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STAFF REPORT: REGULAR CALENDAR

Application No.: 1-14-0211

Applicant: John & Debra Feeney

Agent: Kelly-O'Hern Associates

Location: On an approximately 8-acre property located between Mitchell Heights Drive and Mitchell Road in a rural unincorporated neighborhood approximately 1 mile east of Eureka, Humboldt County (APN 017-163-004 &-005).

Project Description: (1) Redivision of two existing parcels of approximately 5 acres and 3 acres into three parcels including a developed parcel of 5.43 acres and two undeveloped parcels of 1.29 acres and 1.17 acres; and (2) major vegetation removal of 55 trees (mostly redwoods) to facilitate future residential development on the divided, undeveloped lots.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends approval with special conditions of the proposed land division and major vegetation removal (timber harvesting) project.

The project site is located approximately one mile east of the incorporated limits of the City of Eureka within an area considered rural under the Humboldt County certified LCP. The two subject properties proposed for redivision into three parcels consist of an approximately 5-acre lot developed with the Applicant's existing single-family residence and an adjacent approximately 3-acre undeveloped lot. The 3-acre undeveloped lot is forested mostly with second-growth redwood trees approximately 40-110 feet tall, some of which are proposed for removal to facilitate future residential development of the proposed subdivided lots. Separate CDP approvals from Humboldt County will be required for the future development of single-family residences and septic systems on proposed Parcels 1 and 2.

The major issues raised by this application include the project's consistency with the rural land division criteria of Coastal Act Section 30250(a) and the marine resources, water quality, and ESHA protection policies (Sections 30230, 30231, and 30240) of the Coastal Act. Seasonal freshwater wetlands and drainage swales cross the undeveloped forested lot and connect hydrologically to Ryan Slough located across Mitchell Road from the property. The proposed timber removal and future building sites on the proposed subdivided lot would be located a minimum of 50 feet from drainage swales and 100 feet from delineated wetlands.

Staff believes that the proposed land division is consistent with the rural land division criteria of Section 30250(a), because (1) the proposed divided parcels would be no smaller than the median size of parcels in the surrounding area, and (2) over 50% of the usable parcels in the surrounding area have been developed. Furthermore, staff believes that the project as conditioned would maintain marine resources associated with Ryan Slough, protect the biological productivity and the quality of coastal wetlands and waters, and protect adjacent environmentally sensitive wetland areas against any significant disruption of habitat values, consistent with Sections 30230, 30231, and 30240 of the Coastal Act. Staff believes that the proposed buffer widths of at least 50 feet around drainage swales and 100 feet around wetland habitats will protect the biological productivity and the quality of the adjacent environmentally sensitive wetland areas against significant disruption of habitat values resulting from the proposed tree removal.

Staff recommends [Special Condition 1](#) to restrict the use of the delineated wetlands and drainage swales and their associated buffer areas, as generally depicted on **Exhibit 4**, to open space. Staff also recommends [Special Condition 2](#) to require that the Applicant execute and record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the Applicant and future purchasers of the property are notified of the prohibitions on development within the ESHA and ESHA buffer areas established by Special Condition 1. Staff further recommends, among other special conditions, [Special Condition 5](#), which requires that various BMPs be implemented during tree removal operations.

Commission staff recommends **approval** of CDP application 1-14-0211, as conditioned. The motion to adopt the staff recommendation is on [page 4](#).

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APPENDICES

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EXHIBITS

- Exhibit 1 – Regional location map
- Exhibit 2 – Proposed project plans
- Exhibit 3 – Parcel map and parcel size analysis study area
- Exhibit 4 – Areas subject to open space deed restriction condition

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve coastal development permit 1-14-0211 pursuant to the staff recommendation.

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

Resolution:

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment:** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration:** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation:** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment:** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land:** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Open Space Restrictions.

- A. No development, as defined in Section 30106 of the Coastal Act, shall occur within delineated environmentally sensitive wetland areas, drainage swales, or associated wetland and swale buffer areas as shown on **Exhibit 4** to the July 25, 2014 staff report for Coastal Development Permit (CDP) Application No. 1-14-0211 except for **the following development authorized by this CDP:**
 - (i) Erection of temporary fencing and flagging to delineate and protect environmentally sensitive areas and associated buffers during tree removal operations;
 - (ii) Temporary installation and removal of forestry cables, safety lines, and associated low-impact equipment necessary to remove timber and associated slash permitted to be removed from adjacent areas outside of environmentally sensitive areas and associated buffers approved by the California Coastal Commission herein under CDP 1-14-0211;
 - (iii) Soil stabilization measures approved by the California Coastal Commission herein under special condition 5;
 - (iv) **AND the following development, if approved by the California Coastal Commission as an amendment to this coastal development permit:** (a) future installation and removal of temporary forestry cables, safety lines, and associated low-impact equipment necessary to remove additional timber and associated slash permitted in the future to be removed from adjacent areas outside of environmentally sensitive areas and associated buffers; (b) soil stabilization measures; (c) habitat restoration and enhancement activities; (d) vegetation clearance if required by the California Department of Forestry and Fire Protection (CDF) to meet fire safety standards; (e) maintenance of existing utilities and community services infrastructure; and (f) removal of debris and unauthorized structures.
- B. PRIOR TO ISSUANCE OF THE “NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT 1-14-0211” (NOI), the Applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on **Exhibit 4** attached to this staff report. The open space restricted areas include delineated environmentally sensitive wetland areas, drainage swales, and associated wetland and swale buffer areas.

2. **Deed Restriction Recordation of Permit Conditions.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-14-0211, the Applicant shall submit for the review and approval of the Executive Director documentation demonstrating that the Applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
3. **Future Development Restrictions.** This permit is only for the development described in Coastal Development Permit (CDP) No. 1-14-0211. Any future development, including but not limited to developing building sites, access driveways, residences, septic systems, and utilities shall require additional coastal development permit authorization from either Humboldt County or the Commission. Such a permit application shall be accompanied by written evidence and analysis demonstrating that the development will be consistent with all applicable LCP provisions and Coastal Act policies including requirements that the development protect water quality from stormwater runoff and be sited and designed to prevent impacts which would significantly degrade the adjacent wetlands and environmentally sensitive habitat areas and shall be compatible with the continuance of those habitat areas.
4. **Parcel Map Review and Approval.** PRIOR TO RECORDATION OF THE FINAL PARCEL MAP, the Permittee shall submit a copy of the final map for review by the Executive Director. The Permittee shall demonstrate, to the satisfaction of the Executive Director, that the final map: (1) shall be recorded consistent with all terms and conditions of Coastal Development Permit No. 1-14-0211; and (2) will depict all restricted areas consistent with the terms and conditions of CDP 1-14-0211. If the permittee does not demonstrate to the satisfaction of the Executive Director that the final map will be so recorded consistent with all terms and conditions of CDP 1-14-0211, the Permittee shall secure a CDP or permit amendment from the California Coastal Commission prior to the recordation of the final map.
5. **Tree Removal BMPs.** The Applicant shall adhere to various construction-related best management practices (BMPs) during tree removal operations including, but not limited to, the following:
 - A. Timing of work: Authorized tree removal is prohibited during the bird nesting season period of March 15 through August 15 and during periods of wet weather when erosion potential is highest and when stormwater runoff is present in drainage swales on the property.

- B. Avoidance flagging: PRIOR TO COMMENCEMENT OF TREE REMOVAL OPERATIONS, the Applicant shall ensure that delineated wetlands, drainage swales, and 50-foot and 100-foot buffer zones as mapped on the proposed tentative parcel map are conspicuously flagged or fenced for avoidance and protection. Equipment is prohibited from entering protected areas other than temporary forestry cables, safety lines, and associated low-impact equipment necessary to remove timber and associated slash permitted to be removed outside of environmentally sensitive areas and associated buffers.
- C. Forester responsibilities: (i) No construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands; (ii) any and all debris resulting from tree harvesting activities shall be removed from the project site and disposed of properly; (iii) during the course of the tree harvesting operations, all trash shall be properly contained, removed from the work site on a regular basis, and properly disposed of to avoid dispersal of litter and contamination of habitat; (iv) any on-site stockpiles of debris, slash, soil or other earthen materials shall be covered and contained whenever there is a potential for rainfall, to prevent polluted water runoff from the development site.
- D. BMPs for erosion and sediment control: Appropriate BMPs shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands during tree harvesting operations and post-construction, including the use of BMPs to capture and clean up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials. In addition, relevant BMPs as detailed in the current California Storm Water Quality Best Management Handbooks (<http://www.cabmphandbooks.com>) shall be used including, but not limited to, construction BMPs for the use of silt fencing and protection of wetlands and drainages, and post-construction BMPs for site design and landscape planning, roof runoff controls, alternative building materials, vegetated buffer strips, and bioretention. If mulch material is used for erosion/sediment control purposes, only weed-free rice straw shall be used to avoid the inadvertent introduction of nonnative plant species to the site.
- E. Revegetation/seeding requirements: Only native and/or non-invasive plant species shall be used for revegetation purposes following tree harvesting operations. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the governments of the State of California or the United States shall be utilized within the bounds of the property.
- F. Plastic netting prohibition: To minimize wildlife entanglement and plastic debris pollution, the use of temporary rolled erosion and sediment control products with plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers used in fiber rolls, erosion control blankets, and mulch control netting) is prohibited. Any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design with movable joints between the horizontal and vertical twines.

