

**MAD  
RIVER  
BIOLOGISTS**

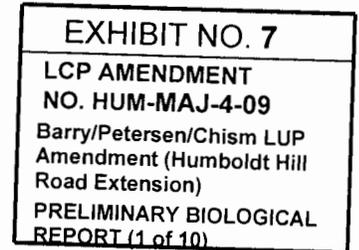
417 Second Street, Suite 201, Eureka, CA 95501

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October 20, 2008

To: Marty McClelland  
McClelland Consulting  
107 Dean Lane  
Kneeland, CA 95549

Re: Humboldt Hill Secondary Access Road Preliminary Biological Review  
Humboldt County, California



Dear Mr. McClelland,

As requested, a reconnaissance level assessment of biological resources was conducted on September 26, 2008 by Mad River Biologists along the proposed secondary access road that would connect Humboldt Hill Road to Tompkins Hill Road. The purpose of the site visit was to determine if any wetland habitats and/or other biological resources of concern occur in the area that will be affected by the proposed road.

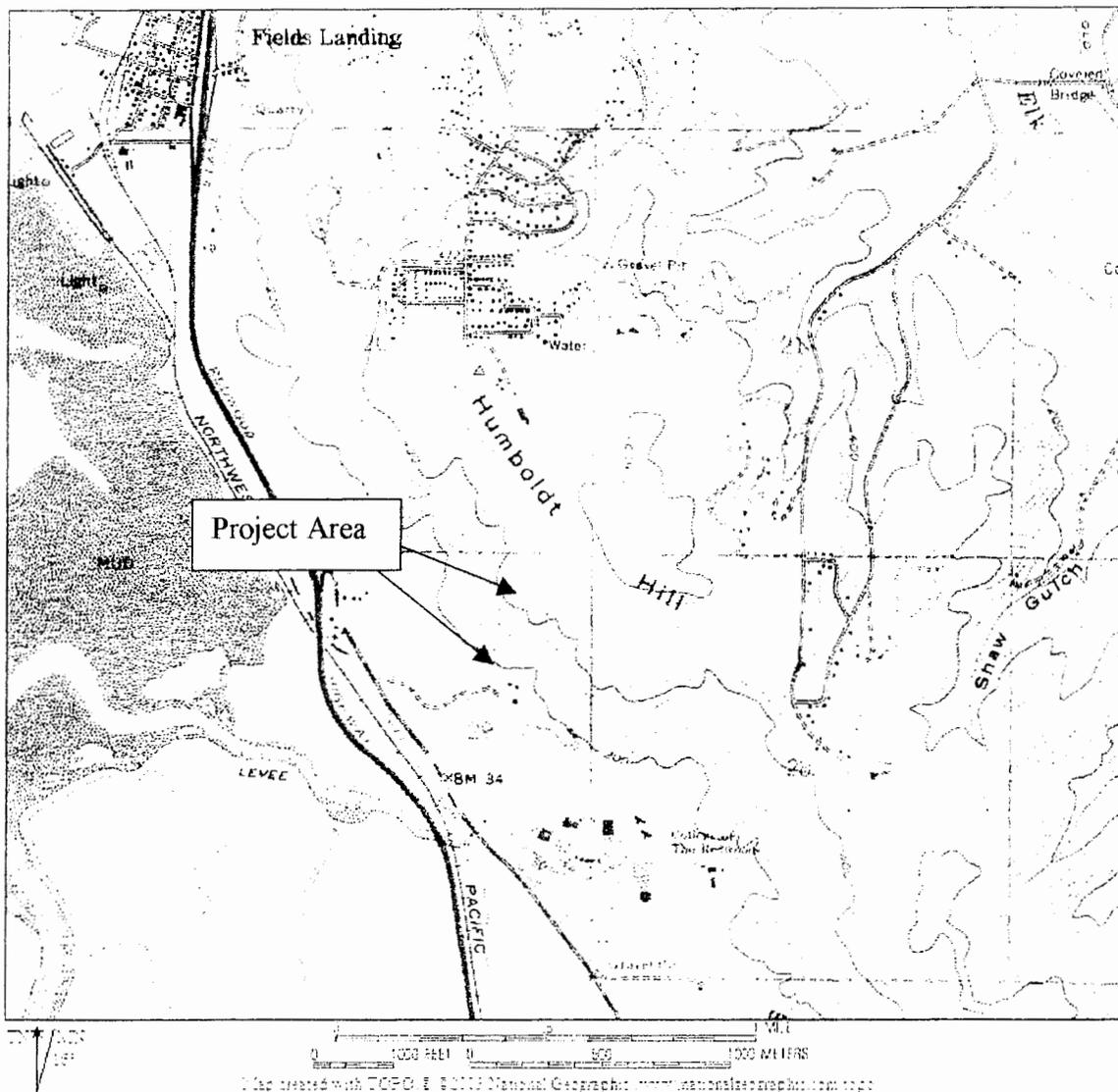
A list of special-status plants (Attachment A) was compiled by conducting a query of the California Natural Diversity Data Base (CNDDDB) and California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Vascular Plants of California in September of 2008 for the project region. The project region was defined as the Fields Landing 7.5-minute USGS quadrangle and the surrounding eight quadrangles (Eureka, Arcata South, Cannibal Island, Ferndale, Mcwhinney Creek, Fortuna, and Hydesville).

A list of sensitive wildlife species (Attachment A) was generated by querying the CNDDDB for the project region, which includes species on California Endangered Species Act (CESA), Federal Endangered Species Act (ESA), and the California Department of Fish and Game Special Concern Species (CSC) lists. Additional species known to occur or that may be expected to occur in the geographical region based on local knowledge are included as well.

General Site Description

The project area is located on the western side of Humboldt Hill, east of Highway 101, south of Humboldt Hill Road, and north of Tompkins Hill Road (Figure 1). The project area contains three general habitat types. The portion of the project area located at the top of the hill consists of open grassland. Below the grassland the hillside is forested with mature Sitka spruce forest. The bottom of the hill opens into meadows with some riparian habitat along a drainage located directly east of the Tompkins Hill Road off-ramp.

Figure 1 Project Vicinity Map



The grasslands at the top of Humboldt Hill (the eastern portion of the project area) are dominated by upland species including sweet vernal grass (*Anthoxanthum odoratum*), colonial bentgrass (*Agrostis capillaris*), soft chess (*Bromus hordeaceus*), silver hairgrass (*Aira caryophylla*), orchard grass (*Dactylis glomerata*), intermediate oatgrass (*Danthonia intermedia*), pale flax (*Linum bienne*), and Douglas iris (*Iris douglasii*).

The forested portion of the project area is primarily Sitka spruce forest with an average canopy closure of 70-75%. The overstory consists of Sitka spruce (*Picea sitchensis*), grand fir (*Abies grandis*), and Douglas-fir (*Pseudotsuga menziesii*). The Sitka spruce trees average 40-55 inches diameter at breast height (dbh), the grand firs average 24-55 inches dbh, and the Douglas-firs average 30-48 dbh. The understory cover is approximately 40-50% and is composed of the following species: dogwood (*Corylus cornuta*), salmonberry (*Rubus spectabilis*), cascara sagrada (*Rhamnus purshianus*), twinberry (*Lonicera involucrata*), evergreen huckleberry (*Vaccinium ovatum*), elderberry

2010

(*Sambucus racemosa*), salal (*Gaultheria shallon*), and several small holly trees (*Ilex aquifolium*). The herb layer cover is approximately 50-70% and consists primarily of: false Solomon's seal (*Smilacina stellata*), sword fern (*Polystichum munitum*), Dewey's taper-fruit sedge (*Carex deweyana*), California blackberry (*Rubus ursinus*), rattlesnake plantain (*Goodyera oblongifolia*), foxglove (*Digitalis purpurea*), lady fern (*Athyrium filix-femina*), and hedge nettle (*Stachys adjugoides*).

The western portion of the project area down slope from the forest is composed of meadows with seasonal drainages and a perennial creek. An existing dirt road runs parallel to Hwy 101, which would be expanded and improved as part of the proposed project.

### Results

Three seepage areas that qualify as wetlands were found along the proposed road alignment on the forested portion of the slope. Additionally, three drainages are located at the bottom of the slope that cross the existing road spur. Two of these drainages are culverted, and the third would require a culvert prior to implementation of the proposed project.

The seeps located within the forest meet the parameters of federal jurisdictional wetlands and are characterized by a predominance of hydrophytic (wetland) plant species.

Dominant species include: Sitka spruce, cascara sagrada, slough sedge (*Carex obnupta*), skunk cabbage (*Lysichiton americana*), deer fern (*Blechnum spicant*), lady fern, and false lily-of-the-valley (*Maianthemum dilatatum*). The soils are hydric (chroma of 1) and appear to remain saturated, if not ponded, for very long periods during the growing season.

Two drainages and one perennial creek cross the existing dirt road at the western end of the project area. Both drainages and the creek had running water at the time of the site visit. The drainages are characterized by the presence of soft rush (*Juncus effusus*), and pennyroyal (*Mentha pulegium*), both obligate wetland plants. The drainage closest to the forest is not currently culverted; however, the other drainage and the creek are both currently culverted. The perennial creek (located directly east of the Tompkins Hill Road off-ramp) is vegetated with willows (*Salix* sp.) and other riparian vegetation such as small flowered bulrush (*Scirpus microcarpus*).

Mature Sitka spruce forest is present and could potentially provide nesting habitat for raptors, as well as other wildlife and protected plant species. Eucalyptus trees on site, located at the bottom of the hill near Tompkins Hill Road, could provide nesting habitat for raptors as well. A red shouldered hawk was heard calling repeatedly at the time of the site visit. This species is known to utilize eucalyptus trees for nesting. An osprey was also observed flying over the site.

### Recommendations

A detailed biological site assessment is to be conducted as part of a further environmental assessment prior to the issuance of any coastal development permit. The design of the roadway is to be in compliance with the biological resource protection and other policies and standards as found in the adopted Coastal Plan and related zoning and development

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regulations. Recommendations resulting from the site specific assessment is to be included as part of the road design and as conditions of project approval. A mitigation monitoring and reporting plan is to be prepared and adopted as a part of the road extension project permitting process.

Efforts should be made to avoid disturbing the seeps (federal jurisdictional wetlands) that occur in the forest. Once plans are made a site specific evaluation shall take place and all wetlands should be delineated. DFG/County-approved and permitted culvert repair work shall occur outside of the rainy season (October 15 thru April 15), and incorporate appropriate best management practices as identified by the resource agencies.

Botanical surveys shall be conducted at the appropriate seasons in all areas that will be impacted by the proposed project and have the potential to house special status plants. Efforts shall be made to avoid removing any mature Sitka spruce trees due to the fact that this habitat is listed in the CNDDDB as a sensitive community type.

Tree and shrub removal shall be restricted during the bird breeding/nesting season (February - August). Fish and Game Code Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the Migratory Bird Treaty Act.

All trees that have the potential to provide nesting and/or roosting habitat for raptors shall be preserved unless surveys are conducted and no sensitive species are found. Fish and Game Code Section 3503.5 protects all birds-of-prey (raptors) and their eggs and nests. These regulations may require that elements of the proposed project, specifically, the production of significant noise disturbance (i.e. noise significantly above ambient levels), be reduced or eliminated during critical phases of the nesting cycle (generally, February through August). If construction activities likely to result in noise levels high enough to constitute harassment of potentially nesting raptors cannot be conducted outside of the nesting season, it is recommended that surveys be conducted to determine presence or probable absence of nesting individuals.

If you have any further questions, please do not hesitate to call. MRB would be happy to conduct the necessary surveys to document the biological resources within the proposed project area.

Sincerely,

Laurel Goldsmith  
Staff Biologist  
Mad River Biologists

4/9/10

## References

- California Natural Diversity Database (CNDDDB). 2006. Rarefind, Version 3.0.5, updated January 4, 2006. Sacramento, California, USA.
- California Native Plant Society (CNPS) On-line inventory of rare and endangered plants of California. V6-05c 7-09-05. <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>
- Cowardin, L.M., V. Carter, F.C. Golet, E.T. LaRoe, 1979. Classification of wetlands and deepwater habitats of the United States. Performed for the office of Biological Services, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. FWS/OBS-79-/31.
- Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual, Technical Report Y-87-1. Department of the Army Waterways Experiment Station, Corps of Engineers, Vicksburg, Mississippi.
- Hickman, James C., Ed. 1993. The Jepson manual: higher plants of California. University of California Press, Berkeley, California.
- McLaughlin, J. & F. Harradine, 1966. Soils of coastal Del Norte County. Department of Soils and Plant Nutrition, University of California, Davis in cooperation with County of Del Norte, California.
- Reed, Porter B. Jr., 1988. National List of Plant Species That Occur in Wetlands: 1988 National Summary. Compiled by National Ecology Research Center, U.S. Fish and Wildlife Service.

Attachment A: List of Special Status Plants and Animals Reported from the Project Region

Plant Species	Status *	Habitat Characteristics (CNDDB 2008) <sup>1</sup>
<i>Abronia umbellata</i> ssp. <i>breviflora</i> pink sand verbena	List 1B.1 G4G5T2/ S2.1	Coastal dunes and coastal strand from north coast of California into Oregon. Foredunes and interior dunes with sparse cover; 0-12m.
<i>Anomobryum julaceum</i> slender silver-moss	List 2.2 G4G5/S1.3	Broad-leaved upland forest, lower montane coniferous forest, North Coast coniferous forest / damp rock and soil on outcrops, usually on road cuts; 100-1000 m.
<i>Astragalus pycnostachyus</i> var. <i>pycnostachyus</i> coastal marsh milk-vetch	List 1B.2 G2T2/S2.2	Mesic sites in dunes or along streams or coastal salt marsh; 0-3m.
<i>Carex arcta</i> northern clustered sedge	List 2.2 G5/S1S2	Bogs and fens, North Coast coniferous forest (mesic); 60-1,400m.
<i>Carex leptalea</i> bristle-stalked sedge	List 2.2 G5/S2?	Bogs and fens, meadows (mesic), marshes and swamps; 0-790m.
<i>Carex lyngbyei</i> Lyngbye's sedge	List 2.2 G5/S2.2	Marshes and swamps (brackish or freshwater); 0-10m
<i>Carex praticola</i> meadow sedge	List 2.2 G5/S2S3	Moist to wet meadows; 0-3200m.
<i>Castilleja affinis</i> ssp. <i>litoralis</i> Oregon coast Indian paintbrush	List 2.2 G4G5T4/ S2.2	Coastal bluff scrub, coastal dunes, coastal scrub/ sandy; 15-100m.
<i>Castilleja ambigua</i> ssp. <i>humboldtensis</i> Humboldt Bay owl's-clover	List 1B.2 G4T2/S2.2	Found in coastal salt marsh habitat, in association with <i>Spartina</i> , <i>Distichlis</i> , <i>Salicornia</i> , <i>Jaumea</i> . 0-3m. Known only from Humboldt and Marin Counties.
<i>Clarkia amoena</i> ssp. <i>whitneyi</i> Whitney's farewell-to-spring	List 1B.1 G5T2/S1	Coastal bluff scrub, coastal scrub; 10-100m.
<i>Cordylanthus maritimus</i> ssp. <i>palustris</i> Point Reyes bird's-beak	List 1B.2 G4?T2/S2.2	Found in coastal salt marsh habitat, in association with <i>Spartina</i> , <i>Distichlis</i> , <i>Salicornia</i> , <i>Jaumea</i> , etc.; 0-15m.
<i>Erysimum menziesii</i> ssp. <i>eurekaense</i> Humboldt Bay wallflower	FE, SE List 1B.1 G3?T1/S1.1	Endemic to coastal dunes (foredunes) around Humboldt Bay; 0-10m.
<i>Erythronium revolutum</i> coast fawn lily	List 2.2 G4/S2.2	Bogs and fens, Broadleaved upland forest, North Coast coniferous forest / mesic, streambanks; 0-1065m.
<i>Fissidins pauperculus</i>	List 1B.2	North coast coniferous forests (damp coastal soil);

<sup>1</sup> California Department of Fish and Game Natural Diversity Data Base. 2008

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Plant Species	Status *	Habitat Characteristics (CNDDDB 2008) <sup>1</sup>
minute pocket-moss	G3/S1.2	10-100m.
<i>Gilia capitata</i> ssp. <i>pacifica</i> Pacific gilia	List 1B.2 G5T3T4/ S2.2?	Coastal bluff scrub, coastal prairie, valley and foothill grasslands; 5-300m.
<i>Gilia millefoliata</i> dark-eyed gilia	List 1B.2 G2/S2.2	Coastal dunes; 2-20m.
<i>Hesperevax sparsiflora</i> var. <i>brevifolia</i> Short-leaved evax	List 1B.2 G4T3/S3.2	Coastal bluff scrub, coastal dunes, sandy bluffs and flats; 0-200m.
<i>Hesperolinon adenophyllum</i> glandular western flax	List 1B.2 G2/S2.3	Chaparral, cismontane woodland, valley and foothill grassland, usually serpentinite.
<i>Lathyrus japonicus</i> sand pea	List 2.1 G5/S1.1	Coastal dunes, 1-30m.
<i>Lathyrus palustris</i> marsh pea	List 2.2 G5/S2S3	Bogs and fens, mesic sites in lower montane coniferous forest, marshes and swamps, North Coast coniferous forest, coastal prairie, and coastal scrub; 1-100m.
<i>Layia carnosa</i> beach layia	FE, SE List 1B.1 G2/S2.1	On sparsely vegetated, semi-stabilized dunes, usually behind foredunes; 0-75m.
<i>Lilium occidentale</i> western lily	FE, SE List 1B.1 G1/S1.2	Coastal scrub, freshwater marsh, bogs and fens, coastal bluff scrub, coastal prairie, North Coast coniferous forest. On well-drained, old beach washes overlain with wind-blown alluvium and original topsoil; usually near margins of Sitka spruce; 2-185m.
<i>Lycopodium clavatum</i> Running-pine	List 2.2 G5/S3.2	In California, known only from Humboldt County. North Coast coniferous forest, marshes and swamps; forest floors in shady and semi-exposed mesic areas, 45-1640m.
<i>Mitella caulescens</i> leafy-stemmed mitrewort	List 4.2 G5/S4.2	Broadleaved upland forests, lower montane coniferous forests, meadows and seeps, North Coast coniferous forests/mesic; 6-1710m.
<i>Monotropa uniflora</i> Indian pipe	List 2.2 G5/S2S3	Broadleaved upland forest, North Coast coniferous forest; often under redwoods or western hemlock; 10-200m.
<i>Montia howellii</i> Howell's montia	List 2.2 G3G4/S3.2	Meadows, North Coast coniferous forests, vernal pools. Vernal mesic sites; often on compacted soil. 0-400m. Rediscovered in California in 1999.
<i>Packera bolanderi</i> var. <i>bolanderi</i> seacoast ragwort	List 2.2 G4T4/S1.2	Coastal scrub, northcoast coniferous forest, sometimes on roadsides.
<i>Puccinellia pumila</i> dwarf alkali grass	List 2.2 G4?/S1.1?	In California, known only from Humboldt and Mendocino counties. Mineral spring meadows and coastal salt marshes; 1-10m.
<i>Sidalcea malachroides</i> maple-leaved checkerbloom	List 4.2 G3G4/ S3S4.2	Broadleaved upland forest, coastal prairie, coastal scrub, and North Coast coniferous forest. Woodlands and clearings near coast; often in disturbed areas; 2-760m.

