samoa Peninsula.

The site consists largely of disturbed coastal dunes that have been stabilized by scattered development and exotic vegetation and do not function as an active dune system. As discussed in Finding Section IV.C below, these stabilized dunes do not constitute an environmentally sensitive habitat area (ESHA). These stabilized dunes extend from Victor Boulevard east to Humboldt Bay where emergent salt marsh vegetation occurs as part of the intertidal estuarine wetland, an ESHA. The ESHA is separated from the upland, stabilized dunes by a low bluff and a steep gradient of transitional vegetation approximately thirty feet wide and parallel to the bay.

The applicant proposes to locate the residence as far from the ESHA as possible while maintaining the required 20-foot front yard setback. The applicant proposes to construct site improvements to provide a minimum approximately 67-foot-wide buffer from the edge of the salt marsh and allow for a modest, 20-foot-deep backyard yard adjacent to the

residence. As proposed, the majority of the development would be located on the landward side of the topographic rise which creates a visual and noise buffer from the ESHA. The development would be located to the west of the scattered beach pine and wax-myrtle trees located along the top of the slope on the bayward side of the parcel that also provide visual screening between the development and the ESHA. The eastern portion of the site between the site improvements and the ESHA would continue to provide transitional habitat for use by birds and other wildlife that utilize the ESHA. Furthermore, the proposed buffer is consistent with buffers that have been approved by the Commission for other development located along the east side of Victor Boulevard.

The subject site is zoned with an archaeological combining zone under the County's LCP based on the potential presence of archaeological resources. A cultural resources records search was performed by the Yurok Tribe's North Coast Information Center for the site and did not identify the presence of any culturally significant resources on the parcel, nor that preparation of a archeological reconnaissance report was indicated. However, the referral response from the Wiyot Tribe noted that because the project vicinity is sensitive and is known to contain buried archaeological deposits or features further to the south, it is recommended that a qualified cultural resources monitor be present during ground disturbing activities. To ensure protection of any archaeological or cultural resources that may be discovered at the site during construction of the proposed project, staff recommends Special Condition No. 1. The condition requires the applicant to comply with all recommendations and mitigation measures contained in the archaeological report prepared for the project. The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

As proposed, no development would be sited in the environmentally sensitive habitat area and the project would provide an adequate buffer from the ESHA. However, additions or improvements to the single family residence that would otherwise be exempt from coastal permit requirements could be sited and designed in a manner that could compromise the value of the buffer and have potentially adverse impacts on the environmentally sensitive habitat area. Therefore, to ensure consistency with Section 30240 of the Coastal Act, staff recommends Special Condition No. 2 that requires a coastal development permit or a permit amendment for all future additions or improvements on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that it will not be sited or designed in a manner that would result in adverse impacts to the ESHA. Special Condition No. 3 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This

requirement will reduce the potential for future landowners to make improvements to the residence without first obtaining a permit as required by this condition. Furthermore, Special Condition No. 5 would require that a fence enclosing a 20-foot wide rear yard area and delineating the boundary of the 67-foot-wide ESHA buffer be installed and that it be maintained over the life of the project to ensure that it will have the intended benefit of protecting the ESHA.

The ESHA could also be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native wetland vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping and yard maintenance of the site, staff recommends Special Condition No. 6 that requires only native and/or non-invasive plant species be planted at the site, and the applicant not utilize certain bio-accumulating rodenticides.

Furthermore, the ESHA could also be adversely affected by the proposed development from site runoff that could impact the water quality of the salt marsh and bay. It is unlikely that stormwater runoff from the site would reach the salt marsh and bay at the eastern edge of the parcel because of the high infiltration capability of the sandy substrate, the proposed minimum 67-foot-wide buffer area, and the natural topography of the site which would direct runoff toward the west away from the bay. However, staff recommends Special Condition No. 4 to ensure the protection of the quality and biological productivity of the ESHA and coastal waters by minimizing the volume of stormwater runoff that could potentially drain to the ESHA consistent with Sections 30240 and 30231 of the Coastal Act. The condition requires the applicant to submit a drainage plan for review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the drainage plan to demonstrate that the runoff from the site, including roof gutters, is collected and directed toward Victor Boulevard and away from the ESHA in a non-erosive manner into pervious areas on the site so as to achieve infiltration to the maximum extent practicable.

Finally, to minimize potential cumulative impacts to the visual resources of the Manila area and the fish and wildlife habitat resources of Humboldt Bay, Special Condition No. 7 imposes design restriction on the project, requiring that all external lighting be low-wattage with a downcast-directed shielding and not be oriented toward the estuarine wetland ESHA.

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 5 below.

STAFF NOTE:

1. Standard of Review

The project site is bisected by the boundary of the Commission's retained jurisdiction and the coastal development permit jurisdiction of Humboldt County. Humboldt County granted a coastal development permit on July 7, 2006 for the portion of the development within the County's permit jurisdiction. No appeals of the County approved coastal development permit were filed with the Commission during the appeal period. The portion of the site within the Commission's jurisdiction is within an area shown on State Lands Commission maps as being subject to the public trust. Therefore, the proposed development is within the Commission's retained coastal development permit jurisdiction and the standard of review for the permit application 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 No. 1-06-034 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. Archaeological Resources

A. The permittee shall comply with the following monitoring conditions during construction:

1. A qualified archaeologist and representative of the Wiyot Tribe shall be present to monitor all ground-disturbing activities during the construction of the residence and site improvements.
2. If an area of cultural deposits is discovered during the course of the project all construction shall cease and shall not recommence except as provided in subsection 3 hereof; and a qualified cultural resource specialist shall analyze the significance of the find.
3. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan for the review and approval of the Executive Director.
 - a. If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - b. If the Executive Director approves the Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

2. Future Development Restriction

This permit is only for the development described in coastal development permit No. 1-06-034. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 1-06-034. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 1-06-034 from the

Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. Deed Restriction

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-06-034, 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.

4. Drainage Plan

A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-06-034**, the applicant shall submit to the Executive Director, for review and written approval, a drainage plan demonstrating that site runoff, including roof gutters, shall be collected and directed toward Victor Boulevard and away from Humboldt Bay in a non-erosive manner into pervious areas of the site (i.e. undeveloped areas, landscaped areas) to achieve infiltration to the maximum extent practicable.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Buffer Fence

The permittee shall install a fence delineating the boundary between the residence's rear yard curtilage and the ESHA buffer, commencing 20 feet bayward from the eastern extent of the approved residence's building envelope and running from the north to south property lines of APN 400-101-51. The fence shall be at least two to three feet in height and consist of either: (a) wooden or pre-fabricated concrete or metal bollards with

connecting strands of wire cabling; (b), board-on-board planking and stringers; (c) or metal post and wire mesh (e.g., chain link, “hog wire”, etc.) The permittees shall maintain the fence over the life of the project to ensure that it will have the intended benefit of protecting the ESHA.

6. Landscaping Restriction

- a. Only native and/or non-invasive plant species shall be planted at the site. No invasive exotic plant species obtained from local genetic stocks shall be planted with any landscaping of the site. If documentation is provided to the Executive Director prior to planting that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. 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 property.
- b. Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone or Diphacinone. shall not be used.