- 6. Revegetation and Landscaping Restrictions.** Only native and/or non-invasive plant species shall be planted on the property that is the subject of the land division. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the governments of the State of California or the United States shall be utilized within the bounds of the property.
- 7. Protection of Archaeological Resources.**
 - A. If an area of historic or prehistoric cultural resources or human remains are discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (B) hereof, and a qualified cultural resource specialist shall analyze the significance of the find.
 - B. A Permittee seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan for the review and approval of the Executive Director, prepared in consultation with the Tribal Historic Preservation Officers of the Wiyot Tribe, Blue Lake Rancheria, and Bear River Rancheria.
 - (i) If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan’s recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - (ii) If the Executive Director approves the Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

The Applicant proposes the following development on an approximately 8-acre property located between Mitchell Heights Drive and Mitchell Road in a rural unincorporated neighborhood approximately one mile east of Eureka (**Exhibit 1**): (1) a redivision of two existing parcels of approximately 5 acres and 3 acres into three parcels including a developed parcel of 5.43 acres (“Parcel 3”) and two undeveloped parcels of 1.29 acres (“Parcel 1”) and 1.17 acres (“Parcel 2”) in size; and (2) major vegetation removal of approximately 55 trees (mostly redwoods) to facilitate the future residential development of the divided, undeveloped lots (Exhibit 2). The proposed major vegetation removal (timber operations) is a form of development regulated under this CDP application because the proposed logging activity is not being submitted pursuant to a timber harvesting plan regulated under the provisions of the Z’berg-Nejedly Forest Practice Act of 1973. Separate CDP approvals from Humboldt County will be required for the future development of single-family residences and septic systems on proposed Parcels 1 and 2.

The subject site is within an area considered rural under the Humboldt County certified LCP. Although the County's LCP is not the standard of review for this CDP application, the LCP assigns the Residential Exurban (RX) – 1 dwelling unit/acre land use designation and Rural Residential-Agriculture (RA) – 1-acre minimum parcel size zoning district to the subject properties. A Flood Hazard Area combining zone also applies to the subject site, the western portion of which is within the FEMA-mapped 100-year flood zone. Ryan Slough and surrounding grazed seasonal wetlands are located across Mitchell Road from the property.

The subject property currently consists of an approximately 5-acre lot developed with the Applicant's existing single-family residence and an adjacent approximately 3-acre undeveloped lot. The subject property is bordered to the east by Mitchell Heights Drive and Main Street, to the west by Mitchell Road (sometimes referred to as Lower Mitchell Heights Road), which converges on Mitchell Heights Drive, to the north by the intersection of the two roads, and to the south by rural residential property owned by others. The existing undeveloped parcel is forested mostly with second-growth redwood trees approximately 40-110 feet tall and about 14-60 inches in diameter (at breast height). The lot is generally westerly sloped and supports three sparsely vegetated, moderately sloped, seasonal drainage swales that carry stormwater runoff during periods of wet weather from Mitchell Heights Drive westerly down to three small delineated seasonal freshwater wetlands at the base of the parcel and a roadside drainage ditch that parallels Mitchell Road. The wetlands and drainage swales are hydrologically connected to Ryan Slough and its surrounding agricultural wetlands via the roadside drainage ditch and culvert crossing beneath Mitchell Road.

The subject properties are visible from several public roadways, including Mitchell Heights Drive, Mitchell Road, and Myrtle Avenue, but are not located within a designated highly scenic area. The site is located about 1.5 miles inland (south) of Humboldt Bay and 2 miles (driving distance) from the nearest coastal access point designated in the LCP (Dead Mouse Marsh, about 0.75-mile northwest of the project area).

B. STANDARD OF REVIEW

The property is bisected by the boundary between the retained CDP jurisdiction of the Commission and the CDP jurisdiction delegated to Humboldt County by the Commission through the County's LCP. The portions of the properties within the Commission's retained jurisdiction include the northern portion and approximately western third of APN 017-163-004 and the western edge of APN 017-163-005. The remainder of the project area is within the CDP jurisdiction of Humboldt County.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated coastal development permit application when requested by the local government and the applicant and approved by the Executive Director for projects that would otherwise require coastal development permits from both the Commission and from a local government with a certified LCP. In this case, the Humboldt County Board of Supervisors adopted a resolution, and both the Applicants and the County submitted letters requesting consolidated processing of the CDP application by the Commission for the subject project, which was approved by the Executive Director.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

C. OTHER AGENCY APPROVALS

Humboldt County

The County approved a Parcel Map Subdivision, Lot Line Adjustment, and Conditional Use Permit for the proposed development on October 3, 2013. The Conditional Use Permit was required for the timber production component of the project, involving the harvesting of trees for commercial use in a residential zone (PMS 11-003/LLA-11-019/CUP-11-015).

D. RURAL LAND DIVISIONS

Section 30250 of the Coastal Act states, in applicable part, the following (emphasis added):

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

...

The subject site is located outside of the urban boundary of Eureka and is therefore subject to the rural land division criteria of Section 30250(a) of the Coastal Act. To meet the criteria, the proposed rural land division must be located within an area where 50 percent or more of the usable parcels have been developed, and the newly created parcels must be no smaller than the average size of the surrounding parcels.

Taking the second test first (i.e., the newly created parcels must be no smaller than the average size of the surrounding parcels), the Commission has previously considered "surrounding parcels" to include those within a quarter-mile radius. Consistent with the decision of a state court of appeal [*Billings v. CCC* (1980) 103 Cal.App.3rd 729], this radius may be modified where geographic or other features clearly distinguish some of the parcels within it from those surrounding the subject property. In this instance, a major distinguishing factor is the local zoning and land use of the surrounding area. The property is located in a "Residential Exurban" (RX) neighborhood, described in the Humboldt Bay Area Plan (HBAP) portion of the LCP as Upper Mitchell Heights, which includes approximately 60 parcels, most of which are less than 1 acre in size. The planned maximum density for the Upper Mitchell Heights neighborhood under the HBAP is one unit per one acre. The neighborhood is described in the HBAP as an area planned in the future (when economically feasible, and under a future LCP amendment) for extensions of sewer service and the urban limit line boundary. The Upper Mitchell Heights RX

neighborhood is bordered on the west and partly on the north and south by lands designated as Agricultural Exclusive that contain grazed seasonal wetlands, other agricultural lands, and Ryan Slough to the west (**Exhibit 3**). These agricultural lands are separated from the Upper Mitchell Heights Residential Exurban neighborhood by public roads, including Mitchell Road and Myrtle Avenue.

Except where it is bordered by a several-acre property designated Public Facilities that contains an electrical utility facility, the Upper Mitchell Heights RX neighborhood is bordered on the other portions of its northern and southern boundaries and on its eastern boundary by the designated “Pigeon Point/Mitchell Heights” Rural Residential (RR) neighborhood. This neighborhood is described in the HBAP as a 530-acre area consisting of 194 parcels, which are on average about 1.9 acres in size. Unlike the Upper Mitchell Heights RX neighborhood, the Pigeon Point/Mitchell Heights RR neighborhood is not identified as a location for future sewer expansion. Thus, the planned maximum density in the RR neighborhood is one unit per 2.5 acres, or a density 2.5 times that of the planned maximum density of the Upper Mitchell Heights RX neighborhood where the subject parcel is located.

The standard of review for the subject consolidated CDP application is the Coastal Act. However, the certified LCP provides guidance for implementation of Coastal Act policies. In this instance, the certified LCP distinguishes the Upper Mitchell Heights RX neighborhood from the adjoining Pigeon Point/Mitchell Heights RR neighborhood to the north, east, and south by designating the former with a greater density and indicating the area may be appropriate for a sewer line extension. Therefore, the Commission finds that it is appropriate to examine parcels within the Upper Mitchell Heights RX neighborhood, which includes all the RX-designated parcels within approximately one quarter-mile radius of the subject site as the surrounding parcels for analysis of the rural land division criteria.

Of the 60 parcels included in the parcel size study area, the arithmetic mean of these parcels is 1.23 acres and the median parcel size (the value falling in the middle of the range) is 0.90-acre. The mode (the value which occurs most frequently) is not applicable, as there is no single parcel size mode in the study area. Table 1 below summarizes the parcel size analysis, and Exhibit 3 shows the parcel size analysis study area.

Table 1. Analysis of parcel sizes in the rural exurban (RX) neighborhood (“Upper Mitchell Heights”) surrounding the rural lot proposed for division. See Exhibit 3 for maps of the study area.

Parcel No.	Approx. Acreage	Developed (Yes or No)	Parcel No.	Approx. Acreage	Developed (Yes or No)
017-161-019	0.89	No	017-171-035	1.70	Yes
017-161-018	0.91	Yes	017-171-004	4.76	Yes
017-161-005	2.51	Yes	017-171-005	1.79	Yes
017-161-006	2.51	Yes	017-172-021	1.20	Yes
017-161-008	0.70	Yes	017-172-020	1.08	Yes
017-161-009	1.30	Yes	017-172-033	0.88	Yes
017-161-016	3.64	Yes	017-172-030	0.21	Yes
017-152-009	3.35	Yes	017-172-034	0.43	Yes
017-162-001	0.58	Yes	017-172-024	0.44	Yes

Parcel No.	Approx. Acreage	Developed (Yes or No)	Parcel No.	Approx. Acreage	Developed (Yes or No)
017-162-002	0.57	Yes	017-172-004	1.57	Yes
017-162-009	0.78	Yes	017-172-042	0.97	Yes
017-162-008	0.37	Yes	017-172-016	0.96	Yes
017-162-010	1.64	Yes	017-172-043	3.11	No
017-162-013	1.36	Yes	017-172-011	0.36	Yes
017-162-014	1.71	Yes	017-172-019	0.37	Yes
017-162-006	0.93	No	017-172-012	0.37	Yes
017-162-007	0.28	Yes	017-172-018	0.36	Yes
017-163-017	0.95	No	017-172-032	0.31	Yes
017-163-002	0.45	Yes	017-172-014	0.31	Yes
017-171-002	0.53	Yes	017-172-037	0.74	No
017-171-022	0.73	Yes	017-172-038	0.61	Yes
017-171-025	0.59	Yes	017-172-047	1.08	No
017-171-029	2.92	Yes	017-172-039	0.46	Yes
017-171-020	0.72	Yes	017-172-040	0.46	Yes
017-171-027	1.14	Yes	017-172-046	0.94	Yes
017-171-031	0.31	Yes	017-172-026	0.99	Yes
017-171-030	0.53	Yes	017-172-017	0.97	Yes
017-171-036	0.45	Yes	017-172-050	5.82	Yes
017-172-028	0.21	No	017-172-049	1.32	Yes
017-172-031	1.03	Yes	017-163-005	4.97	Yes
Mean Parcel Size = 1.23 acres (<i>n</i> = 60 parcels @ 74.13 ac.)					
Median Parcel Size = 0.90-acre					
Percent of parcels developed: 53/60=88%					

