

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
 1385 8<sup>th</sup> STREET • SUITE 130  
 ARCATA, CA 95521  
 VOICE (707) 826-8950  
 FACSIMILE (707) 826-8960

**W14a**

Click here to go to  
 original staff report

**MEMORANDUM**

Date: December 8, 2015  
 To: Commissioners and Interested Parties  
 From: Robert S. Merrill, District Manager – North Coast District  
 Subject: **Addendum to Commission Meeting for Wednesday, December 9, 2015  
 North Coast District**

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**Kraemer, Melissa@Coastal**

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**From:** Estlow, Trevor <TEstlow@co.humboldt.ca.us>  
**Sent:** Friday, December 04, 2015 4:56 PM  
**To:** Kraemer, Melissa@Coastal  
**Cc:** John Homan (drjhoman@suddenlink.net)  
**Subject:** Homan Appeal.

W/14a

Hi Melissa-

I understand that the Coastal Commission will hear the appeal of the Homan Subdivision at their meeting on Wednesday, December 9, 2015. I would like to offer the following information relating to the project:

The Humboldt County Planning Division has reviewed a proposal by John and Katrin Homan to divide their property (APN: 515-191-037) into six parcels suitable for residential development. The applicants have gone through many design changes, including reducing the number of parcels from nine to six, improving protection of the seasonal unnamed creek and surrounding wetlands, reducing the number of driveways, and adding measures to protect visual resources including but not limited to protecting many of the trees greater than 12 inches in diameter located on the property. On July 16, 2015, the Planning Commission approved the project unanimously, 7-0. The project was then appealed to the Board of Supervisors. On October 6, 2015, the Board of Supervisors upheld the Planning Commission's decision and denied the appeal with a 4-0 vote. The Board's action included additional mitigation measures further protecting visual resources. Finally, the Board's action was appealed to the California Coastal Commission. Staff has reviewed the additional information submitted by the appellant and believes that the project as currently proposed and mitigated adequately protects visual resources. Feel free to contact me should you have any questions.

Sincerely,

**Trevor Estlow, Senior Planner**  
County of Humboldt, Planning Division  
3015 H Street  
Eureka, CA 95501  
Phone: (707) 268-3740  
Fax: (707) 268-3792  
Email: [teflow@co.humboldt.ca.us](mailto:teflow@co.humboldt.ca.us)

 Please consider the environment before printing this e-mail

14a-1

**Kraemer, Melissa@Coastal**

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**From:** Douglas Jager <camelot@suddenlink.net>  
**Sent:** Sunday, December 06, 2015 10:37 PM  
**To:** Kraemer, Melissa@Coastal  
**Cc:** John Homan  
**Subject:** Proposed Homan subdivision  
**Attachments:** john homan.pages

W14a

December 6, 2015

Melissa

Please accept my attached email memo regarding the proposed Homan subdivision in North Trinidad.

Douglas Jager  
707.845.3570

14a-2

Douglas Jager  
349 Stagecoach Road  
Trinidad CA 95570-9701  
707.677.0902 or 707.845.3570

December 6, 2015

Email Memo To:

California Coastal Commission

Re: Proposed subdivision of Homan Property in North Trinidad

My name is Doug Jager and I am a retired Professor of Forestry and Watershed Management at Humboldt State University. I have more than 30 years of forestry, watershed management, and wild land hydrology university teaching experience. I have many years of part time research and consulting experience in those fields as well. I have BS and MS degrees in Forestry and a PhD in Wild land Hydrology. Further, I am a California Registered Professional Forester (Number 1532).

My wife and I have resided in Humboldt County for approximately 55 years. We live north of Trinidad at 349 Stagecoach Road where we have resided for 42 years. Our home is on the Southeast corner of Stagecoach Road and Anderson Lane, just a stone's throw from the Homan's property. In fact the Homans purchased their property from my aunt who had lived there since the 1960's. We have followed closely the events related to the proposed Homan subdivision over the years. I would like to give you a brief history of events.

Approximately eight years ago the Homans applied to subdivide their 19 acre parcel into 9 lots, the maximum allowed giving the zoning which is 2 acre minimum. Although they satisfied the requirements of all of

the regulating agencies, my wife and I like many folks in our area felt that 9 lots were too many for the property. Five years ago the Homans voluntarily pulled their subdivision from the Humboldt County Planning Commission before the commission voted, even though the county planning staff recommended approval of the 9 lot plan, so that they could meet with the opposition and attempt to address their concerns. I met with the Homans many times and spent time with them on the property. I feel that they have addressed all of my concerns and made appropriate changes to their plans to reflect those concerns. These changes include reducing the number of lots from 9 to 6, reducing the number of driveways on Stagecoach Road from 2 to one, reducing the number of properties that would have deeded ingress and egress onto Stagecoach Road from 4 to 1, markedly reduce the number of trees that may need to be removed in the future, abandon lot size averaging and instead make every lot more than 2 acres in size, improve vegetative buffers to limit visibility of future homes from public roads and vantage points and reduce potential environmental impacts on the creek and associated wetlands located on their property.

In short, I feel that the Homans have made changes to their plan that were needed and I support the County's decision to approve the revised subdivision. If you have questions you may contact me at:  
707.845.3570 or at [camelot@suddenlink.net](mailto:camelot@suddenlink.net).

Sincerely,

Doug Jager

**Kraemer, Melissa@Coastal**

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**From:** Richard D. Stepp <Richard.Stepp@humboldt.edu>  
**Sent:** Sunday, December 06, 2015 11:50 PM  
**To:** Kraemer, Melissa@Coastal  
**Subject:** Letter in support of the Homan Sub-division

W14a

I am a recently retired environmental scientist(Professor of Physical Science at Humboldt State University for 40 years, PhD Meteorology from Penn State University, 1972). I do volunteer work with Katrin Homan at 4-H Trail, a several acre ranch In Trinidad, CA, that enables people with disabilities to ride horses. That ranch is only a few hundred yards from Homan's proposed subdivision.

At the urging of Dr.Doug Jager, owner of the ranch since the early 1970's, former Humboldt State U. Forestry Professor, and local civic/environmental ikon, I became involved in the approval process for the Homan subdivision. I toured the Homan property last August. And in the last few weeks, I spent about 3 hours with Katrin Homan, hiking up and down trails on Trinidad Head, looking North toward the Homan property (a mile or so away, forested, and surrounded by forest). We took pictures from every bench or overlook. Never in all that time were we sure that we could even see any part of the property! And given the agreements made with local planners and local Coastal Commission staff, there is no reason to believe that that would change once an additional 5 dwellings were built on the property.

For reasons know only to himself, Mr. Robert Vogel has become expert at exaggerating the visual impact of this proposed project, in my opinion.

Also in my opinion, Homans have done a remarkable job sponsoring studies by professionals, proposing mitigations for probable impacts,compromising, and listening to others over the ten years that this project has been undergoing review! And once they became involved a few years ago, the local Coastal Commission staff has done a similarly impressive job!

The above statements are my opinions only. I have no financial interest in the Homan property, and do not own property in Trinidad, CA.

Richard Stepp, PhD      Dec. 6, 2015

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**Kraemer, Melissa@Coastal**

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**From:** John Homan <drjhoman@suddenlink.net>  
**Sent:** Monday, December 07, 2015 5:00 PM  
**To:** Kraemer, Melissa@Coastal  
**Subject:** Fw: John Homan appeal Ryan Sundberg Letter

W14a

Melissa,

I received this from Ryan Sundberg a little while ago. John

**From:** Sundberg, Ryan  
**Sent:** Monday, December 07, 2015 3:34 PM  
**To:** 'John Homan'  
**Subject:** FW: John Homan appeal

Hi John,

I sent this to CC members Carol Groom and Martha McClure. I also sent it to our head planner Rob Wall to share with his contacts at the CC including staff.

Have a great day,

Ryan Sundberg  
HC 5th District Supervisor  
707-476-2395

-----Original Message-----

**From:** Sundberg, Ryan  
**Sent:** Monday, December 07, 2015 03:31 PM Pacific Standard Time  
**To:** 'cgroom'; 'mmcclure'  
**Cc:** Bass, Virginia; Wall, Robert  
**Subject:** RE: John Homan appeal

Dear CA Coastal Commission,

My name is Ryan Sundberg and I am a member of the Humboldt County Board of Supervisors representing district 5 in which the Homan property is located. This appeal is scheduled for your next Coastal Commission meeting in Monterey. In October 2015, the Board entertained appeals submitted by Robert Vogel and from his group Friends of College Cove appealing the Humboldt County Planning Commission's decision to approve the Homan subdivision in the Patrick's Point area. At the board level, with input from the Homans, the Humboldt County planning staff and local staff members of the California Coastal Commission, we added additional conditions of approval to offer even more protection of the visual resources that were of concern to Mr. Vogel and his Friends of College Cove group. At this time it is my opinion that the allegations put forth by Mr. Vogel in his Coastal Commission appeal are unfounded and without merit. The most significant omission in his appeal is the fact that even if the Homans were forced to clear cut their property as he suggests would be the case, any buildings placed on the highest point on their property that would affect ridgeline views from Trinidad Head could only be visible from the vantage points described in his appeal if all of the trees in

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Trinidad Beach State Park located in the line of site were also clear cut. Suggesting that the Homans would be forced to clear cut their property is in my opinion unfounded, and the omission of the need to clear cut state park land is a clear error of omission.

I am aware that the Homans have already willfully and voluntarily engaged with members of the opposition and after careful consideration of their concerns made numerous changes to their plans to mitigate their concerns. Their project had already been submitted some years ago and after successfully navigating through the process had received approval of the referring regulating agencies and had county staff recommendation of approval. This was for a 9 lot subdivision which the Homans voluntarily withdrew from the planning commission in order to meet with opposition to address their concerns. Some of the changes made were to reduce the number of lots from 9 to 6, reduce visual impacts through a series of mitigating measures which were strengthened at the Board of Supervisors level, change the lot layout to add additional protection of the unnamed creek and the associated wetlands, decrease the number of access points from public roads which now adds only one new driveway and greatly reduce the need for any tree removal. The Homans have worked closely with members of our Public Works staff as well as CalFires to greatly reduce the number of trees that need to be removed to approve the subdivision. Of the nearly one thousand trees on the property greater than 12 inches in diameter, less than ten of them need to be removed for the improvements required in the conditions of approval.

Of note is that Mr. and Mrs. Vogel were two of the only three members of the public who spoke in opposition to the subdivision at the Humboldt County Planning Commission deliberations and Mr. Vogel was the only member of the public who spoke in opposition to the subdivision at his Board of Supervisors appeal. Also it should be noted that 5th District Humboldt County Planning Commissioner Ben Shepard toured the project site in its entirety and found no ground to support the appeal.

I grew up in Humboldt County and can tell you that the visual resources in the Trinidad area are extremely valuable not just to county natives but to tourists as well. It is for this reason that the Humboldt County Board of Supervisors added extra measures to protect them. If I felt that there was even a chance that these visual resources were threatened in any way, I would not be sending you this letter urging you to not entertain this appeal any further.

Sincerely,

Ryan Sundberg  
HC 5th District Supervisor  
707-476-2395

-----Original Message-----

**From:** Bass, Virginia  
**Sent:** Monday, December 07, 2015 01:15 PM Pacific Standard Time  
**To:** Sundberg, Ryan  
**Cc:** cgroom@smcgov.org  
**Subject:** Carole's contact information

Here is Carole's email info (in the cc line above). I have also texted her to see if that is the best address. Will send you her cell number on text when I get back to my phone in case you want to call her as well.