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Plant Species	Status *	Habitat Characteristics (CNDDB 2008) <sup>1</sup>
<i>Sidalcea malviflora</i> ssp. <i>patula</i> Siskiyou checkerbloom	List 1B.2 G5T1/S1.1	Coastal prairie, broad-leaved upland forest. Open coastal forest; 15-65m.
<i>Sidalcea oregana</i> ssp. <i>eximia</i> coast checkerbloom	List 1B.2 G5T1/S1.2	Endemic to Humboldt County. Meadows and seeps, North Coast coniferous forest, and lower montane coniferous forest; 0-1800m.
<i>Spergularia canadensis</i> var. <i>occidentalis</i> western sand spurry	List 2.1 G5T4?/S1.1	Coastal salt marsh; 0-3 m.
<i>Usnea longissima</i> long-beard lichen	G4/S4.2	North coast coniferous forest and broadleaved upland forest. Grows in the "redwood zone" on a variety of trees, including big leaf maple, oaks, ash, Douglas-fir, and bay; 0-2000 ft. in California.
<i>Viola palustris</i> marsh violet	List 2.2 G5/S1S2	Swampy, shrubby places in coastal scrub or coastal bogs; 0-15m.

Fish Species	Status*	Habitat Characteristics
<i>Oncorhynchus clarki clarki</i> coast cutthroat trout	CSC G4T4/S3	Small, low gradient coastal streams and estuaries from the Eel River in California to the Oregon border.
<i>Eucuclogobius newberryi</i> tidewater goby	FE, CSC G3/S2S3	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County, to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches.

Amphibian Species	Status*	Habitat Characteristics
<i>Rhyacotriton variegates</i> Southern torrent salamander	CSC G3G4/S2S3	Old, well-shaded, permanent streams and seepages, or within splash zone or on moss-covered rock within trickling water. Coastal redwood, Douglas-fir, mixed conifer, montane hardwood-conifer habitats.
<i>Ascaphus truei</i> Western tailed frog	CSC G4/S2S3	Restricted to perennial montane streams. Montane hardwood-conifer, redwood, Douglas-fir, ponderosa pine habitats. Tadpoles require water below 15°C.
<i>Rana aurora aurora</i> Northern red-legged frog	CSC G4T4/S2?	Found in humid forests, woodland, grasslands, and streamsides in nw California, generally near permanent water. They can be found far from water, in damp woods and meadows during non-breeding season.

Reptile Species	Status*	Habitat Characteristics
<i>Actinemys marmorata</i> <i>marmorata</i> Northwestern pond turtle	CSC G3G4T3/S3	Ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. They need basking sites and suitable upland habitat (sandy banks or grassy open fields) for egg-laying.

Bird Species	Status*	Habitat Characteristics
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Bird Species	Status*	Habitat Characteristics
<i>Phalacrocorax auritus</i> Double-crested Cormorant (rookery sites)	None G5/S3	Double-crested Cormorant is a colonial nester on coastal cliffs, offshore islands, and along lake margins in the interior of the state
<i>Ardea herodias</i> Great Blue Heron (rookery site)	None G5/S4	Great Blue Herons occur widely in lakes, ponds, rivers and marshes (Fix and Bezner 2000).
<i>Ardea alba</i> Great Egret (rookery)	None G5/S4	Occur in coastal lowland pastures, sloughs and marshlands as well as along coastal rivers inland (Harris 1996).
<i>Egretta thula</i> Snowy Egret (rookery)	None G5/S4	Open mudflats and tidal sloughs, exposed rocky or sandy ocean coast (locally), salt- and freshwater marshes, wet meadows, lakeshores, and (to a limited extent) upland pasture provide foraging areas.
<i>Nycticorax nycticorax</i> Black-crowned Night-Heron (rookery)	None G5/S3	Black-crowned Night Herons forage nocturnally in freshwater and salt marshes, pond edges, mudflats, crop lands and along slow-moving streams. This species roosts and nests in dense stands of trees and brush).
<i>Pandion haliaetus</i> Osprey (nesting)	CSC G5/S3	Ospreys forage over bodies of water and roost and nest on exposed treetops, towers, pilings, or similar structures near lakes, reservoirs, rivers, estuaries, and the open sea coast (Fix and Bezener 2000). A common summer resident and breeder, some individuals will also over-winter near major feeding areas (Harris 1996).
<i>Haliaeetus leucocephalus</i> Bald Eagle (nesting & wintering)	FD, SE G5/S2	Bald Eagle nesting habitat is generally located in uneven-aged, multi-storied stands with old-growth components (Anthony et al., 1982). They typically occur within two miles of water bodies that support adequate food supply (Lehman 1979, USDI 1986). Habitat for migratory birds is generally along the coast following the salmon runs (Buehler 2000).
<i>Accipiter striatus</i> Sharp-shinned Hawk (nesting)	G5/S3	Sharp-shinned Hawks occupy dense to semi-open coniferous, deciduous or mixed forests; occasionally along riparian edges (Fix and Bezener 2000). Birds in migration and in winter will use woody hollows and coniferous forest.
<i>Accipiter cooperi</i> Cooper's Hawk (nesting)	G5/S3	Locally, nesting may occur in suitable localities such as; Lanphere dunes, Mad River County Park (Harris 1996), and isolated woodlands near Manila. the coniferous forests from Lanphere dunes to Samoa.
<i>Rallus longirostris levipes</i> California Clapper Rail	FE, SE G5T1/S1	This species is a perennial inhabitant of tidal salt marshes of the greater San Francisco Bay system.
<i>Charadrius alexandrinus nivosus</i> Western Snowy Plover (nesting/coastal population)	FT, CSC G4T3/S2	In Northern California, snowy plovers breed and winter along ocean beaches and gravel bars of the Eel River (Colwell et al. 2002). Nesting occurs above the high tide line in sandy substrate, and occasionally on driftwood (LeValley 1999).

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Bird Species	Status*	Habitat Characteristics
Mammal Species	Status*	Habitat Characteristics
<i>Arborimus pomo</i> Red Tree Vole	FSC, CSC G3/S3	Red Tree Voles primarily inhabit Douglas fir forests but may occupy redwood or Sitka spruce forests and areas with salal shrubs (Whitaker 1998).

Note: This list was compiled from a search of the Fields Landing, Eureka, Arcata South, Cannibal Island, Ferndale, Mcwhinney Creek, Fortuna, and Hydesville, 7.5 minute USGS quadrangles of the California Department of Fish and Game Natural Diversity Data Base (CNDDDB 2008 and California Native Plant Society on-line inventory (CNPS 2008).

CSC: CDFG Species of Special Concern

FSC: Federal Species of Concern

SE: State Endangered

ST: State Threatened

FE: Federal Endangered

FT: Federal Threatened

List 1B: CNPS 1B List, Endangered, Threatened or Rare in California

List 2: CNPS 2 List, Rare in California, But More Common Elsewhere

List 4: CNPS 4 List, Plants of Limited Distribution, A Watch List

G/S: CNDD Global/State Rank for Rarity and Threat Significance

None: No status is given, but rookery sites are monitored by CDFG



# BUSCH GEOTECHNICAL CONSULTANTS

## EXHIBIT NO. 8

LCP AMENDMENT  
NO. HUM-MAJ-4-09

Barry/Petersen/Chism LUP  
Amendment (Humboldt Hill  
Road Extension)

PRELIMINARY GEOLOGIC  
REPORTS (1 of 11)



September 15, 2007

## **BUSCH** GEOTECHNICAL CONSULTANTS

Mock Wahlund  
Owner/Broker  
**Coldwell Banker Cutten Realty**  
2120 Campton Road, Suite C  
Eureka, CA 95503

**RE: Feasibility of constructing a road to county standards from the end of Humboldt Hill Road to the College of the Redwoods Exit**

Dear Mock:

### **Introduction**

We are delivering this report under the terms of BGC Contract #07-049 dated 9/11/2007. The purpose of the report is to provide you with our opinion about the geotechnical feasibility of constructing a road built to County standards from Humboldt Hill Road to the College of the Redwoods exit at US101. In particular, we reviewed an alignment provided to us on a working project map (O&P, 2007). Our Figure 1 illustrates that portion of the proposed alignment we investigated in the field.

Tasks in our scope of work included:

- ☐ Meeting project agent Marty McClelland in our office to discuss the current needs of the project and to develop a scope-of-work;
- ☐ Contracting the work;
- ☐ Reviewing a report and detailed feasibility-level geologic hazards and risks maps (2) for ground that includes most of the proposed road alignment, which we prepared for a different client (BGC, 1988);
- ☐ Reviewing the California Geologic Survey (CGS, formerly the CDMG or California Department of Mines and Geology) Special Studies

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Zones (Earthquake Fault) Map that includes the property (CDMG, 1991);

- ☐ Reviewing the CGS Landslides and Geomorphic map that includes the property (CDMG, 1985);
- ☐ Reviewing stereo pairs of aerial photographs of the area that we have on file (see **References Cited**);
- ☐ Walking the alignment (as possible given the dense brush cover in places) to inspect the slopes in it and within about 100 ft of it on both sides for signs of slope instability, deep soil creep, emergent water, and possible fault traces);
- ☐ Analyzing the field, map, and photographic data to provide the overall assessment in this report.

In August of 1988, former BGC Staff Engineering Geologist Kevin O'Dea and BGC Principal, Bob Busch, completed feasibility-level mapping of geologic hazards on what then was the 90-acre Brazil property (BGC, 1988). The purpose of that work was to provide potential buyers with a preliminary map showing the types and locations of geologic hazards and the associated risks that would have to be investigated and considered if the Brazil property were to be developed into a residential community. Work products from the job included a short report that presented conclusions and the assumptions underlying the work, plus two maps. One map illustrated the location of potential geologic hazards, notably fault traces, areas of known and possible instability, areas of probable deep soil creep, and areas of possible soil piping hazards. The second map illustrated the same property in terms of levels of risk from the possible hazards.

The current proposed alignment crosses much of that property (now owned by others) plus contiguous upslope lands (see Figure 1). In this report, "the site" is the alignment and the ground bordering it upslope and downslope for about 100 ft. That is, we did not re-evaluate the entire property. On September 12, 2007, BGC Staff Geologist Martha Woodward revisited the property to re-evaluate our 1988 mapping in light of the proposed road alignment, and to expand our assessment into the contiguous properties that would be crossed by a road built in the vicinity of the proposed alignment. She spent approximately six hours onsite inspecting the ground and taking field notes. After discussing her findings with Bob, she completed the in-house work and a draft of this report.

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Consequently, we opted to simply discuss the issues and redo the maps at another time, if requested.

Map 1 of BGC (1988) identified three specific existing slope failures near Highway 101, but none upslope. Our slope instability hazard mapping was generalized based solely on slope gradients and the location of drainages. That is, we identified no other active or inactive features within the boundaries of the property, but we inferred that the potential for instability exists in the valley walls of the drainages. Since we issued these two maps this area of Humboldt County has been struck by the three strong ( $M > 6.5$ ,  $< 7.5$ ) earthquakes of April 1992, and others. In addition, the County experienced exceptionally heavy rains during the 1997 El Nino, the 1998 La Nina, and other winter storms. None of these events triggered a landslide within the road alignment area we studied to prepare this 2007 report. This suggests that future detailed onsite mapping will be able to eliminate some of our preliminary hazard zones and "downgrade" the associated risk levels (shown on Map 2 of the report), at least in places.

### Summary of 2007 Conclusions about the Proposed Road Alignment

1. Where re-evaluated, our 1988 feasibility-level geohazards mapping is generally accurate. It was not in our scope-of-work to critically evaluate our previous mapping outside of the road alignment and slopes within about 100 ft of it.
2. An existing gravel-and dirt- road occupies much of the proposed alignment. We observed localized minor rills and soil slumps along the existing road cutbank. These conditions indicate that a road built to County standards must have appropriately sloped cut banks, proper drainage control, and proper erosion- and sediment-control. A site-specific road alignment study will be able to provide specific recommendations to address these issues.
3. **The proposed alignment does not cross any active landslides.** The road crosses mainly Moderately Stable slopes (per Appendix III) with a LOW risk of failure (Appendix IV). It is possible that a second phase of field mapping after brush clearing might identify one or more dormant or

4 of 11



inactive shallow-seated landslides within the alignment. If this were to happen, road design would have to avoid undercutting or surcharging each feature and draining concentrated water onto it. In general, a dormant landslide in the Pacific Northwest formed during past, wetter conditions, and the risk of reactivation is LOW under static conditions if the portion of the road crossing it is properly engineered. An inactive feature can more easily be reactivated but also can be safely crossed if it is identified ahead of time and the crossing is engineered properly.

4. The proposed alignment crosses many risers (seven or more), each presumably of fault origin. Some of these risers are Moderately Stable and others are Provisionally Stable. The road will have to pass through each riser at grade, which will create a "through-cut" for a short distance in the riser. Through-cuts raise engineering design issues (water-control and erosion-control issues). Standard solutions are available.
5. The proposed alignment crosses four drainages. Slope gradients in these drainages vary in steepness up to about 60% (where investigated). Slopes vary from Moderately Stable to Provisionally Stable. The valleywall slopes have a higher soil creep rate and the soil probably creeps to a slightly deeper depth. It is feasible to cross these drainages and address soil creep hazards using standard road construction practices. Drainage control will be an important aspect of design. It is possible, if not likely, that soil pipes (underground tunnels) are present in localized areas such as valley bottoms in fine sand. A detailed road alignment study is likely to identify any potentially critical soil pipe areas. It is possible to mitigate the risk associated with soil pipes using standard techniques.
6. **We recognized no slope instability hazard or other geologic or soils hazard that would preclude constructing a road in the general vicinity of the proposed alignment.**
7. If the project goes forward, the proposed alignment should be cleared of brush (not trees) for about 100 ft on each side of the centerline. When a preliminary grading plan has been developed, the alignment should be re-evaluated. The evaluation should include subsurface investigations.

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8. If the Little Salmon fault were to rupture, it is likely that the road and all of the utilities within it would be significantly damaged at the rupture locations. However, that same hazard exists elsewhere on Humboldt Hill where roads and utilities cross fault strands.
9. The long duration, high accelerations of a great ( $M > 8.0$ ) Cascadia zone earthquake could trigger landsliding of road cutslopes and fillslopes and of the land itself. Again, this condition exists elsewhere on Humboldt Hill and in Humboldt County in general.

### **Limitations**

The conclusions in this report are based on a limited amount of fieldwork that did not include subsurface excavations. In addition, in places the brush was impenetrably dense (requiring the geologist to crawl on her hands and knees). We therefore cannot exclude the possibility that one or more active or inactive small landslides exist within the alignment (in the brush-covered areas). That limitation stated, we have a HIGH level of confidence that in fact there is no active or inactive landslide within the alignment. We furthermore believe that, if we are incorrect and there is a landslide present, it would be a shallow-seated, small failure that conventional road construction techniques could address cost-effectively.

### **Closure and Authentication**

We thank you for hiring us and hope that our conclusions will support your project. We put a "rush" on your job to support your meeting schedule.

We are available to reproduce our 1988 mapping with the alignment plotted on it, and to provide a detailed road alignment study after the alignment is surveyed and brushed and a preliminary grading plan has been completed. The detailed study would provide soils and slope information to support the final design of cutslopes and fillslopes, plus information to support drainage-control efforts. We have provided similar information for other road projects (e.g., BGC, 2007, 2003, 2002).

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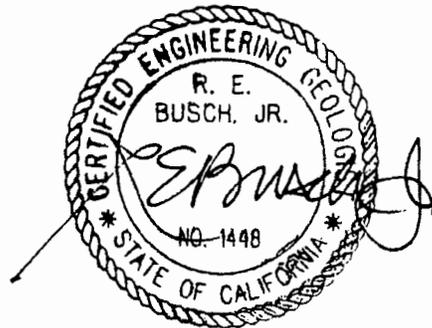
Again, we thank you for hiring Busch Geotechnical Consultants.

Sincerely,

Busch Geotechnical Consultants

Martha A. Woodward  
Staff Geologist, Project Geologist

R. E. Busch, Jr., Ph.D.  
C.E.G. #1448



Attachments: Appendices II, III, IV  
Repository\Geotech closed\Wahlund\Wahlund.road.ss.feas.doc

#### REFERENCES CITED

- BGC [Busch Geotechnical Consultants]. 2006. Results of geotechnical study of proposed road alignment for Trillium Creek subdivision, Fickle Hill, Arcata, California. [Pryor: Bayside Builders]. Unpubl. rept. for client dated December 22. 14 pp. + appends. + over-sized map.
- BGC [Busch Geotechnical Consultants]. 2004. Results of road alignment investigation, Santos subdivision, McKinleyville, California [APN 508-232-003]. Unpubl. rept. for client [Spencer Engineering] dated 7 October. 13 pp. + appends. + over-sized map.
- BGC [Busch Geotechnical Consultants]. 2002. Results of limited-scope engineering geology investigation, proposed expansion, Elk Valley Road, Crescent City, California. Unpubl. rept. for client [Stover Engineering] dated 11 December. 14 pp. + appends.
- BGC [Busch Geotechnical Consultants]. 1988. Preliminary geologic hazard and risk maps of the 90-acre Brazil property, southern flank of Humboldt Hill, a site cut by six suspected traces of the Little Salmon fault. Unpubl. rept. for

7 of 11



client [Buchanan] dated August 15. 8 pp. + 4 pp. appends. + two over-sized maps.

CAH&A [Clair A. Hill & Associates]. 19???. Mid Humboldt County topographic mapping, shts 13 and 19 of 75. Scale, 1"=500'; CI=10'. (Map compiled from 1:24,000-scale B&W aerial photographs dated 8/5/69, 8/25/69, and 9/3/69.

CDMG [California Division of Mines and Geology]. 1985. Geology and geomorphic features related to landsliding, Fields Landing 7.5' quadrangle, Humboldt County, California. Compiled by R. Kilbourne and S. D. Morrison. OFR 85-4 SF. Scale, 1:24,000.

CDMG [California Division of Mines and Geology]. 1991. Special Studies Zones, Fields Landing Quadrangle. CDMG.

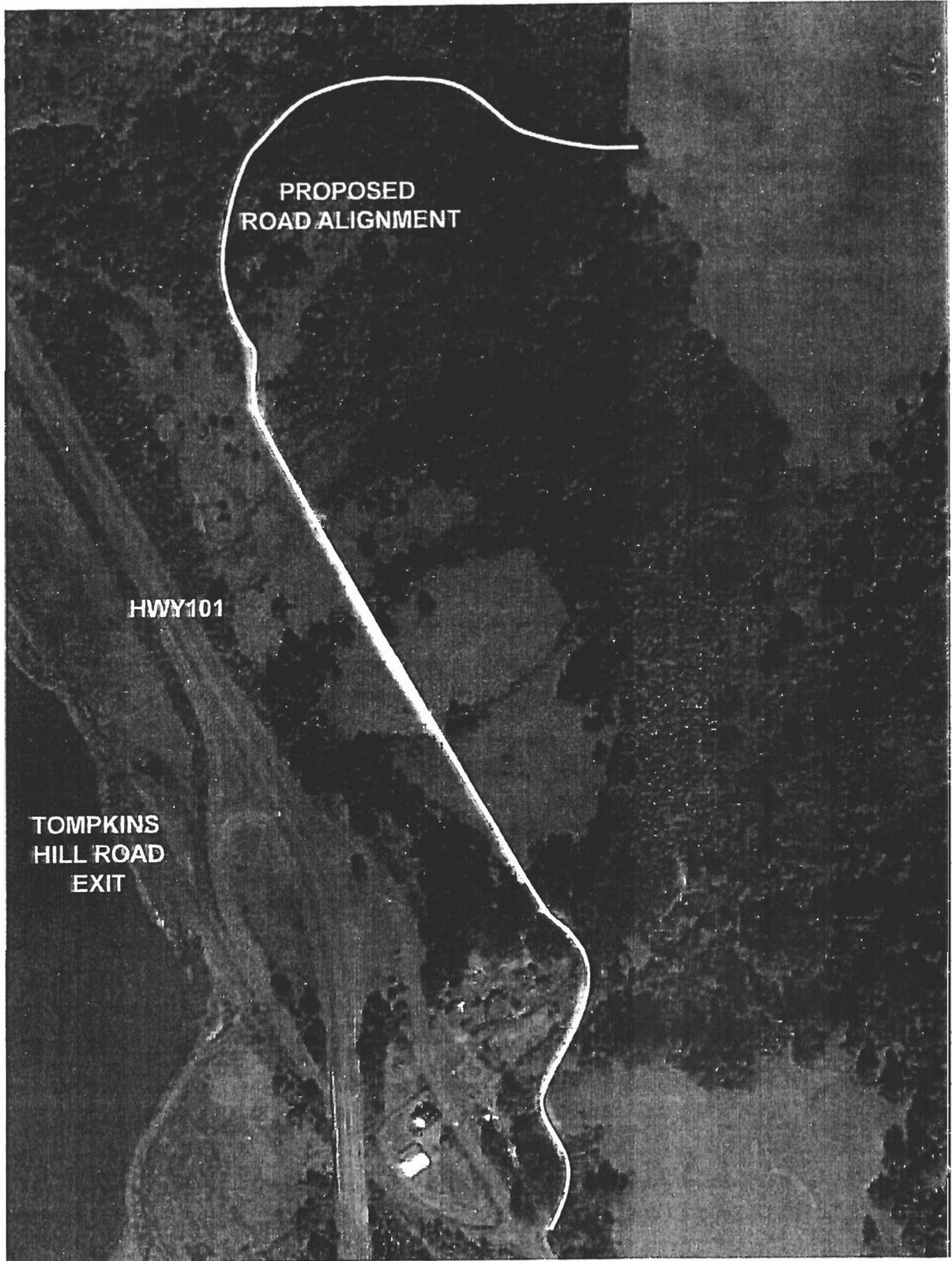
HC [Humboldt County]. 1974. B&W aerial photographs HC 74-2-11A-23, -24 and -25. Scale, 1:12,000.