The court in Billings concluded that the Commission should identify the “typical” or “representative” parcel size. Where the presence of outlier parcels would skew the average, the median parcel size and mode provide a better picture of the typical parcel size in the area. In this case, the Commission finds it is appropriate to use the median parcel size rather than the arithmetic mean to provide a better representation of the typical parcel size in this area due to the existence of a 5.82-acre outlier parcel, which is significantly larger than all the other parcels in the study area. In this analysis the median parcel size (0.90-acre) is smaller than the proposed subdivided parcels of 1.17 acres and 1.29 acres in size. Thus, the above parcel-size analysis demonstrates that the proposed new lots to be created by the land will be no smaller than the median parcel size of existing rural residential parcels in the surrounding area, which is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

The other test of the rural land division criteria of Section 30250(a) is whether 50 percent or more of the surrounding parcels are developed. As summarized in Table 1 above, 53 of the 60 surrounding parcels in the overall study area, or 88 percent, are developed.

On the basis of the above analyses, the Commission finds that the proposed subdivision is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

E. LOCATING AND PLANNING NEW DEVELOPMENT

Section 30250 of the Coastal Act states in applicable part (emphasis added):

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

...

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

As described above, the proposed land division is located in a well-developed rural residential area on land locally zoned for rural residential uses. The proposed land division is consistent with Coastal Act Section 30250, in that the resultant residential lots will be located in a residential zoning district, will be appropriately sized for the 1-acre minimum district, and will be no smaller than the median size of parcels in the surrounding area. The property is located in an area serviced for domestic water by the Humboldt Community Services District, and the District has provided evidence that it has the capacity to serve future residences on the proposed subdivided land. In addition, the Applicant has completed testing and developed a proposed design for future on-site sewage disposal systems on proposed Parcels 1 and 2, which have been preliminarily reviewed and approved by the County Division of Environmental Health. Finally, as conditioned in the manner discussed below, the project will maintain marine resources, protect the biological productivity and the quality of coastal wetlands and waters, and will prevent impacts that would significantly degrade adjacent environmentally sensitive habitat areas and be compatible with the continuance of those areas, consistent with Sections 30230, 30231, and 30240(b) of the Coastal Act. For all of the above reasons, the Commission finds that the proposed land division is located in an area able to accommodate the land use and future development facilitated by the proposed subdivision.

As described in the findings below, the proposed project, as conditioned, will not have significant adverse impacts on coastal resources. Therefore, the Commission finds that the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it has adequate water and septic capability to accommodate it and it will not cause significant adverse effects, either individually or cumulatively, on coastal resources.

F. PROTECTION OF MARINE RESOURCES, WATER QUALITY, & ESHA

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30107.5 of the Coastal Act defines “environmentally sensitive area” as follows:

‘Environmentally sensitive area’ means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in the ecosystem and which could be easily disturbed or degraded by human activities and developments.

The subject property consists of an existing 5-acre lot developed with a house, and a vacant 3-acre lot. Under the proposed redivision, except for an approximately half acre portion to be added to the developed parcel (proposed Parcel 3), the existing undeveloped parcel will be divided into two lots of 1.17-acre (proposed Parcel 2) and 1.29-acre (proposed Parcel 1) in size. This existing undeveloped parcel is forested with second-growth redwood forest vegetation, generally moderately (~10-30%) sloped, and supports three drainage swales that carry stormwater runoff during wet weather periods from Upper Mitchell Heights Drive down to three small delineated seasonal freshwater wetlands at the base of the parcel and a roadside drainage ditch that parallels Mitchell Road. No development is proposed or planned within the delineated wetlands or drainage swales. The project includes the removal (commercial harvest) of approximately 55 trees within the planned future building sites on the proposed two lots. The outer boundaries of the planned future building sites are proposed to be located a minimum of 50 feet from the drainage swales and a minimum of 100 feet from delineated wetlands that are

hydrologically connected to Ryan Slough and its surrounding agricultural wetlands. The applicable provisions of Sections 30230, 30231, and 30240 of the Coastal Act cited above require that the proposed project protect and maintain (1) marine resources; (2) the biological productivity and the quality of coastal wetlands and waters; and (3) adjacent environmentally sensitive habitat areas against any significant disruption of habitat values.

The Applicant's consultant completed a biological survey and wetland delineation on the property in August of 2012, with supplemental studies done in February of 2013. The biological survey did not record any sensitive plant or animal species on the property, including no rare plants, amphibian breeding habitat, raptor nests, heron or egret rookeries, fish habitat, or mammal dens. The wetland study resulted in the delineation of three seasonal freshwater wetlands on the west side of the undeveloped property, at the base of the hillside near Mitchell Road, ranging in size from 2000-2500 square feet each. Two of the delineated wetlands are located primarily on the proposed 1.17-acre Parcel 2, and one delineated wetland is located on the proposed 1.29-acre Parcel 1. The study also noted the presence of three seasonal drainages that carry stormwater runoff down the forested slope to each of the three delineated wetlands. One drainage swale is located on proposed Parcel 1, the second drainage swale is located on proposed parcel 2, and the third drainage swale is located on the shared boundary line between proposed Parcel 2 and proposed Parcel 3 (the Applicant's proposed developed residential parcel). The drainages are located on moderately sloped terrain and lack typical features of stream systems such as riparian vegetation, a predominance of hydrophytic vegetation, bed and bank morphology, and habitat for sensitive species. The wetlands and drainage swales are hydrologically connected, at least at times during the rainy season, to Ryan Slough and its surrounding agricultural wetlands via a roadside drainage ditch and culvert crossing beneath Mitchell Road. Ryan Slough supports habitat for several rare, threatened, or endangered species of fish, including Southern Oregon/Northern California Coasts Evolutionarily Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*), California Coastal ESU Chinook salmon (*O. tshawytscha*), Northern California ESU steelhead (*O. mykiss*), coastal cutthroat trout (*O. clarki clarki*), and tidewater goby (*Eucyclogobius newberryi*).

The biological report describes the characteristic features of the wetlands and drainage swales and recommends a minimum 50-foot setback distance from drainage swales and a minimum 100-foot setback from delineated wetlands:

From the standpoint of protecting the freshwater seasonal wetlands, a suitable development buffer would be expected... The identified seasonal wetland ESHA at the base of each hillside drainage are currently within very close proximity of Lower Mitchell Road... The ESHA appear to be tolerant of the adjacent active County roadside. As long as no direct impacts would occur (such as drainage diversion, filling, and/or soil excavation with[in] the wetlands), the ESHA would be likely unaffected by house and road construction, given adequate permanent constructions setbacks. The recommended permanent construction setbacks from the three seasonal wetlands are 100'...

The drainage swales differ from each other in subtle ways although each feed the three individual seasonal wetlands... The drainages show very little stream bed or

bank development, have little or no complex stream vegetation or any evidence of supporting sensitive species. Therefore, since there is no defined stream transition line, it is recommended that a reduced setback of 50' from each drainage centerline would be adequate... The drainage ESHA buffers would also allow natural wildlife corridors between the Ryan Slough below and the upper Mitchell Heights upland forests above. The ESHA drainage buffers of 50' will adequately protect the natural seasonal drainage features in addition to the 100' ESHA wetland buffers that are recommended to be established around the lower three wetlands...

The Commission finds that the proposed buffer widths of at least 50 feet around drainages and 100 feet around wetland habitats are adequate to protect the biological productivity and the quality of the adjacent environmentally sensitive wetland areas against significant disruption of habitat values resulting from the proposed tree removal for several reasons. First, the delineated wetlands and drainages are not functionally dependent on the surrounding forested habitat. As noted in the wetland study completed for the project, the hydrology of the drainage swales originates primarily from upslope stormwater runoff routed through a roadside ditch along Mitchell Heights Drive. The drainages lack typical features of stream systems such as riparian vegetation and a predominance of hydrophytic vegetation, bed and bank morphology, and habitat for sensitive species. The roadside and upslope runoff flows seasonally through the shallow, narrow drainage swales down to the delineated seasonal freshwater wetlands and roadside drainage ditch adjacent to Mitchell Road at the base of the property. Wildlife species expected to occur in the vegetated corridor areas include common species tolerant of human development, such as deer, raccoon, skunk, rodents, and various birds. Principal factors that could disturb the wetland and drainage ESHA include trampling, water diversion, fill placement, grading, soil excavation, water quality impacts, and invasion by invasive nonnative plants. Thus, measures that are more important and more effective for protecting the wetland habitat than full 100-foot-wide spatial buffers are measures such as the use of exclusionary fencing during tree removal operations and restricting landscaping. Provided these mitigation measures are incorporated into the project (see below), the proposed buffers will be adequate to protect the wetland ESHA from disturbance. In addition, the proposed development is not expected to significantly change the potential for erosion in the vicinity of the wetlands if best management erosion and sediment control practices are used to protect the environmentally sensitive areas during timber harvesting. The proposed buffers will be adequate to protect the wetlands and drainages from significant disruption of habitat values with the inclusion of the related mitigation measures discussed below.