**CALIFORNIA COASTAL COMMISSION**

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 1385 8<sup>TH</sup> STREET • SUITE 130  
 ARCATA, CA 95521  
 VOICE (707) 826-8950

**W14a**

Filed: 10/30/15  
 49<sup>th</sup> Day: 12/18/15  
 Staff: M. Kraemer-A  
 Staff Report: 11/27/15  
 Hearing Date: 12/9/15

**STAFF REPORT AND RECOMMENDATION ON APPEAL  
 SUBSTANTIAL ISSUE DETERMINATION**

**Local Government:** County of Humboldt

**Local Decision:** Approval with Conditions

**Appeal No.:** A-1-HUM-15-0065

**Applicant:** John and Katrin Homan

**Location:** Along the east side of Stagecoach Road at 101 Anderson Lane approximately 0.5-mile north of Trinidad.

**Project Description:** Divide a 19-acre parcel into six lots ranging in size from approximately 2.2 acres to 6.9 acres.

**Appellants:** (1) Robert Vogel; (2) Friends of College Cove; (3) Carol Boyd

**Staff Recommendation:** No Substantial Issue

**IMPORTANT HEARING PROCEDURE NOTE**

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the *de novo* phase of the hearing will occur at a future Commission meeting during which it will take public testimony.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeals have been filed.

The subject project involves the division of a 19-acre lot into six separate lots ranging in size from 2.2 acres to 6.9 acres. The property is located approximately 0.5-mile north of the City of Trinidad in an area designated as a Coastal Scenic Area (CSA) under the Humboldt County Local Coastal Program (LCP). The existing 19-acre forested rural residential lot is developed with one existing single-family residence constructed in the 1950s. As approved under the County's coastal development permit (CDP), the existing residence on the property is located on lot 6 of the subdivision. The future development of residential structures on lots 1 through 5 will require separate CDPs.

The appellants have raised various LCP consistency issues relating to visual resources, setbacks from roads and property lines, wetland resources, and off-site and cumulative impacts. Staff believes that the number and configuration of lots approved by the County is subordinate to the character of the area and protects views to and along coastal scenic areas for a number of reasons: (a) as approved, the three lower lots that abut the two public roadways are required to establish and maintain tree preservation and wetland/creek buffers along the roadway areas, which in total equate to almost 3 acres in size and contain over 300 existing large, mostly evergreen trees, which effectively screen the interior portions of the property from public vantage points along the roads; (b) the approved number and configuration of lots necessitates no improvements to Stagecoach Road or to Anderson Lane, thereby protecting the existing narrow, forested roadway character of the area; (c) under the approved lot configuration, each lot has existing cleared areas where future residential development could be located, thereby minimizing the need for future tree removal; (d) the approved lot configuration minimizes the alteration of natural landforms, because each approved lot has flat to gently sloping areas where future development may occur without the need for significant grading; (e) as approved, the three upper lots are required to establish and maintain tree preservation buffers, which currently include over 80 mature evergreen trees, to maintain vegetation screening between lots and distant public vantage points to the west, south, and southeast; (f) specific tree planting and tree replacement requirements are required for the property; (g) the CDP expressly incorporates mitigation measures contained in the Mitigated Negative Declaration adopted for the project; and (h) the County's approval imposes design restrictions on future structures (e.g., requirements for dark earth tones, minimal and anti-glare glazing, height restrictions, and exterior lighting restrictions) to further ensure that the approved development is sited and designed to protect views to and along scenic coastal areas consistent with Section 30251 of the Coastal Act. Separate CDPs will be required the future development of each of the subdivided lots, which will ensure that future development is consistent with the CSA setback and other standards as well as other visual resources protection policies of the certified LCP.

With regard to the contention alleging inadequacies with the wetland delineation, as required by the LCP, the County visited the property with staff from the California Department of Fish and Wildlife (CDFW) to review the wetland delineation and sensitive habitat areas. CDFW staff has affirmed that they visited the site in 2009 and reviewed the updated information from 2014 and

remain satisfied with the adequacy of the wetland delineation and setback boundaries. Further, due to the size and configuration of the approved lots, future development on lots 1, 3, 4, 5 and 6 can be located at least 200 feet from wetland resources.

Therefore, staff recommends that the Commission find that the appeals raise no substantial issue regarding conformance of the approved project with the certified LCP and the Chapter 3 policies of the Coastal Act.

**The motion to adopt the staff recommendation of No Substantial Issue is found on [Page 5](#).**

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### APPENDICES

[Appendix A](#) – Commission’s Appeal Jurisdiction Over Project

[Appendix B](#) – Substantive File Documents

[Appendix C](#) – Excerpts from the County of Humboldt’s Local Coastal Program

### EXHIBITS

[Exhibit 1](#) – Regional Location Map

[Exhibit 2](#) – Vicinity Maps

[Exhibit 3](#) – Land Use Designation and Zoning Map

[Exhibit 4](#) –Coastal Scenic Areas Map

[Exhibit 5](#) – Aerial Photograph with USGS Topographic Elevations

[Exhibit 6](#) – County’s Approved Subdivision Maps

[Exhibit 7](#) – Tree Retention Areas Restricted by CDP Conditions

[Exhibit 8](#) – Tree Retention Areas Relative to Existing & Potential Development in the Area

[Exhibit 9](#) – Site Photographs

[Exhibit 10](#) – County Planning Staff E-mail Regarding Tree Mitigation Plan

[Exhibit 11](#) – County Department of Public Works Letter Regarding Road Improvements

[Exhibit 12](#) – California Department of Fish and Wildlife E-mail Regarding Wetlands

[Exhibit 13](#) – Notice of Final Local Action and Findings for Approval of County CDP

[Exhibit 14](#) – Appeal by Robert Vogel filed October 30, 2015

[Exhibit 15](#) – Appeal by Friends of College Cove filed October 30, 2015

[Exhibit 16](#) – Appeal by Carol Boyd filed October 30, 2015

[Exhibit 17](#) – Information Supplementing Contentions of Robert Vogel & Friends of College Cove submitted November 5, 2015

[Exhibit 18](#) – Comment Letters Received Prior to Publication of the Staff Report

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission determine and resolve that Appeal No. A-1-HUM-15-0065 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion by voting “Yes” as is recommended by staff will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### Resolution:

*The Commission hereby finds that Appeal No. A-1-HUM-15-0065 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified LCP and/or the public access policies of the Coastal Act.*

## II. FINDINGS AND DECLARATIONS

### A. APPEAL JURISDICTION AND PROCEDURES

Pursuant to Coastal Act Section 30603(a), Humboldt County’s approval is appealable to the Coastal Commission because: (1) portions of the approved development (in this case the land division) are located within 100 feet of a wetland; and (2) the development approved by the County is not designated as the principal permitted use under the County zoning ordinance. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified Local Coastal Program (LCP).

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue<sup>1</sup> exists with respect to the grounds on which the appeal has been filed. Even when the Commission chooses not to hear an appeal, an appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of

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<sup>1</sup> The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government’s decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government's decision for future interpretations of its LCP; and, (e) whether the appeal raises only local issues, or those of regional or statewide significance.

mandate pursuant to Code of Civil Procedure, Section 1094.5. Commission staff has analyzed the administrative record for the approved project, including, but not limited to, the County's Final Local Action Notice for the development (Exhibit 13), the appellants' claims (Exhibits 14, 15, 16, and 17), and the relevant requirements of the certified LCP (Appendix C). Staff is recommending that the Commission find that the appeals raise no substantial issue with respect to the grounds on which the appeals have been filed.

In this case, because the staff is recommending that the appeals raise no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Generally, and at the discretion of the Chair, qualified persons will have three minutes per side to address whether the appeals raise a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellants, and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

## **B. LOCAL GOVERNMENT ACTION**

On July 16, 2015, the Humboldt County Planning Commission approved Coastal Development Permit No. CDP-08-025 with special conditions. The approved project authorizes the division of a 19-acre lot into six lots ranging in size from 2.2 acres to 6.9 acres (Exhibit 6). On July 24, 2015, the County Planning Commission's permit approval was appealed to the County Board of Supervisors by Robert Vogel. On October 6, 2015, the Board of Supervisors denied the appeal and approved the CDP with revised special conditions (Exhibit 13).

The County granted its approval of CDP-08-025 subject to 18 special conditions, including, but not limited to, conditions requiring (1) restrictions on the future development of the subdivided lots related to tree preservation corridors, protection of archaeological resources, protection of wetland and riparian habitats, and measures to ensure that future development is subordinate to the surrounding area; (2) protection of nesting bird habitat during tree removal operations for the subdivision road improvements; (3) completion of the various mitigation measures from the environmental document adopted for the project; and (4) completion of the conditions required by the County Department of Public Works for required road improvements to Anderson Lane, the private access road, and the new driveway off of Stagecoach Road to the satisfaction of that department.

The required mitigation measures from the adopted environmental document include, but are not limited to, (1) maintaining 50-foot-wide tree preservation buffers along Stagecoach Road and Anderson Lane; (2) replacing any trees larger than 12-inches diameter-at-breast-height (dbh) that are removed anywhere on the property with new trees of a similar species on the same lot; (3) mitigating for the approximately five mature trees to be removed for the necessary subdivision improvements and for future tree removal that may be needed for the development of the resultant lots by planting, at the time that the subdivision improvements are constructed, a minimum of 100 redwood, fir, and spruce trees distributed across all parcels; (4) establishing a

minimum 100-foot stream and wetland protection buffer; (5) protecting nesting bird habitat by avoiding tree removal and construction activities during the nesting season unless a pre-construction survey for raptors and migratory birds is conducted and confirms that no nesting habitat is present; (6) measures to protect archaeological resources; and (7) measures to control erosion and protect water quality.

### **C. FILING OF APPEAL**

The North Coast District Office received the County's Notice of Final Local Action (Exhibit 13) on October 16, 2015, after the Board of Supervisors denied the local appeal of the permit filed by Robert Vogel. The Commission's ten working day appeal period began on October 19, 2015 and ran through October 30, 2015. On October 30, 2015, the Commission's North Coast District Office received three appeals of the County's approval from (1) Robert Vogel (Exhibit 14), (2) Friends of College Cove (Exhibit 15), and (3) Carol Boyd (Exhibit 16). All three appeals were filed in a timely manner, within 10 working days of receipt by the Commission of the County's Notice of Final Action. The appeals filed by Robert Vogel and Friends of College Cove are identical in their contentions, and information supplementing those contentions was received via email on November 5, 2015 (Exhibit 17).

### **D. BACKGROUND & PROJECT DESCRIPTION**

The project approved by the County involves the division of a 19-acre lot (APN 515-191-037) into six separate lots ranging in size from 2.2 acres to 6.9 acres (Exhibit 6). The existing 19-acre forested rural residential lot is developed with one existing single family residence constructed in the 1950s, an on-site individual sewage disposal system, and an existing well and associated water lines that serve both the existing residence on the property and one existing residence on an adjacent lot under separate ownership. As approved under the County's CDP, the existing residence on the property is located on lot 6 of the subdivision. The future development of residential structures on lots 1 through 5 approved under the subdivision CDP will require separate coastal development permits.

The subject property is located at 101 Anderson Lane approximately 0.5-mile north of the City of Trinidad in an unincorporated area of Humboldt County (Exhibits 1-2). The property has frontage on two public roads: Stagecoach Road, along the property's western boundary, and Anderson Lane, along the property's southeastern boundary. Access through the property is provided by an existing private road off of Anderson Lane, which also provides access to three separate off-site residences (located north of the subject site) in addition to the existing single family residence on the subject site. The existing private road bisects the subject property and has a paved surface that varies in width from approximately 12 feet to 18 feet. As approved by the County, lots 2 through 6 of the subdivision will be accessed by this private road, and one new 10-foot-wide driveway will be developed off Stagecoach Road to access lot 1.

As mentioned above, the existing house on the subject property is served by an on-site domestic water well, which also provides water to one adjacent property under separate ownership, and an on-site sewage disposal system. As there is no community water service available in this area, the resultant lots approved under the County CDP also will all be served by on-site domestic water wells, including (1) the existing well on the subject property, which will be located on lot 2 and will continue to serve the existing residence on the property (to be located on resultant lot 6)

as well as one existing off-site residence under separate ownership; (2) a new domestic water well to be located on lot 1, which will serve future residential development on lots 1, 4, and 5; (3) a second new well to be located on lot 1, which will serve future residential development on lot 2; and (4) a new well on lot 3, which will serve future residential development on lot 3. Permitted test wells for all proposed wells demonstrated adequate production capacity for residential use based on Humboldt County Department of Environmental Health standards.<sup>2</sup> In addition to on-site water, all lots in the subdivision will be served by individual on-site sewage disposal systems. The preliminary septic system evaluations were reviewed and approved by the County Department of Environmental Health.