O&P [Omsberg & Preston]. 2007. Humboldt Hill, Patrick Barry. Scale, 1"=300'.

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Figure 1. Proposed road alignment.



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CONSULTING ENGINEERS & GEOLOGISTS, INC.

812 W. Wabash • Eureka, CA 95501-2138 • 707-441-8855 • Fax 707-441-8877 • info@shn-eureka.com

Reference: 006032

November 21, 2007

Mr. Patrick Barry  
c/o Mr. Mock Wahlund  
Coldwell-Banker Cutten Realty  
2120 Campton Road  
Eureka, CA 95503

**Subject: Geologic Feasibility of Development of the Barry Ranch, Humboldt Hill, California**

Mr. Barry:

It has come to our attention that during recent meetings related to the update of the Humboldt County General Plan, comments were made regarding the relative difficulty of developing the Barry Ranch property due to geologic (faulting) constraints. It has been suggested that the property may not be developable at all. As no one has contacted us directly to discuss the development potential of the site or the geologic constraints that might limit it, and no geologic reporting related to the site has been completed, we can only characterize these comments as "uninformed." The purpose of this letter is to clarify the issue regarding development potential of the site so that the planning process can move forward.

As you know, we completed a preliminary round of subsurface investigation (trenching) last fall in the northwestern portion of the ranch property (we now understand this area is likely to retain its Agricultural zoning status and will not be developed). This area is the most complex from a geomorphic standpoint (that is, the ground surface is most irregular here), and we encountered numerous faults. As we described in previous correspondences, however, these faults are of varying ages, and most of them appear too old to be relevant under the State guidelines regarding active faults (Alquist-Priolo Earthquake Fault Zone Act). Once we complete our assessment of site soils as we have proposed and can clarify soil ages across the property, we are confident that the geologic constraints can be identified and development can occur with the appropriate setbacks from relevant faults.

We have not to date investigated the majority of the property. These as yet unstudied portions of the property are not characterized by the complex landscape present in the northwestern corner, and presumably are not as complex geologically. Based on the results from the areas where we have completed investigations, it is reasonable to assume that significant portions of the property are imminently developable, assuming that the necessary studies are completed. For planning purposes, we can assume that development of the site will not be as dense as the areas to the north on Humboldt Hill due to the presence of undevelopable areas along relevant faults; the land north of the Barry Ranch was developed prior to the Alquist-Priolo Act requiring site-specific investigation of fault rupture potential, so it is likely that development occurred across potentially active faults. If planned effectively, with roads, parks, and greenbelts along faults, the intervening

Mr. Patrick Barry  
c/o Mr. Mock Wahlund  
**Geologic Feasibility of Development of the Barry Ranch, Humboldt Hill, California**  
November 21, 2007  
Page 2

areas of the Barry Ranch are likely to be perfectly suitable for residential development. In short, it is our opinion that faulting does not represent a fatal flaw regarding the development potential of the Barry Ranch property.

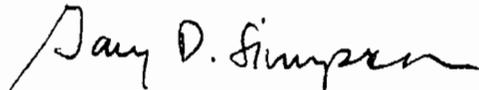
Although it is impossible to accurately estimate the cost of completing subsurface investigations across the property, it is likely on the order of \$300,000+. Based on the scale of the development, this level of investigation does not appear to represent an unreasonable amount that would preclude development of the site; you would certainly understand the financial complexities of the development more than us.

We are, of course, available to discuss the geologic conditions of the site with you or anyone interested in understanding the potential development constraints. Please encourage any interested parties to call our office.

We hope that this letter provides the information that you need at this time.

Respectfully,

**SHN Consulting Engineers & Geologists, Inc.**



Gary D. Simpson, C.E.G.  
Geosciences Director/Senior Geologist

GDS:lms

**MEMO**  
**HUMBOLDT COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**  
**LAND USE DIVISION**

<b>EXHIBIT NO. 9</b>
LCP AMENDMENT NO. HUM-MAJ-4-09 - Barry/Petersen/ Chism LUP Amendment (Humboldt Hill Road Extension) PRELIMINARY FEEDBACK FROM COUNTY PUBLIC WORKS (1 of 2)

TO: Michael Richardson, Senior Planner

FROM: Robert W. Bronkall, Associate Engineer *RWB*

DATE: June 30, 2008

RE: LOCAL COASTAL PLAN AMENDMENT, LCP-08-01  
HUMBOLDT BAY AREA PLANNING AREA

RECEIVED

JUN 30 2008

HUMBOLDT COUNTY  
PLANNING DIVISION

**BARRY/PETERSON/CHISUM 307-041-07, -09; 307-051-04, -11**  
**MILLER/NORTON/PIERSON/FRAZIER 306-391-16; 306-121-45; 306-361-01, -03**  
**REARDON 304-151-05, -06; 304-181-04; 305-011-01; 305-021-08 THRU -11; 307-051-04**

The Department supports the establishment of circulation routes as identified in the proposed Local Coastal Program (LCP) amendment. However, the proposed routes shown in the general plan and on the proposed amendment are both graphical in nature. To my knowledge, the Department has not prepared or approved any plan lines for the proposed routes.

The graphical exhibit for Miller/Norton/Pierson/Frazier shows two circulation routes. The narrative only describes the westerly route. The easterly route extends from the end of London Drive, down a knoll on Pierson/Frazier properties, and connects to the stub-out at the end of King Salmon Road (at U.S. 101). It is the opinion of the Department that the easterly route provides a better circulation pattern than the westerly route.

Until such time as the routes are accurately defined, there may be an issue with the proposed zoning not lining up with the engineered location of the road. Further, environmental considerations may further effect the location of the road. Therefore, the Department recommends the following:

1. That the amendment recognize the great importance of well planned circulation routes.
2. That the amendment recognize that in some instances circulation routes may be detrimental to the environment; but that the detriment to the environment is less than the detriment to the overall greater-good and well-being of the community of not having well planned and engineered circulation routes.
3. That a funding source be provided for the Department of Public Works to develop plan lines for the proposed circulation routes; and that the proposed zoning be defined to match the engineered corridor.

In the event that this project must move ahead without engineered plan lines, the Department encourages that the project materials clearly indicate the intent of the LCP by adding notations similar to the following:

*This is an undefined corridor for a future circulation route. The exact location of the route is to be determined at a later date based upon sound engineering principles. It is the intent of the LCP to allow for the construction of a future circulation route in which the exact engineered location has not yet to been established. The location of the proposed zoning is blanket in nature and is intended to coincide with the future engineered location of the route, wherever located on the subject properties.*

4. That a description be added for the easterly route that extends from the end of London Drive, down a knoll on Pierson/Frazier properties, and connects to the stub-out at the end of King Salmon Road (at U.S. 101).
5. That the description for the Reardon amendment clearly note that the circulation route forks into two routes in which one connects to Slack/Winzler property and the other connects to Bassford Road.
6. An additional project should be added: southerly extension of Hubbard Lane.

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CAL  
Certified copy of portion of proceedings; Meeting on May 12, 2009

**Resolution No. 09-27**

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT MAKING THE REQUIRED FINDINGS AND APPROVING THE LISTED AMENDMENTS TO THE HUMBOLDT COUNTY FRAMEWORK PLAN AND THE HUMBOLDT BAY AREA LOCAL COASTAL PLAN WHICH WILL ALL BECOME EFFECTIVE UPON CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION, AND DIRECTING STAFF TO SUBMIT THE PROPOSED AMENDMENTS TO THE COASTAL COMMISSION FOR CERTIFICATION.

WHEREAS the proposed amendments were initiated to advance County goals to facilitate future development of the road connection between Humboldt Hill and Tompkins Hill Road and Highway 101 to implement policy in the Eureka Community Plan and provide secondary emergency access to development at the top of Humboldt Hill, and

WHEREAS, Community Development Services - Planning Division reviewed evidence about the proposed amendments, and referred the proposed amendments to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning Division prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed amendments to the Humboldt County Framework Plan and the Humboldt Bay Area Local Coastal Plan; and

WHEREAS, the Planning Commission reviewed and considered said reports and other written and oral testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony; and

WHEREAS, the Planning Commission adopted resolutions contained in this staff report recommending the Board of Supervisors approve the proposed amendments.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Board of Supervisors that:

1. The Board of Supervisors finds the project is not subject to environmental review under the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9 and 14 Cal. Code Regs 15265 (b) as Coastal Commission Certification of the plan and zone amendments is the functional equivalent of environmental review; and
2. The Board of Supervisors makes all the required findings described below in the attached Findings for Approval based on the described evidence; and
3. The Board of Supervisors adopts the Plan Amendments as recommended by the Planning Commission by adopting this resolution, which will become effective upon certification by the Coastal Commission, and
4. The Board of Supervisors specifically adopts the recommended amendments to the Circulation Element of the Humboldt County Framework Plan and Section 3.22 B (3) of the Humboldt Bay Area Local Coastal Plan (upon certification of the Coastal Commission) to

allow and add a road connection between Humboldt Hill Road and Tompkins Hill Road as called for in the Eureka Community Plan.

5. The Board of Supervisors directs Planning Division staff to submit the proposed amendments to the Coastal Commission for certification; and
6. Modifications to the amendments required by the Coastal Commission for certification shall be brought back to the Board of Supervisors for consideration at a future public hearing, and
7. The individual amendments included in this resolution are severable such that if any part or parts are found to be invalid, this resolution on all the other projects will remain in full force and effect.

  
Chair, Humboldt County Board of Supervisors

Adopted on motion by Supervisor Neely, seconded by Supervisor Clendenen and the following vote:

AYES: Supervisors: Neely, Clendenen, Smith

NOES: Supervisors: Lovelace

ABSENT: Supervisors: Duffy

STATE OF CALIFORNIA

County of Humboldt

)  
) SS.  
)

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Clerk of the Board  
Humboldt County Board of Supervisors

By: Nikki Turner – Deputy Clerk of the Board

Date:

*May 12 2009*

By:

*Nikki Turner*  
Deputy

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**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 08-124**

MAKING THE REQUIRED FINDINGS RECOMMENDING APPROVAL OF THE SPECIFIED LOCAL COASTAL PLAN AMENDMENTS AND AMENDMENTS TO THE CIRCULATION ELEMENT MAPS OF THE FRAMEWORK PLAN THAT APPLY TO COASTAL AREAS.

WHEREAS the proposed amendment was initiated to advance County goals to facilitate future development of the road connection between Humboldt Hill and Tompkins Hill Road and Highway 101 to implement policy in the Eureka Community Plan and provide secondary emergency access to development at the top of Humboldt Hill, and

WHEREAS, the County Planning Division reviewed evidence about the proposed amendments, and referred the proposed amendments to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the County Planning Division prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed amendments to the local coastal plan; and

WHEREAS, the Planning Commission reviewed and considered said reports and other written and oral testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made regarding the proposed Humboldt Hill Extension amendments to the map in the Circulation Element of the Framework Plan, and the list of public roadway improvement projects in Section 3.22B(3) of the Humboldt Bay Area Plan:

1. The proposed project is hereby modified to mitigate potential impacts of the project on agricultural land conversion, soil erosion, stormwater pollution, biological resources, geologic instability, and traffic safety. The project now includes the requirement as a part of the future subdivision of the property, Plan and Zoning Amendments on the non-coastal portion of the Barry Property along the south or west property lines to achieve no net loss of land designated Agricultural Exclusive; three (3) acres of the property will go from Residential Single Family to Agricultural Exclusive.

The proposed project is also modified to require, at a minimum, any residential subdivision on the non-coastal part of the property conform with all the recommendations in the Geotechnical Feasibility Study titled 'Feasibility of constructing a road to county standards from the end of Humboldt Hill Road to the College of the Redwoods Exit' by Busch Geotechnical Consultants, dated September 15, 2007, the supplemental geologic feasibility analysis by SHN Consulting Engineers dated November 21, 2007, the Traffic Analysis by Omsberg and Preston, dated December 12, 2007, and the Preliminary Biological Review by Mad River Biologists, dated October 20, 2008.

The project is also modified to require at a minimum, installation of fences and animal crossings on the Barry property at the time of road construction to protect farm animals from automobile traffic on the future road right of way, and to ensure continued good access for farm animals to all parts of the property zoned Agricultural Exclusive.

The project is modified to prohibit any increased assessment costs from the road construction. Further it prohibits increases in stormwater runoff from the future development of the non coastal lands to the lands located within the Coastal zone (excepting the new roadway).

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To reduce to insignificant levels stormwater pollution impacts from soil erosion, the project is also modified to require the road improvement plans use Best Management Practices and on-site detention facilities for new subdivisions on the non-coastal part of the property.

To reduce potential impacts of the future road project on biological resources to less than significant levels, the project is also modified to require submittal of a wetland delineation, and studies on wildlife, fisheries, and botanical resources, and requires consultation with the Department of Fish and Game, US Army Corps of Engineers, and the US Fish and Wildlife Service on the adequacy of those studies prior to issuance of a Coastal Development Permit for construction of the road.

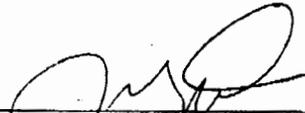
A revised plot plan submitted by the property owner on November 5, 2008 shows a modified alignment that avoids a steep area near the base of the slope. It shows that a portion of the existing roadway is to be decommissioned, and the underlying area restored.

2. Based on the submitted evidence and testimony, and the modifications incorporated herein, the Planning Commission makes all the findings in Attachment 1 of the Planning Division staff report for the proposed amendments. The general location of the new road segment is shown in maps attached to the staff report, and is intended to coincide with the future engineered location of the route, wherever located on the subject properties.
3. The Planning Commission recommends that the Board of Supervisors of the County of Humboldt:
  - Hold a public hearing in the manner prescribed by law.
  - Adopt the Planning Commission's findings.
  - By resolution, approve the General Plan Amendments described above and the modifications incorporated herein, and submit them to the Coastal Commission for certification
  - Direct the Clerk of the Board to give notice of the decision to interested parties.

Adopted after review and consideration of all the evidence on December 4, 2008.

The motion was made by COMMISSIONER Herman and second by COMMISSIONER Emad and the following ROLL CALL vote:

AYES: COMMISSIONERS: EMAD, GEARHEART, HERMAN, SMITH  
NOES: COMMISSIONERS: HANSEN, KELLY, MURGUIA  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:

  
\_\_\_\_\_  
Jeffrey Smith, Chairperson

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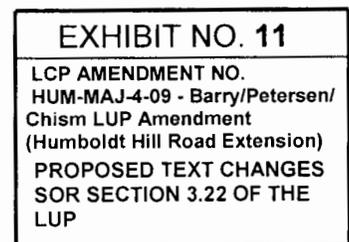
ATTACHMENT 4

Amended Section 3.22 B(3) of the Humboldt Bay Area Plan  
(Additions are shown in underline text)

3. Public Roadway Projects

Public roadway improvement projects shall not, either individually or cumulatively, degrade environmentally sensitive habitats or coastal scenic areas. Improvements (beyond repair and maintenance) shall be consistent with Sections 3.30 et seq and shall be limited to the following:

- a. Reconstruction and restoration of existing roadways, including bridge restoration and replacement, highway planting, construction of protective works such as rock slope protection and slope corrections, reconstruction of roadways following damage by storms or other disasters, and improvement of roadside rests.
- b. Operational improvements, such as traffic signals, guardrails and curve corrections, and intersection modifications such as the Elk River interchange improvements.
- c. Roadside enhancements, such as construction or improvement of roadside rests and vista points consistent with Section 3.40 and removal of roadside signs consistent with Section 3.40.
- d. Minor improvement projects, such as modifying encroachments or ramps, construction turnouts, and channelized intersections.
- e. Except in coastal scenic areas, climbing and passing lanes.
- f. Expansion of substandard roadway shoulders.
- g. Construction of bikeways.
- h. The Elk River Interchange.
- i. Relocation of New navy Base Road to accommodate major coastal dependent industrial development on and adjacent to Samoa Airport site.
- j. Extension of Humboldt Hill Road to Tompkins Hill Road to implement policies in the 1995 Eureka Community Plan, and to improve public safety by providing a secondary access to residential development at the top of Humboldt Hill.



The referenced Section of the HBAP (3.30) referenced in the above Section 3.22 is as follows (in applicable part):

**3.30 NATURAL RESOURCES PROTECTION POLICIES AND STANDARDS**

\*\*\* 30240. ...

\*\*\* 30233. ...

... ..

**B. DEVELOPMENT POLICIES**

**1. Identification of Environmentally Sensitive Habitats**

a. *Environmentally sensitive habitats within the Humboldt Bay Planning Area include:*

- (1) *Wetlands and estuaries, including Humboldt Bay and the mouth of the Mad River.*
- (2) *Vegetated dunes along the North Spit to the Mad River and along the South Spit.*
- (3) *Rivers, creeks, gulches, sloughs and associated riparian habitats, including Mad River Slough, Ryan Slough, Eureka Slough, Freshwater Slough, Liscom Slough, Fay Slough, Elk River, Salmon Creek, and other streams.*
- (4) *Critical habitats for rare and endangered species listed on state or federal lists.*

b. *Proposed development occurring within areas containing these sensitive habitats shall be subject to conditions and requirements of this chapter. Should an area proposed for development appear, upon examination of the maps to be within or contain the indicated habitat, but upon field inspection is found not to contain the indicated habitat, then the development is exempt from requirements of the section. As an interim measure for habitat areas not currently identified on the maps, information obtained during the CEQA review process will be used by the County in reviewing applications for coastal development permits. The review of these sensitive habitat areas and the identification of appropriate land uses and/or mitigation measures shall be in cooperation with the Department of Fish and Game. The County shall review requests to amend the Environmentally Sensitive Habitat Maps in terms of the entire plan proposal and supporting policies. Accommodation of new resource information on the Environmentally Sensitive Habitat Maps may also require amendments to the certified land use plan and zoning.*

- (1) *Wetland areas shall be identified according to the Coastal Act's definitions of wetlands...*

... ..