The Applicant has submitted a logging plan for the proposed tree removal, which proposes to avoid disturbance within delineated wetlands, drainage swales, and the proposed 50-foot and 100-foot buffer zones. Wetlands and drainage swales and associated buffers are proposed to be flagged for avoidance, equipment will not be allowed to enter sensitive habitat areas or designated buffer areas, and trees will be felled away from wetlands, swales, and associated buffer areas to the maximum extent feasible. In addition, the County required, as a condition of its approval of the tentative map and conditional use permit for the project, that the Applicant submit a detailed development plan for County review and approval with detailed specifications as to the future development and improvement of the site. The development plan is required to

have various specified notes including a requirement to label drainage and wetland buffers as “unbuildable.” A condition of approval of the County tentative map and conditional use permit also prohibits development from occurring within identified wetlands and wetland buffer areas and requires that during construction orange fencing or other highly visible material be installed along buffer areas to prevent intrusion into wetlands, drainage swales, and buffer areas.

The Commission finds that with the mitigation measures proposed by the Applicant to protect the delineated wetlands, drainage swales, and associated buffers, and with the inclusion of the various conditions discussed below, the proposed 50-foot seasonal drainage buffers and 100-foot seasonal freshwater wetland buffers will protect the marine resources of Ryan Slough, the biological productivity and quality of coastal waters and wetlands, and the environmentally sensitive wetland areas from possible significant disruption caused by the proposed development.

To ensure that no aspects of the tree harvesting encroach into the environmentally sensitive wetland areas, drainage swales, or associated buffers, the Commission attaches Special Condition 1-4. [Special Condition 1](#) restricts development within the wetland areas, drainage swales, and associated wetland and swale buffer areas on the property, as generally depicted on **Exhibit 4**, to open space. Special Condition 1 prohibits all development in the affected areas, except for (1) erection of temporary fencing and flagging to delineate and protect environmentally sensitive areas and associated buffers during tree removal operations and during any future residential-related development on the site; (2) temporary installation of forestry cables, safety lines, and associated low-impact equipment necessary to remove timber and associated slash permitted to be removed outside of environmentally sensitive areas and associated buffers; and (3) soil stabilization measures consistent with special condition 5. [Special Condition 2](#) requires that, prior to any conveyance of the property, the Applicant execute and record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the Applicant and future purchasers of the property are notified of the prohibitions on development within the ESHA and ESHA buffer areas established by Special Condition 1. [Special Condition 3](#) requires that any future development of the property, including grading of building sites, driveway construction, and other residential development, shall require additional CDP authorization from either Humboldt County or the Commission. Such a permit application shall be accompanied by written evidence and analysis demonstrating that the development will be consistent with all applicable LCP provisions and Coastal Act policies including requirements that the development protect water quality from stormwater runoff and be sited and designed to prevent impacts which would significantly degrade the adjacent wetlands and environmentally sensitive habitat areas and shall be compatible with the continuance of those habitat areas. [Special Condition 4](#) requires submittal of a copy of the final parcel map for the Executive Director’s review and approval prior to recordation of the final parcel map. The final map must be recorded consistent with all terms and conditions of this CDP, including depiction of open space deed-restricted areas.

The Commission notes that each future home would require additional CDP authorization from the County, or potentially from the Commission if County approvals are appealed. Therefore, the County, or the Commission on appeal, will have the opportunity to review the location and design of each of the houses for its effects on adjacent ESHA and for conformance with the

requirements of this CDP. Additional habitat assessments may be required as part of the applications for these future homes to determine whether the specific building locations selected encroach into any environmentally sensitive habitat area or needed buffer area. Special conditions could be imposed in the permits to ensure that such encroachment into ESHA or ESHA buffer does not occur.

To ensure that the Applicant follows through on its commitment to protect the delineated wetlands, drainage swales, and associated buffer areas from impacts associated with proposed timber operations, Special Condition 5 requires that various tree removal BMPs be implemented. [Special Condition 5-A](#) restricts the timing of tree removal work to the off-season for bird nesting, which will avoid disturbance to any nesting bird habitat that might be present in the area. The special condition also limits the timing of work to periods of dry weather when no stormwater runoff is present in drainage swales on the property. [Special Condition 5-B](#) requires the erection of temporary avoidance flagging and/or fencing around sensitive areas and buffer areas prior to commencement of tree harvesting operations and a prohibition on equipment entering protected areas. [Special Condition 5-C](#) lists various responsibilities that the forestry operations must adhere to for water quality and habitat protection. [Special Condition 5-D](#) requires the use of appropriate BMPs for erosion, sediment, and runoff control. [Special Condition 5-E](#) requires the use of only native and/or non-invasive plant species for revegetation/erosion-control seeding purposes following tree harvesting operations. Finally, [Special Condition 5-F](#) is included to ensure that the project uses only “wildlife friendly” erosion control materials. While the Applicant has proposed to use straw mulching and grass seeding as the primary soil stabilization measures for this project, a variety of manufactured products commonly are used as “temporary” erosion and sediment control measures during construction, including mulch control netting, erosion control blankets, fiber rolls (wattles), and reinforced silt fences. Plastic netting used in these products has been found to entangle wildlife, including reptiles, amphibians, birds, and small mammals. Although erosion and sediment control products classified as temporary are designed to degrade after a period of time, several temporary erosion and sediment control products with netting – such as mulch control netting, erosion control blankets, and fiber rolls – are commonly left in place permanently, particularly when used with seeding. The length of time it takes for netting to begin to degrade depends on the netting composition and the environmental conditions but can remain intact many years after installation. When plastic netting does eventually fall apart, plastic fragments may be blown or washed into waterways and the ocean, creating an entanglement and ingestion hazard for marine life, potentially for many years. Due to its durability, buoyancy, and ability to concentrate toxins present in the ocean, plastic can be very harmful to marine life. Special Condition 5-F prohibits the use of temporary rolled erosion and sediment control products with plastic netting to minimize the potential for wildlife entanglement and plastic debris pollution. The condition also requires that any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design to reduce the potential for small animal entrapment and avoid leaving a residue of plastic in the environment upon degradation of the material.

Furthermore, the Commission includes [Special Condition 6](#) to restrict the future landscaping of the property that is the subject of the land division to only native and noninvasive species. The condition will ensure that the adjacent and nearby environmentally sensitive areas are not adversely affected by nonnative, invasive plant species that potentially could be introduced to the

site for landscaping purposes and colonize (e.g., via wind or wildlife dispersal) nearby ESHAs over time, thereby displacing native vegetation and disrupting the functions and values of the ESHAs. As previously discussed, [Special Condition 2](#), requiring that the Applicant execute and record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property, will ensure that future purchasers of the property are notified of the landscaping restrictions and other prohibitions on development imposed by the special conditions.

As conditioned in the manner discussed above, the Commission finds that the proposed project (1) maintains marine resources, (2) protects the biological productivity and the quality of coastal wetlands and waters, and (3) is designed to prevent impacts that would significantly degrade adjacent environmentally sensitive habitat areas and is compatible with the continuance of those areas, consistent with Sections 30230, 30231, and 30240(b) of the Coastal Act.

G. FLOOD HAZARDS

Section 30253 of the Coastal Act states, in applicable part:

New development shall do all of the following:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

...

The western portion of the subject property is located within the 100-year flood zone for Humboldt Bay as mapped by the Federal Emergency Management Agency (FEMA). This portion of the property is subject to flood hazards related to storm surge and the backing up of stormwater runoff behind the levees separating the area from Ryan Slough during severe storms. The western portion of the site also is within mapped tsunami wave run-up areas, and future sea-level rise may exacerbate flooding concerns in this low-lying area in the future.

Under the proposed land division, resultant Parcels 1 and 2 will be located partially within mapped flood zone areas. The flood hazard area portions of the proposed lots also are constrained by wetlands, as discussed above. To avoid flood hazards and impacts on wetlands, the future planned residences on the proposed lots will be restricted to the upland ridge of the property closer to Mitchell Heights Drive, at an elevation of between 40 and 70 feet above mean sea level, well above the predicted tsunami wave-run up elevation. The tentative parcel map delineates suitable building sites for the development of single family homes on each of the two vacant lots to be created within the higher elevations of the property. As discussed above, [Special Condition 1](#) restricts the use of the wetland areas, drainage swales, and associated wetland and swale buffer areas on the property, as generally depicted on **Exhibit 4**, to open space. Thus, the proposed land division as conditioned, will ensure that future residential development will occur outside of flood hazard areas.

Therefore, the Commission finds that the project as proposed will minimize risks to life and property in an area subject to high flood hazard and is consistent with Section 30253 of the Coastal Act.

H. ARCHAEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project area is located within the traditional territory of the Wiki division of the Wiyot Tribe. The tribe is understood to have been composed of three tribal divisions (Patawat, Wiki, and Wiyot), each associated with a water-related resource (the Mad River, Humboldt Bay, and the lower Eel River, respectively) and each speaking a common language (Selateluk). Settlements existed all around Humboldt Bay and along the banks of many of the streams and sloughs in the region.

According to the County staff report and CEQA document prepared for the parcel map approval, the County consulted with the North Coastal Information Center, the Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria on the project. The tribal representatives recommended project approval with no further study provided that a note regarding inadvertent discovery be included in the project. Based on these comments received, the County required, as a condition of its approval, that the Applicant submit a detailed development plan for County approval with detailed specifications as to the future development and improvement of the site. The development plan is required to have various specified notes including, in part, the following:

...

The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

- *If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation...*
- *Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted*

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.

This language in the County's development plan condition imposes certain responsibilities on the Applicant and successors in interest for monitoring for archaeological resources during future development of the subject property. Such future development will require a CDP, and the development plan language will also encourage the imposition of special conditions requiring monitoring during ground-disturbing activities and contingencies for the inadvertent discovery of archaeological resources. Because there may be ground-disturbance associated with the proposed timber harvesting activities (e.g., stump removal), the Commission attaches [Special Condition 7](#) to ensure adequate protection for any archaeological resources that may be inadvertently discovered during the authorized vegetation removal work.

Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30244, as the land division will include reasonable mitigation measures to ensure that future development associated with the approved land division will not result in significant adverse impacts to archaeological resources.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Humboldt County served as the lead agency for the project for CEQA purposes. The County Planning Commission adopted a final mitigated negative declaration for the project in October of 2013.

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. No public comments regarding potential significant adverse environmental effects of the project were received by the County as the lead agency during CEQA review of the project, nor were any public comments received by the Coastal Commission prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**APPENDIX A
SUBSTANTIVE FILE DOCUMENTS**

Coastal Development Permit Application Materials

Application file for CDP Application No. 1-14-0211, received 1/24/14.

Published Reports and Permits

PMS 11-003/LLA-11-019/CUP-11-015. Staff Report by Humboldt County Planning Department dated 9/27/13, approved by the County Planning Commission 10/3/13

CEQA document (mitigated negative declaration) dated 7/1/13, adopted by Humboldt County 10/3/13

Biological survey and report completed by Gary Lester Consulting dated August 2012 with supplemental reporting dated 1/9/13 and 2/28/13.

Websites

<http://gis.co.humboldt.ca.us/Freeance/Client/PublicAccess1/index.html?appconfig=podgis4>
Humboldt County Planning and Building Dept. GIS Portal

<http://www.realquest.com/jsp/rq.jsp?action=switch&page=main>
RealQuest – Real Estate Data and Information

Miscellaneous

County of Humboldt Local Coastal Program

EXHIBIT NO. 2

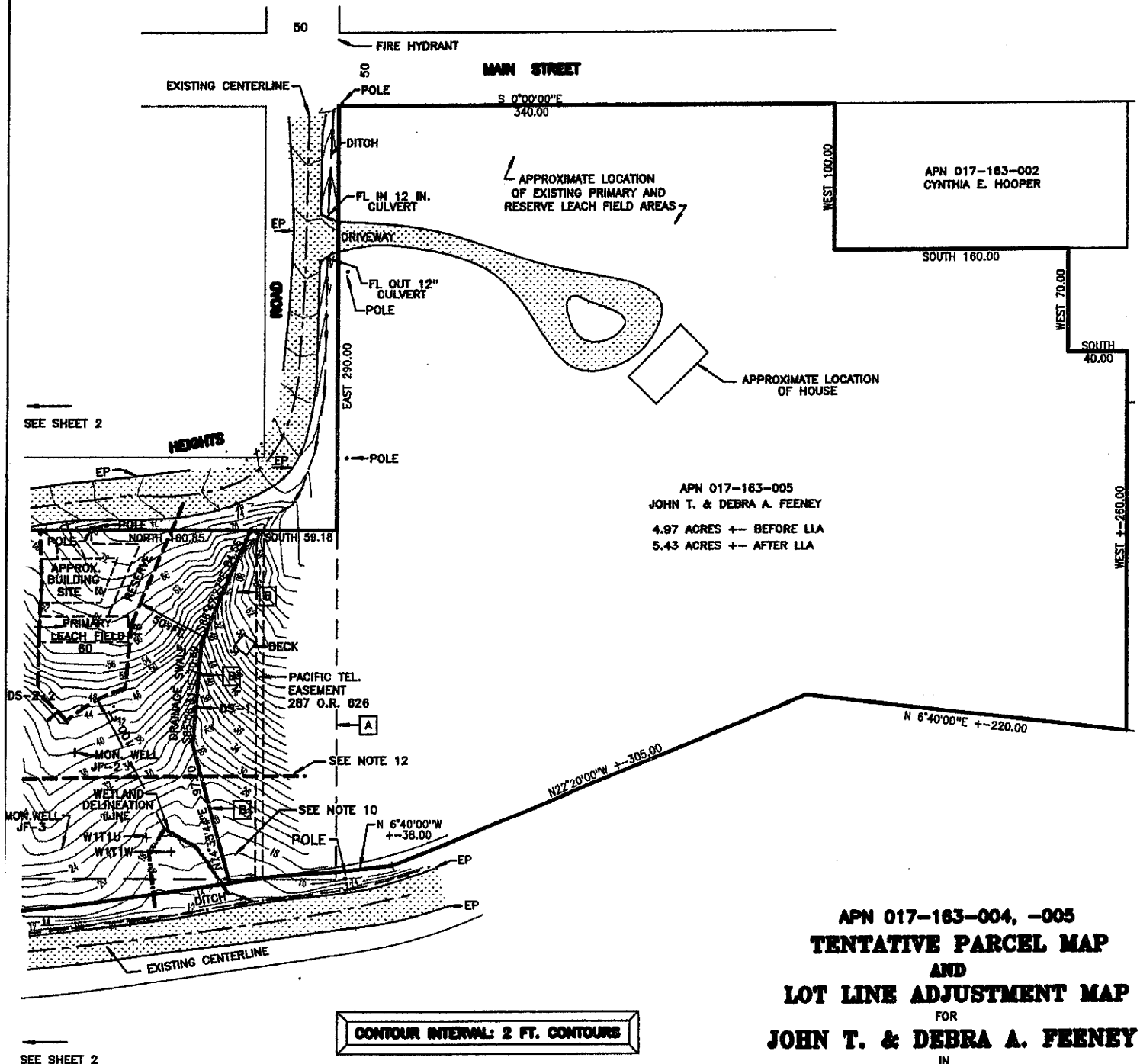
APPLICATION NO.

1-14-0211 - FEENEY

PROPOSED PROJECT
PLANS (1 of 3)

REVISED - MAY, 2013

1. WETLAND AND DRAINAGE INFORMATION
PER GARY LESTER REPORT ADDED
2. WETLAND AND DRAINAGE SETBACKS ADDED
3. REVISED LEACH FIELDS AND BUILDING
SITE LOCATIONS ADDED
4. PROPOSED DRIVEWAY LOCATIONS ADDED



APN 017-183-004, -005
**TENTATIVE PARCEL MAP
AND
LOT LINE ADJUSTMENT MAP**
FOR
JOHN T. & DEBRA A. FEENEY

IN
SECTION 30 T5N, R1E, HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
JUNE, 2011

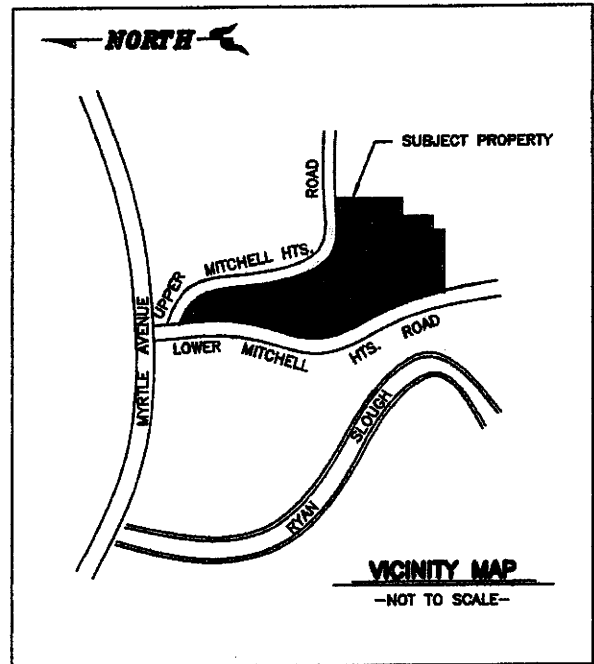
Humboldt County
State of California
Kelly-O'Hern Associates
Eureka, California