In addition to the approved land division, the County's approval also authorizes the development of certain associated improvements including (1) widening the existing private road that bisects the property to the satisfaction of County Department of Public Works (DPW); (2) constructing a new 10-foot-wide driveway off of Stagecoach Road to serve lot 1; (3) if needed, improving Anderson Lane by widening up to a foot and constructing 2-foot-wide unpaved bladed shoulders to the satisfaction of DPW standards; and (4) removing Sitka spruce and grand fir trees as needed to complete the roadway and driveway improvements required by the DPW and as required by CalFire for fire safety. Based on an inspection of the site on November 13, 2015 by County DPW staff and a follow-up letter dated the same day (Exhibit 11), the County has determined that 5 to 10 trees located along the private access road may need to be removed to accommodate the necessary road widening to support access to the subdivision lots, but that no improvements are required along Anderson Lane. CalFire also has inspected the property and indicated, in a letter sent to Commission staff dated November 11, 2015, that CalFire will not require any improvements to Anderson Lane or Stagecoach Road and only minimal improvements to the existing private access roads to accommodate engine access to and through the property.

## **E. ENVIRONMENTAL SETTING**

As described above, the subject property is located approximately 0.5-mile north of the City of Trinidad in an unincorporated area of Humboldt County. The property has frontage on two public roads: Stagecoach Road, along the property's western boundary, and Anderson Lane, along the property's southeastern boundary. The site is located inland of the first public road paralleling the sea (Stagecoach Road) on an uplifted marine terrace that slopes gently westward. Elevations on the property vary between approximately 180 feet and 330 feet above mean sea level (Exhibit 5). The majority of the northeastern half of the property is occupied by a former sea stack composed of Franciscan Complex bedrock, which forms the highest point of elevation in the immediate area. As such, the interior upper portions of the property are not visible from the adjacent public roadways but are visible in part from distant public vantage points, including Trinidad Head located approximately 1 mile to the south and the Hammond Trail located approximately 6 miles to the southeast. In addition, the site is partially forested with coniferous trees and other forest vegetation, which further screens the interior of the property from public views along the adjacent roads.

The Trinidad Area Plan (TAP) portion of the County's LCP, which is the certified land use plan for this area, designates the 19-acre lot as Rural Residential (RR) with a minimum density of 1

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<sup>2</sup> Dry-weather testing for all wells resulted in exceedance of the minimum requirement of 0.5-gallon/minute/parcel or 720 gallons per day (results ranged from 1.5 gallons/minute to 7.5 gallons/minute) (LACO 2008; 2014).

unit per 2 acres. The principal use allowed under the RR land use designation is residential. The certified zoning of the property under the County's certified zoning regulations is Rural Residential Agriculture (RA) with a minimum 2-acre parcel size and with Manufactured Home (M), Alquist Priolo Fault Hazard (G) and Design Review (D) combining (overlay) zones. The principal uses allowed on RA-zoned lands include Single Family Residential, Second Residential Unit, General Agriculture, Cottage Industry, and Minor Utilities to serve these uses. The M combining zone allows manufactured homes as a permitted building type in the zone. The purpose of the G combining zone is to implement the Alquist-Priolo Special Studies Zones Act (Public Resources Code Section 2621 and following) in order to address potential hazards resulting from surface faulting or fault creep. The D combining zone is applied to the property due to its location within a designated Coastal Scenic Area (discussed below). The D combining zone specifies various design review standards that must be considered for development in such designated areas. Appendix C lists the applicable policies and standards from the certified LCP that apply to the above-described uses and zones.

The property is located in an area designated as a Coastal Scenic Area (CSA) under the LCP (Exhibit 4). The CSA extends along much of the 2-mile length of Stagecoach Road between the City of Trinidad and the road's intersection with Patrick's Point Drive approximately 2 miles north of the subject site. The LCP requires that development in CSAs "*...be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas.*" The northern vehicular access route into Trinidad State Beach is located immediately west (across Stagecoach Road) of the subject property. Trinidad State Beach is a popular public recreational area that includes College Cove and hiking trails to a scenic headland known as Elk Head. The character of the designated Stagecoach Road area is forested and rustic, with an abundance of trees and other forest vegetation lining and overhanging the mostly narrow, winding roadway. The structures and fences visible to the public traveling along the roadway are generally low and/or set back, often partially or in some cases entirely obscured by vegetation, and generally subordinate to the character of the surrounding forested area. Although the property is located in a CSA, it is not located within a designated Sensitive Coastal Resource Area pursuant to Section 30502 of the Coastal Act.

## **F. ANALYSIS OF APPELLANTS' CONTENTIONS**

The appeals filed by Robert Vogel, Friends of College Cove and Carol Boyd are attached as Exhibits 14, 15, and 16 respectively (also see Exhibit 17 for the Vogel/Friends of College Cove joint supplemental to the appeals). The appeals from Robert Vogel and Friends of College Cove (FOCC) are identical in their contentions, all of which relate to the visual resources protection policies of the LCP – including the Trinidad Area Plan (TAP). Specifically, the Vogel and FOCC appeals contend that (a) the approved project is inconsistent with the prescriptive standards of the LCP that protect Coastal Scenic Areas, and (b) the approved development is not subordinate to the character of the area, fails to protect views to and along a coastal scenic area, and there is an alternative subdivision configuration available that involves no new lots on the ridgetop portion of the property. The appeal from Carol Boyd raises several contentions relating to inconsistencies of the approved development with the visual resources, wetlands, and ESHA protection policies of the TAP. Boyd's contentions include the following: (1) due to the age of and potential inadequacies with the wetland delineation that was completed for the property, the County approved project could result in development that is inconsistent with the wetland

setback policies of the TAP; (2) the required subdivision improvements involving widening of Anderson Lane could impact visual resources as well as adjacent wetlands and stream habitats, inconsistent with the visual resources and wetland protection policies of the TAP; (3) the County approved project is inconsistent with the visual resources protection policies of the TAP due to the inadequacy and failure of the required tree mitigation plan, and (4) the approved project will cause off-site impacts and cumulative impacts to College Cove Creek, affecting off-site ESHA on state park lands to the east.

As set forth in Section 30603 of the Coastal Act, after certification of its LCP, an appeal of a local government-issued CDP is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. As discussed below, the Commission finds that all of the contentions raised by the appellants present valid grounds for appeal, but none raise a substantial issue of conformance of the approved development with the policies of the certified LCP or the public access policies of the Coastal Act. The different contentions are discussed below, grouped into two main issues – visual resources (Section 3.40 of the TAP) and natural resources (Section 3.30 of the TAP). The relevant policies are shown in Appendix C.

**1. Contentions Related to Visual Resources**

**a. Development inconsistent with the Coastal Scenic Area (CSA) prescriptive standards of the LCP.**

The appeals from Robert Vogel and Friends of College Cove contend that the County did not find the approved development to be consistent with the Coastal Scenic Area (CSA) prescriptive standards of the Trinidad Area Plan (TAP) but nevertheless approved the development finding that the development is in conformance and compatible with the goals and objectives of the TAP. Because the subject property is located within a designated CSA, TAP Section 3.40.B.3 requires that permitted development must be subordinate to the character of the designated area and to the scenic use and enjoyment of public recreational lands with these areas.

TAP Section 3.40-B-3(c) lists several “uniform standards and conditions” that shall apply to all development within a CSA. These include various siting and design standards related to siding and roofing materials, height limitations, setbacks from public roads and property lines, exterior lighting standards, minimizing development on steep hillsides, and siting development on ridgelines “*adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.*” Table 1 below discusses the County’s findings for approval of the subdivision project relative to each of the applicable CSA prescriptive standards.

**Table 1.** A Summary of the County’s findings for approval of the subdivision as it relates to each of the applicable Coastal Scenic Area (CSA) prescriptive standards. (See also Exhibit 13).

<b>Prescriptive Standards for Coastal Scenic Areas required by TAP Section 3.40-B-3(c)</b>	<b>Consistency of County-approved project with the CSA Prescriptive Standards</b>
<i>Siding and roofing materials shall not be of reflective materials, excepting glass and</i>	No structures are included in the County’s approval. The approved subdivision CDP

<p><b>Prescriptive Standards for Coastal Scenic Areas required by TAP Section 3.40-B-3(c)</b></p>	<p><b>Consistency of County-approved project with the CSA Prescriptive Standards</b></p>
<p><i>corrugated roofing.</i></p>	<p>includes Condition #7.B(10)(c) and (d) specifying design restrictions on future development on the uppermost lots (lots 4 &amp; 5). Separate CDPs will be required for the development of each of the subdivided lots to ensure that future development will conform to this and other CSA prescriptive standards.</p>
<p><i>The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 40 feet from the lowest point of the foundation.</i></p>	<p>No structures are included in the County’s approval. The approved subdivision CDP includes Condition #7.B(10)(b) specifying height restrictions on future development on the uppermost lots (lots 4 &amp; 5). Separate CDPs will be required for the development of each of the subdivided lots to ensure that future development will conform to this and other CSA prescriptive standards.</p>
<p><i>Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 30<sup>3</sup> feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.</i></p>	<p>No structures are included in the County’s approval. Although the Planning Commission initially thought that an exception to this standard might be necessary, the Board of Supervisors supplemental staff report and the approved project plans clarify that the approved lot configuration will result in future residential development on each of the lots being sited no less than 50 feet from a public road and no less than 30 feet from a property line consistent with the prescriptive standard. The County supplemental findings for approval also indicate that since the surrounding area is greater than 50% developed, the approved project also necessarily meets the more liberal setback requirements for significantly developed areas. Thus, even though the setbacks of future residential development do meet the 50-foot and 30-foot prescriptive standards, the policy allows for averaging to be used in significantly developed areas where average setbacks are less than 50 feet and 30 feet and the average setback distances of</p>

<sup>3</sup> The TAP contains a typographical error stating “230” feet rather than “30” feet. The County findings for approval of the project include evidence demonstrating that 230 feet indeed is a typographical error that should read 30 feet. The County’s evidence supporting the conclusion that “230” is a typographical error includes copies of approved hearing draft versions of the Trinidad Area Plan from 1979 and 1981 (the TAP was certified in part in 1982) that show “30” instead of “230.”

<p><b>Prescriptive Standards for Coastal Scenic Areas required by TAP Section 3.40-B-3(c)</b></p>	<p><b>Consistency of County-approved project with the CSA Prescriptive Standards</b></p>
	<p>development in the surrounding area are 40 feet for the front-yard setback, 45 feet for the rear-yard setback, and 15 to 36 feet for the side-yard setbacks. Future residential development on each of the approved lots also will meet these standards.</p>
<p><i>Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property.</i></p>	<p>No structures are included in the County’s approval. The approved subdivision CDP includes Condition #16 requiring compliance with all mitigation measures set forth in the Mitigated Negative Declaration, including the requirement imposing exterior lighting restrictions on the property (AE-5 from the Mitigated Negative Declaration adopted for the project.) Separate CDPs will be required for the development of each of the subdivided lots to ensure that future development will conform to this and other CSA prescriptive standards.</p>
<p><i>New homesites shall be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and location of existing parcels requires development on hillside sites, new construction or grading shall follow the natural contours of the landscape, fitting the site rather than altering the landform to accommodate buildings designed for level sites and concentrating development near existing major vegetation.</i></p>	<p>No structures are included in the County’s approval. The County’s approved CDP includes potential building sites and leachfield areas designated on the tentative map. Each of the approved subdivision lots as shown on the tentative map has building sites located on flat to moderate slopes such that disturbance of steeper hillsides will be avoided or minimized. In addition, tree preservation areas on the upper lots required be protected by CDP Condition #7.B(10)(a) are located in part on steeper slopes, and the approved CDP requires that these areas be protected from disturbance. Furthermore, separate CDPs will be required for the development of each of the subdivided lots to ensure that future development will conform to this and other CSA prescriptive standards.</p>
<p><i>New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.</i></p>	<p>No structures are included in the County’s approval. The approved subdivision CDP includes Condition #7.B(10)(a) prohibiting the removal of tree masses which destroy the ridgeline silhouette, condition #7.B(10)(b) limiting the height of structures to maintain present ridgeline silhouettes, and condition #7.B(10)(d) requiring the erection of story</p>

<b>Prescriptive Standards for Coastal Scenic Areas required by TAP Section 3.40-B-3(c)</b>	<b>Consistency of County-approved project with the CSA Prescriptive Standards</b>
	poles and other visual resource analyses for future proposed structures on the upper lots that will be evaluated under separate CDPs to ensure that future development will conform to this and other CSA prescriptive standards.
<i>Timber harvests and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.</i>	The County approved CDP authorizes the removal of trees for subdivision improvements. According to a review of the site by the County Department of Public Works staff, a total of 5-10 trees greater than 12-inches dbh will require removal for improvements to the private road. Separate CDPs will be required for any additional tree removal requested on any of the subdivided lots for future residential development, which will require consistency with CSA prescriptive standards.