7. Design Restrictions

- A. All exterior materials, including painted surfaces, roofs and windows, shall be non-reflective to minimize glare and limited to neutral to earth-tone colors; and
- B. All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Site Description & Project Description

The project site consists of two legal parcels comprising a combined area of 0.8-acre, located on the east side of Victor Boulevard approximately 100 feet north of the intersection of Victor Boulevard and Dean Avenue in Manila, an unincorporated

community located east of the City of Eureka along the Samoa Peninsula. The site is located adjacent to Humboldt Bay and is bordered to the north and south by residential development. (See Exhibit Nos. 1-3).

As is the case for much of the Manila area, the site consists largely of disturbed coastal dunes that have been stabilized by scattered development and exotic vegetation and do not function as an active dune system. The parcel extends from Victor Boulevard east to Humboldt Bay where emergent salt marsh vegetation occurs as part of the intertidal estuarine wetland. Species in this area include pickleweed (*Salicornia virginica*), spear-orchid (*Atriplex patula hastata*), arrow-grass (*Triglochin maritima*), club rush (*Trichophorum* sp.), and gumweed (*Grindelia stricta*). The intertidal estuarine wetland system is separated from the upland, stabilized dunes by a low bluff and a steep gradient of transitional vegetation approximately thirty feet wide and parallel to the bay.

The proposed project includes construction of a two-story, 35-foot-high, 2,665-square-foot single-family residence with an attached 638-square-foot garage (2,300-square-foot footprint), a 10-foot-wide, 2,175-square-foot gravel driveway, 1,100 square-foot paved parking apron, and a septic interceptor tank, and related community water and public utility connections. The applicant proposes to locate the house a minimum of 87 feet from the edge of the environmentally sensitive habitat area (salt marsh) with a modest 20-foot-wide rear yard area, thus establishing a 67-foot non-development buffer area from the landward edge of the estuarine ESHA. (See Exhibit No. 3).

Sparse outcroppings of beach pine (*Pinus contorta contorta*), hooker willow (*Salix hookeriana*), silk tassel (*Garrya elliptica*), and wax-myrtle (*Myrica californica*) border the bluff and upland dune area along the eastern and southern portions of the site. Coast buckwheat, beach evening-primrose, and dune goldenrod occur in what is known as 'dune mat' habitat adjacent to the thicket area. Sweet vernal grass, sea thrift, rattlesnake grass, sheep sorrel, and yellow bush lupine surround the perimeter of the dune mound.

Due to their sparsity and lack of potential nesting, roosting, or feeding habitat for raptors or passerine bird species, a biological survey prepared previously for earlier development on the site concluded that the tree and shrub thickets did not comprise an environmentally sensitive habitat area.

B. 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 located within a developed residential area zoned Residential Single-Family with 5,000-square-foot minimum parcel sizes, where 3-7 residential units per acre is a principally permitted use. Thus, the proposed residential use would be located within a developed area planned for such use.

The subject parcel is located in an area served by community water and sewer that would serve the proposed residence. The applicant proposes to install a septic interceptor tank consistent with the Manila Community Services District standards. Thus, the area has adequate services to accommodate the proposed development.

As discussed in Finding Section IV.C and D below, the proposed development has been conditioned to minimize potential impacts to water quality, environmentally sensitive habitat, and archaeological resources. Furthermore, as discussed in Finding Nos. 5 and 6, the proposed development would not have impacts on public access or visual resources (with the addition of certain exterior building material and lighting design restrictions).

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, on coastal resources.

3. Protection of Adjacent Environmentally Sensitive Habitat Area (ESHA) and Water Quality

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.

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

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. [Emphasis added.]

Section 30240(b) requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. Additionally, Section 30231 provides that the quality of coastal waters be maintained.

The Samoa Peninsula forms a barrier dune complex that separates the ocean from Humboldt Bay. Most of the area is developed with residential units resulting in a degraded and fragmented dune environment. Based on site visit by Commission staff and as determined for other fixed sand dune areas along the coast, the upland portion of the subject site does not constitute environmentally sensitive habitat. The substrate of the subject site and surrounding area is stabilized by scattered development and exotic vegetation and does not function as an active dune system. Therefore, the proposed development would not be located in an ESHA.

The subject property does lie adjacent to an environmentally sensitive habitat area consisting of salt marsh and mudflat habitat at the base of the slope near the eastern edge of the parcel. These estuarine wetlands provide important flood protection, water quality and pollution control functions including storing surface water and improving water quality by absorbing organic and inorganic nutrients and filtering toxins. The salt marsh and adjacent mudflats provide breeding, rearing and feeding habitat for a variety of wildlife species, including mammals, birds, reptiles, amphibians, and invertebrates.

The applicant proposes to locate the residence as far from the ESHA as possible while maintaining the required 20-foot front yard setback and providing a modest, 20-foot-wide rear yard area. Buffers provide separation from development and environmentally sensitive habitat areas (ESHA) to minimize disturbance to plants and animals inhabiting an ESHA and to protect the habitat values of the area. Buffers are typically intended to create a spatial separation between potentially disruptive activity typically associated with development such as noise, lighting, and human activity, which can disrupt feeding, nesting, and behavior patterns of wildlife. Buffer areas also provide transitional habitat between development and environmentally sensitive habitat areas. Additionally, buffers are often required to provide a vegetated area to capture and treat drainage and stormwater runoff from development to minimize the amount of pollutants potentially entering environmentally sensitive habitat areas and receiving waters.

The project would result in an increase in activity at the site common to residential use, thereby subjecting birds and other wildlife that inhabit the ESHA to increased noise and disturbance. The proposed residence would be sited as far from the ESHA as possible to provide a spatial buffer of approximately 67 feet. As proposed, the majority of the development would be located on the landward side of the topographic rise which creates a visual and noise buffer from the ESHA. The development would be located to the west

of the sparse outcropping of beach pine trees located along the top and bayward side of the slope that also provide visual screening between the development and the ESHA. In addition, the applicants have agreed to construct a fence twenty feet outward from the eastern extent of the residential building envelope to delineate the buffer area from the rear yard and residence to further minimize disturbance and human encroachment into the buffer area. The eastern portion of the site between the fence and the ESHA would continue to provide transitional habitat for use by birds and other wildlife that utilize the ESHA. Furthermore, the proposed buffer, which is 67 feet at the narrowest width, is consistent with buffers that have been approved by the Commission for other development located along the east side of Victor Boulevard (CDP Nos. 1-94-10, Barnum; 1-97-15, Kaiser, 1-03-011 & 1-03-12, Joyce).

As proposed, no development would be sited in the environmentally sensitive habitat area and the project would provide an adequate buffer from the ESHA. However, the Commission notes that future minor incidental development normally associated with single family residences such as additions to the residence, construction of outbuildings, decks and patios, or installation of landscaped areas could be sited and designed in a manner that could compromise the value of the buffer and have potentially adverse impacts on the environmentally sensitive habitat area. Many of these kinds of development are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. Thus, the Commission would not normally be able to review such development to ensure that impacts to sensitive habitat are avoided.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. As noted above, certain additions or improvements to the approved residence could involve a risk of adverse impacts to the ESHA on the site. Therefore, in accordance with provisions of Section 13250 (b)(6) of Title 14 of the California Code of Regulations, the Commission attaches Special Condition No. 2 which requires a coastal development permit or a permit amendment for all additions and improvements to the residence on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to the ESHA on the site. Special Condition No. 3 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners to

make improvements to the residence without first obtaining a permit as required by this condition. Furthermore, Special Condition No. 5 would require that the fence delineating the boundary between a 20-foot-wide back yard curtilage and the 67-foot-wide ESHA buffer be installed and that it be maintained over the life of the project to ensure that it will have the intended benefit of protecting the ESHA.