AGENT/SURVEYOR:
MICHAEL O'HERN
KELLY-O'HERN ASSOCIATES
3240 MOORE AVENUE
EUREKA, CA 95501
442-7283

OWNER:
JOHN T. & DEBRA A. FEENEY
2910 MITCHELL HTS. ROAD
EUREKA, CA 95503
269-1288

NOTES

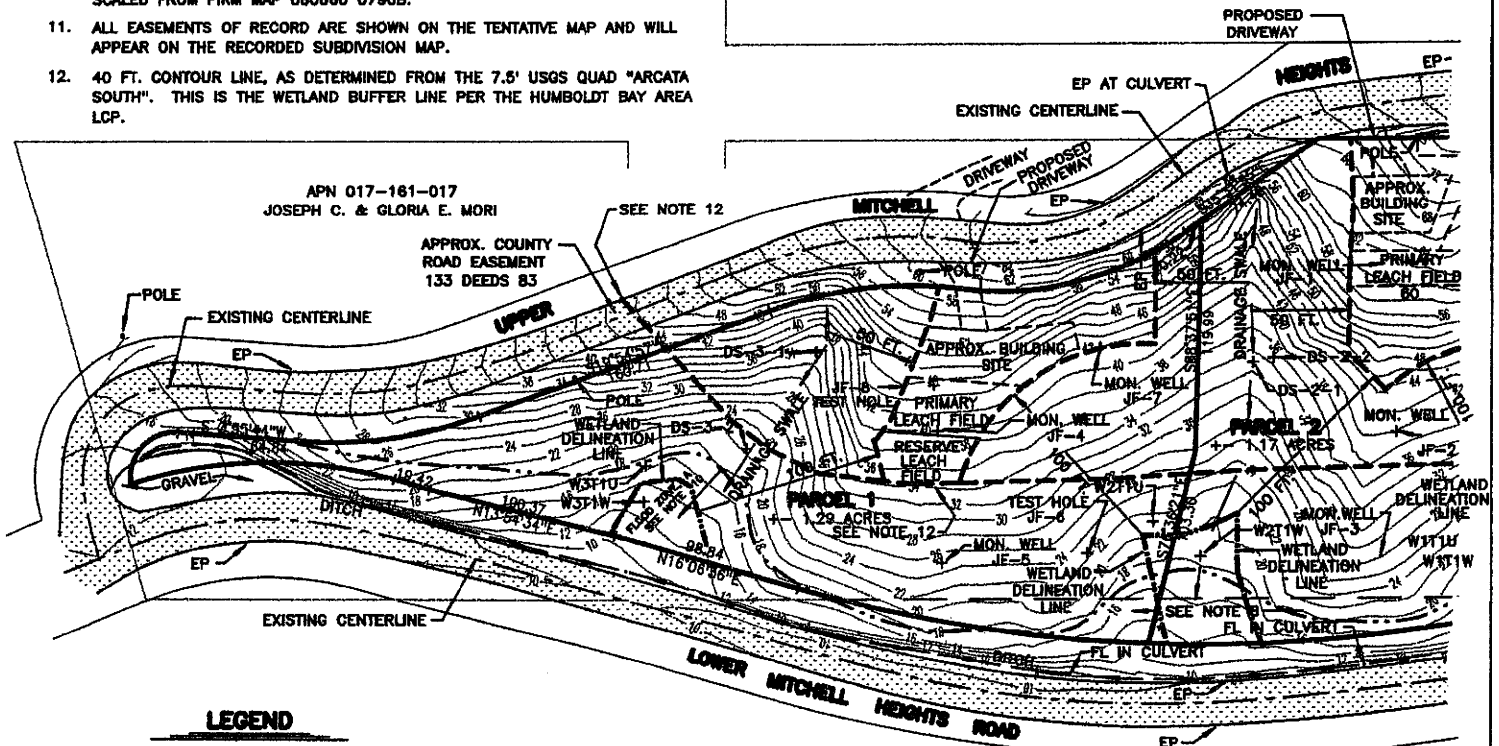
1. THIS TENTATIVE MAP PROPOSES THE SUBDIVISION OF AN EXISTING 2.76 ACRE PARCEL INTO TWO PARCELS AND TO ADJUST THE NORTH LINE OF APN 017-163-005.
2. WATER AND SEWER SERVICES:
PARCEL 1: WATER - PROPOSED FROM HCSD
SEWER - PROPOSED LEACH FIELD
PARCEL 2: WATER - PROPOSED FROM HCSD
SEWER - PROPOSED LEACH FIELD
THE HOUSE ON APN 017-163-005 HAS AN EXISTING PRIMARY SEWAGE DISPOSAL SYSTEM AND RESERVE AREA. THIS PARCEL IS SERVED BY HCSD WATER.
3. DATUM: HCSD (NAD 83) - CENTER OF MONUMENT LID AT MAIN STREET AND UPPER MITCHELL HEIGHTS ROAD. ELEVATION = 95.59 FEET
CONTOUR INTERVAL: 2 FOOT CONTOURS BASED ON A FIELD SURVEY.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN. A BOUNDARY SURVEY HAS NOT BEEN COMPLETED FOR THIS MAP.
5. ZONING: PARCEL 1 AND PARCEL 2 - RA-1/F (ONE (1) ACRE MINIMUM)
6. ADDRESS: 2910 MITCHELL HEIGHTS DRIVE
7. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:
BOOK 133 DEEDS, PAGE 83 - EASEMENT FOR COUNTY ROAD GRANTED TO THE COUNTY OF HUMBOLDT.
BOOK 287 O.R., PAGE 626 - EASEMENT FOR PUBLIC UTILITIES GRANTED TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A CALIFORNIA CORPORATION.
INSTRUMENT NO. 1992-8485-3 - EASEMENT FOR PUBLIC UTILITIES GRANTED TO HUMBOLDT COMMUNITY SERVICES DISTRICT.
8. THIS MAP PROPOSES THE ABANDONMENT OF A PORTION OF LOWER MITCHELL ROAD (THE PORTION OUTSIDE OF A 60 FOOT RIGHT OF WAY) AND THE ABANDONMENT OF ANY PORTION OF UPPER MITCHELL ROAD THAT LIES OUTSIDE OF A 50 FOOT RIGHT OF WAY, AS PER SECTION 66499.20 1/2 OF THE GOVERNMENT CODE.
9. SOIL TEST HOLES AND MONITORING WELLS ARE BY OMSBERG & PRESTON SURVEYORS & ENGINEERS - SEE REPORT DATED APRIL 4, 2011.
10. THE UPPER LIMIT OF FLOOD ZONE A (100 YEAR FLOOD) IS APPROXIMATE, SCALED FROM FIRM MAP 080080 0790B.
11. ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.
12. 40 FT. CONTOUR LINE, AS DETERMINED FROM THE 7.5' USGS QUAD "ARCATA SOUTH". THIS IS THE WETLAND BUFFER LINE PER THE HUMBOLDT BAY AREA LCP.



APN 017-161-016
BRETT E. & TINA M. MORANDA

HILL TRACT
BOOK 5 MAPS, PAGE 78

SEE SHEET 1

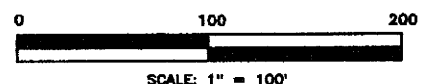


LEGEND

- | | | |
|--------|---|---------------------------------------|
| [A] | LOT LINE TO BE DELETED BY LOT LINE ADJUSTMENT | |
| [B] | LOT LINE TO BE ADDED BY LOT LINE ADJUSTMENT | |
| EP | EDGE OF PAVING | |
| FL | FLOWLINE | |
| DS-3-2 | DRAINAGE SWALE #3 HOLE #2 | } LOCATIONS PER BIOLOGIST GARY LESTER |
| W3T1U | WETLAND #3 TRANSECT #1 UPLAND | |
| W3T1W | WETLAND #3 TRANSECT #1 WETLAND | |