Contrary to the contention in the supplemental appeal materials submitted by Robert Vogel and Friends of College Cove asserting that the County’s use of the specified exception from the prescribed setbacks standards (i.e., under TAP Section 3.40-B-5) would be “precedential,” the County did in fact adopt findings at the local appeal hearing demonstrating that the approved development is consistent with TAP Section 3.40-B-3(c)(3), as explained above and as depicted on the approved project plans (e.g., see Exhibit 6, page 2). During the course of review of the project, first by the Planning Commission and then the Board of Supervisors, the County analyzed average setbacks in the surrounding area in two different ways. When the Planning Commission considered the project, the setback analysis included some of the parcels in the surrounding area, but it did not consider an analysis based on parcels in the “East Stagecoach Road (south)” neighborhood, which is the area where the subject property is located, described in the TAP as follows:

*The area south of Martin Creek and east of Stagecoach Road to the Trinidad City limit line includes about 100 acres. The current average size (arithmetic mean) is three acres. The modal average (most frequently occurring parcel size) is two acres. The area is planned for a one unit per two acre density.*

The analysis considered and ultimately adopted by the Board of Supervisors in its denial of Robert Vogel’s appeal and approval of the CDP with revised special conditions considered the average setback distances in the “East Stagecoach Road (south)” area (see Exhibit 13, pages 19-23). The County findings indicate that average setback distances for parcels in the “East Stagecoach Road (south)” area, where the subject site is located and which shares similar land use designations and zoning with the subject site (as described in TAP Section 3.21-B-2), are calculated to be 40 feet for the front-yard setback, 45 feet for the rear-yard setback, and 15 to 36 feet for the side-yard setbacks. The subdivision lot configuration approved under the County CDP provides for future development on all lots to conform to the average setbacks of existing

structures in the surrounding area. In addition, the County's findings indicate that future residential development of the parcels created by the approved subdivision will be sited no less than 50 feet from public roads and 30 feet from property lines, consistent with the prescriptive standards specified in TAP Section 3.40-B-3(c).

Furthermore, although use of any exception provision was unnecessary for the Board's approval, the County's approval also includes findings demonstrating that even if the approved subdivision project were inconsistent with the CSA prescriptive standards shown above, which it is not, the approved subdivision configuration also is consistent with the exception contained in TAP Section 3.40-B-5 (see Exhibit 13, pages 32-35 and 58-60). This section allows exceptions to the prescriptive standards of Section 3.40-B-3(c) cited above if the proposed development is found to be in conformance and compatible with the goals and objectives of the TAP and if certain specific findings are made. With respect to standard on setbacks from roads and property lines, TAP Section 3.40-B-5(c) requires that the approved modified setbacks from roads and property lines shall be appropriate to protect the scenic and visual qualities of the site. The County's findings explain that Coastal Act section 30251 provides the framework for the coastal scenic provisions at issue: like Coastal Act Section 30251, the key provisions of the TAP call for the protection of coastal views, the minimization of the alteration of land forms, visual compatibility with the character of the surrounding area, and subordination to the character of the setting (Exhibit 13, pages 32-35). As discussed herein, even though the approved development meets the numerical setback provisions of the TAP, moreover, as set forth below, the approved development meets the objectives and goals identified in both Section 30251 and in the TAP.

Finally, contrary to the assertion that use of the exception would be precedent setting, the County has, in various previous actions, including in its approval of other subdivision projects, approved development within CSAs based on findings that the development, despite non-conformity with the prescriptive setback standard of TAP Section 3.40-B-3(c)(3), is otherwise in conformance and compatible with the goals and objectives of the visual resources protection policies of the TAP.<sup>4</sup>

Therefore, as discussed above, there is a high degree of legal and factual support for the County's decision that the development as approved is consistent with the CSA standard related to setbacks and is subordinate to the character of the area. In addition, there is no precedential value to the County's decision with respect to future interpretations of the LCP. Moreover, this issue regarding setbacks from public roads and property lines is a local issue unique to the local

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<sup>4</sup> E.g., see County [CDP-14-047/SP-13-043/PMS-13-011](#) (Rotter and Gavin; minor subdivision of a 7-acre parcel into two parcels 5.6 acres and 1.5 acres in size at 1948 Patrick's Point Drive); County [CDP-14-001/SP-14-001](#) (Charpentier; construction of a 1,535-square-foot 2-story single family residence and 338-square-foot garage to replace an existing mobile home at 585 Stagecoach Road); County [SP-12-006](#) (Romney; construction of an approximately 5,438 square-foot single-family residence, 1,222 square-foot attached garage, 390 square feet of covered porches, 1,444 square feet of covered decks, and 135 square feet of uncovered decks, the installation of an on-site septic system, water storage tanks, and extension of the driveway to the proposed building site on Stagecoach Road; also approved under Commission CDP 1-12-011 on 11/13/13); [SP-11-14](#) (Wood; construction of a 3,483-square-foot single-family residence with a 1,000-square-foot auxiliary living unit, a 1,100-square-foot garage, and 5,769 square feet of porches and decks, septic system, water storage tanks, and driveway on Stagecoach Road; also approved under Commission CDP 1-13-0990 on 2/12/14); and County [SP-10-17](#) (Decker; removal of 5 structures to be replaced with 4 pre-fabricated homes to be occupied on a transient basis as vacation rental "cabins" at 3058 Patrick's Point Drive; also approved under Commission CDP 1-09-013 on 8/10/12).

region that does not raise an issue of statewide significance. As such the Commission finds that the contention discussed above does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

**b. Future development on the subdivided lots will not be subordinate to the character of the area, the approved development fails to protect views to and along a coastal scenic area, and there are alternatives available that would avoid subdividing the ridgetop portion of the property.**

The appeals from Robert Vogel and Friends of College Cove contend that the approved development is not subordinate to the character of the surrounding area. The appeals contend that the property is located in an area that is subject to extreme winter storms that may cause significant wind throw, which would necessitate the removal of all trees within approximately 129 feet of future structures (129 feet is the average tree height on the property as estimated by the appellants' consulting forester). The appeals contend that future hazard tree removal necessary to protect the future residential structures on the two lots with buildable areas near the top of the ridge will result in the appearance of a "clear cut" ridge as viewed from "critical viewpoints" such as Trinidad Head and the Hammond Trail. The appeals claim that a cited condition [Condition #7.B(10)] intended to protect visual resources actually was "not designed with any public view points in mind and because it contains a significant exception." The referenced "significant exception" is the allowance for the future removal of trees deemed hazardous by a qualified forestry professional or arborist. The appeals contend that the development approved by the County therefore fails to protect views to and along scenic coastal areas, inconsistent with Section 30251 of the Coastal Act (codified in Section 3.40 of the TAP) and with Section 3.40.B.3 of the TAP relating to designated "Coastal Scenic Areas." The appeals recommend an alternative subdivision configuration involving no new lots on the ridgetop portion of the property and one additional lot beyond the two that the County approved along Stagecoach Road, for a total of five resultant lots rather than six as approved by the County.

Condition #7.A(10) of the County CDP requires the applicant to establish and map 50-foot-wide tree preservation buffers along the sides of the property adjacent to Stagecoach Road and Anderson Lane on the recorded Development Plan and Final Map for the approved subdivision. Condition #7.B(10) of the County CDP imposes specific measures intended to ensure that future development of the upper-most lots (lots 4 and 5, which are highest in elevation and therefore the only ones that potentially may be visible in part from public vantage points such as Trinidad Head) will be subordinate to the surrounding area. These include (1) additional tree preservation areas around the western, eastern, and southern boundaries of the upper lots (with an exception allowing hazard tree removal if deemed necessary by a qualified forestry professional or arborist); (2) height limitations (not to exceed 30 feet) and design restrictions (requiring the use of dark earth tones and anti-glare treatment) for future structures to be developed on the upper lots; and (3) a required visual resources impact analysis for future development on the upper lots that includes, but is not necessarily limited to, erecting story poles to inform the determination as to whether or not any future proposed development would be subordinate to the character of the surrounding area. Future development on all of the approved lots also will require separate CDPs.

As cited by the appellants, the TAP (Section 3.40) requires that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, and to be visually compatible with the character of surrounding areas. Because the subject property is located within a designated Coastal Scenic Area (CSA), the TAP also requires that permitted development must be subordinate to the character of the designated area and to the scenic use and enjoyment of public recreational lands within these areas.

As discussed above, and in more detail below, there is a high degree of factual and legal support for the County's decision that the approved development (i.e., the approved number of lots, lot configuration, and authorized subdivision improvements) protects the scenic and visual qualities of the site and is subordinate to the character of the surrounding area consistent with the LCP. Due to the topography of the site and surrounding area, the following discussion focuses on two separate portions of the property: the approved lower lots (lots 1, 2, and 3) and the approved upper lots (lots 4, 5, and 6).

### **Conformance of lots 1, 2, and 3 with the visual resource protection policies of the LCP**

Lots 1, 2, and 3 as approved by the County are partially visible from public vantage points along Stagecoach Road and/or Anderson Lane but are not visible from distant public vantage points such as Trinidad Head or the Hammond Trail due to surrounding topography and vegetation. The County-approved CDP includes numerous conditions requiring tree preservation for visual screening of the property from public vantage points including Stagecoach Road, Anderson Lane, and public recreational areas including Trinidad Head. These include CDP Conditions #7.A(4), 7.A(7), 7.A(10), 7.B(5), 7.B(8), 7.B(10)(a), and 16 (see Exhibit 13, pages 2-7). Collectively, these conditions require (a) the establishment and maintenance of minimum 50-foot-wide tree preservation buffers along the length of the property abutting Stagecoach Road and Anderson Lane, (b) establishment of a stream and wetland protection zone, which restricts future development in areas within 100 feet of delineated wetlands, (c) additional tree removal restrictions around the upper lots intended to screen future development on those lots from public vantage points including Trinidad Head, and (d) specific tree planting and tree replacement requirements for the property.