The ESHA could also be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native wetland vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping of the site, the Commission attaches Special Condition No. 6 that requires only native and/or non-invasive plant species be planted at the site and that the use of certain rodenticides known to cause bio-accumulation metabolic disruptions to raptors be restricted. As discussed above, Special Condition No. 3 requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property which would also ensure that all future owners of the property are aware of the landscaping and rodenticides restrictions.

Lastly, the ESHA could also be adversely affected by the proposed development from site runoff that could impact the water quality of the salt marsh and bay. The subject site is comprised of sandy substrate and does not contain any developed impervious surfaces. Thus, the majority of stormwater at the site currently infiltrates prior to leaving the site as surface runoff. The proposed house, garage and paved parking apron would result in approximately 4,000-square-feet of impervious surface area at the site. The driveway is proposed to be gravel and therefore would continue to function as a pervious area. However, the increase in impervious surface area from the development would decrease the infiltrative function and capacity of the existing permeable land on site. The reduction of permeable surface area leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative adverse impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sub-lethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These

impacts reduce the biological productivity and the quality of coastal waters and reduce optimum populations of marine organisms.

It is unlikely that untreated stormwater runoff from the site would reach the salt marsh and bay at the eastern edge of the parcel because of the high infiltration capability of the sandy substrate, the proposed minimum 67-foot-wide vegetated buffer area, and the potential bio-filtration the area would afford. However, to ensure that drainage structures are not directed so as to be concentrated toward the ESHA without the benefit of the bio-treatment the vegetated buffer area would provide, to ensure the protection of the quality and biological productivity of the ESHA and coastal waters by minimizing the volume of stormwater runoff that could potentially drain to the ESHA, the Commission attaches Special Condition No. 4. The condition requires the applicant to submit a drainage plan for review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the drainage plan to demonstrate that the runoff from the site, including roof gutters, will be collected and directed toward Victor Boulevard and away from the ESHA in a non-erosive manner into pervious areas on the site to achieve infiltration to the maximum extent feasibly practicable given the bayward slope of the housing site parcel.

Section 30412 prevents the Commission from modifying, adopting conditions, or taking any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality. There are no existing National Pollutant Discharge Elimination System (NPDES) permits that apply to the site and the proposed project does not require any permits from the Regional Water Quality Control Board. Therefore, conditions and/or BMPs required by the Commission to minimize adverse impacts to water quality from the proposed development would not conflict with actions of the RWQCB consistent with the requirements of Coastal Act Section 30412.

With the mitigation measures discussed above, which are designed to minimize any potential 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 Sections 30240(b) and 30231 of the Coastal Act.

4. Archaeological Resources

Section 30244 of the Coastal Act states that reasonable mitigation measures shall be required where development would adversely impact archaeological resources.

The subject site is zoned with an Archaeological Resources Area (/A) combining zone under the County's LCP. At the behest of Humboldt County during consideration of the lot line adjustment portions of the project within their jurisdictional area, a cultural resources record check was performed for the site by the Yurok Tribe's North Coastal

Information Center. According to the records check, although the Wiyot Indians prehistorically occupied the project area and known settlements lay along Humboldt Bay and along the banks of many of the streams and sloughs in the area in vicinity to the project site, no specific need for preparation of an archaeological site reconnaissance report was indicated for the development site. However, the Wiyot Tribe's cultural resources officer recommended that as the potential exists for buried cultural deposits to occur within portions of the project area, ground-disturbing construction activities on the site should be monitored by a qualified archeologist and cultural resource specialist. The referral response also recommends that if buried archaeological resources are encountered during construction activities, that all work in the immediate area of the find should be halted temporarily and/or shifted to another area, so that the monitor can evaluate the materials to determine their significance.

To ensure protection of any archaeological or cultural resources that may be discovered at the site during construction of the proposed project, the Commission attaches Special Condition No. 1. The condition requires the applicant to comply with recommendations contained in the cultural resources referral response submitted for the project, namely that all ground-disturbing construction activities be observed by a qualified archaeologist and Wiyot Tribe cultural resources monitor. The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

The project does not propose any development or construction activities within an area of known archaeological resources. However, the Commission notes that future development on the site such as additions to the residence, construction of outbuildings, or installation of landscaped areas could be sited and designed in a manner that would result in adverse impacts to cultural resources. Much of this kind of development is normally exempt from the need to obtain coastal development permits pursuant to Section 30610 of the Coastal Act as an addition to an existing structure. Thus, the Commission would not normally be able to review such development to ensure that impacts to cultural resources are avoided.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a

development permit. As noted above, certain additions or improvements to the approved residence could involve a risk of adverse impacts to cultural resources. Therefore, in accordance with provisions of Section 13250 (b)(6) of Title 14 of the California Code of Regulations, the Commission attaches Special Condition No. 2 which requires a coastal development permit or a permit amendment for all future development on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to any cultural resources on the site. Special Condition No. 3 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners to make improvements to the residence without first obtaining a permit as required by this condition.

Therefore, the Commission finds that the proposed project, as conditioned, would not result in adverse impacts to cultural resources and would be consistent with Section 30244 of the Coastal Act.

5. 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 proposed single-family residence is located in a developed rural residential area. Although the site provides spectacular views across Humboldt Bay, the site is located near the end of Victor Boulevard, a narrow public road that does not provide shoreline access and does not provide appreciable public viewing of the bay or ocean because of intervening development, vegetation, and landforms. Thus, the development would not block any public views of the bay, or other coastal areas. The residence would be sited as far from the bay as possible and therefore, would be only minimally visible from Humboldt Bay. The development would be located largely on the landward side of the topographic rise and would be located to the west of the pine tree outcropping that provide additional visual screening from the bay. Furthermore, the project would not result in the alteration of natural landforms, as the development would require only minimal grading.

Notwithstanding these features, the proposed residence represent additional structural development along the fringes of Humboldt Bay that could be especially prominent if the residence were built with materials and lighting fixtures that produced excessive glare. To lessen the visual prominence of the development, the Commission attaches Special Condition No. 7. Special Condition No. 7 requires that all exterior materials, including

roofs and windows, shall be non-reflective to minimize glare, that the color of exterior painted surfaces be of neutral or earth-tone colors, and with dark grey to black roofing materials. In addition, all exterior lights, including lights attached to the outside of any structures, must be low-wattage, non-reflective and be mounted so as to cast their illumination downward to minimize glare and lighting impacts. As conditioned, the project would be compatible with the character of surrounding development and the surrounding area, consistent with Coastal Act Section 30251.

The character of the Manila area is largely defined by a diversity of architectural styles and sizes of residences ranging from small, manufactured homes to larger two-story homes. The proposed residence would be wood framed and wood lap-board exterior, wood-shingled gables, and a composition roof. As proposed, the residence would be of similar size, scale, and architectural style to other development in the neighborhood. Thus, the project would also be visually compatible with the residential character of the surrounding area.