**6. Wetland Buffer**

<b>EXHIBIT NO. 12</b>
LCP AMENDMENT NO. HUM-MAJ-4-09 - Barry/Petersen/ Chism LUP Amendment (Humboldt Hill Road Extension)
EXCERPT FROM THE SECTION 3.30 OF THE LUP RELEVANT TO SECTION 3.22 PROPOSED FOR AMENDMENT (1 of 5)

- a. *No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:*
- (1) *The area between a wetland and the nearest paved road, or the 40 foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance, or,*
  - (2) *250 feet from the wetland, where the nearest paved road or 40 foot contour exceed this distance, or*
  - (3) *Transitional Agricultural lands designated Agriculture Exclusive shall be excluded from the wetland buffer.*
- b. *New development; except for:*
- (1) *development permitted in 3.30B2,3, and 4*
  - (2) *wells in rural areas; and*
  - (3) *new fencing, so long as it would not impede the natural drainage shall be sited to retain a setback from the boundary of the wetland sufficient to prevent adverse effects to the wetland's habitat values.*
- c. *within an urban limit line, the setback shall be either 100 feet or the average setback of existing development immediately adjacent as determined by the "string line method." That method shall be used which provides development setbacks similar to those occurring on adjacent parcels and adequately protects the wetland.*
- d. *Outside an urban limit line, the setback shall be between 100 and 200 feet, depending upon the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on the wet habitat values. The precise width of the setback shall be sufficient to prevent significant effects to the wetland.*
- e. *In both urban and rural areas, setbacks of less than the distance specified above may be permitted only when the prescribed buffer would prohibit development of the site for principle use for which it is designated. Any such reduction in setback shall still retain the maximum setback feasible, and may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland's habitat values.*
- f. *All new development within the wetland buffer shall include the following mitigation measures:*
- (1) *Not more than 25% of the lot surface shall be effectively impervious.*
  - (2) *The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.*
  - (3) *Storm water outfalls, culverts, gutters, and the like shall be dissipated.*

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- (4) *Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.*
- (5) *Areas disturbed during construction, grading, etc., within 100 feet of the mean high water line, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.*
- (6) *Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, sediment basins, seeding or planting bare soil, diversion of runoff away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).*

*g. The County shall request the Department of Fish and Game to review plans for development within 200 feet of the boundary of the wetland.*

**7. Road Construction Within Watersheds Containing Wetlands**

*Road construction within watersheds containing wetlands, as identified on the sensitive habitat maps, other than for timber harvest purposes (road construction controls for this activity are currently regulated by the California Department of Forestry in Timber Harvest Plans), shall employ suitable techniques and measures necessary to prevent erosion and minimize surface runoff. This shall include, but is not limited to:*

- a. Limiting soil exposure time and disturbed area;*
- b. Minimizing uninterrupted slope length through surface roughening and serrated slopes;*
- c. Temporary slope stabilization if grading operations occur during wet weather months (October through May) including, mulches, nettings, chemical and natural binders, rip-rap, etc.;*
- d. Immediate vegetative plantings of disturbed slopes at finished grades;*
- e. Control of runoff through controlled water and drainage systems with dissipated discharges and receiving stream bank protection;*
- f. Diversion of runoff away from graded areas and areas traveled during project development;*
- g. Temporary and permanent sediment control through use of dikes, filter berms, and sediment basins.*

**8. Coastal Streams, Riparian Vegetation And Marine Resources**

\*\*\* 30230. ...

\*\*\* 30231. ...

... ..

*b. Within the Humboldt Bay Planning Area the following coastal streams (as mapped on USGS 7.5' Quads) have been identified:*

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...

c. *New development within stream channels shall be permitted when there is no less environmentally damaging feasible alternative, where the best feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to:*

- (1) *Wetlands, fishery, and wildlife enhancement and restoration projects.*
- (2) *Road crossings, consistent with the provisions of Section 3.41 E 5e.*
- (3) *Maintenance dredging for flood control and drainage purposes consistent with the Transitional Agricultural Lands policies.*
- (4) *Development consistent with the provisions of 3.41 E 5, below.*

*New fencing, so long as it would not impede the natural drainage or would not adversely affect the stream environment or wildlife.*

d. *Riparian corridors on all perennial and intermittent streams shall be, at a minimum, the larger of the following:*

- (1) *100 feet, measured as the horizontal distance from the stream transition line on both sides.*
- (2) *50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams.*
- (3) *Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.*
- (4) *Notwithstanding the above riparian corridor width requirements, the width of the riparian corridor may be reduced where such a reduction would not result in the removal of woody vegetation, and the County determines, based on specific factual findings, that a reduction will not result in a significant adverse impact to the habitat. New structures, including houses, barns, sheds, etc., shall be placed a minimum of 50 feet from the stream transition lines.*

e. *New development within the riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses.*

(1) *Timber management activities, provided:*

...

(2) *Timber harvests smaller than three acres of merchantable timber 18 inches DBH or greater provided that timber harvest*

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*practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission special treatment areas. Unmerchantable hardwoods or shrubs shall be protected from unreasonable damage.*

- (3) Maintenance and replacement of flood control and drainage channels, fences, levees, dikes, floodgate, and tidegates.*
- (4) Wells in rural areas.*
- (5) Road and bridge replacement or construction, provided that the length of the road within the riparian corridor shall be minimized where feasible, by rights of way which cross streams at right angles and do not parallel streams within the riparian corridor.*
- (6) Removal of trees for disease control or public safety purposes.*
- (7) Removal of firewood for personal use on property consistent with the applicable forest practice rules for stream protection zones in Coastal Commission special treatment areas.*

*f. Mitigation measures for development with riparian corridors shall, at a minimum, include retaining snags within the riparian corridor unless felling is required by CAL-OSHA or permitted by California Department of Forestry forest and fire protection regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons, or egrets.*

- (1) The County shall request the Department of Fish and Game to review plans for development within riparian corridors, the Department may recommend measures to mitigate disruptions to habitats.*

*g. Natural drainage courses, including ephemeral streams, shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat. Stormwater outfalls, culverts, gutters and the like, shall be dissipated, and, where feasible, screened. Natural vegetation within and immediately adjacent to the bankfull channel shall be maintained except for removal consistent with the provisions of this section.*

...



# COUNTY OF HUMBOLDT

AGENDA ITEM NO.

**EXHIBIT NO. 13**  
LCP AMENDMENT NO.  
HUM-MAJ-4-09 - Barry/Petersen/  
Chism LUP Amendment  
(Humboldt Hill Road Extension)  
COUNTY STAFF REPORT AND  
FINDINGS FOR APPROVAL OF  
SUBJECT LUP AMENDMENT  
(1 of 15)

For the meeting of May 12, 2009

Date: April 29, 2009  
To: Board of Supervisors  
From: Kirk Girard, Director of Community Development Services  
Subject: Amend Circulation Element of the Humboldt County Framework Plan and Section 3.22 B (3) (Public Roadway Projects) of the Humboldt Bay Area Local Coastal Plan (LCP) to Allow a Future Humboldt Hill Road Extension to Tompkins Hill Road.

RECOMMENDATIONS:

1. Open the public hearing and receive staff report and public testimony.
2. Close the public hearing.
3. Review and deliberate on the proposed Framework Plan and LC P amendments.
4. Adopt Resolution No. \_\_\_\_ (Attachment A), make the required findings as set forth in the Staff Report and Resolution and adopt the amendment to the Circulation Element of the Humboldt County Framework Plan and the amendment to Section 3.22 B (3) (Public Roadway Projects) of the Humboldt Bay Area Local Coastal Plan to allow and add a future Humboldt Hill Road Extension to Tompkins Hill Road to become effective upon certification by the California Coastal Commission.
5. Direct staff pursuant to the Resolution to submit the proposed amendments to the California Coastal Commission for certification.
6. Direct the Clerk of the Board to give notice of the decision to the property owner and any other interested party.

Prepared by Michael Richardson  
Michael Richardson, Senior Planner

CAO Approval A.T.L.F.R.

REVIEW: Auditor \_\_\_\_\_ County Counsel [Signature] Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
\_\_\_\_ Consent  
\_\_\_\_ Departmental  
X Public Hearing  
\_\_\_\_ Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:  
Board Order No. I-2  
Meeting of: September 25, 2007

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT  
Upon motion of Supervisor  
Seconded by Supervisor  
And unanimously carried by those members present,  
The Board hereby adopts the recommended action contained in this report.  
Dated: \_\_\_\_\_  
Kathy Hayes, Clerk of the Board  
By: \_\_\_\_\_

SOURCE OF FUNDING:

The sources of funding for this item will be from the Community Development Services Department – Advance Planning Division's FY 2008-2009 budget (Budget Unit 277).

DISCUSSION:

**Summary**

The Circulation Element of the Framework Plan and Section 3.22 B (3)(Public Roadway Projects) of the Humboldt Bay Area Local Coastal Plan (LCP) are proposed to be amended to include a road connection between Humboldt Hill Road and Tompkins Hill Road as called for in the Eureka Community Plan (ECP). The proposed Humboldt Hill Extension amendments will facilitate future construction of a secondary access from Humboldt Hill Road to Tompkins Hill Road and Highway 101 on the following Assessor's Parcel Numbers:

Property Owners	Assessor's Parcel Numbers	Present Plan and Zoning	Affected Acreage
Fred and Marcene Barry; John N Peterson; Dellard & Eileen Chisum	307-041-07, -09; 307-051-04, -11	Plan: AE & RR Zoning: AE-60 & RA-5/A	±8 acres

The proposed Framework Plan and LCP amendments affect approximately 8 acres of property, three (3) acres presently designated Agriculture Exclusive and five (5) acres designated Rural Residential. More information about the proposed LCP amendments is presented in Attachment B.

Considerable testimony on the project was provided to the Planning Commission at their hearings on the matter. The Planning Commission reviewed comments from several agencies, which are in Attachment C. The Humboldt Fire District #1, the Humboldt Community Services District, Wiyot Tribe, College of the Redwoods, and CalTrans are supportive of the amendments if specified mitigation measures are adopted at the time the future roads are constructed.

The Department of Fish and Game identified some areas of concern, including impacts from soil erosion, stormwater runoff, and impacts to wetlands, wildlife, fisheries and botanical resources. The recommended mitigation measures address stormwater pollution impacts of future buildout on the property, which will be facilitated by this amendment. The Department of Fish and Game also recommended a wetland delineation, as well as botanical and biological surveys prior to approval of road construction to identify appropriate mitigation measures.

The Coastal Commission stated in their letter that placing fill in wetlands for new roads or the expansion of the capacity of existing roads is not an authorized use for filling of wetlands, and is therefore not consistent with the Coastal Act. They recommend the project avoid any filling of wetlands. They also expressed concern about conversion of agricultural lands, and recommended the County not defer consideration of the project's impacts and appropriate mitigation measures to reduce potential for conversion of agricultural land until when the road is eventually constructed. These issues are addressed in this staff report.

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Impacts on agricultural land conversion of these LCP amendments are reduced by requiring as a part of the future subdivision of the property, Plan and Zoning amendments on the non-coastal portion of the Barry Property along the south or west property lines to achieve no net loss of land designated Agricultural Exclusive; three (3) acres of the property will go from Residential Single Family to Agricultural Exclusive.

Also, installation of cattle fences and animal crossings will be required when the road is constructed. This will further reduce the project's impacts on agricultural land conversion.

To reduce to insignificant levels stormwater pollution impacts from soil erosion, the attached Resolution requires the road improvement plans use Best Management Practices and requires on-site detention facilities for new subdivisions on the non-coastal part of the property to minimize soil erosion from the site.

Extensive public comments both for and against the project were also given at the Planning Commission hearings. Arguments for the project mostly tracked the evidence in support of the required findings described more fully in this staff report (see page 4). Those opposed to the project cited impacts from increased traffic on Humboldt Hill Road, potential increases in crime in the area, adverse impacts to existing agricultural uses, conversion of agricultural lands to non-agricultural uses, impacts on wildlife, visual impacts of the project, potential geologic impacts, and the possibility that other alternative alignments would work just as well, with fewer environmental impacts.

The Planning Commission recommended that the Board of Supervisors approve the plan amendments as recommended by staff on December 4, 2008 on a vote of 4-3. (The Planning Commission Minutes are included in Attachment D of this staff report.) The staff report presents evidence in support of making all 11 findings that must be made by the Board to also approve the proposed Framework Plan and LCP amendments. Potential impacts of the Framework Plan and LCP amendments on coastal resources are considered, and mitigation measures are proposed in the Resolution.

### **Background**

In September 2007, the Board considered a set of LCP amendments, including one for redesignating the entire coastal portion of the subject property (+/- 78 acres) from Agriculture Exclusive to Residential Single Family. During the Board hearing, public testimony on the potential impacts of the future subdivision, particularly potential traffic impacts, public safety impacts from earthquake fault hazards, and the loss of +/- 78 acres of agricultural lands to residential uses was considered. The Board was unable to support those amendments at that time because there was not sufficient information about the potential impacts, and the appropriate mitigation measures.

In response to the expressed concerns, the project was scaled back. Now, the proposed Framework Plan and LCP amendments would only facilitate future construction of a secondary access from the top of Humboldt Hill Road to Tompkins Hill Road; residential use of the coastal portion of the property is no longer being considered. With the change in scope, the amendments would directly impact only approximately 3 acres of agricultural land. This is the project that the Planning Commission recommended be approved, which is now being considered by your Board.

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The Coastal Commission must also certify the amendments before they take effect; the Resolution in the staff report would transmit the proposed amendments to the Coastal Commission for approval.

**Findings**

The following paragraphs describe the findings, and evidence supporting the eleven (11) findings considered by the Planning Commission in approving the project.

**Discussion of Finding #1**

Section(s)	Applicable Requirements
§1452.2 Required Findings (Framework Plan)	Base information or physical conditions have changed; or Community values and assumptions have changed; or There is an error in the plan; or To maintain established uses otherwise consistent with a comprehensive view of the plan.
<p><b>Evidence Supporting Finding #1</b> To protect the public in the event of wildland fires, the County's Fire Safe Ordinance was adopted in January, 1992. Section 3112-11 of the ordinance prohibits most subdivisions of property on dead end roads so that people don't become trapped by wildland fires should the one access become unusable. As shown on the maps attached to the staff report, Humboldt Hill becomes a dead end road after the intersection of Loma Avenue, and all property south of that intersection is subject to the dead end road measures of the Fire Safe Ordinance, including the Barry property. This is in conflict with provisions of the 1995 Eureka Community Plan (ECP) that identify this property as an important property to meet the County's housing needs. Section 2620 of the Plan states:</p> <p>"(12). <u>Barry Property</u>: This property is located atop Humboldt Hill. The developer of this property is encouraged to amend the Coastal Zone's Agricultural Exclusive (AE) zone boundary to allow for the Humboldt Hill Road extension to follow the natural topography of the area. This Plan supports an amendment which allows a sufficient amount of land to be developed for the road extension, and for development of lots on the western side of the road which are of a lot size consistent with those proposed on the eastern side. The developer of this property shall be required to designate at least five (5) acres as Parkland consistent with Chapter 4400 of this Plan."</p> <p>The proposed amendments to the Circulation Element of the Framework Plan and Humboldt Bay Area Local Coastal Plan (HBAP or LCP) would resolve the conflict between the Fire Safe Ordinance and ECP. In addition, it is in the public interest to implement the provisions of the adopted Eureka Community Plan as it concerns adequate circulation access and the associated housing once the access is provided.</p>	

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**Discussion of Finding #2**

Section(s)	Applicable Requirements
§1452.2 Required Findings (Framework Plan)	The proposed Framework Plan and LCP amendments are in the public interest.
<p><b>Evidence Supporting Finding #2</b> The response to Finding #1 above states that the proposed amendment is necessary to resolve a conflict between the ECP and the Framework Plan and HBAP. The public interest is served by resolving inconsistencies between the County's regulatory framework.</p> <p>The proposed amendment to the Framework Plan, and HBAP would result in future conversion of approximately three (3) agricultural lands to public right of way uses, which is potentially contrary to public interest because policies in the Framework Plan, ECP and Coastal Act discourage conversion of agricultural lands to other uses. The project may potentially be contrary to policies in the Framework Plan, ECP and Coastal Act that protect biological resources from stormwater pollution, and policies that protect public safety from traffic hazards, and hazards associated with slope stability.</p> <p>Impacts on agricultural land conversion of these Plan Amendments are reduced by requiring as a part of the future subdivision of the property, Plan and Zoning Amendments on the non-coastal portion of the Barry Property along the south or west property lines to achieve no net loss of land designated Agricultural Exclusive; three (3) acres of the property will go from Residential Single Family to Agricultural Exclusive.</p> <p>Also, installation of fences and animal crossings will be required when the road is constructed. This will further reduce the project's impacts on agricultural land conversion.</p> <p>To reduce to insignificant levels stormwater pollution impacts from soil erosion, the Resolution of Approval requires the road improvement plans use Best Management Practices and requires on-site detention facilities for new subdivisions on the non-coastal part of the property to minimize soil erosion from the site.</p> <p>The Resolution also requires at a minimum subdivisions or future road construction conform with the recommendations in the Geotechnical Feasibility Study by Busch Geotechnical Consultants, the Traffic Analysis by Omsberg and Preston, and the Preliminary Biological Review by Mad River Biologists. The impacts of the future road construction on agricultural lands, biological resources and public safety will be further considered and mitigated with the Coastal Development Permit for the actual road construction, which is not a part of the project.</p>	

**Discussion of Finding #3**

Section(s)	Applicable Requirements
Consistency with the Zoning Ordinance	The proposed Framework Plan and LCP amendments are consistent with the Zoning or the other implementation of the Plan.
<p><b>Evidence Supporting Finding #3:</b> While some portions of Highway 101 are zoned Public Facility, most roads in the County are not zoned. In 2007, the Board of Supervisors adopted findings to treat these areas as public facilities without specifically designating them as such on the zoning maps.</p> <p>The project site includes approximately 86 acres of lands zoned Agriculture Exclusive. The County Coastal Plan and Zoning establishes the minimum parcel size of 60 acres. The extension of the roadway through the parcel, as conditioned, does not result in the creation of a parcel that is non-conforming as to parcel size.</p> <p>The future road construction project will require public review and a public hearing to consider the Coastal Development Permit; the project will be evaluated against a number of standards in the zoning ordinance for consistency, and mitigation measures will be required to minimize the potential impacts of the project. The applicable zoning requirements include the following:</p> <ul style="list-style-type: none"> <li>• Protection of Natural Drainage Courses - Section 313-122</li> <li>• Natural Land Forms Protections - Section 313-123</li> <li>• Protection of Wetlands and Wetland Buffers - Section 313-125 and 129.9</li> </ul>	

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**Discussion of Finding #4**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act.  <b>Access</b> (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)
<p><b>Evidence Supporting Finding #4:</b> As described in the introduction, the Barry amendment is intended to facilitate future construction of a secondary access road to the top portion of Humboldt Hill Road. The access inventory included in the local coastal plan shows the nearest coastal access point is approximately 700 feet from the intersection of the future road with Tompkins Hill Road. Accordingly, the future road would be beneficial because it would make it easier for people living on Humboldt Hill Road to get to that access point. The future road is not likely to have any physical impacts on the access point because it is separated from the access point by Highway 101.</p> <p>In addition, the extended road provides a unique opportunity for the placement of a public recreational facility (in the form of a scenic overlook, related parking area or similar facility) through which the public's access to the significant coastal view resources could be accommodated. The development of the non-coastal portion of the site requires the designation of at least five (5) acres as Parkland consistent with the Eureka Community Plan provisions. The expansion of access to the coastal (and non-coastal) visual resources could be integrated into the development of the adjoining area.</p> <p>The proposed road extension would include the public's access and use of the new road and related facilities (pedestrian and bicycle) along the roadway and the use of the new scenic overlook.</p>	