#### Tree Preservation Buffers Along the Public Roads

With respect to the required tree preservation buffers, the specific restrictions required by the County under Condition #16 of the CDP (implementation of mitigation measure AE-1 from the Mitigated Negative Declaration (MND) adopted for the project) state as follows:

*A 50 foot wide tree preservation buffer shall be established and maintained along Stagecoach Road and Anderson Lane and along the easterly property boundary and shall be shown on the face of the Final Map or in an accompanying exhibit. No buildings will be permitted in this buffer. Within the tree preservation buffer, no trees larger than 12 inches dbh will be removed except as required to comply with mandatory conditions of approval, at the direction of a government agency to comply with federal, state or local regulations or to remove trees identified as hazard trees by a registered Professional Forester, certified arborist or similar qualified professional. Any trees removed within the tree preservation buffer, which are larger than six inches dbh will be replaced with a*

*similar species, also within the tree preservation buffer, as close to the removed tree as feasible, or as recommended by a qualified professional. A qualified professional will also be consulted to ensure that any tree trimming, limbing or similar maintenance activities are carried out in a manner which protects the health of the individual trees and the overall health of the trees in the buffer area.*

Based on an inventory of existing trees that are greater than 12-inches diameter-at-breast-height (dbh) on the property completed by the applicant's consultant (LACO Associates, see Exhibits 6 and 7), there are at least 82 existing conifer trees (primarily Sitka spruce and grand fir) with a dbh of greater than 12 inches within the approximately 0.80-acre tree preservation buffer area along Stagecoach Road (not including trees within the wetland/creek buffer area, which is adjacent to an approximately 300-foot-long stretch of Stagecoach Road along the property's southwestern end). There are approximately 45 existing conifer trees with a dbh of greater than 12 inches within the approximately 0.29-acre tree preservation buffer along Anderson Lane. In addition, there are another approximately 200 existing trees (primarily Sitka spruce, grand fir, and red alder) with a dbh of greater than 12 inches located around the delineated stream and associated wetland habitat areas on lot 2, which is adjacent in part to the Stagecoach Road tree preservation area described above (the wetland protection area is approximately 1.8 acres in size). As discussed above, the protection of these existing approximately 320 mostly evergreen/perennial trees located within these tree preservation and wetland protection areas, which total approximately 3 acres in size, is required under the County approved CDP to protect the scenic and visual qualities of the site.

CDP Expressly Incorporates Mitigation Measures Contained In Mitigated Negative Declaration Requiring Pre-Planting of 100 Trees

In addition to the above measures, Condition #16 of the CDP in part requires the implementation of mitigation measures AE-3 and AE-4 from the adopted CEQA document prepared for the project:

Mitigation Measure AE-3

*Concurrent with Phase 1 (Lots 1, 2 and 3) subdivision improvements, which are expected to consist of improvements to the private road as well as any required improvements to Stagecoach Road and Anderson Lane, the applicant will make an initial tree planting of 100 mixed redwood, fir and spruce trees. Such tree plantings shall be distributed on all proposed parcels. The Phase 1 tree plantings are intended to replace trees which may be removed in association with Phase 1 subdivision improvements as well as to pre-plant replacements for trees which may be removed for Phase 2 (Lots 4, 5 and 6) subdivision improvements, which are expected to consist of additional improvements to the private road and installation of shared water lines, and to pre-plant replacements for trees which may be removed for residential construction, or the installation of primary and secondary leach fields on all proposed lots. Preplanting will provide an opportunity for such trees to become well established and, in some cases, to approach maturity prior to the removal of existing trees. The quantity of trees to be planted with Phase 1 improvements is calculated as calculated as sufficient to replace 40 trees for subdivision improvements and 10 trees per lot for future residential construction.*

Mitigation Measure AE-4

*All trees planted on the subject site as required by Mitigation Measures AE-2 through AE-4 shall meet the following standards except as modified by a qualified professional to promote the health and survivability of the existing and new trees:*

- 1) Tree species shall be native to the area and present on the subject site or on nearby parcels. Local seed stock will be used if available and suitable pursuant to the advice of a qualified professional.*
- 2) New plantings shall be a minimum of one gallon upon planting and free of apparent disease or structural weaknesses.*
- 3) New plantings shall be placed a location which has the appropriate soil type, sunlight and access to water as recommended by a qualified professional.*
- 4) All trees planted pursuant to these conditions will be monitored by the applicant for a period of three years. Plantings which fail within three years will be replaced. An annual report of tree plantings and survivorship shall be submitted to the Humboldt County Planning and Building Department until all required trees have reached three years of maturity.*

These measures will result in additional vegetation enhancements on the property beyond the existing several hundred large trees that are required to be preserved on the property by CDP conditions. These additional vegetation enhancements will contribute to the protection of the site's scenic and visual qualities. Commission staff has confirmed with County staff that the County ensures compliance with all required mitigation measures, including those listed above, during its review of the required Development Plan, Road Improvement Plan, and other plans required to be submitted by CDP conditions. County staff indicated that it is customary for the County to refer plans with biological components (such as tree planting plans and wetland restoration plans) to other agencies for comment, including California Department of Fish and Wildlife and the Commission (Exhibit 10). Thus, the plan review process will ensure that the required tree mitigation plan includes appropriate types, numbers, and spacing of trees to protect natural habitats and visual resources consistent with the LCP. The tree mitigation plan requires monitoring of plantings for a minimum of three years, with required replacement of any failed plantings during that time.

Protection of Trees greater than 12-inches diameter & Required Replacement of Trees Removed

To further protect public visual resources, the CDP approved by the County also requires that any trees removed from the property must be replaced with a new tree. Condition #16 of the CDP requires implementation of mitigation measure AE-2 requiring that any trees larger than 12 inches dbh removed from any location on the property shall be replaced with new tree plantings of a similar species and on the same lot or as recommended by a qualified professional.<sup>5</sup> This mitigation measure will be recorded on the development plan for the subdivided lots so it will apply to any future tree removal proposed on any of the lots. The County Department of Public Works (DPW) has determined that 5 to 10 trees located along the private access road may need to be removed to accommodate the necessary road widening to support access to the subdivision lots. Thus, when the applicant submits the development plan, road improvement plan, tree mitigation plan, and other plans to County planning staff for review and approval as required by

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<sup>5</sup> Because Mitigation Measure AE-3 requires pre-planting of 100 trees, replacement tree planting will be required if and when 100 trees have been removed from the property.

the CDP conditions, at that time the applicant must also provide plans for the planting of replacement trees as required by the CDP conditions.

#### No Required Improvements to Stagecoach Road

In addition to the tree protection and mitigation measures discussed above, the development approved by the County protects visual resources in several other ways. First, the approved project minimizes disturbance to the Stagecoach Road corridor by not requiring any road improvements (e.g., widening or shoulder blading) to the road and by allowing only one new driveway to be developed off of Stagecoach Road (to access lot 1), where it will be sited several hundred feet away from (north of) the state park access road and adjacent to an existing driveway on the adjacent property to the north (see photos 7, 8, and 9 of Exhibit 9). As indicated by the County public works department (Exhibit 11), the new 10-foot-wide driveway off of Stagecoach Road will not involve the removal of any trees greater than 12 inches dbh, and according to the County, "...it does not appear that the grading will impact any of the nearby trees that are larger than 12 inches in diameter."

#### No Required Improvements to Anderson Lane

In addition, the approved project will avoid disturbing the Anderson Lane corridor by not necessitating any road improvements (e.g., widening or shoulder blading) to the road and by not necessitating any new driveways to be developed off of Anderson Lane (the remaining subdivision lots, other than lot 1, will be accessed via the existing private road that currently serves the existing residence on the property as well as three off-site residences north of the property). The CDP approved by the County includes Condition #2 requiring the applicant to complete road improvements required by the County DPW in a memorandum dated October 6, 2015 to the satisfaction of the DPW. The DPW requirements for improvements to Anderson Road include a requirement to widen the paved portion of Anderson Lane to 18 feet, plus 2-foot wide bladed shoulders on each side and associated drainage swales and/or ditches as required by the DPW. The County condition states that the DPW "can support a flexible design to preserve as many trees as possible." Since the time that the appeal was filed raising this contention, the applicant consulted with DPW staff on the scope of the road improvements needed to satisfy the department's standards for the subdivision. DPW staff visited the site with Commission staff and the applicant on November 13, 2015 to assess the needed improvements. As stated by DPW staff in the attached letter prepared after the site visit (Exhibit 11), DPW staff has confirmed that Anderson Lane already has a paved width of 18 feet, 2-foot bladed shoulders, and adequate drainage, and therefore no improvements to Anderson Lane are required. DPW also has confirmed that the intersection of the property's private access road with Anderson Lane will necessitate minimal widening of the intersection apron, by approximately 1-foot eastward (away from the existing isolated wetland located west of the intersection) and removal of two small trees (approximately 12-inches in diameter). In summary, the road improvements required to satisfy DPW standards as required County CDP Condition #2 do not include any requirement to widen Anderson Lane or to remove any large trees along the public roadway that would have an adverse impact on visual resources (see photos 1, 2, and 3 of Exhibit 9).

#### Lot Number and Configuration Along Public Roadways Protective of Visual Resources

As approved by the County, one new residence will be partially visible from Anderson Lane (on lot 3), though it will be partially (at a minimum) screened from public view by the required 50-

foot tree preservation buffer. Exhibit 8 shows that there currently are at least three existing residences along Anderson Lane that are visible from the public roadway. The lot number and configuration approved by the County results in at most two new residences constructed along an approximately 1,000-foot-long stretch of Stagecoach Road, most of which is part of the approved large 6.9-acre lot along this stretch. Because of the tree preservation buffer along the roadway required by the CDP, future residences on these lots will be largely screened from public view. In addition, as previously discussed, view impacts along Stagecoach Road will further be minimized by the County's allowance of only one new driveway off of the road near the north end of the property, clustered next to an existing driveway on an adjacent property to the north. New driveway construction will involve minimal grading and no large tree removal, according to County DPW staff.

#### Ability to Site Future Development in Existing Open Areas

The subdivision configuration approved by the County includes existing open areas on each of the lower lots that currently are devoid of existing trees where it is possible to locate future residential development without the need for additional tree removal (e.g., see photo 11 of Exhibit 9). Any removal of trees proposed in the future will require a separate CDP under which the proposed major vegetation removal will be properly evaluated for its potential visual resources impacts, and, if needed, mitigation could be required under future CDPs to offset any potential impacts to visual resources.

#### Consistency with Section 30251 of the Coastal Act

Finally, the development approved by the County is consistent with the relevant portion of Coastal Act Section 30251, which is codified in TAP Section 3.40, for these same above-referenced reasons. First, as discussed above, the approved CDP protects views towards the property from public vantage points along the adjacent public roadways by requiring the protection of 50-foot-wide tree preservation buffers along the roadways. These areas, which collectively contain hundreds of existing mature evergreen trees, are required by the CDP conditions to be maintained for vegetative screening purposes in perpetuity. Second, the approved development is sited and designed to minimize the alteration of natural landforms consistent with Section 30251 and with TAP Policy 3.40-B-2. Each of the approved lots includes areas that are flat to minimally sloped where future development may occur. Finally, the approved development is visually compatible with the character of the surrounding area consistent with Section 30251, because the County has required various measures discussed above to protect the forested character of the site, including (1) requiring tree preservation buffers to shield future development from views from public vantage points, (2) approving a lot configuration that includes existing treeless areas where future development may be sited that will avoid the need for significant tree removal, and (3) requiring the pre-planting of 100 trees to enhance the screening vegetation on the property to maintain the forested character of the area.

Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the approved project, with respect to the lower three lots of the subdivision, will protect public visual resources, including the character of the forested area, consistent with Section 3.40 of the TAP. In addition, as previously mentioned, the future development of residential structures on all of the lots will require separate CDPs, which can be

further conditioned as needed to require additional vegetative planting and other measures to protect visual resources consistent with the LCP.

**Conformance of lots 4, 5, and 6 with the visual resource protection policies of the LCP**

Due to topography and the existing tree density along the public roadways adjacent to the site, lots 4, 5, and 6 as approved by the County are only minimally visible (or in some cases not at all visible) from the adjacent public roads but may be partially visible from distant public vantage points such as Trinidad Head and the Hammond Trail. The subdivision configuration approved by the County includes three upper lots at elevations ranging from approximately 225 feet to 330 feet above mean sea level (the three lower lots are at elevations ranging from approximately 180 feet to 250 feet). One of these lots would contain the existing single-family residence on the subject property. Due to the elevations of the upper lots relative to the surrounding area, the tops of trees growing on the upper portions of the property are visible from distant public vantage points such as Trinidad Head, located approximately one mile to the south, and the Hammond Trail, located approximately 6 miles to the southeast. The appeals recommend an alternative subdivision configuration involving no new lots on the ridgetop portion of the property and one additional lot beyond the two that the County approved along Stagecoach Road, for a total of five resultant lots rather than six as approved by the County.