Therefore, the Commission finds that the project with attached Special Condition No. 7 would be consistent with Section 30251, as the project would not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

6. 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.

Although the project site is located adjacent to Humboldt Bay, the proposed project would not adversely affect public access. There are no trails or other public roads that provide shoreline access within the vicinity of the project and therefore, the proposed development would not interfere with existing public access. Furthermore, the proposed project would not create any new demand for public access or otherwise create any

additional burdens on public access. Public access to the bay is available via a trail at the Manila Community Park located approximately 0.5 mile north of the project site.

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.

7. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is 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 Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. 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. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would 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.

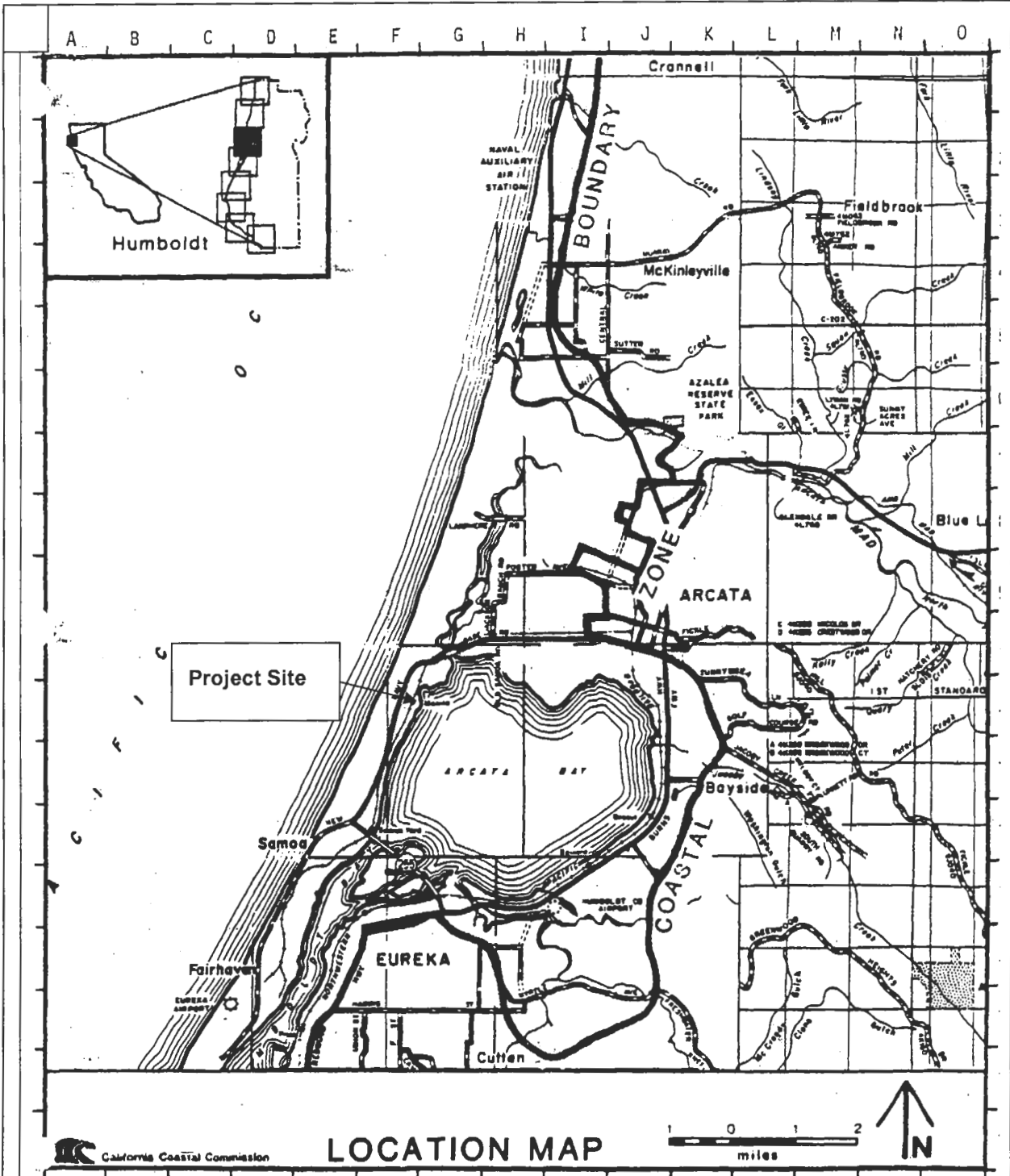
EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Site Aerial Photograph
4. Site Plan and Elevation Views
5. County of Humboldt Coastal Development Permit No. CDP-05-73 and Lot Line Adjustment Approval No. LLA-05-27

ATTACHMENT A

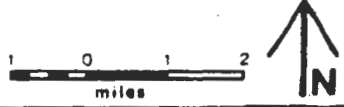
Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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.