APN 017-164-001
TIMOTHY R. & BRENTON POWELL

SEE SHEET 1



Feeney Project

HEIGHTS

EP AT CULVERT

EXISTING CENTERLINE

PROPOSED DRIVEWAY

MITCHELL

APPROX. BUILDING SITE

PRIMARY LEACH FIELD

RESERVE LEACH FIELD

TEST HOLE JF-8

MON. WELL JF-4

WETLAND DELINEATION LINE

TEST HOLE JF-6

MON. WELL JF-5

WETLAND DELINEATION LINE

FL IN CULVERT

SEE NOTE 8

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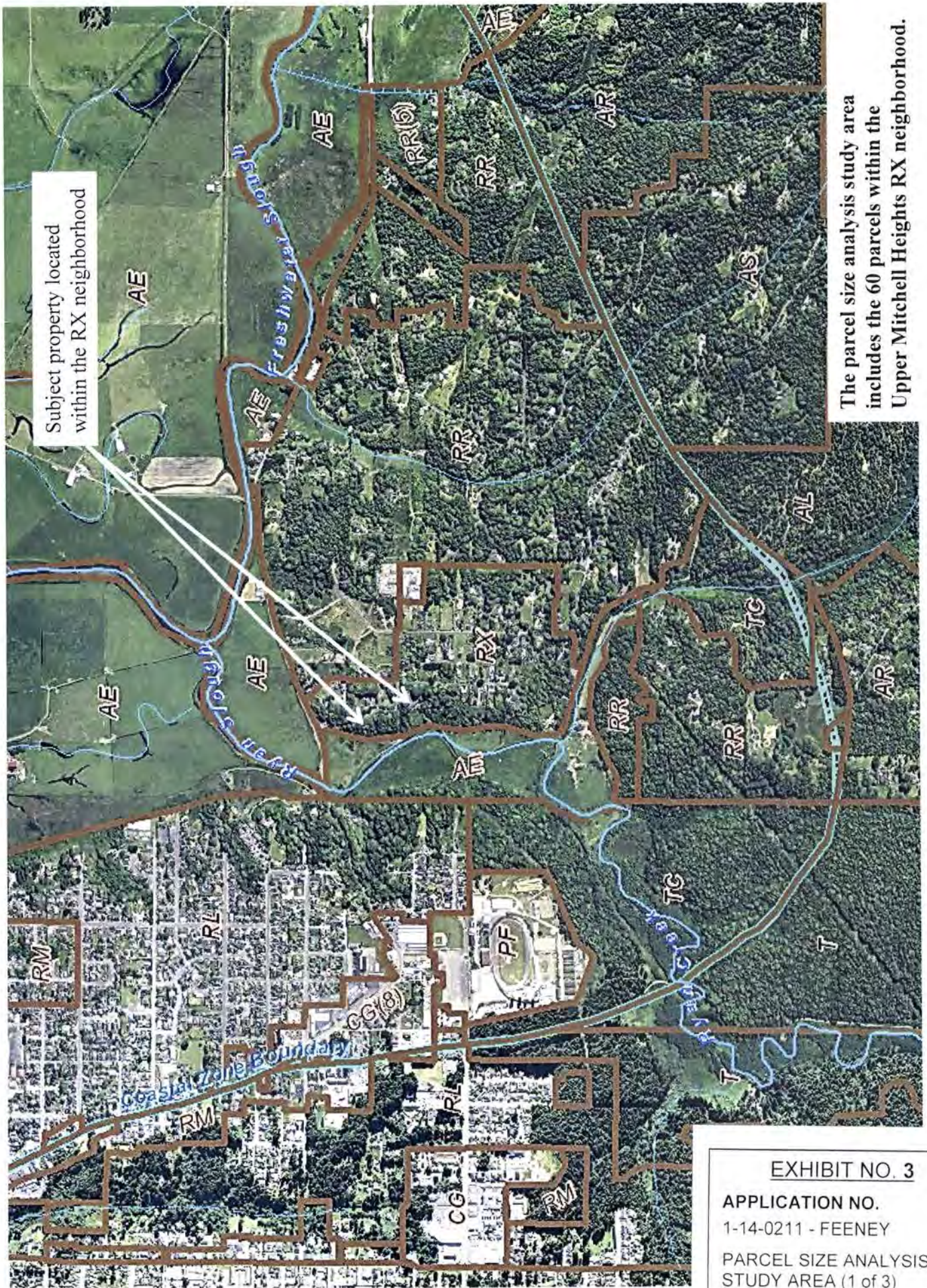
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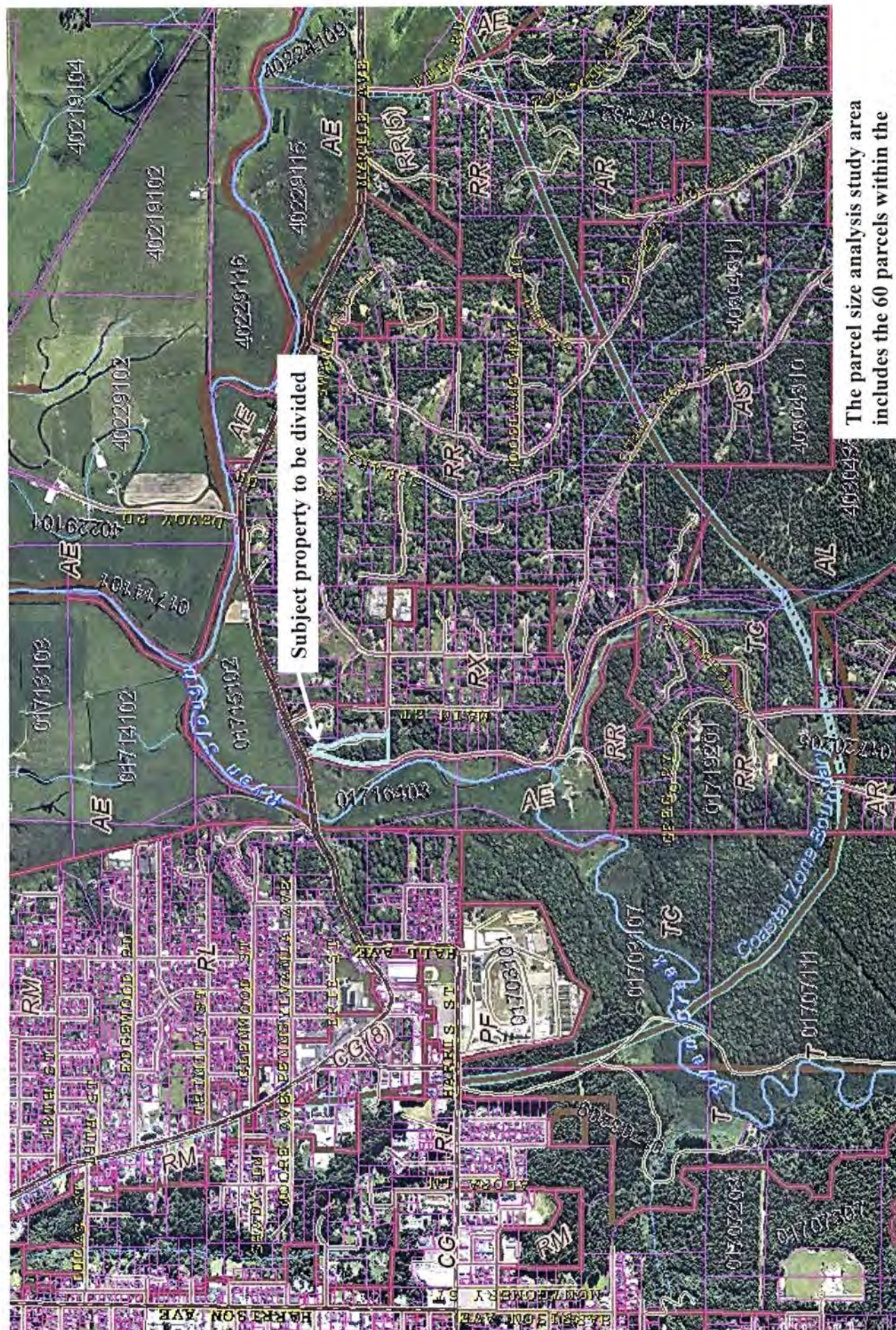


Subject property located within the RX neighborhood

The parcel size analysis study area includes the 60 parcels within the Upper Mitchell Heights RX neighborhood.

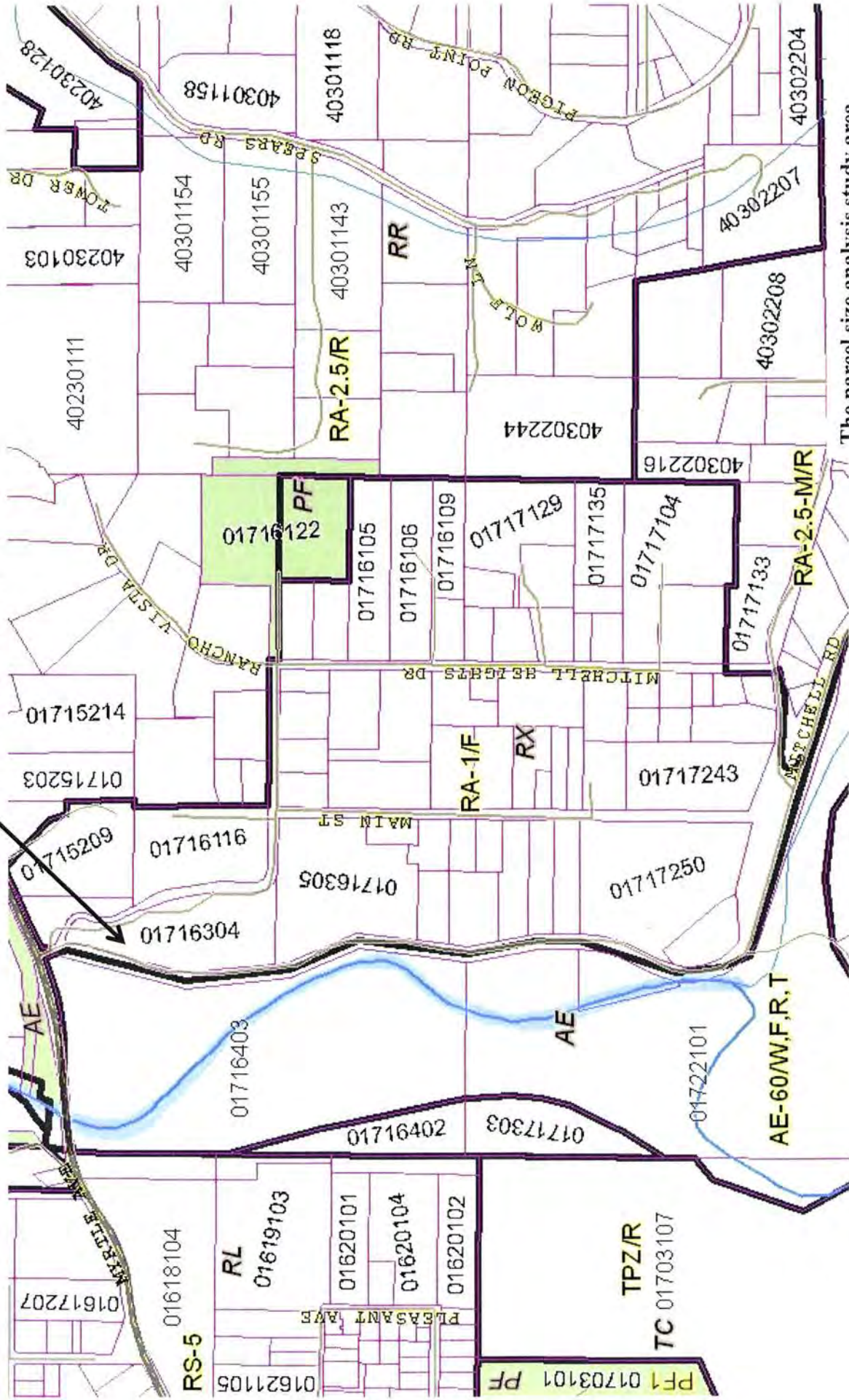
EXHIBIT NO. 3

APPLICATION NO.
1-14-0211 - FEENEY
PARCEL SIZE ANALYSIS
STUDY AREA (1 of 3)



The parcel size analysis study area includes the 60 parcels within the Upper Mitchell Heights RX neighborhood.

Subject property to be divided



The parcel size analysis study area includes the 60 parcels within the Upper Mitchell Heights RX neighborhood.

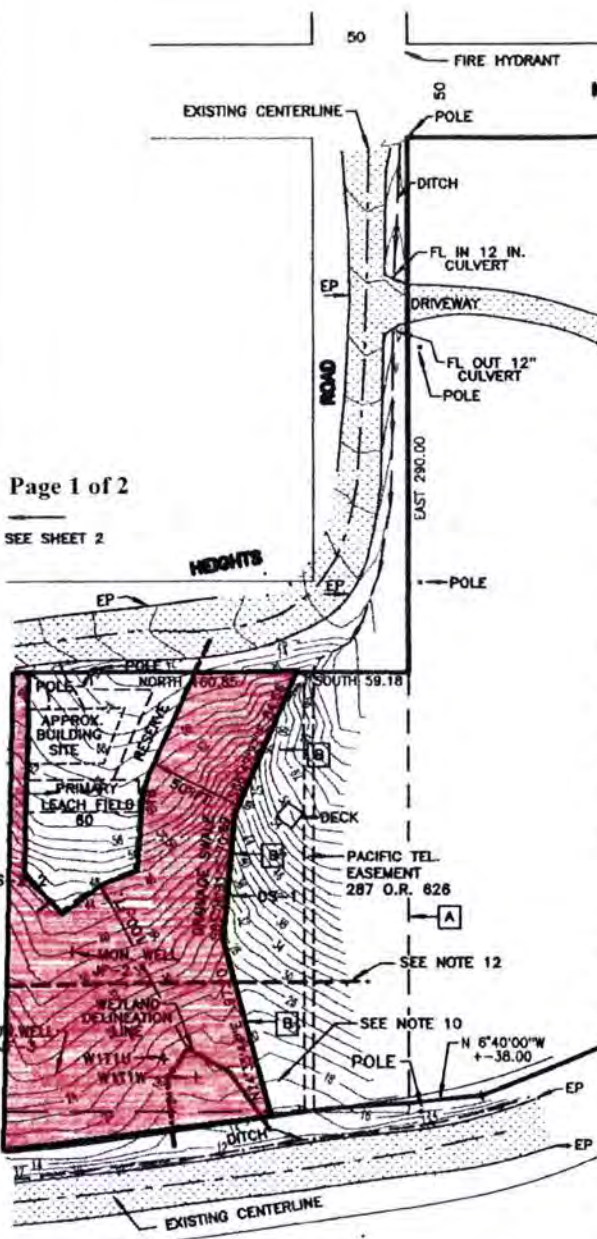
Note: Additional habitat assessments and buffer areas may be required as part of applications for future development of the property containing the open space restricted areas.