Tree Preservation Buffers to Screen Upper Lots from Distant Public Vantage Points

In addition to the tree preservation buffers required around the lower lots and other measures discussed above intended to protect the scenic and visual qualities of the site from public roadway vantage points, Condition #7.B(10) of the approved CDP is aimed at protecting views towards the property from distant public vantage points, including Trinidad Head and the Hammond Trail (see Exhibit 13, pages 4-5). Condition #7.B(10)(a) prohibits tree removal within specified areas around lots 4, 5 and 6 (as shown in Exhibit 7) unless the visual analysis required by Condition #7.B(10)(d) determines that removal of trees from the specified areas would not result in visual impacts due to the finding that remaining trees and vegetation will provide sufficient screening from public viewpoints. According to the County-approved subdivision plans, the required tree preservation buffers around the upper lots include existing forested areas with mature redwoods and other conifer trees growing at elevations ranging from approximately 250 feet to 300 feet above mean sea level. Based on the inventory of existing trees on the property completed by the applicant's consultant discussed above, there are approximately 50 existing trees with a dbh greater than 12 inches within the tree preservation buffers along the south/southwestern sides of lot 4, approximately 15 existing trees with a dbh greater than 12 inches within the tree preservation buffer along the eastern side of lot 5, and 17 existing trees with a dbh greater than 12 inches in the circular area between lots 2, 4, and 6 (see Exhibit 7). As discussed above, Condition #16 of the CDP requires implementation of mitigation measure AE-E requiring pre-planting of 100 trees on the property (at least 10 per lot) to further shield views of future development from public vantage points.

Contrary to the appeal contention that the tree removal restriction areas specified by Condition #7.B(10)(a) were "not designed with any public view points in mind..." the configuration of the tree removal restriction areas was in fact designated to include areas of existing clusters of tall, mature, evergreen trees located between the uppermost lots and public viewing points in popular recreational areas to the southeast (e.g., the Hammond Trail in McKinleyville), south (e.g.,

Trinidad Head), and west (e.g., Stagecoach Road) specifically for the purpose of maintaining vegetative screening between future development sites and potential points of site visibility in public areas. As discussed above, elevations on the upper lots range from approximately 225 feet to 330 feet. According to a tree height analysis included in the supplemental appeal materials submitted by Robert Vogel and Friends of College Cove, the average height of mature conifer trees on the property is approximately 129 feet. Because the trees within the required tree preservation buffers around the upper lots are growing at elevations ranging from approximately 250 feet to 300 feet, the tops of the trees within these restricted areas around the upper lots are estimated to reach elevations of approximately 380 to 430 feet above mean sea level, which is at least 50 feet to 100 feet higher than the ground surface where future structures on lots 4 and 5 could be located. Given the height restrictions on the upper lots imposed by CDP Condition #7-B(10)(b), the vegetation within the areas protected by CDP Condition #7-B(10)(a) will be adequate to protect views towards the property from distant public vantage points, including Trinidad Head and the Hammond Trail.

The supplemental appeal packet submitted by Robert Vogel and Friends of College Cove contends that the tree protection measures described above are inadequate to protect visual resources because of the likely need in the future for hazard tree removal within 129 feet (estimated average height of mature trees on the property) of future structures. The appeal supplemental cites a 25-year storm event that occurred in 2005/2006<sup>6</sup> and which resulted in numerous downed trees along Stagecoach Road as evidence that the property is inherently subject to wind hazards that will require significant tree removal in the future. The appellants contend that there will be significant “clear-cuts” on each of the lots, which will not be protective of public views to and along coastal scenic areas from public vantage points such as the adjacent public roads, the Hammond Trail, and Trinidad Head.

The contentions and associated diagrams in the appeal supplemental claiming the need to effectively “clear cut” the property to protect future structures from wind hazards are overstated and questionable in several ways:

1. The extent of cleared areas depicted includes areas that already are devoid of trees, such as the area west of the existing structure on lot 6.
2. The extent of cleared areas depicted is based only on tree height fall zones and does not consider other factors that also could influence a hazardous tree determination. For example, through the CDP review process that would be required for any proposed tree removal in the future, a hazards assessment by a qualified forester or certified arborist would necessarily consider a number of factors to determine whether or not a particular tree or group of trees pose a legitimate threat to structures. These may include, but are not necessarily limited to, factors such as (a) individual tree health and hazard potential (e.g., vigor, evidence of damage or decay, whether or not a tree is leaning, etc.); (b) topographic differences between where trees are rooted relative to where future structures

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<sup>6</sup> For storm summaries see e.g., [http://www.cnrfc.noaa.gov/storm\\_summaries/dec2005storms.php](http://www.cnrfc.noaa.gov/storm_summaries/dec2005storms.php) and Parrett, Charles, and Hunrichs, R.A., 2006, Storms and flooding in California in December 2005 and January 2006—A preliminary assessment: U.S. Geological Survey Open-File Report 2006-1182, 8 p. (accessed at <http://pubs.usgs.gov/of/2006/1182/pdf/ofr2006-1182.pdf>).

are located and other factors (such as prevailing wind direction) that may affect fall potential and hazard threat; and (c) alternatives to tree removal that would minimize hazard risks, such as limbing or trimming of select branches rather than removal of the entire tree.<sup>7</sup>

3. Related to the above point, the diagrams imply that all trees within a given radius of a residential structure (within a radius equivalent to tree height) will necessarily be deemed hazardous and require removal due to the potential for wind throw susceptibility. This is not necessarily the case, as is exemplified by at least seven existing houses located on and adjacent to the property (e.g., Carol Boyd’s house to the immediate south, the Homan’s existing house on lot 6, and three existing houses located on the two properties immediately north of the subject property) – all of which are surrounded by existing large trees in close proximity to existing structures, which have not been deemed hazardous or required removal to date (see Exhibit 8).
4. The extent of cleared areas depicted is based on the presumption that future structures would be located in areas within the appeal’s estimated “lines of sight” as viewed from Trinidad Head rather than in the existing areas on the property that currently are cleared of trees. For example, as seen in site photographs (see photos 11 and 14 of Exhibit 9; also see Exhibit 8), lot 4 on the ridgetop and lots 1 and 2 along Stagecoach Road both have sufficient existing cleared areas available (outside of the estimated “lines of sight” in the case of lot 2) where future residential development could be sited in a manner that would minimize the need for tree removal for residential construction and which would minimize the need for future hazardous tree removal (i.e., there are existing development sites available on lots 2 and 4 in particular that are over 129 feet away from existing tall trees and thus outside of the “hazardous zone” estimated by the appellants’ forestry analysis). The County, in its review of a future CDP application for the future development of each of the lots, will be obligated to consider appropriate siting of development for consistency with the visual resources protection policies, among other policies, of the LCP.
5. The diagrams showing the clear cut areas do not show the property within the larger forested context of the visual landscape. As viewed from Trinidad Head (see photos 15-17, Exhibit 9), the property is located behind state park lands that rise to an elevation of over 180 feet and which are forested with mature forest vegetation (trees are estimated to be over 100 feet tall, rising to an elevation of 300 feet or greater) that contributes to the ridgeline silhouette around the Homan property and, except for the uppermost treetop elevations, obscures views of most of the Homan property from all Trinidad Head viewpoints. In addition, the Homan property is back-dropped by timberlands lining a ridge that is higher in elevation than the subject site. Thus, the trees on the upper ridge of the Homan property that are visible from most of the vantage points on Trinidad Head do not in fact comprise the ridgeline silhouette due to being flanked by forested ridge lines

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<sup>7</sup> E.g., see [http://www.treenextdoor.org/index.php?option=com\\_content&view=category&layout=blog&id=70&Itemid=134](http://www.treenextdoor.org/index.php?option=com_content&view=category&layout=blog&id=70&Itemid=134), [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5332560.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5332560.pdf), [http://www.na.fs.fed.us/spfo/pubs/uf/sotuf/chapter\\_3/appendix\\_b/appendixb.htm](http://www.na.fs.fed.us/spfo/pubs/uf/sotuf/chapter_3/appendix_b/appendixb.htm), and other guidelines.

in front of and behind the subject property. As viewed from the Hammond Trail (see photo 18, Exhibit 9), the property represents a relatively small segment (e.g., less than 1/10<sup>th</sup>, as seen in the photo, Exhibit 9) of a long forested ridgeline. As described above, only portions of some trees on the property (the upper halves of those on the upper ridge) are visible from these distant public vantage points, so the extent of cleared areas shown in the diagrams far exceeds that which potentially would be visible from distant vantage points.

6. The appeal contentions also don't acknowledge the fact that trees have been removed over time from the subject ridge for the development of several existing houses – including two or three built in the last several years and none of which are visible from any distant public vantage points – and the removal of those trees did not create any apparent gaps in forested ridgeline as viewed from distant public vantage points. There are three houses located on the two adjacent properties immediately north at the same ridgetop elevation as the subject property. The three houses, two of which were constructed relatively recently, are surrounded by mature redwood trees, and none are visible from Trinidad Head or other public vantage points. In addition, lot 6 as approved by the County is developed with the applicant's existing single family residence, with a roof-top elevation that extends to approximately 300 feet above mean sea level, approximately 30 feet below the ridgetop elevation. The applicant's house is flanked by existing mature redwood trees (which to date have not been removed for hazard reasons), and currently is not visible from any distant public vantage points (though it is visible in part from limited vantage points along Stagecoach Road through existing trees).
7. The diagrams shown in the appeal supplemental do not acknowledge the visual resources protection measures that will be required by any future CDP for development on the upper lots, including major vegetation removal. As previously discussed, Condition #16 of the CDP requires implementation of mitigation measure AE-3, which requires pre-planting of 100 trees on the property (including a minimum of 10 trees per lot), which will help to screen future development from public vantage points. The County has confirmed that trees planted under the tree mitigation plan will be protected, even if those trees are not located within designated tree preservation areas. In addition, tree removal proposed in the future on the property would require a CDP, because the coastal zoning regulations (Section 313-64.1) defines "major vegetation removal" in part as including "*the removal of one or more trees with a circumference of thirty-eight inches (38") or more measured at four and one-half feet (4 1/2') vertically above the ground*" (38-inch circumference is equivalent to 12-inch diameter). During the CDP review process, the County will consider appropriate siting, design and materials restrictions, height restrictions, and vegetative screening and tree mitigation to ensure that public views to and along coastal scenic areas are adequately protected consistent with the LCP.

#### Design and Lighting Restrictions

In addition to (1) the tree removal restriction areas around the upper lots, (2) the requirement that a CDP is required for the removal of any tree 12-inch diameter or greater in size, and (3) the requirement to pre-plant 100 trees on the property to help screen future development from public vantage points, the approved subdivision CDP includes Condition #7.B(10)(b), (c) and (d)

specifying height and design restrictions for future development on the uppermost lots (lots 4 & 5). Condition #7.B(10)(d) requires completion of a visual impact analysis to include, among other considerations, the erection of story poles to create an accurate silhouette of future proposed structures in relation to surrounding vegetation. The required story poles are just one required component of a visual impact analysis that will be required for any proposed future development on the upper lots. If needed, additional height restrictions, glazing restrictions, and/or vegetation screening may be required to ensure the protection of visual resources from public vantage points. In addition, Condition #16 discussed above requires compliance with all mitigation measures set forth in the Mitigated Negative Declaration, including the requirement imposing exterior lighting restrictions on the property (AE-5 from the Mitigated Negative Declaration adopted for the project.) As previously discussed, separate CDPs will be required the future development of each of the subdivided lots, which will ensure that future development is consistent with the CSA prescriptive standards and other visual resources protection policies of the certified LCP.