California Coastal Commission

LOCATION MAP



County of Humboldt

EXHIBIT NO. 1
 APPLICATION NO.
 1-06-034
 WILLIAMS
 REGIONAL LOCATION

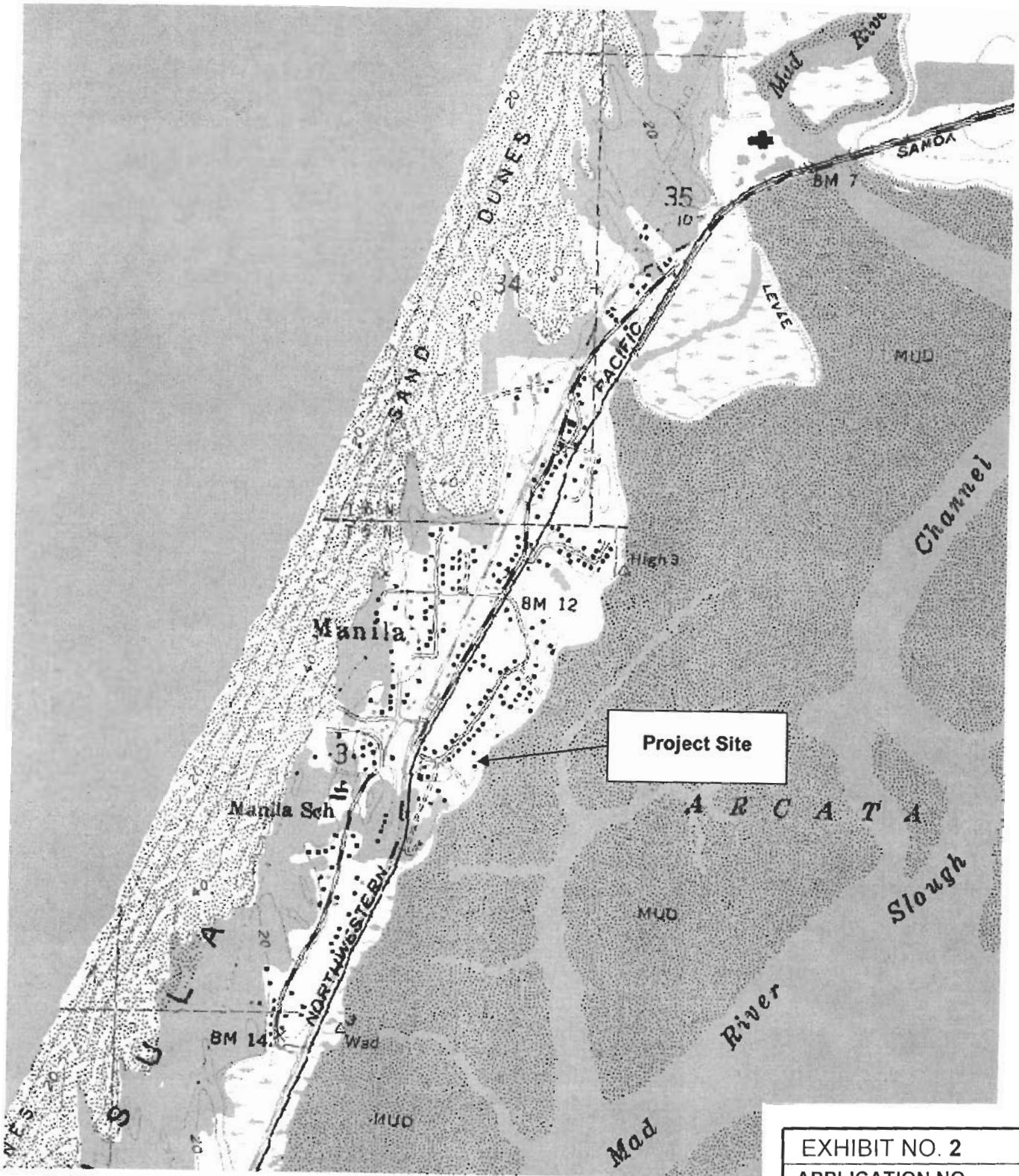
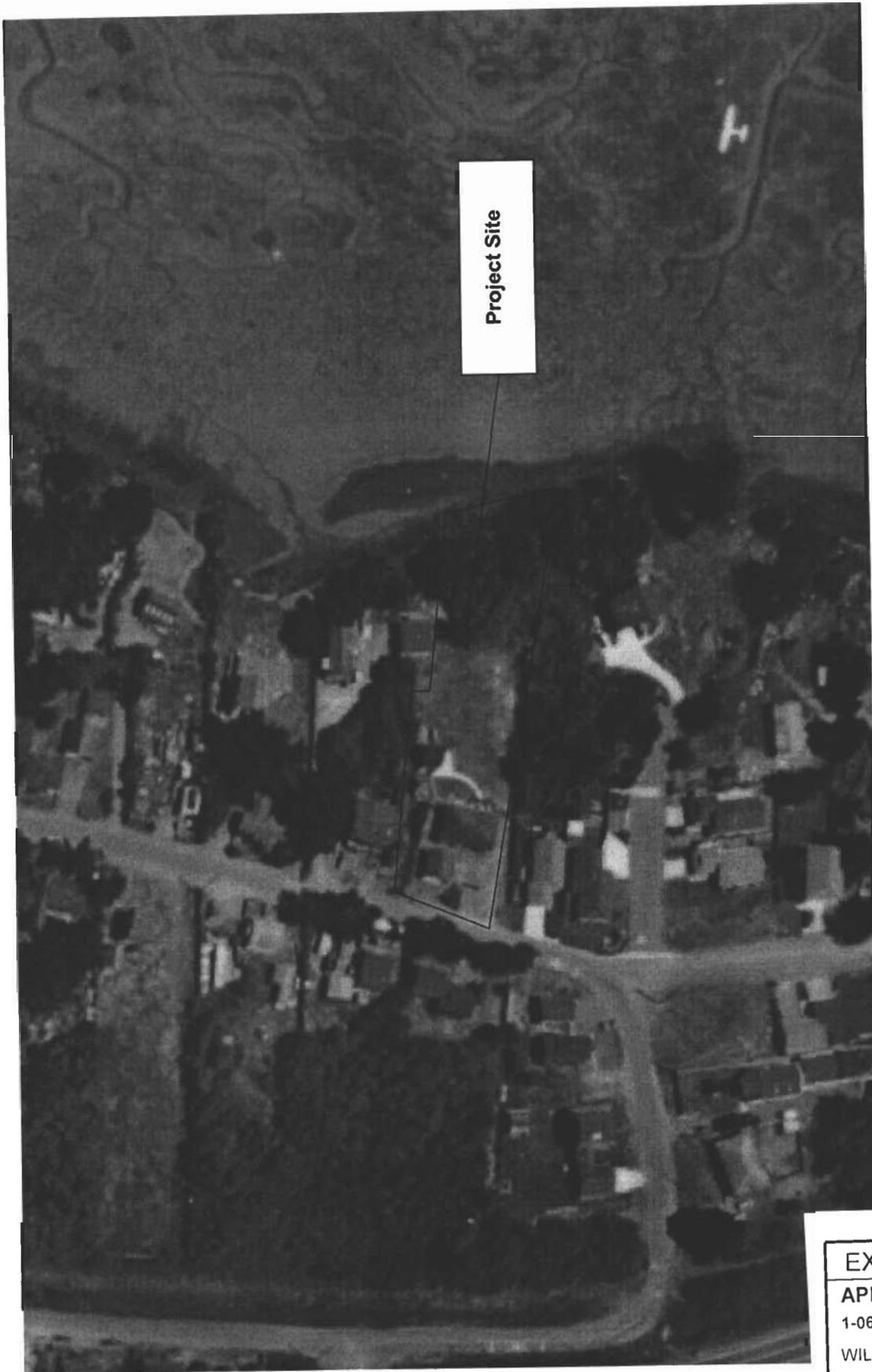