**Discussion of Finding #5**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act.  <b>Recreation</b> (including protection of water-oriented activities, ocean-front land protection for recreational uses, aqua-cultural uses, and priority of development purposes).
<p><b>Evidence Supporting Finding #5</b> The proposed Framework Plan and LCP amendments will change the land use from Agricultural Exclusive and Rural Residential to public facility use. The proposed change in land use will have a potential impact on recreational use of the property because the Agriculture Exclusive Plan and Zone designations allow agricultural related and resource related recreation, whereas the new road wouldn't provide for those uses.</p> <p>The proposed amendments will ultimately result in the installation of a new public road. This road will provide significant scenic, and thus recreational, enhancement to the motoring (and non-motoring) public. In addition, it will provide an opportunity to significantly enhance recreational opportunities through the provision of a scenic overlook or similar facility. Without the road extension, this enhancement to the access to Coastal Visual resources would not be possible.</p> <p>This section of the Coastal Act specifically identifies water-oriented activities, oceanfront lands used for recreational uses, and aquaculture uses as those that are to be protected consistent with the Coastal Act. None of these uses is likely to occur on the subject property because Highway 101 and other development separate it from the ocean. Visitor serving development is not allowed in the AE zone designation.</p>	

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**Discussion of Finding #6**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act  <b>Marine Resources</b> (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood)
<p><b>Evidence Supporting Finding #6</b> Changing the Framework Plan to allow a public road does not seem like it could directly affect marine resources. Indirectly, the Plan will facilitate future construction of a road, which could impact marine resources. Future road construction, which will require a Coastal Development Permit, could impact coastal wetland areas, streams or riparian corridors on the property, which eventually drain into Humboldt Bay.</p> <p>The road alignment has been selected to minimize impacts to wetland areas, streams and riparian corridors on the property consistent with the coastal resource protection measures specified in the Humboldt Bay Area Plan and the following sections of the Coastal Zoning Ordinance: Protection of Natural Drainage Courses -Section 313-122, Natural Land Forms Protections -Section 313-123, and Protection of Wetlands and Wetland Buffers -Section 313-125 and 129.9. For example, the proposed road alignment follows the natural grade as much as possible to minimize the disturbance of natural landforms, and it crosses drainages at 90-degree angles to minimize disturbance to riparian areas. In addition, future road construction will require review under the adopted policies and standards as found within the adopted and certified HBAP Section 3.30 Section B-New Development, subsection 7 Road Construction within watersheds containing wetlands and subsection 8 New Development within Riparian Corridors.</p> <p>To reduce to insignificant levels stormwater pollution impacts from soil erosion, the project is modified to require the road improvement plans use Best Management Practices and on-site detention facilities for new subdivisions on the non-coastal part of the property. The project has also been modified to require conformance of the future road construction with the recommendations of the Preliminary Biological Review by Mad River Biologists, dated October 20, 2008.</p> <p>There is no evidence the proposed Framework Plan and LCP amendments will result in any increase in hazardous waste spills. It will also not result in any diking, filling or dredging, or revetments and breakwaters. There is also no evidence the proposed amendments will affect fishing or water supply. As shown on the maps attached to the staff report, the property is well separated from the ocean.</p>	

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**Discussion of Finding #7**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act.  <b>Land Resources</b> (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources)
<p><b>Evidence Supporting Finding #7</b> Amending the Framework Plan and HBAP to change the approximately 8 acres of property from Agricultural Exclusive and Rural Residential Agricultural use to a public road use would affect land resources.</p> <p>Indirectly, the Plan will facilitate future construction of a road, which would impact land resources. Future road construction, which will require a Coastal Development Permit, could impact coastal wetland areas, streams or riparian corridors on the property. The future road construction would also impact agricultural lands on the property, and could impact archaeological or paleontological resources on the site.</p> <p>To protect these resources, the project has been modified in several ways. To reduce to insignificant levels stormwater pollution impacts from soil erosion, the project is modified to require the road improvement plans use Best Management Practices and on-site detention facilities for new subdivisions on the non-coastal part of the property. The project has also been modified to require conformance of the future road construction with the recommendations of the Preliminary Biological Review by Mad River Biologists, dated October 20, 2008. These include the minimization of grading by following natural contours of the land, minimization of the removal of vegetation (to the extent that it is possible while maintaining adequate visibility and road clearances), the conditioning of construction activities to avoid bird nesting and rearing periods, the application of storm water controls during construction; and the application of dust control measures.</p> <p>There are a number of ways the Humboldt Bay Area Plan protects agricultural lands, including those that occur on this property, consistent with Sections 30241 (a) – (f) of the Coastal Act:</p> <p>(a) <i>Establish stable boundaries separating urban and rural areas,</i></p> <p>The Coastal Zone boundary establishes a very stable boundary between the lands that are planned for urban (non-coastal lands) and rural areas (Planned and zoned Agricultural Exclusive). In addition, the County utilizes the Urban Development mapping process to identify those areas intended to receive urban levels of services. This boundary may also follow the Coastal boundary.</p> <p>(b) <i>Limit conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.</i></p> <p>The conversion of approximately 3.0 acres of land to public road and related purposes serves to facilitate the urban level of development in the non-coastal portions of the property. This development in the non-coastal area serves to facilitate a logical and viable neighborhood locally known as Humboldt Hill and will contribute to the establishment of a stable limit to urban development through the establishment of urban limit lines.</p> <p>(c) <i>Permit the conversion of agricultural land surrounded by urban uses only where the conversion of the land would be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.</i></p> <p>The conversion of land is located immediately contiguous to the urban level of development to the north. The site is included within the boundaries of the Humboldt Community Services District; the local provider of water and wastewater services.</p>	

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**Discussion of Finding #7 (continued)**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And PRC § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act.  <b>Land Resources</b> (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources)
<p><b>Evidence Supporting Finding #7:</b></p> <p>(d) Develop available lands not suited for agriculture prior to the conversion of agricultural lands.</p> <p>The conversion of agricultural lands will be directly offset through a change in the Plan Designation and zoning of a portion of the site (outside the Coastal Zone) that is presently planned and zoned for residential development back to Agricultural Exclusive. This would minimize the area of conversion, offset that acreage converted through the installation of the road and provide additional public views from the roadway.</p> <p>In order to carry out and implement the Eureka Community Plan (non-Coastal), access must be provided. There are no other locations of the access road that would be shorter or less environmentally damaging than the one proposed.</p> <p>(e) Assure that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality:</p> <p>The approval of the amendment to accommodate the road is conditioned upon the prohibition of any increased assessment costs from the road construction. Further it is conditioned to provide that no increases in stormwater runoff from the future development of the non coastal lands to the lands located within the Coastal zone (excepting the new roadway) are to be allowed.</p> <p>and</p> <p>(f) Assure that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands does not diminish the productivity of such prime agricultural lands.</p> <p>The project does not include the subdivision of prime lands. In order to minimize the effects of the road extension on the use of the lands for agricultural purposes, the project is conditioned upon providing an agricultural access under the proposed roadway in a location that will facilitate the use of the site for agricultural purposes (without having to cross the surface of the roadway).</p> <p>The project is also consistent with Section 30242 of the Coastal Act regarding the protection of agricultural lands:                      Section 30242  <i>"All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands."</i></p> <p>The conversion serves to preserve prime agricultural land in other areas of the community by allowing the development of the adjoining lands consistent with the adopted Community Plan. The adjoining development serves to complete the logical extension of the existing community (Humboldt Hill) and concentrate the development consistent with Section 30250. The development proposed is contiguous with existing developed areas to the north and is located within the Community Services District.</p> <p>The project does not include new residential, commercial, or industrial development per se. It does include the construction and use of a public road facility.</p> <p>The project does not include a land division.</p> <p>The project does not include any new hazardous industrial development nor provide an opportunity for such development in the future.</p> <p>The project does include the possibility of a future visitor-serving facility in the form of a scenic overlook (to be located on adjoining non-coastal lands). This facility would not be possible without the road extension, and public access to this significant scenic resource would be lost.</p>	

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**Discussion of Finding #7 (continued)**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And PRC § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act.  <b>Land Resources</b> (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological or paleontological resources)
<p><b>Evidence Supporting Finding #7:</b></p> <p>The site map included earlier in the staff report shows there are timberland soils on or near the site that would be impacted by the proposed amendment. Approximately 3 acres of timberland soils on the Peterson property, in the Area Planned and Zoned Rural Residential, would be used for the road right of way.</p> <p>The zoning map on file with the Planning Division shows there is an A – Archaeological Resource Area combining zone that applies to the Peterson property, which indicates the potential presence of archaeological or paleontological resources. The Natural Resources Division of Public Works responded to the project stating that their maps show no archaeological resources on site. The potential impacts of the future road use is reduced to less than significant levels by retaining the A- Archaeological Resources combining zone on the property such that any new development will have to conform to the archaeological resource protection measures prescribed by the combining zone, which will include a referral to the North Coast Information Center and If necessary, a site investigation by a qualified archaeologist, and other measures such as changing the location of the road to avoiding ground disturbance of archaeological sites.</p>	

**Discussion of Finding #8**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act.  <b>Development</b> (including placing new development within or close to existing developed areas, protection of scenic resources, maintenance of public access by encouraging public transit, providing for recreational opportunities within new development, protection of public safety, expansion of public works facilities and priority of coastal dependent development
<p><b>Evidence Supporting Finding #8</b> Placing new development within or close to existing developed areas: The proposed LCP amendments will not directly result in new development, but it will facilitate construction of a future connection between developed residential parcels along Humboldt Hill Road and the Barry property, which is currently vacant, but which is planned and zoned for 400 residential units on the non-coastal portion. Future development on the Barry property will be served by public water and sewer, and is a logical expansion of the residential development on Humboldt Hill Road.</p> <p>Protection of scenic resources: The site is not located within a Coastal View designated area of the Humboldt Bay Area Plan. The coastal zoning of Agriculture Exclusive serves, in part, to maintain the viewshed from public locations to the south and southwest of the site (Highway 101, Humboldt Bay and Hookton Road). These views will be incrementally impacted, especially from the Table Bluff area of Hookton Road. However, this view presently includes various developments that include: the National Wildlife Refuge Structures and facilities, the College of the Redwoods, Highway 101, the community of Fields Landing, the development along Tompkins Hill Road, the development of portions of the Humboldt Hill area (especially along the west side of the community), the cell towers and other development atop Humboldt Hill and, further to the north, the Samoa Peninsula and portions of the City of Eureka.</p> <p>The project substantially increases the opportunity for public access to coastal view resources through the ability to establish a scenic overlook on the non-coastal portion of the site.</p> <p>The view from the site to the south and southwest includes the National Wildlife Refuge, the Table Bluff, the South Humboldt Bay and a portion of the Eel River Valley including the Pacific Ocean and the hills to the south of the Eel River Valley.</p> <p>Encouraging public transit: The proposed amendment will facilitate construction of a future road, which could be used to enhance public transit services to the neighborhoods served by Humboldt Hill Road.</p>	

**Discussion of Finding #8 (continued)**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	The proposed Framework Plan and LCP amendments must conform to the policies contained in Chapter 3 of the Coastal Act.  <b>Development</b> (including placing new development within or close to existing developed areas, protection of scenic resources, maintenance of public access by encouraging public transit, providing for recreational opportunities within new development, protection of public safety, expansion of public works facilities and priority of coastal dependent developments)
<p><b>Evidence Supporting Finding #8</b></p> <p>Recreational opportunities within new development: The project site does not have nor allow recreational or visitor serving uses. With the extension of the Humboldt Hill Road to Tompkins Hill an opportunity to provide both recreational and visitor serving uses becomes available. This is in the form of the use of the road extension by the travelling public and the combination of a recreational area (park) and scenic overlook of the significant scenic resources in a location that is not now accessible without the road extension.</p> <p>Protection of public safety: The site is subject to the requirements of the Alquist Priolo special study zone. The location of the proposed road extension has been evaluated for the purpose of determining the feasibility of the extension. A report has been prepared by SHN Consulting Geologists and Engineers and is available for review.</p> <p>Structural fire protection needs for the site will not likely increase as the LCP amendments will not result in new development except for a future road. One of the key benefits of the future road is to provide secondary emergency access to the top of Humboldt Hill Road, which would assist with emergency evacuations and structural fire protection in the area. The lands are located within the Humboldt Fire District #1 and the State Responsibility Area.</p> <p>Expansion of Public Works Facilities: The proposed amendments will facilitate future expansion of Humboldt Hill Road, which is a public works facility. Providing secondary emergency access to the top of Humboldt Hill Road would be impossible without this expansion of a public works facility.</p> <p>Priority of Coastal Dependent Uses: There is no evidence the proposed amendments will have any impact on coastal dependent uses.</p> <p>In addition, a route specific evaluation was conducted by Busch Geotechnical Consultants. The recommendations contained within the report are to be applied as conditions to any subsequent permit pertaining to the road extension.</p> <p>The property owner also submitted a study, which concludes the future road would provide adequate emergency access. This will reduce to less than significant levels the potential impacts on public safety of future development with the proposed amendments.</p>	

**Discussion of Finding #9**

Section(s)	Applicable Requirements
Consistency: Administrative Regulations – Title 14, And Public Resources Code, § 30503	The proposed Framework Plan and LCP amendments must conform to the policies and procedures contained in Chapter 6 of the Coastal Act. (Procedures for processing Plan Amendments).  <b>Procedures for Processing Plan Amendments</b> Chapter 6 provides the procedures and policies for the processing of Coastal Plan Amendments. The principle one at this stage of the process relates to public participation.
<p><b>Evidence Supporting Finding #9</b> The proposed LCP amendments were circulated to several public, private and other agencies for review and comment. The amendments were subject to public review and hearing at the Planning Commission. General notice was previously provided to the public for the prior hearings. Specific notice has been provided to the public, involved agencies and those individuals who participated in the past. The notice of the hearing was also published in a newspaper of general circulation to provide the maximum opportunity for public notice and participation in the consideration of the proposed amendments.</p>	

**Discussion of Finding #10**

Section(s)	Applicable Requirements
Government Code Section 65302.81	Specific findings supported by substantial evidence are required where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
<p><b>Evidence Supporting Finding #10</b> In the Eureka Community Plan and the 2003 Housing Element, the Barry property was assigned a development potential of 400 units. (The draft 2009 Housing Element estimates 311 potential units on the site.) The proposed LCP amendments will facilitate future construction of a road that could provide access to homes developed on the property consistent with the Housing Element. The secondary emergency access provided by the future road is necessary to achieve the residential density on the property that is called for in the Housing Element and in the ECP. Thus it could be argued that <u>not</u> approving the proposed amendment would require the specific findings cited above.</p>	

**Discussion of Finding #11**

Section(s)	Applicable Requirements	Evidence Supporting Finding #11
Consistency with the California Environmental Quality Act	The plan is required to be consistent with the California Environmental Quality Act	The project is not subject to environmental review under the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9 and 14 Cal. Code Regs Section 15265 (b). Coastal Commission Certification of the plan amendments is the functional equivalent of environmental review. Future construction of the road consistent with the Barry amendment will be subject to coastal permit requirements and environmental review, which will provide a comprehensive assessment of the environmental impacts of the project.

*Discussion of Alternative Road Alignments*

The property owner submitted diagrams showing several possible alignments of the road on the subject property to be considered when the Coastal Permit is ultimately sought. They were also developed to show how to minimize or avoid possible wetlands that have been identified (like the seep areas).

The Coastal Plans suggest that different road standards be considered for those roads that go through sensitive habitat areas. Things like reductions in road widths, use of shoulders, size and location of bike and pedestrian paths, etc. The 'typical' road section that appears to be presently required by county standards is shown as Alternative 1. Other alternatives are presented which would better protect the perched wetland on the site, but would be less desirable from a road safety perspective.

Other alternatives to the proposed Humboldt Hill Road alignments were previously considered and abandoned for the reasons provided below.

Alternative 1 - Extension of Humboldt Hill Road across the Barry property to connect with Boyd Road (located to the southeast of the Barry Property. This alternative would link Humboldt Hill Road to Berta Road. Traffic would then proceed along Elk River Road and ultimately to Herrick Avenue (at the State Highway interchange).

This alternative would not only provide the Humboldt Hill residents with a secondary access, it would also provide those residents of the Berta Road area with a secondary access during those relatively frequent times in which the road is closed due to flooding.

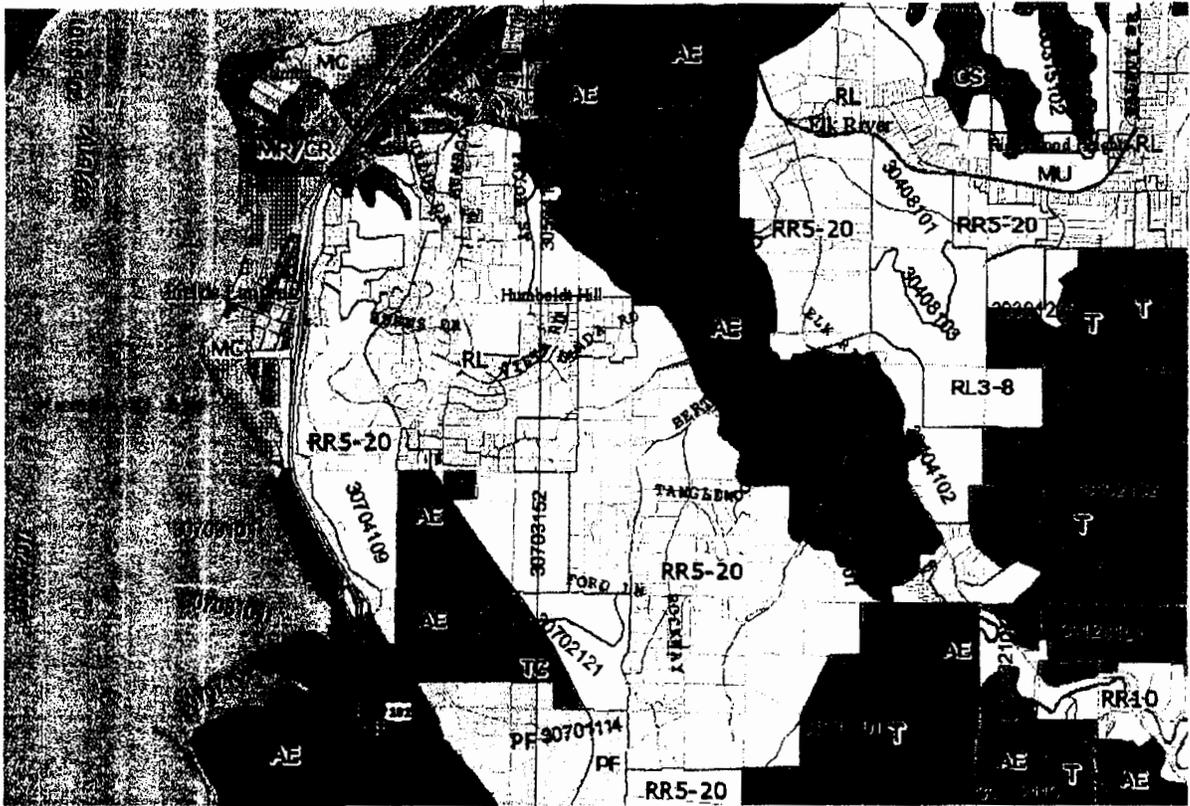
12 of 15  
12

This alternative was considered during the update of the Eureka Community Plan and not adopted owing primarily to neighborhood opposition of persons living along Berta Road.

This alternative appears to be a good circulation component of the Eureka Plan, even if the road was restricted for emergency use only.

The zoning map below shows the problems of trying to get to Berta Road (and then Elk River road) to the east.

*Zoning Map – Barry Property and Vicinity*



Alternative 2 - Extension of Humboldt Hill Road across the Barry property to the south and east of the lands owned by the College of the Redwoods (CR). The road would connect to Tompkins Hill Road in a location (not yet identified) just south of CR.

The zoning map below reflects the additional constraints if the road was to be extended to the south around CR to Tompkins Hill Road.

This alternative would face the same problems as the proposed alternative in that it involves the conversion of prime agricultural lands and would involve the construction and feasibility issues concerning geotechnical conditions of the route. It would, owing to the length of the road, involve more agricultural (including timber) land conversions and effect more environmentally sensitive habitats, thus be more environmentally damaging. This alternative will also likely have higher growth inducing impacts by facilitating extension of the urban development area south towards CR on Tompkins Hill Road.