#### Consistency with Section 30251 of the Coastal Act

Finally, as discussed above for the lower three lots, the development approved by the County is consistent with the relevant portion of Coastal Act Section 30251, which is codified in TAP Section 3.40, for several reasons. First, as discussed above, Condition #7.B(10) of the CDP protects views towards the property from distant public vantage points, including Trinidad Head and the Hammond Trail, by prohibiting tree removal within specified areas around lots 4, 5 and 6, where there currently are a total of over 80 existing mature evergreen trees in these restricted areas, and by requiring the replacement of any trees larger than 12 inches in diameter that are removed in the future anywhere on the subject property with new trees to maintain adequate screening vegetation. The trees in the designated protected areas are estimated to extend to heights at least 50 feet higher than the uppermost ground level on these lots, so the height restrictions imposed on future structures developed on the upper lots will assure that future structures remain shielded from public vantage points by intervening evergreen forest vegetation. As lots 4 and 5 on the property ridgetop each are at least 2.2 acres in size, and each lot has existing cleared (treeless) areas where development may occur that will avoid or minimize the need for tree removal associated with future development, the permitted development is sited and designed to protect the forested views of the property from Trinidad Head and other public vantage points.

Second, the County's approval imposes design restrictions on future structures (e.g., requirements for dark earth tones, minimal and anti-glare glazing, height restrictions, and exterior lighting restrictions) to further ensure that the approved development is sited and designed to protect views to and along scenic coastal areas consistent with Section 30251.

Third, the approved development is sited and designed to minimize the alteration of natural landforms consistent with Section 30251 and with TAP Policy 3.40-B-2. Each of the approved lots includes areas that are flat to minimally sloped where future development may occur. In addition, the approved lot configuration takes advantage of an existing access road to provide access to all but one of the approved lots, thereby avoiding significant landform alternation that would be required for the development of a new access road. As indicated by County Department of Public Works staff, the approved project requires only minimal improvements to

the existing access road and only minimal grading for the development of the new driveway access to lot will off of Stagecoach Road.

Finally, the approved development is visually compatible with the character of the surrounding area consistent with Section 30251, because the County has required various measures, discussed above, to protect the forested character of the site, including (1) requiring tree preservation buffers to shield future development from views from public vantage points, (2) approving a lot configuration that includes existing treeless areas on each of the lots where future development may be sited that will avoid the need for significant tree removal, and (3) requiring the pre-planting of 100 trees to enhance the screening vegetation on the property to maintain the forested character of the area.

Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the approved project, with respect to the approved number and configuration of lots, is subordinate to the character of the area and will protect views to and along this coastal scenic area consistent with the certified LCP. As such the Commission finds that the contentions discussed above do not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

**Approved number and configuration of lots is consistent with the visual resource protection policies of the LCP**

As discussed above, the appeals recommend an alternative subdivision configuration involving no new lots on the ridgetop portion of the property and one additional lot beyond the two that the County approved along Stagecoach Road, for a total of five resultant lots rather than six as approved by the County. For all of the reasons discussed above, the Commission finds that there is a high degree of factual and legal support for the County's decision that the number and configuration of lots approved by the County is subordinate to the character of the area and will protect views to and along a coastal scenic area. To recap:

As approved, the three lower lots that abut the two public roadways are required to establish and maintain tree preservation and wetland/creek buffers along the roadway areas, which in total equate to almost 3 acres in size and contain over 300 existing large, mostly evergreen trees. In addition, the approved number and configuration of lots necessitate no improvements to Stagecoach Road or to Anderson Lane, thereby protecting the existing narrow, forested roadway character of the area. As approved, the one new driveway to be constructed off of Stagecoach Road avoids any view or traffic impacts to the state park entrance by being located several hundred feet north of the state park access road, adjacent to an existing driveway on the property north of the subject property. The approved driveway configuration is across flat to gently sloping terrain that avoids the need for tree removal and minimizes grading.

With respect to the number and configuration of all of the lots, each resultant lot has existing cleared areas where future residential development could be located, in part or in whole, thereby minimizing the need for future tree removal. Moreover, the approved lot configuration minimizes the alteration of natural landforms, because each approved lot has flat to gently sloping areas where future development may occur without the need for significant grading. In addition, the approved lot configuration takes advantage of an existing access road to provide

access to all but one of the approved lots, thereby avoiding significant landform alternation that would be required for the development of a new access road. Finally, as approved, the three upper lots are required to establish and maintain tree preservation buffers to provide vegetative screening between lots and distant public vantage points to the west, south, and southeast. In total these tree preservation areas contain over 80 existing large evergreen trees, which in part rise to heights 50 feet to 100 feet above the uppermost ground elevation on the upper lots.

Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the approved number and configuration of all lots within the subdivision is subordinate to the character of the area and will protect views to and along this coastal scenic area consistent with the certified LCP. As such the Commission finds that the contentions discussed above do not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

**c. The required subdivision improvements involving widening of Anderson Lane could impact visual resources inconsistent with the visual resources protection policies of the TAP.**

The appeal from Carol Boyd contends that the required widening of Anderson Lane is not compatible with the character of the area, inconsistent with Section 30251 of the Coastal Act and with Section 30253(e) of the Coastal Act (both codified within Section 3.40 of the TAP), which protects special communities and neighborhoods that are popular visitor destination points for recreational uses. As discussed above, the area is located within a designated Coastal Scenic Area under the LCP. The appeal contends that the road widening would necessitate the removal of up to three large Sitka spruce trees, which, if removed, would have an adverse impact on visual resources.

The CDP approved by the County includes Condition #2 requiring the applicant to complete road improvements required by the County Department of Public Works (DPW) in a memorandum dated October 6, 2015 to the satisfaction of the DPW. The DPW requirements for improvements to Anderson Road include a requirement to widen the paved portion of Anderson Lane to 18 feet, plus 2-foot wide bladed shoulders on each side and associated drainage swales and/or ditches as required by the DPW. The condition states that the DPW "can support a flexible design to preserve as many trees as possible." Since the time that the appeal was filed raising this contention, the applicant consulted with DPW staff on the scope of the road improvements needed to satisfy the department's standards for the subdivision. DPW staff visited the site with Commission staff and the applicant on November 13, 2015 to assess the needed improvements. As stated by DPW staff in the attached letter prepared after the site visit, DPW staff has confirmed that Anderson Lane already has a paved width of 18 feet, and therefore no improvements to Anderson Lane are required. DPW also has confirmed that the intersection of the property's private access road with Anderson Lane will necessitate widening of the intersection apron by 1-foot eastward (away from the existing isolated wetland located west of the intersection) and removal of two small trees (approximately 12-inches in diameter).

In summary, the road improvements required to satisfy DPW standards as required County CDP Condition #2 do not include any requirement to widen Anderson Lane or to remove any large

trees along the roadway that would have an adverse impact on visual resources. Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the project as approved protects the visual character of the area with respect to views along Anderson Lane. As such the Commission finds that this contention does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

**d. The County-approved project is inconsistent with the visual resources protection policies of the TAP because the approved tree mitigation plan is inadequate to protect visual resources.**

The appeal from Carol Boyd contends that the applicant's "tree mitigation plan is premature, inadequate, and is being improperly implemented." The appeal contends that this inadequate tree mitigation plan will impact visual resources by failing to protect the scenic view corridors along the public roadways (Stagecoach Road and Anderson Lane). The appeal includes an email from a former U.S. Forest Service employee (David Fix) with experience in tree planting, disease, and other timber-related issues. The email comments from Mr. Fix focus on recent plantings he observed on the property located within the 50-foot tree preservation buffer along Anderson Lane, which the appellant assumes are representative of "the tree mitigation plan in action."

The CDP approved by the County includes Condition #16 requiring the applicant to complete the various mitigation measures listed in the adopted CEQA document for the project, including mitigation measure AE-3 summarized above, which is the referenced "tree mitigation plan." Essentially, the tree mitigation plan is a mitigation measure intended to help offset potential visual impacts caused by the tree removal needed for the subdivision improvements and for future residential development on the lots that may result in the removal of additional trees (which will be authorized under separate CDPs in the future). The required tree mitigation plan involves the applicant's proposal to plant a minimum of 100 mixed redwood, fir, and spruce trees on the property, distributed across all parcels, concurrent with the subdivision improvements authorized under the subject CDP. As stated in the mitigation measure, "...Preplanting will provide an opportunity for such trees to become well established and, in some cases, to approach maturity prior to the removal of existing trees. The quantity of trees to be planted with Phase 1 improvements is calculated as sufficient to replace 40 trees for subdivision improvements and 10 trees per lot for future residential construction." The County has confirmed that trees planted under the tree mitigation plan will be protected, even if those trees are not located within designated tree preservation areas. In addition, the language of this required condition does not preclude additional visual mitigation from being imposed in any future permits for residential development or for tree removal on the approved lots. As described above, the applicant's approved road improvement plan will result in the removal of only 5 to 10 trees for subdivision improvements rather than 40 trees, since the County waived the requirements for widening and other improvements to the two public roads. In addition, the tree inventory completed for the property by LACO Associates that there are approximately 770 large trees on the property (greater than 12 inches in diameter), and approximately 58% of those large trees (approximately 445) are located within tree preservation areas protected by County CDP Condition #7-A(7), 7-A(10), 7-B(5), 7-B(8), 7-B(10)(a), and 16.

According to the applicant, the plantings within the tree preservation corridor along Stagecoach Road that the appeal asserts are associated with the tree mitigation plan in fact are not associated with the required plan. The applicant explained that at the urging of some of his neighbors with an interest in and knowledge of native plants, he undertook the removal of invasive English ivy in the area. The plantings installed in the forest understory include a variety of regionally appropriate native trees and shrubs (suggested by the neighbors, who are affiliated with the local chapter of the California Native Plant Society) intended to replace the ivy plants removed as well as enhance the vegetative buffer between the public road and the interior portions of the property. The County confirmed that the tree mitigation plan required for the approved project has not yet been approved or implemented (Exhibit 10).

As discussed above, the County ensures compliance with the tree mitigation plan and other required mitigation measures during its review of the required Development Plan, Road Improvement Plan, and other plans required to be submitted by CDP conditions. County staff indicated that it is customary for the County to refer plans with biological components (such as tree planting plans and wetland restoration plans) to other agencies for comment, including California Department of Fish and Wildlife and the Commission. Thus, the plan review process will ensure that the tree mitigation plan includes appropriate types, numbers, locations (for maximizing view protection), and spacing of trees to protect natural habitats and visual resources consistent with the TAP. The plan requires monitoring of plantings for a minimum of three years, with required replacement of any failed plantings during that time. As discussed above, the required tree mitigation plan is only one of several visual mitigations incorporated into the project.

Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the project as approved protects the character of the area. As such the Commission finds that this contention of the appeal from Carol Boyd does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

## **2. Contentions Related to Natural Resources**

- a. Due to the age of and potential inadequacies with the wetland delineation that was completed for the property, the County approved project could result in development that is inconsistent with the wetland setback policies of the TAP.**

The appeal from Carol Boyd contends that the wetland delineation completed for the project is inadequate due to its age (it was completed in 2008) and inaccuracies in the delineation methodology. These problems, the appeal contends, have led to a failure to establish adequate wetland buffers, which results in potential inconsistencies with the wetland protection policies of the LCP. In addition, the project approved by the County is inconsistent with Section 30240(b) of the Coastal Act (codified in the TAP Section 3.3.0), because the inadequate delineation of wetland and creek ESHA on the property will affect how sensitive areas connect within Trinidad State Beach west of the property.

The LCP uses the same definition of wetlands as the Coastal Act's. TAP Section 3.30-B-1 specifies the process for the identification of wetlands and other ESHA that are not indicated on the certified resource maps for the planning area as follows:

*...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 CEQA document adopted for the project addressed the wetlands identified in the 2008 wetland delineation. The original wetlands were delineated in 2008 by Winzler and Kelly, with a supplemental biological evaluation completed in 2013 by LACO Associates. As described in the 2008 report, the stream and its associated riparian habitat were delineated by locating the edge of the stream transition line (STL), which is described as "...the line formed by the average drip line of the existing riparian tree species, top of bank of the creek channel or wetland edge, whichever extends furthest." In addition to the wetlands and riparian habitats associated with the stream on the property, the delineation also identified an "isolated" wetland (disjunct from the stream) near the intersection of the private road and Anderson Lane. The supplemental biological evaluation completed in 2013 identified no new wetlands or other sensitive habitats on the property beyond those identified and delineated in 2008 and confirmed that "All wetlands, regardless of the number of parameters, are located between the creek and the STL..." All of the identified wetlands are located in the southern portion of lot 2, which, as approved by the County, is approximately 7 acres in size.