EXHIBIT NO. 2
APPLICATION NO.
1-06-034
WILLIAMS
VICINITY MAP



Project Site

EXHIBIT NO. 3
APPLICATION NO.
1-06-034
WILLIAMS
SITE AERIAL PHOTOGRAPH

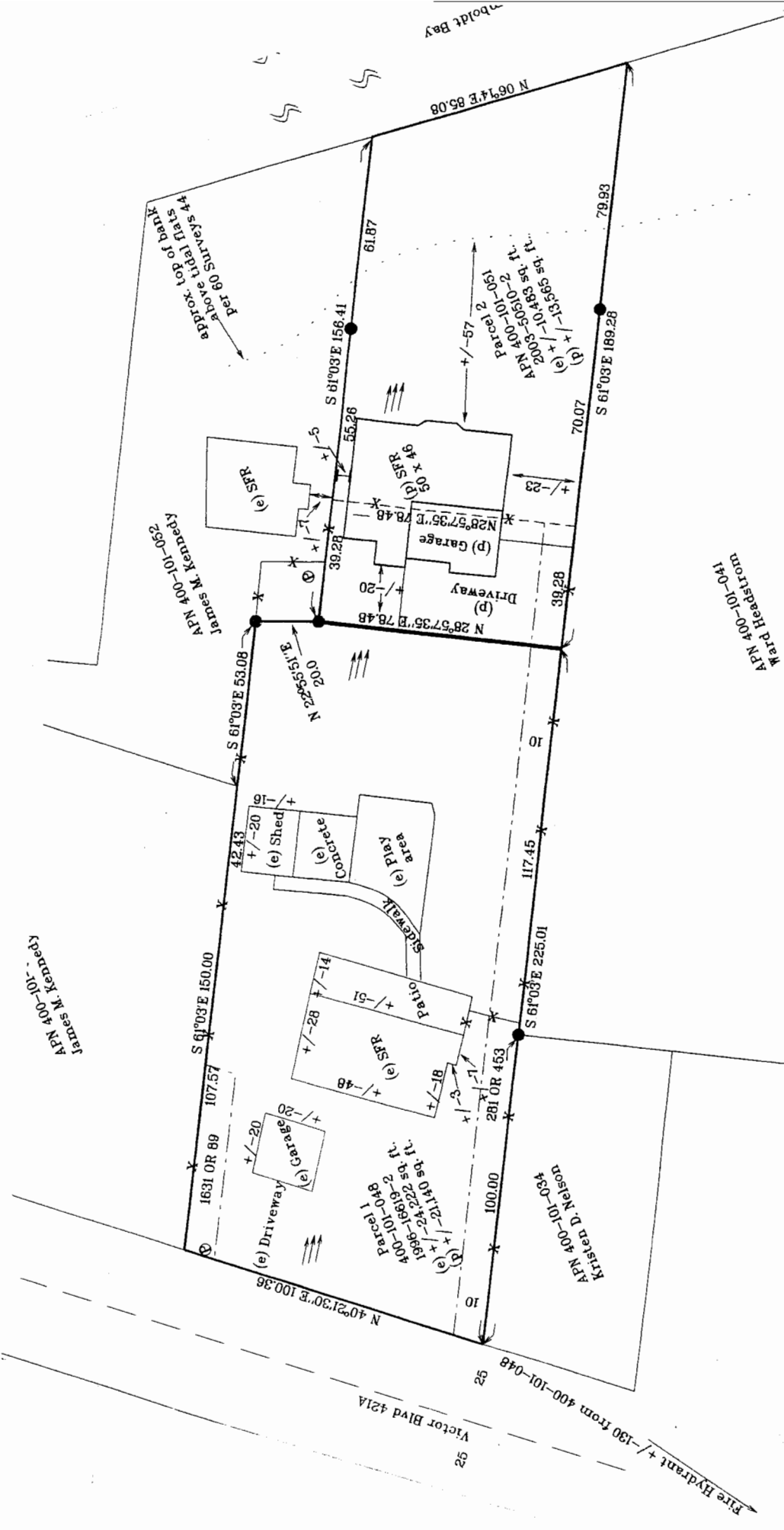
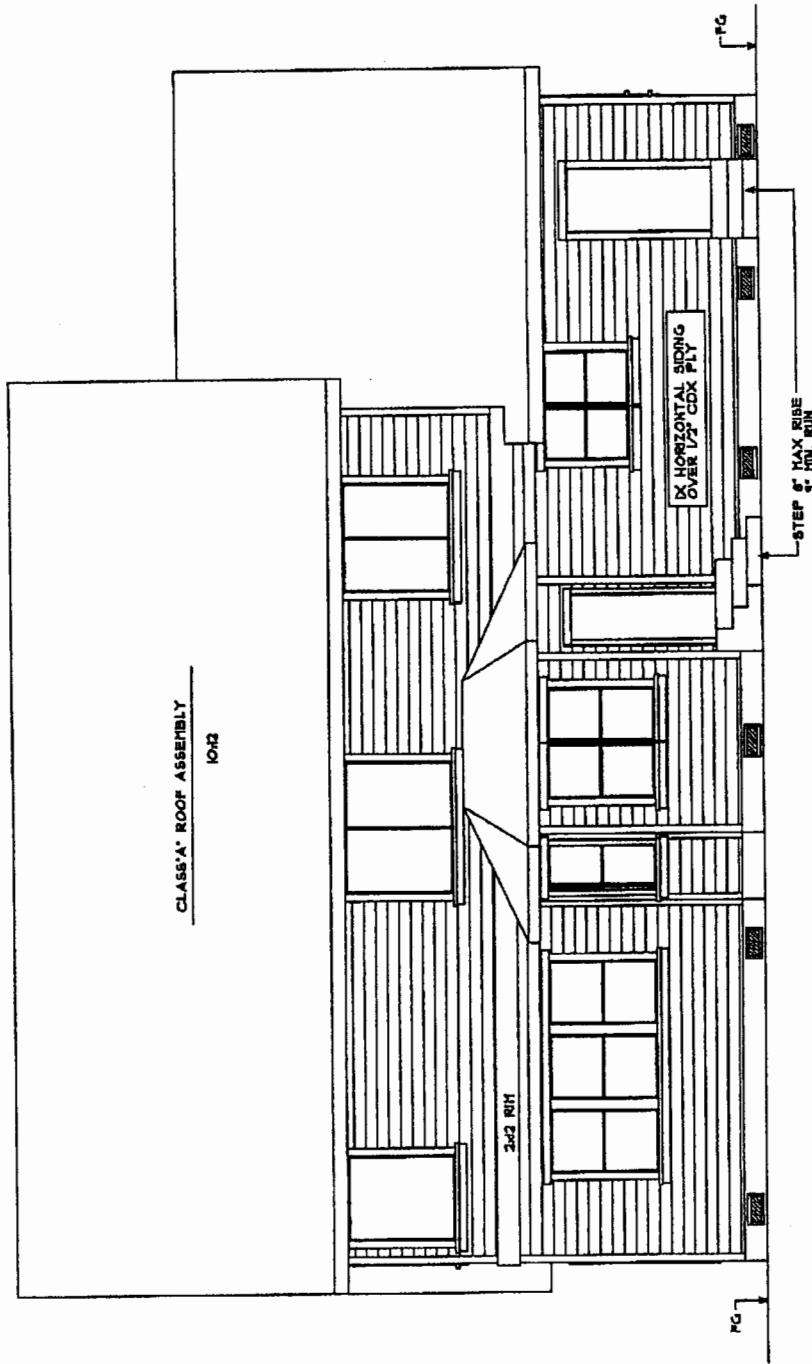


EXHIBIT NO. 4
APPLICATION NO.
 1-06-034
 WILLIAMS
 SITE PLAN AND ELEVATION
 VIEWS (1 of 3)