This alternative would also include the connection of one major arterial (Humboldt Hill Road) with another (Tompkins Hill Road) and would not provide for the direct connection or access of the arterial to the regional Highway system (Highway 101).

It is more advantageous to provide connections of the major County roads with the state highway system where feasible, rather than to connect them to intermediate roadways.

Public rights of way do not yet exist for this alternative (nor even preliminary engineering analysis of location).

Lastly, the costs associated with this alternative would be substantially more than the proposed alternative.

Other Alternatives. The connection of Humboldt Hill Road to Highway 101 at one of the two other intersection locations (besides Tompkins Hill), Fields Landing or King Salmon would not meet the purpose of the proposed project - the provision of a secondary access for the top of Humboldt Hill.

In addition, the Fields Landing option appears to have severe soil instability per the County Slope Stability Mapping, and excessive slope problems, so it is unlikely a road constructed in these locations would be able to meet the County's road design standards. In addition, neither option has the needed rights of way.

#### **Public Comment**

The Planning Commission received a considerable number of public comments both for and against the project. Proponents mostly pointed to the same evidence in support of the project as the staff report. Many of those opposed to the project cited impacts from increased traffic on Humboldt Hill Road. While the property owner submitted a report demonstrating the measurable effects of the project would not be significant, opponents cited their own experiences with close calls or dangerous traffic situations, particularly the long downhill slope towards the bottom of Humboldt Hill Road.

A number of persons also stated they are concerned with the increased crime in the area they feel would be brought on by the road extension. They consider the dead end nature of Humboldt Hill a deterrent to people committing crimes in the neighborhoods toward the top of Humboldt Hill. A number of neighbors expressed concern about adverse impacts to existing agricultural uses, and conversion of agricultural lands to non-agricultural uses. There were also concerns about the project's impacts on wildlife on the existing agricultural land. They identified a variety of animal species that may be displaced, including fox, raccoons and hawks.

Visual impacts of the project were also a concern of many persons. The new development could be seen from Table Bluff, and would impair the existing view of agricultural uses on the site, which they feel is a significant visual impact.

Others were concerned about potential geologic impacts; they cited known landslides in the area, and they questioned whether it would be a good public investment to build a new road on a slope they feel is unstable and unsafe. There were also a few people who expressed there was insufficient consideration of other alignments for the road, which would maybe work just as well, with fewer environmental impacts.

The property owner submitted information to address some of the public concerns, and mitigation measures were added to the project to address others. It is recognized that many impacts of the project will not occur until the actual construction of the future road, which is subject to a discretionary review process, and may require preparation of an Environmental Impact Report. An Environmental Impact Report may identify additional mitigation measures to reduce the

14 of 15  
14

impacts of the project on the environment, including the potential impacts to agricultural land, wildlife, geologic stability, soil erosion, biological resources and traffic safety.

FINANCIAL IMPACT:

The direct financial impact of this item on the County is minor. If approved, there will be some costs to bring the project forward to the Coastal Commission, which will be covered by the Department's Advance Planning budget. The estimated costs of that work is \$2,000 - \$4,000. There will be costs associated with the future construction of the road, which will be brought before your Board as a separate item should the project continue to move forward.

OTHER AGENCY INVOLVEMENT:

- Public Works
- Coastal Commission
- Department of Fish and Game
- CalTrans
- Regional Water Quality Control Board

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose to postpone consideration of the proposed amendments until the application for the subdivision of the Barry Property is submitted. Staff does not recommend this alternative because it would discourage development of the property consistent with the Eureka Community Plan compared to the recommended approach.

Your Board could impose additional mitigation measures at this time. For example, your Board may require the portion of the property zoned Agricultural Exclusive be placed into a conservation easement prior to construction of the road to prevent any further conversion of these lands into non-agricultural uses.

Your Board could require additional mitigation measures to address the visual impacts of the project. For example, your Board could require landscaping along the road at the time of construction, or require planting of trees and shrubs in strategic areas around the future subdivision to screen the future development from views from Table Bluff. Your Board should implement these additional requirements if it feels the staff recommended mitigation measures do not adequately mitigate the impacts of the project.

ATTACHMENTS:

- A. Resolution No. \_\_\_\_\_
- B. Evidence in Support of the Project
- C. Agency Comments
- D. Planning Commission Minutes, Resolution of Approval

April 4, 2011

RECEIVED

APR 18 2011

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
North Coast District Office  
710 E Street, Suite 200  
Eureka, CA 95501

RE: LCP AMENDMENT NO. HUM-MAJ-4-09

Dear Commissioners:

I strongly object to the proposed amendment above-referenced.

The subject property is prime agricultural and timber land located in a pristine area within the coastal view shed of south Humboldt Bay and the adjacent ocean beach.

The amendment is proposed only to enable the construction of a huge residential development proposed by the land owners, which is not an appropriate use of this land.

Please reject the proposed amendment.

Yours very truly,

Signature on File

STEPHEN J. ROSENBERG  
7160 London Drive  
Eureka, CA 95503

EXHIBIT NO. 14

LCP AMENDMENT - NO.  
HUM-MAJ-4-09  
Barry/Petersen/Chism LUP  
Amendment (Humboldt  
Hill Road Extension)  
CORRESPONDENCE  
(1 of 30)

RECEIVED

APR 07 2011

CALIFORNIA  
COASTAL COMMISSION

LCP Amendment No.

HUM - MAJ - 4 - 09

ITEM NO W 20A

Elizabeth Woods

IN FAVOR

PL  
767  
443  
9270

Dear People-

I AM IN FAVOR of having the Humboldt Hill Rd  
extended to Tompkins Hill Rd - We have needed  
another access off the Hill for a long time -

The land to be used is not used much for  
agriculture now, and we do have lots of land  
in Humboldt County for agriculture set aside that  
is not being used for that purpose -

Let them put the road in and look at the  
400 houses to see if the water, sewer & etc. can handle  
that many.

I have live on Humb. Hill since 1958 was gone 2 yr  
1961 to 1963 but kept my house - Lots of people would  
like to see the road go thru so we can go to Ct,  
& South without going back down the hill north  
& get then get on 101 to go South - we would  
save on gas & time & etc -

A little from the quite one (many of us).



Ms. Elizabeth Woods  
6948 Humboldt Hill Rd.  
Eureka, CA 95503-7129

Signature on File

*[Handwritten signature]*

PS. Hope my sister in law & nephew don't get my name -

(Nona Cooper)

E. Edward  
Erwin

They expose mind  
everybody

Can  
cut  
it  
off

2 of 30

LCP AMENDMENT NO. HUM-MAJ-4-09  
TIME EXTENSION ITEM NO. W8a  
Stacey Urhammer, opposed  
6/25/10

Hello Commissioner,

I am writing about the extension of the time limit for proposed access road from the top of Humboldt Hill Road down to Tompkins Hill Road, outside of Eureka. I would like to submit a neighborhood survey taken in 2008, for your consideration. The people in this area are very aware of what this access road would mean because we have been protesting a proposed enormous (400-800 units) housing development on Patrick Barry's land since 2006.

I am also submitting a map, from a 2007 Planning Commission meeting, which clearly illustrates what Mr. Barry has planned for this parcel. At the time, he was trying to change the zoning on the western portion of the pasture from AE to RL and seeking permission to build an additional 400 units there. I believe this is the ultimate goal for the entire parcel; 400-800 units on prime agricultural land. (Also included in this packet is a county map showing that much of the pasture contains prime agricultural soils. There is also testimony by John LaBoyteau, president of the local Farm Bureau, against such a development in the Planning Commission minutes from 2007.) If you allow an access road through this parcel, Mr. Barry can immediately begin to develop the eastern side and will surely start to work on the rezoning of the western portion again.

Mr. Barry and his business associates would have you believe that they are seeking this access road as a service to our neighborhood, in order to provide a secondary emergency route to Humboldt Hill Road. But there are other options for such a route, please see the Google map of the area provided, that would not

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involve the permanent destruction of prime agricultural lands and precious wildlife habitat and not involve such perilous inclines. If this access road is allowed, they will seek to develop the entire Barry parcel, despite what they are claiming now. The area is very geologically unstable, and located above sensitive wetlands and the northern-most finger of the National Wildlife Refuge. It is approximately 400 feet above sea level on a very steep incline, so encasing the hill in concrete is sure to cause storm runoff problems for the areas below.

Furthermore, Mr. Barry is not interested in setting aside any of the area for conservation purposes. In 2009, the Humboldt North Coast Land Trust contacted him and his business partners at Omsberg & Preston about a possible conservation easement. Their phone calls were never returned.

Please take a moment to study the documents I have included in this packet. They will provide a clear history of what allowing this access road will mean. In this economic climate, it is sheer insanity and greed to develop such a pristine and agriculturally viable parcel. The majority of our neighborhood is vehemently opposed to the proposed access road, as can be gleaned from the testimony in the Planning Commission minutes I've provided and the informal survey conducted. Most of us feel that there are much better options available for a secondary route. Please vote against Mr. Barry's proposal.

T. Signature on File at time,  
Stacey Urhammer

This is an informal survey to better understand Humboldt Hill residents and their opinion about whether or not the +/-127 acre parcel of pasture land at the very top of Humboldt Hill should be subdivided or should remain agricultural land. Much of the process to begin development is hinged upon whether or not the developers can provide secondary access to the site in the form of a road which would begin at the top of Humboldt Hill Road and end at Tompkins Hill Road. This is NOT a petition for registered voters, but merely a poll to try and better frame the general consensus of the neighborhood. Please place an X below the decision which best suits your opinion on the matter. If you would like to comment further, a handwritten letter or verbal statement can be supplied to the Planning Commission on August 21<sup>st</sup>, 2008, 6:00 p.m., at the Humboldt County Courthouse. You may also email them at <http://co.humboldt.ca.us/planning/feedback/>

EX.  
A

SIGNATURES ON FILE

Name	Address	Pro-Road	Con-Road
Sustina	2600 Donna Dr		X
Jan	2602 Donna		X
Summit Ridge	2275 Summit Ridge		X
Davidson Ln	7283 Davidson Ln		X
ey	7320 Dauberhan		X
69	7320 Dauberhane		X
H	7370 David Ct		X
Henry	7285 David Ct		X
7305 David Ct	7305 David Ct		X
7320 David Ct	7320 David Ct		X
7300 David Ct	7300 David Ct		X
Kathleen	2266 Mabelle		X
2266 Mabelle	2266 Mabelle		X
2510 Donna Dr	2510 Donna Dr		X

residents and their opinion about whether or not the +/- 1.27 acre parcel of pasture land at the very top of Humboldt Hill should be subdivided or should remain agricultural land. Much of the process to begin development is hinged upon whether or not the developers can provide secondary access to the site in the form of a road which would begin at the top of Humboldt Hill Road and end at Tompkins Hill Road. This is NOT a petition for registered voters, but merely a poll to try and better frame the general consensus of the neighborhood. Please place an X below the decision which best suits your opinion on the matter. If you would like to comment further, a handwritten letter or verbal statement can be supplied to the Planning Commission on August 21<sup>st</sup>, 2008, 6:00 p.m., at the Humboldt County Courthouse. You may also email them at <http://co.humboldt.ca.us/planning/feedback/>

Name Address Pro-Road Con-Road

SIGNATURES ON FILE

Name	Address	Pro-Road	Con-Road
<i>[Signature]</i>	2503 Donna		X
<i>[Signature]</i>	2503 Donna		X
<i>[Signature]</i>	2505 Donna		X
<i>[Signature]</i>	2505 Donna		X
<i>[Signature]</i>	2534		X
<i>[Signature]</i>	2531 Donna		X
<i>[Signature]</i>	2538 Donna Dr.		X
<i>[Signature]</i>	2538 Donna Dr.		X
<i>[Signature]</i>	2547 Donna Dr.		X
<i>[Signature]</i>	2561 Donna Dr.		X
<i>[Signature]</i>	2432 Donna Dr.		X
<i>[Signature]</i>	2548 Donna		X
<i>[Signature]</i>	2548 Donna		X
<i>[Signature]</i>	2575 W. L.		X
<i>[Signature]</i>	2359 DONNA		X

residents and their opinion about whether or not the +/-127 acre parcel of pasture land at the very top of Humboldt Hill should be subdivided or should remain agricultural land. Much of the process to begin development is hinged upon whether or not the developers can provide secondary access to the site in the form of a road which would begin at the top of Humboldt Hill Road and end at Tompkins Hill Road. This is NOT a petition for registered voters, but merely a poll to try and better frame the general consensus of the neighborhood. Please place an X below the decision which best suits your opinion on the matter. If you would like to comment further, a handwritten letter or verbal statement can be supplied to the Planning Commission on August 21<sup>st</sup>, 2008, 6:00 p.m., at the Humboldt County Courthouse. You may also email them at <http://co.humboldt.ca.us/planning/feedback/>

Name	Address	Pro-Road	Con-Road
<i>mmio</i>	<i>meyer</i> 2589 DONNA DR		✓
<i>ark</i>	<i>meyer</i> 2589 DONNA DR		✓
<i>ll</i>	<i>W</i> 2067 DONNA DR		✓
<i>ne</i>	<i>NS</i> 2267 SUMMITRidge	X	<del>✓</del>
<i>Te</i>	<i>ll</i> 2510 DONNA DR		X
<i>ac</i>	<i>nmer</i> 2510 DONNA DR		X
<i>ho</i>	<i>mer</i> 2510 DONNA DR		X
<i>et</i>	<i>W</i> 2991 WORTHINGTON RD		X
<i>ick</i>	7228 WORTHINGTON DR		X
<i>7</i>	2228 WORTHINGTON DR		X
<i>er</i>	<i>SON</i> 7189 WORTHINGTON		X
<i>IT</i>	<i>a</i> 7189 WORTHINGTON DR		X
<i>a</i>	<i>mel</i> 7178 MOUNTAIN VIEW Ln		X
<i>A</i>	2339 DONNA DR		X

SIGNATURES ON FILE

This is an informal survey to better understand the residents and their opinion about whether or not the +/-127 acre parcel of pasture land at the very top of Humboldt Hill should be subdivided or should remain agricultural land. Much of the process to begin development is hinged upon whether or not the developers can provide secondary access to the site in the form of a road which would begin at the top of Humboldt Hill Road and end at Tompkins Hill Road. This is NOT a petition for registered voters, but merely a poll to try and better frame the general consensus of the neighborhood. Please place an X below the decision which best suits your opinion on the matter. If you would like to comment further, a handwritten letter or verbal statement can be supplied to the Planning Commission on August 21<sup>st</sup>, 2008, 6:00 p.m., at the Humboldt County Courthouse. You may also email them at <http://co.humboldt.ca.us/planning/feedback/>

Name                      Address                      Pro-Road                      Con-Road

John Williams  
The  
Vri  
John  
ONIC  
Lia  
Zoe  
apt  
Sh  
Brad  
Tam  
Dor  
ARL PHIPPS

SIGNATURES ON FILE

Name	Address	Pro-Road	Con-Road
Hani	2487 Donna		X
John Williams	2469 Donna		X
The	238 Donna	X	
Vri	2383 Donna	X	
John	7166 HHR		XX
ONIC	2371 AUSTIN		XX
Lia	2371 Austin		X
Zoe	2397 Austin		X
apt	2388 Austin		X
Sh	2378 Austin		X
Brad	2360 Austin		X
Tam	2341 Austin		X
Dor	7127 Humboldt Hill Rd		X
ARL PHIPPS	2367 KIPLING DR	X	

This is an informal survey to better understand Humboldt Hill residents and their opinion about whether or not the +/-127 acre parcel of pasture land at the very top of Humboldt Hill should be subdivided or should remain agricultural land. Much of the process to begin development is hinged upon whether or not the developers can provide secondary access to the site in the form of a road which would begin at the top of Humboldt Hill Road and end at Tompkins Hill Road. This is NOT a petition for registered voters, but merely a poll to try and better frame the general consensus of the neighborhood. Please place an X below the decision which best suits your opinion on the matter. If you would like to comment further, a handwritten letter or verbal statement can be supplied to the Planning Commission on Sept. 18<sup>th</sup>, 2008, 6:00 p.m., at the Humboldt County Courthouse. You may also email them at <http://co.humboldt.ca.us/planning/feedback/>

**Name**                      **Address**                      **Pro-Road**                      **Con-Road**

30  
 Dea  
 Ma  
 Hary  
 John  
 Jane  
 Cole  
 Ron  
 Dyan  
 Su  
 on Sch  
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 cc Crans

**SIGNATURES ON FILE**

Name	Address	Pro-Road	Con-Road
ngsen	6632 Humboldt Hill		X
"	" "		X
R	6628 " "		X
	6873 " "		X
H	6907 " "	X	
en	2367 Kipling Dr	<del>X</del>	X
n	2366 Kipling Dr		X
o	2366 Kipling		X
f	6948 Hill Rd Ek	X	
g	6969 Humboldt Hill		X
	7246 Humboldt Hill		X
un	7223 DAVID AVE		X
	2296 Madville Ave		X
	2340 Donna Dr		X
	7246 Humboldt Hill		X



**David East**, applicant, submitted supplemental information listing his reasons for the amendment request.

**Karen Kovaks**, Eureka, contended Mr. East's intent at the outset was to subdivide not farm and supported staff's recommendation.

*The public comment period was closed.*

**THE MOTION WAS MADE (GEARHEART/MURGUIA)** to support staff's recommendation, finding insufficient evidence to recommend adoption of the East amendment.

**THE MOTION PASSED BY THE ROLL CALL VOTE: 6-0-1** (Commissioner Emad abstained.)

Jan. 4, 2007

**Frederic & Marcene Barry**, Property Owner (Site Address: 7500 Humboldt Hill Road, Eureka): APN 307-041-07.

Mr. Richardson introduces supplemental information into the record.

*The public comment period was opened.*

**Linda Kirby**, Eureka, read supplemental information into the record. She recommended denial for aesthetic reasons.

**John LaBoyteau** noted this amendment was added recently and asked for a continuance to allow the Farm Bureau further review.

**Bill Betz**, Eureka, submitted supplemental information into the record. He had concerns about the traffic impact to Humboldt Hill Road.

**Anthony Urhammer**, Eureka, expressed concern about aesthetic impacts, traffic impacts, eco-system impacts, and opposes the project.

**Stacey Urhammer**, Eureka, agreed with the previous speaker.

**Ken Omsberg**, agent, talked about easement agreements for an alternate access and about working to identify hazard fault lines.

*The public comment period was closed.*

The Commission and staff discussed the 1995 Eureka Area Plan deliberation, multi-family application and the site plan. All agreed a little more time was needed for study.

**BY ORDER OF THE CHAIR**, the Barry amendment was continued to January 18, 2007.

**Laurence Badgley**, Applicant (Site Address: 865 New Navy Base Road, Samoa): APN 401-141-03.

**BY ORDER OF THE CHAIR**, the Badgley amendment was continued to January 18, 2007.

**McKinleyville Area Plan:**

*The Public Hearing was closed.*

**Staff** responded by stating the Plan does not have an error, community values and assumptions have not changed since the Plan has been in effect, and the physical conditions on the property have not changed. **Director Girard** explained the purpose of this suite of amendments was to fix mapping errors and to implement past instructions. He noted this amendment was added at the request of the applicant.

**Commissioner Emad** supported Mr. Dunnaway's view of the required findings and saw no reason to withhold approval.

**Commissioner Smith** thought Mr. Dunaway made compelling arguments and supports the project because there has been a significant change to the Division's view toward housing infill.

**Commissioner Kelly** noted there is no sewer service and felt Mr. Dunaway made at least one or more marginal findings which supports the amendment.

**THE MOTION WAS MADE (EMAD/MURGUIA)** to support the applicant's request for an amendment based the ability to make the required findings, submitted evidence and public testimony; and therefore, recommend the proposal adopted by the Board of Supervisors.