EXHIBIT NO. 4

APPLICATION NO.

1-14-0211 - FEENEY

AREAS SUBJECT TO OPEN SPACE
DEED RESTRICTION CONDITION (1
of 2)



The areas shown in red (shaded) are open space restricted areas, which include the following areas:

- (1) delineated environmentally sensitive wetland areas,
- (2) delineated drainage swales,
- (3) designated 100-foot buffer areas around delineated wetlands, and
- (4) designated 50-foot buffer areas around delineated drainage swales.

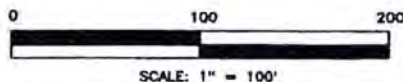
Pursuant to Special Condition 1 of Coastal Development Permit (CDP) No. 1-14-0211, no development, as defined in Section 30106 of the Coastal Act, shall occur within the open space restricted areas except as provided in subsections (A) and (B) below.

A. CDP 1-14-0211 authorizes the following development within the open space restricted areas: (i) erection of temporary fencing and flagging to delineate and protect environmentally sensitive areas and associated buffers during permitted tree removal operations and during any future residential-related development on the site; (ii) temporary installation and removal of forestry cables, safety lines, and associated low-impact equipment necessary to remove timber and associated slash permitted to be removed from adjacent areas outside of environmentally sensitive areas and associated buffers approved by the California Coastal Commission under CDP 1-14-0211; and (iii) soil stabilization measures approved by the California Coastal Commission under CDP 1-14-0211.

B. If approved by the California Coastal Commission as an amendment to CDP 1-14-0211, the following additional development may occur within open space restricted areas: (i) future installation and removal of temporary forestry cables, safety lines, and associated low-impact equipment necessary to remove additional timber and associated slash permitted in the future to be removed from adjacent areas outside of environmentally sensitive areas and associated buffers; (ii) soil stabilization measures; (iii) habitat restoration and enhancement activities; (iv) vegetation clearance if required by the California Department of Forestry and Fire Protection (CDF) to meet fire safety standards; (v) maintenance of existing utilities and community services infrastructure; and (vi) removal of debris and unauthorized structures.

CONTOUR INTERVAL: 2 FT. CONTOURS

SEE SHEET 2



AGENT/SURVEYOR:
MICHAEL O'HERN
KELLY-O'HERN ASSOCIATES
3240 MOORE AVENUE
EUREKA, CA 95501
442-7283

OWNER:
JOHN T. & DEBRA A. FEENEY
2910 MITCHELL HTS. ROAD
EUREKA, CA 95503
269-1268

FOR
JOHN T. & DEBRA A. FEENEY

IN
SECTION 30 T5N, R1E, HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
JUNE, 2011

Humboldt County
State of California
Kelly-O'Hern Associates
Eureka, California

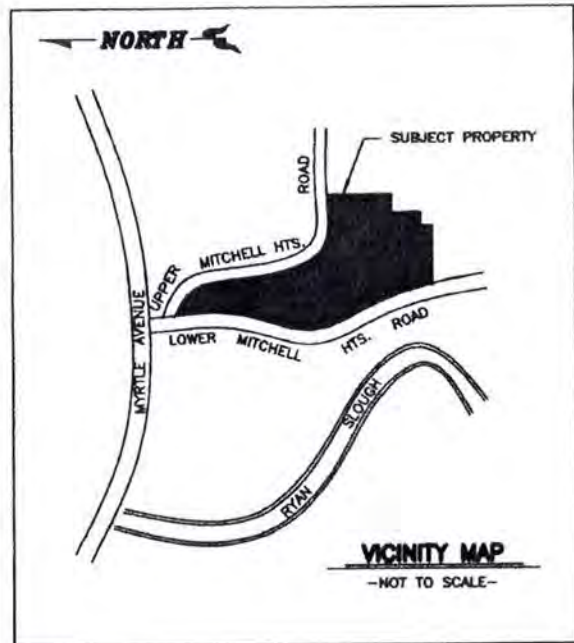
The areas shown in red (shaded) are open space restricted areas, which include the following areas:

- (1) delineated environmentally sensitive wetland areas,
- (2) delineated drainage swales,
- (3) designated 100-foot buffer areas around delineated wetlands, and
- (4) designated 50-foot buffer areas around delineated drainage swales.

Pursuant to Special Condition 1 of Coastal Development Permit (CDP) No. 1-14-0211, no development, as defined in Section 30106 of the Coastal Act, shall occur within the open space restricted areas except as provided in subsections (A) and (B) below.

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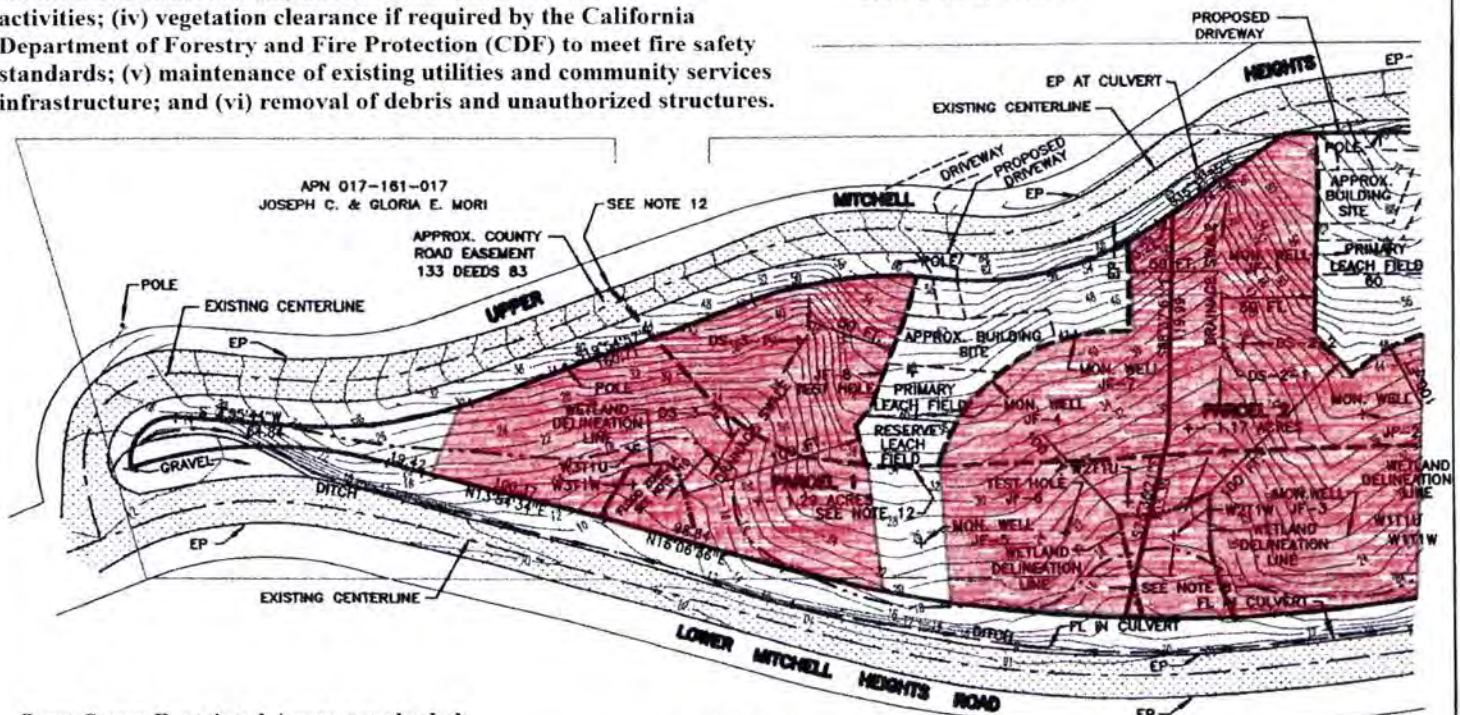


Note: Additional habitat assessments and buffer areas may be required as part of applications for future development of the property containing the open space restricted areas.

APN 017-161-016
BRETT E. & TINA M. MORANDA

HILL TRACT
BOOK 5 MAPS, PAGE 78

SEE SHEET 1



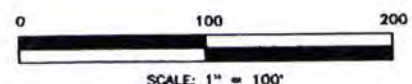
Open Space Restricted Areas are shaded (red)

APN 017-164-001
TIMOTHY R. & BRENTON POWELL

SEE SHEET 1

- | | | |
|--------|--------------------------------|---------------------------------------|
| EP | EDGE OF PAVING | |
| FL | FLOWLINE | |
| DS-3-2 | DRAINAGE SWALE #3 HOLE #2 | } LOCATIONS PER BIOLOGIST GARY LESTER |
| W3T1U | WETLAND #3 TRANSECT #1 UPLAND | |
| W3T1W | WETLAND #3 TRANSECT #1 WETLAND | |

SHEET 2 OF 2



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