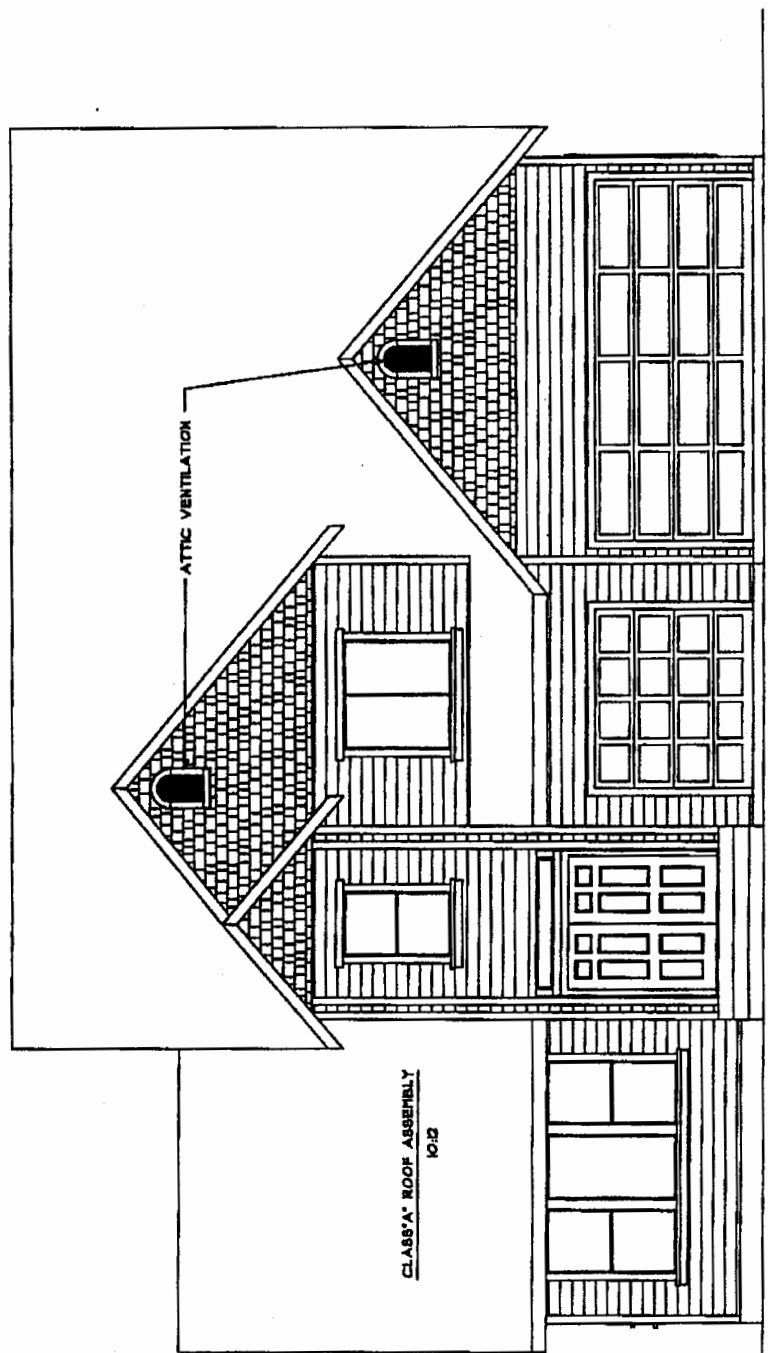
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BACK ELEVATION
SCALE: 1/4"=1'-0"

Proposed house is ≤ 35 feet in height

FOR: PAF
williams



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PLANNING DIVISION OF THE
COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF HUMBOLDT

3015 H STREET

EUREKA, CALIF. 95501-4484 PHONE

EXHIBIT NO. 5

APPLICATION NO.

1-06-034 - WILLIAMS

COUNTY OF HUMBOLDT COASTAL
DEVELOPMENT PERMIT NO.
CDP-05-73 AND LOT LINE
ADJUSTMENT APPROVAL NO.
LLA-05-27 (1 of 8)

Dear Applicant:

The Humboldt County Planning Commission has approved the referenced Lot Line Adjustment. The Planning Commission's decision on the project may be appealed to the Humboldt County Board of Supervisors by any aggrieved person within ten (10) calendar days* of the Planning Commission's action. Such an appeal must be submitted in writing within the ten (10) calendar day* appeal period with the required fees to the Planning Division and the Clerk of the Board. If no appeal is received, the permit is effective on the day following the last day of the appeal period. For more information concerning the appeal process or for filing an appeal, please contact the Planning Division. (Appeals must be filed in the Planning Division office, Room 1 of the Clark Complex, Mondays through Fridays, 8:30 a.m. to 5:00 p.m. and the Clerk of the Board's office, Room 111 of the County Courthouse, Monday through Friday 8 a.m. to noon & 1 p.m. to 5:00 p.m.)

This is to advise you of the Planning Commission's action, and to inform you of the conditions of approval and the steps you will need to take to complete the Lot Line Adjustment.

The Planning Commission's approval is subject to the attached conditions. These conditions are a mandatory part of the Lot Line Adjustment. Verification that these conditions have been completed must be submitted to the Planning Division. These conditions must be completed before the Lot Line Adjustment becomes final.

The Planning Commission's approval will expire thirty six (36) months from the effective date. If the adjustment has not begun before the approved permit expires, a new application must be filed. The new application will require additional fees and may be subject to different requirements and standards. If the adjustment cannot be completed within said thirty six month period, you may apply to the Planning Division for an extension of the expiration date for a period of up to three (3) years. Applications for such extensions must be submitted before the scheduled expiration date, accompanied by the appropriate fees, and may be accepted as an extension only when the circumstances and conditions of the original approval have not changed.

Although not required, it is highly recommended that all taxes to which the properties are subject be paid in full prior to the adjustment of your lot line(s). If the taxes are not paid in full, problems associated with delinquent taxes and tax billing could result. For information about taxes, contact the County Tax Collector's office.

It is required that a Notice of Lot Line Adjustment be recorded. The Notice provides for a notification of the adjustments and the certification of compliance with subdivision regulations. The Notices may be prepared by a title company or a person qualified to complete the Notice, and must be signed by the property owner(s) of record and the County Community Development Services Director. It is then recorded with the County Recorder's office. Forms and instructions for the Notice may be obtained at the County Planning Division.

If you have any questions regarding this permit, please contact this office at your convenience.

Kirk Girard, Director
PLANNING DIVISION OF THE HUMBOLDT COUNTY
COMMUNITY DEVELOPMENT SERVICES DEPT.

* If the "Calendar day" appeal period ends on a weekend of County recognized holiday, then the appeal period would end on 5:00 p.m. the next business day following the weekend or County recognized holiday.

Attachments: Record of Action
Agenda Item Transmittal
Planning Commission Resolution
Conditions of approval.



PLANNING DIVISION
COMMUNITY DEVELOPMENT SERVICES

COUNTY OF HUMBOLDT

3015 H STREET
EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

Dear Applicant:

The Humboldt County Planning Commission has approved the referenced Coastal Development Permit. The Planning Commission's decision on the project may be appealed by any aggrieved person within ten (10) working days of the Planning Commission's action. If no appeals are received, the permit is effective on the day following the last day to appeal. For more information concerning the appeal process or for filing an appeal, please contact the Planning Division of the Humboldt County Community Development Services. (Appeals may be filed in the Planning Division office, Room 1, Mondays through Fridays, 8:30 AM to 5:00 PM).

This is to advise you of the Planning Commission's action and to inform you of the conditions of approval and the steps you will need to complete the Coastal Development Permit.

The Planning Commission's approval will expire in three years from the effective date. If the use or necessary construction has not begun before the approval expires, a new application must be filed. The new application will require additional fees and may be subject to different requirements and standards. If development or necessary construction cannot begin within said three year period, you may apply to the Planning Division of the Humboldt County Community Development Services for an extension. Applications for such extensions must be submitted before the scheduled expiration date, accompanied by the appropriate fees, and may be granted only when the circumstances and conditions of the original approval have not changed.

The Coastal Development Permit may be revoked or rescinded, in whole or in part, if grounds are found to exist in accordance with terms and proceedings of the County Code. Please note that other permits, including a building permit, may be required before the proposed development is commenced. For information regarding the required permits, contact the Building Inspection Division of the Humboldt County Community Development Services at 445-7245.

If you have any questions regarding this application, please contact this office at your convenience.