**THE MOTION PASSED BY THE ROLL CALL VOTE: 5-0.**

Jan. 18, 2007

**Frederic & Marcene Barry**, Property Owner (Site Address: 7500 Humboldt Hill Road, Eureka): APN 307-041-07.

**Michael Richardson** submitted supplemental information into the record for the applicant as a response to Farm Bureau and neighborhood concerns. The review of the project explained the Eureka Community Plan allusion to the requested amendment for this area. The findings can be made for community change and the boundary doesn't follow any topographical changes. Changing the land designation and zoning would establish more stable agricultural land boundaries to the south and the residential boundaries to the north.

**Commissioner Kelly** didn't understand the stable boundary reasoning. **Director Girard** reiterated the intent of the Eureka Community Plan was to make this change when Coastal Zone amendments were done. In essence this is an unstable boundary which needs to be resolved. **Commissioner Smith** suggested the original boundary could be the stable boundary. **Mr. Richardson** noted the allowances of conversion of Ag lands to residential under the Coastal Act.

**Commissioner Emad** asked about the multi-family development. This possibility was suggested by staff to achieve density and allow open space. Changes in the 2004 housing element requirements predicate looking for projects compatible with higher density and affordable housing. Staff and the Commission discussed other alternatives to achieve higher density and should high density housing be put on top of Humboldt Hill considering the geologic hazard possibility.

**Commissioner Murguia** still had concerns about converting Ag land and this project was a land speculation opportunity.

*The Public Hearing was opened.*

Jan. 18 2007 continued...

**Linda Curry**, Eureka, expressed the aesthetic qualities of the area and recommended denial.

**Eric Heimstadt**, Eureka, had traffic concerns and a secondary access road would not help the traffic on Humboldt Hill Road.

**Wendy Wallace**, Eureka, had traffic concerns and noted infrastructure does not support the 100 - 200 homes proposed.

**Commissioner Smith** asked for a clarification on the development potential for this project. Staff explained 400 units were meant to be developed on the entire Barry property. The Coastal portion represented approximately 130 units.

**Rick Hani**, Eureka, was not supportive of this change because infrastructure support is needed and the undeveloped area is aesthetically appealing.

**Chris Hacker**, Eureka, had traffic concerns and felt the raw land and open space should not be lost.

**Stacey Urhammer**, Eureka, canvassed the neighborhood and the consensus of her poll was not to develop this property.

**Tony Urhammer**, Eureka, felt the property acted like a sponge, had traffic concerns, and asked the Commission to consider the intrinsic value of property.

**Mark Lovelace**, HELP, submitted a photograph into the record. He contended the findings for the amendment were faulty. He noted the aversion to converting Ag lands, the viewshed would change along the highway, this was not a logical conversion, and there had been a change in community values.

**Laura Benedict**, Eureka, had traffic concerns.

**Tina Christensen**, Carlotta, stated in support of the project that new growth was needed, that the project was within the annexation area, and that this project was in an infill area.

**Nova Cramer**, Eureka, suggested making this project a gated community with its own road.

**Edward Cramer**, Eureka, had traffic, road maintenance, and Ag land conversion concerns. There was a general discussion to explain the purpose of this proposal.

**John LaBoyteaux**, Farm Bureau representative, was not supportive of the project. These Ag lands are prime soils and could be used for more than grazing. The geology may not support the projected density. If this amendment was intended for subdivision specifically, the Farm Bureau does not support the recommended change.

**Bill Betz**, Eureka, submitted supplemental information into the record, was not supportive to the proposed changes and wanted a traffic study.

**Jana Fallhill**, Eureka, had traffic issues.

**Ken Omsberg**, agent for the Barry family, explained the vision for the property and the difficulties presented by the project. The applicant had thought the changes were a done deal. Mr. Omsberg asked

Jan. 18, 2007 continued.

that the access road be allowed. **Commissioner Emad** acknowledged the complexity of the project and wanted a summary of the project process. **Mr. Omsberg** replied these things need to be done before the project moved forward: define parameters, easements, and open space; do a seismic study and a geologic report; then review the results to determine what can be proposed.

*The Public Hearing was closed.*

**The Commissioners** could not support staff recommendation for the proposed changes because there was not sufficient information to make all the required findings. Staff noted the proposed changes need to be adopted by the California Coastal Commission before becoming effective.

**THE MOTION WAS MADE (KELLY/MURGUIA)** to not accept staff's recommendation based on the inability to make the required findings, public testimony and supplemental information; and therefore, recommend the proposal not be adopted by the Board of Supervisors.

**THE MOTION PASSED BY THE ROLL CALL VOTE: 5-0.**

**Laurence Badgley**, Applicant (Site Address: 865 New Navy Base Road, Samoa): **APN 401-141-03.**

**Michael Richardson** gave the staff report and noted the applicant was not going to challenge the staff's recommendation for denial.

No one spoke before the Commission.

**THE MOTION WAS MADE (HANSIS/MURGUIA)** to support staff's recommendation and recommend the Board of Supervisor not adopt the project.

**THE MOTION PASSED BY THE ROLL CALL VOTE 5-0**

**McKinleyville Area Plan:**

**Sam Stanson**, Applicant (Site Address: 4851 Clam Beach Drive, McKinleyville): **APNs 513-171-10, 513-161-08, & 511-301-11.**

**Michael Richardson** stated staff recommendation for denial and noted the supplement information received this evening.

No one spoke before the Commission.

**THE MOTION WAS MADE (MURGUIA/KELLY)** to support staff's recommendation and recommend the Board of Supervisor not adopt the project.

**THE MOTION PASSED BY THE ROLL CALL VOTE 5-0**

**Trinidad Area Plan:**

**Jeff Guttero, Jane Williams, John Reininghaus, and Andrea Taber**, Applicants (Site Addresses: 2196 Å» 2555 Patricks Point Drive, Trinidad) **APNs 517-031-14, 517-041-12 and 517-041-13.**

motions. Additionally, they presented Alternatives to Comparison Matrix.

Commission and FRC committee members discussed splitting TPZ parcels of 160 acres into 40 acre plots. Residences on TPZ discussed, with reference to active land management and only a residence on the land. Commissioner Smith said he felt the issue of conversion of TPZ land from private to public land still needed research. FRC feel that the greatest conversion loss is from private land to public.

The Commission voiced appreciation of FRC's presentation.

**CONTINUED PUBLIC HEARINGS:**

Sept. 18, 2008

8. **KENNETH GOFF** project was moved to Agenda Modifications a.
9. **HUMBOLDT COUNTY LOCAL COASTAL PLAN UPDATE (LCP-07-01B)**: proposed amendments to the Circulation Element [Section 1430 of the Framework Plan] and the Humboldt Bay Area Plan [Section 3.22 B(3)].(MDR)

Under consideration are the following:

- o Barry/Chisum/Peterson Amendment: a secondary access from Humboldt Hill Road to Tompkins Hill Road and Highway 101,
- o Miller/Norton/Pierson/Frazier Amendment: a secondary access connecting Humboldt Hill Road and Loma Avenue by way of London Drive, and
- o Reardon Amendment: connecting Elk River Road to Basford Road and to the Winzler-Slack property behind Westgate Drive.

*Issues: None*

*Staff report and recommendations:*

**Michael Richardson**, assigned planner, gave an update on the project, changes to the resolution and introduced letters of concern to the Commission. Commissioner Gearheart asked how it is decided that a secondary access will go and if it is necessary. Mr. Richardson explained the process including Public Work's and Eureka Community Plan's roll. Commissioner Murguia had concerns about the reactions from Coastal Commission and Fish and Game. Additionally, he was concerned about creating infrastructure that would lead to development in the area necessitating a change in zoning. Commissioner Emad reiterated that the project contains three roads proposals that could have substantial impact on development. He felt it was being done without benefit of an environmental impact statement to say what the potential impacts would be and when would a report be required. Mr. Richardson said a minimal amount of information was offered to get the amendments approved and he said the future Coastal Permit will include impact studies and the project may require an Environmental Impact Report. He said that the agent for the Barry project has provided a Traffic Impact Analysis and a Geological Stability Studies but the other two have not come forward with reports. He introduced the revised resolution and explained its purpose. The Commission's roll in the process was discussed. County Counsel Ruth advised the Commission that their roll is to make a recommendation on the amendments to the Board of Supervisors and the Board of Supervisors would make the final decision. Ms. Gearheart and Mr. Richardson discussed a potential Land Trust for the Barry property. Commissioner Herman asked about the changes in the resolution. Mr. Richardson discussed the resolution which contained

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Sept. 18, 2008 continued

specific findings as set forth in Supplement #1 for the Barry/Chisum/Peterson amendment and general findings for the other two amendments.

The public comment period was opened.

**Don Raffaelli**, Eureka, gave a history of his work on the traffic impact analysis of Humboldt Hill Rd. He explained that Public Work's envisioned connecting Humboldt Hill Rd. with Tompkins Hill Rd.

**Erika Diaz**, Eureka, (age 10) spoke in opposition of connecting Humboldt Hill Road with Tompkins Hill Rd. She had concerns about traffic, safety, the ecology of the area and housing density.

**Edward Cramer**, Eureka, felt there are better alternatives for road system. He had concerns about the safety of the proposed road and he suggested an engineering study be done before deciding on the road.

**Vicky Cain**, Eureka, felt that new development would not be a benefit due to the present state of the economy. She explained that it is a close community and they would see crime go up if the road went through.

**Eric Heimstadt**, Eureka, would like to see a third party evaluation of the project and an alternative for the proposed roads. Additionally, he had concerns about traffic safety.

**Mona Beaver**, Eureka, asked that the Commission visit the property for an appreciation of the community.

**Nova Cramer**, Eureka, felt the road would be necessary for safety.

*The public comment period was closed.*

*Staff Comments and Commission Discussion:*

The Commission felt they could not recommend the project to the Board of Supervisors because there is not enough evidence. They asked that Mr. Richardson return to the Commission with a revised resolution that speaks to their concerns.

**THE MOTION WAS MADE** (GEARHEART/EMAD) to continue the project to October 2, 2008 and direct the staff to come back to the Commission with findings that reflect the evening's discussion.

**THE MOTION PASSED BY THE VOTE 6/0** (Commissioner Smith abstained.)

#### **CORRESPONDENCES:**

#### **PUBLIC HEARINGS**

10. **ANDY WESTFALL**, Elk River Area (8224 Elk River Rd.): **CASE Nos. AGP-07-05, ZR-07-06, DS-07-41 & NOM -07-31; FILE No. 311-021-09, -041-30 & -041-34.** (MS)

This project was heard as an Administrative Agenda item.

**OLD BUSINESS** - None was heard.

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**THE MOTION WAS MADE (GEARHEART/EMAD)** to make all the required findings, based on evidence in the staff report, supplemental information, and public testimony, and approve the project as described on the Agenda Item Transmittal subject to the recommended conditions of approval.

**THE MOTION PASSED BY THE VOTE: 6-0.** (Commissioner Murguia absent)

4. **HUMBOLDT COUNTY LOCAL COASTAL PLAN UPDATE (LCP-07-01B):** proposed amendments to the Circulation Element [Section 1430 of the Framework Plan] and the Humboldt Bay Area Plan [Section 3.22 B(3)]. (MDR)

Under consideration are the following:

- Miller/Norton/Pierson/Frazier Amendment: a secondary access connecting Humboldt Hill Road and Loma Avenue by way of London Drive, and
- Reardon Amendment: connecting Elk River Road to Basford Road and to the Winzler-Slack property behind Westgate Drive.

*Issues: None*

*Staff report and recommendations:*

**Michael D. Richardson**, assigned planner, introduced a supplemental staff report and discussed what had taken place at the September 18, 2008 meeting. Next he explained that after a consultation with Director Girard they prepared a resolution for two of the proposed road amendments Miller/Norton/Pierson/Frazier and the Reardon amendment. The resolution explains that the Planning Commission needs more information to consider the amendments above and asked that the commission recommend bringing the LCP back at a future time to be considered with the other LCP amendments that will accompany the General Plan Update. Staff recommended that the resolution be adopted.

**Mr. Richardson** explained that the resolution does not include the Barry/Chisum/Peterson amendment. Staff asked that this amendment be heard separately because the necessary reports and information have been submitted including traffic studies and Geological Studies. An evaluation of impact on Agricultural lands has been submitted and the applicant proposes a swap to mitigate loses by converting some residential lands back into Agricultural lands.

**Mr. Richardson** discussed Barry/Chisum/Peterson plans to set aside 5 acres in order to include a park with a scenic vista, use of the roadway for bicycles which would provide better accesses to coastal resources to ensure the road is compatible with the Coastal plan. Next he introduced a revised plot plan that included a realigned road proposal to avoid a slope to the road that would exceed County standards. Finally, staff asked what level of details the Commission would need to make a decision on the roads and explained the need for the Coastal Plan.

*The public comment period was opened.*

**Bob Hubbard**, Eureka, had concerns about the Reardon amendment because the road is proposed to go through his property. He felt it was an improper land use, he explained that the Coastal Commission does not allow wetland fill. He said Fish and Game had told him there was no way to mitigate the damage a road could do. He does not intend to sell his land.

**Nancy Davis**, Eureka, appreciated Commissioner Murguia's review of the project.

**Nancy Pritchard**, Eureka, asked for clarification of what the Barry/Chisum/Peterson amendment entailed.

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*The public comment period was closed.*

*Staff Comments and Commission Discussion:*

**Commissioner Emad** had concerns that the Commission's directions had not been followed after the September 18, 2008 meeting. He asked about the process questioning how the decision will be made to build the road or subdivision first.

**Commissioner Murguia** reminded Staff of the decision on September 18, 2008 he remembered that the Commission asked staff to come back with a list of reasons why they wanted to deny the amendments. He felt the roads are premature, not cost effective and the roads would be problematic.

**Commissioner Gearheart** noted that there is more information on the Barry/Chisum/Peterson and she would like to continue with more discussion on the Barry/Chisum/Peterson amendment. Ms. Gearheart asked if the 1995 Eureka Plan was submitted to the Coastal Commission. She asked are the Coastal Commission's wishes being honored.

**Commissioner Kelly** concurred with Commissioners Emad and Murguia he also remembered recommending denial of the amendments. He felt the roads may enable development that would not fit with the new General Plan Update. He agreed to more discussion about Barry/Chisum/Peterson.

**Commissioner Herman** asked for direction how to proceed.

Commission and staff discussed the history of the beginning plans for the roads. They were in agreement that the Barry/Chisum/Peterson amendment had to be postponed and re-noticed.

**THE MOTION WAS MADE (MURGUIA/HANSIS)** to deny the staff recommended draft Planning Commission resolution, and wishes to convey to the Board of Supervisors they (the Planning Commission) do not wish to consider the proposed Miller/Norton/Pierson/Frazier and Reardon amendments.

**THE MOTION PASSED BY THE ROLL CALL VOTE: 5-2. (Commissioners Emad & Smith voted no.)**

4a. **HUMBOLDT COUNTY LOCAL COASTAL PLAN UPDATE (LCP-07-01B):** Concerning only the Amendment below:

- Barry/Chisum/Peterson Amendment: a secondary access from Humboldt Hill Road to Tompkins Hill Road and Highway 101.

**Jeremy Mills** explained that he has researched all of the amendments and he suggested alternative routes for the roads.

**Marty McClelland**, agent, felt the road is consistent with the current General Plan. He gave a history of the road project and asked for it to be continued to a date certain.

Staff and Commission decided not to discuss this portion of the Amendments until it could be re-noticed so the people that had concerns could attend. Commission asked that the Chair work with staff and keep an eye on what happens next.

**THE MOTION WAS MADE (GEARHEART/MURGUIA)** to continue the item to the meeting of December 4, 2008 to allow for consideration of additional information submitted by the property owner, and direct staff to re-notice the item for that meeting.

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- a letter dated November 25<sup>th</sup> from Donald Barrow.

Supplemental Information #2 includes the last memo received from the Division of Environmental Health.

**Randy Pavlich**, applicant, explained the upgrades made to the Park and asked for the concurrence with state permitted levels of occupancy. The septic monitoring plan has not been implemented yet. The Commission asked questions about the Park in general and specifically about the septic system and failure provisions. Mr. Pavlich answered the general questions and stated, if any system failed, an eviction provision is in place.

*The public comment period was opened.*

**John Shelter**, Arcata Endeavor Executive Director, emphasized the importance of have this type of affordable housing available in our area and was in favor of the project.

**Eric Gibson**, Redding, was in favor of the project.

**Ann Elsbach**, Trinity Center, supported the project.

*The public comment period was closed.*

*Staff Comments and Commission Discussion:*

**Commissioner Kelly** visited the park and with the memo from Environmental Health was in favor of the project.

**Commissioner Murguia** visited the park and was in favor of the project.

**Commissioner Gearheart** was in favor of the project even though she wanted to know about the system monitoring plan.

**THE MOTION WAS MADE (GEARHEART/KELLY)** to adopt the Mitigated Negative Declaration, make all the required findings, based on evidence in the staff report, supplemental information, and public testimony, and approve the project as described on the Agenda Item Transmittal subject to the recommended conditions of approval.

**THE MOTION PASSED BY THE VOTE: 7-0.**

7. **HUMBOLDT COUNTY LOCAL COASTAL PLAN UPDATE, Humboldt Hill Area:** The proposed Barry/Chisum/Peterson Amendment to the Circulation Element of the Framework Plan and to the Humboldt Bay Area Plan will facilitate future construction of a secondary access from Humboldt Hill Road to Tompkins Hill Road and Highway 101. The Planning Commission is being asked to consider new information regarding the preferred alignment of the future road on the subject property, potential impacts of the future road construction on Coastal resources, and appropriate Mitigation Measures. **CASE No. LCP-07-01B; FILE Nos.307-041-07, -09, -051-04 & -11.** (MDR)

*Staff report and recommendations:*

**Michael Richardson**, project planner, explained the issues surrounding the roadway and reaffirmed that this project noticing was done according to Commission wishes. Staff presented findings:

- for the General Plan Amendments (1-3),
- for consistency with the Coastal Act (4-9),
- for consistency with Housing Element densities (10), and
- for consistency with the California Environmental Quality Act (11).

19930

The **Commission and Director Girard** discussed:

- reliance on the 1995 Eureka Community Plan (ECP) and its environmental document,
- implementing provisions adopted by the ECP,
- resolving the conflict between the Fire Safe Ordinance and the ECP, and
- the appropriateness of considering this now rather than with the General Plan Update.

**Bob Bronkall**, Public Works, and the Commission discussed alternative route alignments. In this case, the proposed route seems to be the best route with the best possibility of being developed.

*The public comment period was opened.*

**Marty McClelland**, agent for Mr. Barry, spoke in favor of the project. He noted the technical reports and meetings with the neighborhood and with Coastal Commission staff. The mitigation measures required include reversing R1 zoned property to Agricultural Exclusive and the provision for a scenic overlook. The road improved the multi-model use, opened public access to scenic views, implemented the ECP and is consistent with the Coastal Act.

**Rebecca Hani**, Eureka, was against new development and the road.

**Stacey Urhammer**, Eureka, agreed with the previous speaker and informed the Commission that the Barry property was considered prime topsoil.

**Anthony Urhammer**, Eureka, opposed the amendment.

**Laura Benedict**, Eureka, read submitted written material into the record, asked for a greater noticing area and generally opposed the amendment.

**Mona Beaver**, Eureka, opposed the road amendment.

**Mike O'hern**, on behalf of Mr. Barry, noted that the technical studies submitted were more than the level of review needed, that it was better to look at the subdivision as a whole rather than in piecemeal, and that the road would be built by the developer.

**Steve Nesvold**, engineer, confirmed the placement of the road is good. The ridge alternative would be approximately 6 miles; this road would be approximately 1 mile.

**Edward Cramer**, Eureka, thought the ridge alternative was better considering Tsunami safety.

**Nova Cramer**, Eureka, opposed new development unless it is a gated community.

**Rena Christensen**, Eureka, objected to any new development at the top of Humboldt Hill.

**Kevin McKenny**, Eureka, was on the Eureka Community Plan citizen's advisory committee. He gave a brief history of the deliberation about the secondary access to Humboldt Hill and stated it was incumbent on this body to make this amendment happen.