Kirk Girard, Director
PLANNING DIVISION OF THE HUMBOLDT
COUNTY COMMUNITY DEVELOPMENT SERVICES

Attachments: Record of Action
Agenda Item Transmittal
Planning Commission Resolution
Conditions of Approval

cc: California Coastal Commission
Agent (if any)

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HUMBOLDT COUNTY PLANNING COMMISSION

MINUTES

JULY 6, 2006

COMMISSIONERS PRESENT: Bruce Emad
Tom Herman
Sef Murguia
Jeff Smith

COMMISSIONERS EXCUSED: Mary Gearheart
Richard Hansis
Scott Kelly

STAFF PRESENT: Shelley Morrison, Deputy County Counsel
Bob Bronkall, Associate Engineer, Public Works
Steve Werner, Supervising Planner
Elizabeth Burks, Current Planner
Marcella Clem, Current Planner
Martha Spencer, Current Planner
Steve Lazar, Current Planner
Trevor Estlow, Current Planner
Betty Webb, Clerk

The meeting was called to order at 6:00 p.m. in the Board of Supervisors' Chamber of the Humboldt County Courthouse, Chairman Thomas Herman presiding.

The Minutes of the June 15, 2006 Planning Commission meeting were continued to July 20, 2006.

AGENDA MODIFICATIONS

1. Public Hearing Item #1, Daniel Nunes, moved to Administrative Agenda, Item #8.
2. Public Hearing Item #2, Jason McCanless, moved to Administrative Agenda, Item #9.

ADMINISTRATIVE AGENDA

BY A UNANIMOUS ROLL CALL VOTE, unless otherwise noted, the Planning Commission took the recommended action of approval subject to specified conditions on the following projects:

1. **TONDE RAZOOLY, Blocksburg Area** (35900 & 35682 Alderpoint Rd.): a Minor Subdivision of approximately 288 acres into Parcel 1 and a Remainder. The subdivision was previously approved under Project File PMS-16-94. The associated Zone Reclassification became effective April 9, 1996. The parcel map was not recorded prior to project expiration. There are no changes to the original project and the subdivision reflects the current zone boundary. The current project requires amendment from AG-B-7(6.8) to AG-B-7(8.83). NOTE: It is recommended the Mitigated Negative Declaration (February 1, 1996) be re-adopted with approval of this current project. **CASE No. PMS-03-08, File No. APN 217-440-03. (AP)**

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AGENDA ITEM TRANSMITTAL

TO: HUMBOLDT COUNTY PLANNING COMMISSION

FROM: Kirk A. Girard, Director of Community Development Services

HEARING DATE: July 6, 2006	SUBJECT: <input checked="" type="checkbox"/> Consent Agenda LOT LINE ADJUSTMENT AND COASTAL DEVELOPMENT PERMIT	CONTACT: Trevor Estlow
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Before you is the following:

PROJECT DESCRIPTION: A Lot Line Adjustment between two parcels of 24,222 square feet and 10,483 square feet each. The parcels will exchange \pm 3,082 square feet to result in one parcel of 21,140 square feet and the other of 13,565 square feet. Parcel 400-101-48 is currently developed with a single family residence and detached garage that will remain. A portion of the property is within the California Coastal Commission's permit jurisdiction and a separate Coastal Development Permit will be obtained prior to the recordation of the Lot Line Adjustment. A Coastal Development Permit is required for the area within the County's jurisdiction. The parcels are or will be served by the Manila Community Services District.

PROJECT LOCATION: The project is located in Humboldt County, in the Manila Area, on the east side of Victor Blvd, approximately 150 feet north of the intersection of Dean Street and Victor Blvd on the property known as 1664 Victor Blvd.

PRESENT PLAN LAND USE DESIGNATION: Residential Low Density (RL). Humboldt Bay Area Plan (HBAP). Density: 1-7 dwelling units per acre. Slope Stability: Relatively Stable

PRESENT ZONING: Residential Single Family with a 5,000 square foot minimum parcel size and a combining zone for Manufactured Homes and Archaeological Review (RS-5-M/A)

Assessor Parcel Numbers: 400-101-48 & -51

APPLICANT

WILLIAMS, PATRICK
1664 Victor Blvd
Arcata, CA 95521
Phone: (707) 443-5886

OWNER(S)**AGENT**

Hunt Surveying & Forestry
P.O. Box 236
Arcata, CA 95518

ENVIRONMENTAL REVIEW:

Categorically exempt per Class 3, Section 15305(a) of the State CEQA Guidelines.

MAJOR ISSUES:

None

STATE APPEAL STATUS:

Project is appealable to the California Coastal Commission.

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RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT Resolution Number 06-82

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE WILLIAMS LOT LINE ADJUSTMENT AND COASTAL DEVELOPMENT PERMIT APPLICATION CASE NUMBERS LLA-05-27/CDP-05-73 ASSESSOR PARCEL NUMBERS 400-101-48 & -51

WHEREAS, Hunt Surveying and Forestry, on behalf of Patrick Williams submitted an application and evidence in support of approving the Lot Line Adjustment to result in two parcels of approximately 21,140 square feet and 13,565 square feet;

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 categorically exempt per Class 5, Section 15305(a) of the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 1 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Lot Line Adjustment and Coastal Development Permit (Case Nos.: LLA-05-27/CDP-05-73);

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

- 1. The project is categorically exempt per Class 5, Section 15305(a) of the CEQA Guidelines;
2. The Planning Commission makes the findings in Attachment 1 of the Planning Division staff report for Case Nos.: LLA-05-27/CDP-05-73 based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed Lot Line Adjustment and Coastal Development Permit as recommended in the Planning Division staff report for Case Nos.: LLA-05-27/CDP-05-73.

Adopted after review and consideration of all the evidence on JULY 6, 2006.

The motion was made by COMMISSIONER SMITH and seconded by COMMISSIONER MURGUIA.

AYES: Commissioners: EMAD, HERMAN, MURGUIA, & SMITH
NOES: Commissioners: NONE
ABSTAIN: Commissioners: NONE
ABSENT: Commissioners: GEARHEART, HANSIS, & KELLY

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 Community Development Services

Signature on File
By: Betty Webb, Clerk

Last day to appeal to Board of Supervisors: JULY 17, 2006 (filed with the Planning Division).

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

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CONDITIONS OF APPROVAL

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

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Lot Book Guarantee or Title Report regarding ownership of parcels involved. (If the submitted title documents are more than 6 months old, updated documents must be submitted.)
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel (enclosed in the final approval packet).
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$146.00 per notice plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$57.00) 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.
4. Prior to recordation of the Notice of Lot Line Adjustment, the applicant shall obtain a Coastal Development Permit or Permit Waiver from the California Coastal Commission.

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
3. This permit, both Lot Line Adjustment and Coastal Development Permit, shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, as applicable.
5. In accordance with the recommendations of the North Coastal Information Center and the Wiyot Tribe, a qualified archaeologist and/or a Native American monitor shall be present when any soil disturbance is conducted for any future development of the site. This archaeological monitoring shall ensure that any significant discoveries that may be made during project implementation are

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quickly identified and handled in an appropriate and respectful manner

6. There is a possibility that buried archaeological materials may be uncovered during future ground disturbing operations. If buried archaeological or historical resources are encountered during such operations, all work in the immediate area shall be called to a halt temporarily, and/or shifted to another area, and a qualified archaeologist and representative of the Wiyot Tribe are 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.

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