**Julie Williams**, NCHB representative, agreed with the previous speaker.

*The public comment period was closed.*

*Staff Comments and Commission Discussion:*

Staff and the Commission discussed fair share compliance in developing the road, the process the amendment still needed to become effective, and the need for Coastal Commission certification.

**Commissioner Emad** would support the development of a secondary access but not the planned subdivision development of the property.

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**Commissioner Gearheart** would support the amendment but wanted a wider area noticed for the Board hearing.

**Commissioner Hansis** would not support the amendment because it converted prime agricultural land into residential and he thought this should be part of the General Plan update.

**Commissioner Herman** said there was merit to building this road and would recommend the amendment to the Board.

**Commissioner Kelly** considered the road supported development and would not support the amendment.

**Commissioner Murguia** considered the road not in the public interest and safety and did not support the subdivision development of the property; therefore, he could not support the amendment.

**Commissioner Smith** thought the road was in a good location, Humboldt Hill needed a secondary access, and all the findings could be made to support the amendment.

**THE MOTION WAS MADE (HERMAN/EMAD)** to make all the required findings, based on evidence in the staff report and public testimony, and recommend that the Board of Supervisors approve the project as described in the Resolution of Approval.

**THE MOTION PASSED BY THE ROLL CALL VOTE: 4-3.** (Commissioners Hansis, Kelly & Murguia voted no.)

**OLD BUSINESS** - None was heard.

**NEW BUSINESS:**

8. Nomination and election of Chair and Vice-Chair for 2009.

**BY ORDER OF THE CHAIR**, this item was continued to December 18, 2008.

The meeting adjourned at 9:30 p.m. to the regularly scheduled December 18, 2008 meeting.

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PLANNING DIVISION  
COMMUNITY DEVELOPMENT SERVICES

**COUNTY OF HUMBOLDT**

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

EX'D

DATE: December 4, 2006

TO: Humboldt County Planning Commission

FROM: Michael Richardson *MR*  
Senior Planner

SUBJECT: Supplemental Staff Report for the 12/7/06 continued public hearing on the Humboldt County Local Coastal Plan Mapping Update

This supplemental staff report has been prepared for your consideration of the above referenced public hearing. It explains the following staff recommendations:

Recommendations for the December 7, 2006 Meeting

1. Clarify for the record that the motions and actions approved at the last meeting included adoption of the resolution for Part 1 in the staff report. The following projects were approved:

Coastal Plan Area	Property Owner
South Coast Area Plan	Resort Improvement District #1
Eel River Area Plan	Fern Cottage Foundation
	Loleta Sanitary District
	Daniel Collum, Michael Shin, Robert Peterson, and Chris Christensen
Humboldt Bay Area Plan	Kevin McKenny
	Richard Miller
	Kathy Herrera
	Brenda Powell
	Karl & Elaine Tews
McKinleyville Area Plan	MCSD

2. Take action on the proposed Department of Fish & Game (DF&G) amendments in the Humboldt Bay Area Plan, and continue those in the Eel River Area Plan to the 1/4/07 continued public meeting to allow for consideration of Plan and zone amendments on several adjacent properties also owned by the State and managed by DF&G.
3. Accept staff's recommendation to include in the list of amendments considered at the 1/4/07 meeting an additional amendment in the HBAP for the Barry property:

**Property Owner: Frederic & Marcene Barry; Site Address:** 7500 Humboldt Hill Road, Eureka; **APN 307-041-07; Description:** on approximately 32 acres of a +/-127 acre property, change the plan designation from Agricultural Exclusive (AE) to Residential Low Density (RL), and change the zoning from Agricultural Exclusive - 60 acre minimum parcel size (AE-60) to Residential Single Family - 10,000 square foot minimum parcel size with Geologic Hazards and Planned Development combining zones (RS-10/G,P). An alternative would allow for some areas planned and zoned for multifamily residential use near the entrance in return for more open space.

4. Take action on the proposed Moranda amendment in the Humboldt Bay Area Plan.

*22430*

1. Clarifying Prior Planning Commission Actions

At the previous meeting on November 16, 2006 the Commission approved by roll call vote the plan and zoning amendments listed above.

However, it was not clear in each of the votes for these items that the approval included adoption of the resolution in the staff report. Accordingly, staff recommends the Planning Commission clarify the prior approval included adoption of the resolution in the staff report as modified to apply only to those projects in the table above.

2. DF&G Plan and Zone Amendments (Eel River Area Plan - ERAP and Humboldt Bay Area Plan - HBAP)

There was some discussion of these amendments at the last meeting, and the item was continued. The discussion centered on the potential conversion of agricultural land resulting from the proposed change from AE to NR. The Farm Bureau expressed dissatisfaction that the properties may be permanently lost to agricultural production because DF&G will be using the properties for habitat restoration, but it is recognized that the ownership of the property largely determines future land uses.

Conversations with DF&G personnel since the 11/16 meeting reaffirmed that the AE Plan and zone designations inhibit their ability to use the property for habitat restoration. Someone from their office is planning to attend the meeting to explain the importance of the proposed amendments.

Further review of the maps for the proposed DF&G plan and zone designations revealed there are adjacent properties to those listed in the staff report in the ERAP that are also owned by the State and managed by DF&G. These should be included in this project. Staff recommends the Planning Commission take action on the HBAP amendments and continue the ERAP amendments to allow staff to provide notice of the meeting to neighboring property owners. A revised map is attached showing the areas proposed for NR Plan and zone designations. Also included is a map showing the extent of prime agricultural soil on the properties.

3. Proposed Barry Plan and Zoning Amendment

On November 22, 2006 the Planning Division received correspondence from Public Works (attached) asking if the Barry property in the HBAP could be added to the list of amendments under consideration by the Planning Commission. The amendment would affect 32 acres of a +/-127 acre property by changing the plan designation from Agricultural Exclusive (AE) to Residential Low Density (RL), and change the zoning from Agricultural Exclusive - 60 acre minimum parcel size (AE-60) to Residential Single Family - 10,000 square foot minimum parcel size with a Planned Development combining Zone (RS-10/P). An alternative would allow for some areas planned and zoned for multifamily residential use near the entrance in return for more open space.

They note Section 2620 of the Eureka Community Plan, which reads:

"(12). Barry Property: This property is located atop Humboldt Hill. The developer of this property is encouraged to amend the Coastal Zone's Agricultural Exclusive (AE) zone boundary to allow for the Humboldt Hill Road extension to follow the natural topography of the area. This Plan supports an amendment which allows a sufficient amount of land to be developed for the road extension, and for development of lots on the western side of the road which are of a lot size consistent with those proposed on the eastern side. The developer of this property shall be required to designate at least five (5) acres as Parkland consistent with Chapter 4400 of this Plan."

General Plan and Zoning Maps of the proposed amendment are attached to this supplemental. Planning staff agrees with Public Works that it makes sense to include in the deliberations all properties that have been targeted for amendment in this update of the Coastal Plan. We recommend the amendment be added to the list of those being considered at the 1/4/07 meeting to allow sufficient time for referring the project to affected agencies and organizations for comment, and for public notification of the hearing, including mailing notices to neighboring properties and publication of a legal notice as required by State law.

4. Proposed Moranda Plan Amendment

The Planning Commission received testimony from the property owners that they would prefer not to change the Plan designation on their property from AE to RM as they are concerned such a change would negatively impact their ability to use the property for agriculture in the future. The most direct way to address their concerns would be to recommend the Board of Supervisors not change the Plan designation for this property.

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**STAFF RECOMMENDATION & EXECUTIVE SUMMARY**  
Humboldt County Local Coastal Plan Mapping Update – Part B

**RECOMMENDED COMMISSION ACTION:**

1. Describe the application as part of the Public Hearing;
2. Allow staff to present the project;
3. Open the public hearing;
4. After receiving testimony, make the following motion to recommend approval to the Board of Supervisors:

*"I move to make all of the required findings, based on evidence in the staff report and public testimony, and recommend that the Board of Supervisors approve the project by adopting the Resolution of Approval"*

**EXECUTIVE SUMMARY**

On October 16, 2008, the Planning Commission passed a resolution to not consider two of three road segments that were a part of the original project. The Miller/Norton/Pierson/Frazier amendment and the Reardon amendment were recommended by the Planning Commission to be dropped from further consideration. However, the Commission also directed staff to bring to the December 4, 2008 meeting the other amendment under consideration – the Barry/Chisum/Peterson amendment – after providing notice to the public of the hearing. The purpose of the hearing is to consider new information prior to making a decision. The Planning Commissioners directed re-noticing the project to ensure that people who attended the meeting held on October 16 that may have felt the Planning Commission had made a final recommendation to deny the project were made aware that a final recommendation was still being considered based on new information.

The future road will be incorporated into the County's land use plans by making changes to the map in the Circulation Element of the Framework Plan, and adding the road segment to the list of public roadway improvement projects in Section 3.22 B(3) of the Humboldt Bay Area Plan (HBAP). The general location of the new road segment is shown in maps attached to the staff report.



The purpose of this project is to facilitate future construction of a secondary access from Humboldt Hill Road to Tompkins Hill Road and Highway 101, which will affect approximately 8 acres of property designated Agriculture Exclusive and Rural Residential. These amendments implement policies in the 1995 Eureka Community Plan by making changes in the HBAP and the Framework Plan to be consistent with the ECP. Construction of the future road will also implement policies of the 1995 ECP by connecting the Barry property, with a development potential of 400 units, to Humboldt Hill and Tompkins Hill Road. It will also improve emergency access to the top part of Humboldt Hill Road, which is presently a dead end road.

The Planning Division received comments about the proposed amendments from reviewing agencies, which are attached to the staff report. The Humboldt Fire District #1, the Humboldt Community Services District, Wiyot Tribe, College of the Redwoods, and CalTrans are supportive of the amendments if specified mitigation measures are adopted at the time the future roads are constructed. The Department of Fish and Game identified some areas of concern, including impacts from soil erosion, stormwater runoff, and impacts to wetlands, wildlife, fisheries and botanical resources. The recommended mitigation measures address stormwater pollution impacts of future buildout on the property, which will be facilitated by this amendment. They also recommended a wetland delineation, as well as botanical and biological surveys prior to approval of road construction to identify appropriate mitigation measures.

The Coastal Commission stated in their letter that placing fill in wetlands for new roads or the expansion of the capacity of existing roads is not an authorized use for filling of wetlands, and is therefore not consistent with the Coastal Act. They recommend the project avoid any filling of wetlands. These comments were primarily directed to the Reardon amendment and Miller/Norton/Pierson/Frazier amendment which are not part of the current project. They also expressed concern about conversion of agricultural lands, and recommended the County not defer consideration of the project's impacts and appropriate mitigation measures to reduce potential for conversion of agricultural land when the road is eventually constructed. These issues are addressed in the staff report.

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Richardson, Michael

Ex. F

**From:** Michael van Hattem [MVANHATTEM@dfg.ca.gov]  
**Sent:** Wednesday, July 09, 2008 11:47 AM  
**To:** Richardson, Michael  
**Cc:** mkraemer@coastal.ca.gov; Gordon Leppig; Laurie Harnsberger; Scott Bauer; William Condon; Kelley E SPN Reid  
**Subject:** Humboldt Hill- LCP amendment

Good morning Michael,

The Department of Fish and Game (DFG) received your referral for consideration of a Local Coastal Plan Amendment to facilitate future construction of three access roads in the Humboldt Bay Area Plan. If adopted, the construction of access roads to the upper portion of Humboldt Hill would enable considerable development. I understand that this is a preliminary planning action and that each subsequent project would be subject to environmental evaluation pursuant to the California Environmental Quality Act (CEQA). At this point in the process, it is important to point out a few resource issues that DFG is aware of in the vicinity of these projects.

I offer the following comments and recommendations on this project in our role as a trustee and responsible agency under CEQA (California Public Resource Code § 21000 et seq.). These are informal comments, as formal DFG comments or recommendations on this project would come in the form of a written letter from our regional manager. Furthermore, these comments are not intended to be exhaustive, as the project(s) is in the early planning stages, and the scope of each project remains to be developed and referred to DFG for review and comment.

1. DFG staff has observed considerable erosion and incision of streams emanating from Humboldt Hill. Stormwater run-off from impervious surfaces from existing development has caused considerable degradation of aquatic habitat. Conversely, flooding is common in the lowlands of Humboldt Hill. Extensive build-out of the Humboldt Hill region may exacerbate both of these situations. It is unclear how these issues can be mitigated, and clearly, considerable consideration is warranted.

2. The project areas should be assessed for wetlands and delineated based on the most current Army Corps of Engineers (ACOE) guidance. It is also important to recognize that DFG, Coastal Commission, and the US Fish and Wildlife Service recognize one-parameter wetlands, so the delineation should include one, two- and three parameter wetlands in the delineation. If wetlands are present on the project area, no-disturbance buffers will be recommended in consultation with DFG.

3. The project areas should be assessed for wildlife, fisheries, and botanical resources. DFG databases (CNDDB, BIOS, CalFish) can be accessed for minimum baseline information regarding biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Special attention should be focused on rare plants, SSC wildlife, and State- and federally listed species. Once preliminary surveys are complete, additional focused surveys may be recommended to fully understand the potential effects of these projects on rare, declining, or listed species. All biological, botanical, and wetland delineation surveys should be conducted by a qualified biologist or botanist.

Please keep me informed on how these recommendations are incorporated into the proposed projects, or if the applicants, or Board of Supervisors has questions. I can be contact at 707-445-5368.

Sincerely,

Michael G. van Hattem  
Environmental Scientist  
Coastal Conservation Planning  
Northern Region  
California Department of Fish and Game  
619 Second Street

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Ex. G

9/6/08

To The Members of the Panning Commission Board,

This letter is in regard to the development/road plans for 7500 Humboldt Hill Road. I am submitting with this letter a copy of a Google Map that depicts the upper southwest side of Humboldt Hill in Eureka. Some of the neighbors who are working with me on this issue have contacted me with an alternative road plan for Humboldt Hill which would provide secondary access at a *fraction* of the cost of the Barry/Chisum/Peterson amendment. If the county is expected to foot the bill for another road up here, that should be an essential issue. A road extending from Seaview Drive to Spring Street, for example, would not enable very controversial development plans to go forward and would ease traffic concerns for people traveling south rather than exacerbate them by adding so many units to the top of the hill. It would be a faster route for emergency personal, as well, if they ever needed secondary access because they would not be required to travel as far south as Tompkins Hill Road before gaining access to the hill. It may also prove to be a more geologically stable area. Please consider that there are several other proposals on the table while coming to your conclusions about the Barry/Chisum/Peterson Amendment. Most of my neighbors are very upset about the prospect of a large development up here and are not very happy about having to PAY for the road allowing it, as taxpayers, as well.

There is one other issue I wish to discuss with you. I have been working very hard to set up a land trust proposal to present to Mr. Barry. I have been in communications with The Jacoby Creek Land Trust and The North Coast Regional Land Trust, both of whom are interested in the parcel and are right now determining whose region it is in and which one will take it under their wing. I have spoken to Eric Nelson, the director of The National Wildlife Refuge, also, who expressed concern about the development plans for that parcel and regret that the Chisum and Peterson properties lay between the Refuge and the Barry parcel. He stated that it would be more difficult for them to acquire the land because it is not directly adjacent to the Refuge, but recognized what an important part of the habitat it is, especially for the birds, migratory and

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otherwise, as open hunting grounds. This can be easily seen if you were to view a satellite image of the top of Humboldt Hill and its vicinity to The National Wildlife Refuge and the distinct lack of similar pastureland in the area. He did ask for contact information for Mr. Barry's agent, though, and may be pursuing acquisition, if possible.

I am also in contact with John Laboyteaux from the Farm Bureau, who tested the soil in the part of the pasture that was unfortunately rezoned as residential many years ago by another Board. He told me they have had long discussions about how to save that parcel from development because it is prime agricultural land. If you allow the Barry/Chisum/Peterson road to go through, it will lead *directly* to that portion of the pasture which was rezoned. (Michael from the Planning Department Staff informed me, via a telephone conversation, that the development plans for the pasture can not be separated from this road proposal.) John Laboyteaux has invited me to attend future meeting at the Farm Bureau when they discuss the potential loss of this vital agricultural land. I hope you have considered what a valuable resource for the county this parcel is. I do not think it would be wise to convert this from Ag land, especially in the current economy. Most of my neighbors and I would appreciate it if you would recognize the errors of past Planning Boards and help us insure that this valuable parcel not be destroyed. If you would consider stopping this road proposal now, it will buy us some time to try and find a solution to this. We have otherwise already started a fund that we will use to appeal to the Board of Supervisors, such is our commitment to stopping this development.

Thank you for your time and wisdom regarding this matter,  
Stacey Urhammer

707-443-4067

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EX. H

**From:** McKinley, Harless  
**Sent:** Wednesday, November 22, 2006 9:01 AM  
**To:** Richardson, Michael  
**Subject:** Coastal Amendments

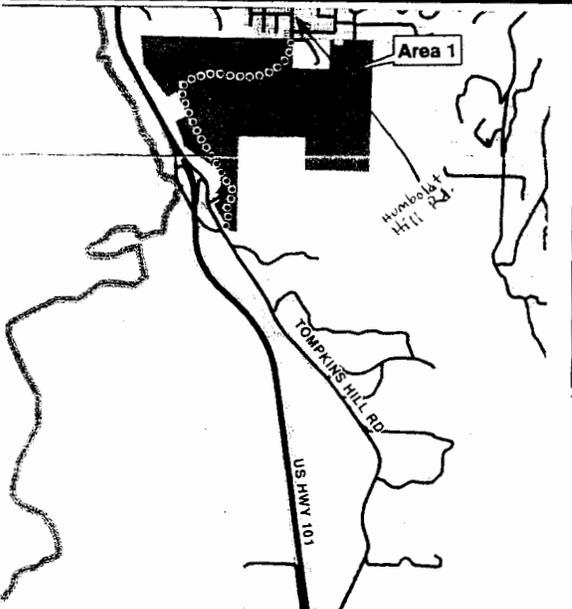
The following addresses APN 307-041-007. The parcel lies within the Eureka Community Plan (ECP) and within the Coastal Plan. It is known as the Barry property.

Section 2620 of the ECP reads:(12). Barry Property: This property is located atop Humboldt Hill. The developer of this property is encouraged to amend the Coastal Zone's Agricultural Exclusive (AE) zone boundary to allow for the Humboldt Hill Road extension to follow the natural topography of the area. This Plan supports an amendment which allows a sufficient amount of land to be developed for the road extension, and for development of lots on the western side of the road which are of a lot size consistent with those proposed on the eastern side. The developer of this property shall be required to designate at least five (5) acres as Parkland consistent with Chapter 4400 of this Plan.

Is it too late to include this parcel? It makes sense to include all portions that have been determined by the Board of Supervisors adoption of the ECP warranted for amendment in your latest updates of the Coastal Plan

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# ATTENTION HUMBOLDT HILL RESIDENTS!



**General Plan Map** 1 inch equals 417 feet

 Mapped Physical Constraints

**Description:** on +/- 32 acres of a +/-127 acre property, change the plan from AE to RL, and change the zoning from AE-60 to RS-10/G,P. An alternative would allow for some areas planned and zoned for multifamily residential use near the entrance in exchange for more open space.

## REMEMBER THIS PLAN FROM LAST YEAR? ↗

You have one more chance to speak out to the Planning Commission, ~~Thursday, August 21<sup>st</sup>, at 6:00 p.m.~~ at the courthouse about the proposed road to help facilitate the developers' plan to subdivide the cow pasture at the top of the hill. They promised ours will be the first subject addressed at the meeting, so don't be late!

↙  
**Thurs. Sept. 18, 2008 6:00 p.m. 30 of 30**