Consistent with the above-cited policy, the County cooperated with staff from CDFW to visit the property in 2009 to review the delineation and the sensitive habitat areas and to solicit any recommendations for protection of the identified sensitive areas. According to information contained in the local record, CDFW staff field-reviewed and concurred with the boundaries of the wetland delineation and with the minimum 100-foot-wide setback for all future development from the stream-associated wetlands. Thus, even though the original wetland delineation is more than five years old, it still is adequate in its identification of wetlands because supplemental field review was undertaken more recently (in 2013/2014) by the applicant's consultant, which was reviewed anew by CDFW staff, to verify the validity of the delineation. Commission staff consulted with CDFW staff on the adequacy of the wetland delineation, and CDFW staff concurred that they reviewed the updated information and remain satisfied with the adequacy of the wetland delineation and setback boundaries (Exhibit 12). In addition, given that all the wetlands on the property are located at the property's topographic low point (the southwestern end of the property), it is unlikely that the wetland area would have expanded over time, especially given the drought years that have occurred since the time of the original delineation in 2009.

TAP Section 3.30-B-3(d) requires a wetland setback of "...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 wetland habitat values..." As approved by the County, all delineated wetlands are on lot 2, with minimum 100-foot-wide buffers. Due to the approved

configuration of subdivision lots under the CDP, future development on lots 1, 3, 4, 5, and 6 will be located well over 200 feet from the delineated wetlands. County CDP Condition #7-A(7) requires delineated wetlands and buffers to be shown on the recorded subdivision map, and Condition #7-B(5) restricts development within protected areas consistent with the stream, riparian, and wetland protection policies of the TAP. In addition, condition #7-A(7) of the CDP requires the erection of split-rail or similar fencing on lot 2 to provide a visual separation between portions of the lot available for future development and protected areas. Due to the size and configuration of lot 2 as approved by the County, all future residential development, including driveway, residential structures, and leach fields, will be sited outside of wetland buffer areas.

Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the project as approved protects wetlands and wetland buffer areas. As such the Commission finds that the contention of the appeal from Carol Boyd does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

**b. The required subdivision improvements involving widening of Anderson Lane could impact adjacent wetlands and stream habitats inconsistent with the wetland and ESHA protection policies of the TAP.**

The appeal from Carol Boyd contends that the widening of Anderson Lane and the private road would involve development within the prescribed wetland setback inconsistent with the wetland buffer policies of the TAP. The appeal states that there are less damaging and feasible alternatives to improving the private road and Anderson Lane that would avoid wetland impacts, including (1) not widening the private road westward into the wetland/buffer, and (2) not widening Anderson Lane.

As discussed above, the CDP approved by the County includes Condition #2 requiring the applicant to complete road improvements required by the County Department of Public Works (DPW) in a memorandum dated October 6, 2015 to the satisfaction of the DPW. The DPW requirements for improvements to Anderson Road include a requirement to widen the paved portion of Anderson Lane to 18 feet, plus 2-foot wide bladed shoulders on each side and associated drainage swales and/or ditches as required by the DPW. The condition states that the DPW "can support a flexible design to preserve as many trees as possible." Also as discussed above, since the time that the appeal was filed raising this contention, the applicant consulted with DPW staff on the scope of the road improvements needed to satisfy the department's standards for the subdivision. DPW staff visited the site with Commission staff and the applicant on November 13, 2015 to assess the needed improvements. As stated by DPW staff in the attached memorandum prepared after the site visit, DPW staff has confirmed that Anderson Lane already has a paved width of 18 feet, and therefore no improvements to Anderson Lane are required. The plan shows improvements to the intersection of the property's private access road with Anderson Lane involving widening of the intersection apron by 1-foot eastward (away from the existing isolated wetland located west of the intersection). Although located within 100 feet of the isolated wetland on the west side of the private road near its intersection with Anderson Lane, this road improvement is entirely outside of the wetland buffer area as defined in Section

3.30-B-3(a)(1) of the TAP, which includes only the area between a wetland and the nearest paved road. In addition, Section 3.30-B-4 of the TAP allows road construction within watersheds provided that suitable techniques and measures are employed to prevent erosion and minimize surface runoff. Such measures are required to be employed under CDP Condition #16 (requiring implementation of mitigation measure GEO-5 from the CEQA document requiring preparation of an Erosion Control Plan for the County's review and approval) and Condition #18 (requiring implementation of BMPs for erosion and sediment control). As discussed above, DPW staff has confirmed that the applicant's road improvement plan satisfies the department, because it will result in improvements to the private road to the level of service needed to serve the subdivision lots while avoiding impacts to visual and wetland resources along the public roads.

Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the project as approved protects the character of the area. As such the Commission finds that the contention of the appeal from Carol Boyd does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

**c. The approved project will cause off-site impacts and cumulative impacts to College Cove Creek, affecting off-site ESHA on state park lands to the east.**

The appeal from Carol Boyd contends that the approved development will adversely impact the creek and other ESHA on state park lands to the east, since the creek that flows through the Homan property is the same creek that flows through the state park property downstream from the Homan property.

As discussed above, the County cooperated with CDFW to verify the boundaries of the wetland delineation and to ensure that an adequate setback is established between the wetland and creek resources and future development on the subdivided lots. Future development on lots 1, 3, 4, 5, and 6 will be located well over 200 feet from the delineated wetlands, and County CDP Condition #7-A(7) requires delineated wetlands and buffers to be shown on the recorded subdivision map. In addition, Condition #7-B(5) restricts development within protected areas consistent with the stream, riparian, and wetland protection policies of the TAP. Furthermore, condition #7-A(7) of the CDP requires the erection of split-rail or similar fencing on lot 2 to provide a visual separation between portions of the lot available for future development and protected areas. Due to the size and configuration of lot 2 as approved by the County, all future residential development, including driveway, residential structures, and leach fields, will be sited outside of wetland buffer areas. Moreover, as determined by County DPW staff, no road improvements to Anderson Lane are required, and therefore the project approved by the County will avoid impacts to wetland habitats adjacent to Anderson Lane. In addition, with respect to road improvements required to the private road through the property, CDP Condition #16 requires implementation of mitigation measure GEO-5 identified in the Mitigated Negative Declaration requiring preparation of an Erosion Control Plan for the County's review and approval, and Condition #18 of the CDP also requires implementation of BMPs for erosion and sediment control.

In summary, the combination of all of the protective measures discussed above support the County's decision that the approved project will protect ESHA both on and off the property. Also, as previously discussed, future home development on each of the lots will require CDPs, which may be further conditioned to require additional measures to avoid runoff impacts to the creek on the property that flows into state park lands to the west.

Therefore, the Commission finds that there is a high degree of factual and legal support for the County's decision that the project as approved protects the character of the area. As such the Commission finds that the contention of the appeal from Carol Boyd does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP.

#### **G. SUBSTANTIAL ISSUE CONCLUSION**

For the reasons stated above, the Commission finds that there is factual and legal evidence in the record to support the County's approval of a CDP. The Commission therefore finds that the appeal raises no substantial issue with respect to the grounds on which it was filed.

## **APPENDIX A**

### **COMMISSION’S APPEAL JURISDICTION OVER THE PROJECT**

On July 16, 2015, the Humboldt County Planning Commission approved Coastal Development Permit No. CDP-08-025 with special conditions. On July 24, 2015, the County’s permit approval was appealed to the County Board of Supervisors by Robert Vogel. On October 6, 2015, the Board of Supervisors denied the appeal and approved the CDP with revised special conditions.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on CDPs (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the “principal permitted use” under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified LCP and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because (1) portions of the approved development are located within 100 feet of any wetland; and (2) the development approved by the County is not designated as the principal permitted use under the County zoning ordinance.

#### **Within 100 Feet of a Wetland**

The applicant’s consultant, LACO Associates, delineated a stream on the southern end of the property as well as stream-associated riparian habitat and other isolated wetlands on the southeastern side of the property (south/east of Anderson Lane). As the approved development (land division) is located within 100 feet of a wetland, the subject development is appealable to the Commission pursuant to Section 30603(a)(2) of the Coastal Act.

#### **Not the Principal Permitted Use**

Pursuant to Section 313-163.1.9 of the County’s certified implementation plan (coastal zoning regulations), subdivisions, including lot line adjustments, are not considered a principal permitted use in any zoning district in the coastal zone. As such, the County’s approval of the Homan subdivision CDP is appealable to the Commission pursuant to Section 30603(a)(4) of the Coastal Act.

**APPENDIX B**  
**SUBSTANTIVE FILE DOCUMENTS**

Humboldt County Local Coastal Program (Trinidad Area Plan and Coastal Zoning Regulations)  
Appeal File No. A-1-HUM-15-0065, including local record for Humboldt County Coastal  
Development Permit No. CDP-08-025

**Appendix C**  
**EXCERPTS FROM THE HUMBOLDT COUNTY CERTIFIED LCP**

<b>Policies from the Trinidad Area Plan related to Visual Resources Protection</b>
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3.40 VISUAL RESOURCE PROTECTION

\*\*\* 30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

\*\*\* 30253. *New development shall:*

(5) *Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

A. PLANNED USES

*Within the Trinidad Planning Area, from Moonstone Beach to Patrick's Point, the scenic and visual qualities are indisputably exceptional. The majority of residents in this area take great pride in protecting and preserving these resources actively through such local mechanisms as the Humboldt North Coast Land Trust. South of Trinidad along Scenic Drive, a vehicle already exists for regulating visual quality: the area is in a D - Design Review - combining zone requiring review of new development for design review. However, the existing standards are too vague and indefinite to assure achievement of Coastal Act objectives. In addition, it is important to remember in terms of visual resources, that new development, following certification of the area plan and zoning, may be appealed to the State Coastal Commission if the development:*

*--is between the first public road and the sea,*

*--fails to protect public views from any public road or from a recreational area to, and along, the coast;*

*--is not compatible with the established physical scale of the area;*

*--may significantly alter existing natural landforms (Section 30603, part)*

*Because appeals add time and uncertainty to new development, they are generally undesirable for both the applicant and the County. The prescriptive standards which are applied to Coastal Scenic Areas and Coastal View Areas are therefore very specific. However, as pointed out at the area workshops, standards of this type are inherently less than optimal in achieving visual*

*resource protection in that they tend to generalize and ignore such pertinent information as topographical or design features.*

*To address this potential problem, proposed new development which cannot meet the coastal scenic or visual standards may be referred to a Design Assistance Committee similar to the one that currently operates along Scenic Drive. The criteria for design review, however, are much more specific than currently exist.*

*The Maps 7, 8, and 9 delineate Coastal Scenic and View Areas.*

**B. DEVELOPMENT POLICIES**

**1. Physical Scale and Visual Compatibility**

*No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel; and the following criteria shall be determinative in establishing the compatibility of the proposed development:*

- a. For proposed development that is not in the principal permitted use, or that is outside an Urban Limit and for other than detached residential, agricultural uses, or forestry activities regulated by CDF, that the proposed development is compatible with the principal permitted use, and, in addition is either:*

*(1) No greater in height or bulk than is permitted for the principal use, and is otherwise compatible with the styles and visible material so existing development or landforms in the immediate neighborhood, where such development is visible from the nearest public road.*

*(2) Where the project cannot feasibly conform to paragraph 1, and no other more feasible location exists, that the exterior design, and landscaping be subject to a public hearing, and shall be approved only when:*

*(a) There is not less environmentally damaging feasible alternative location.*

*(b) The proposed exterior design, and landscaping are sufficient to assure compatibility with the physical scale established by surrounding development.*

**2. Protection of Natural Landforms and Features**

*Natural contours, including slope, visible contours of hilltops and treelines, bluffs and rock outcroppings, shall suffer the minimum feasible disturbance compatible with*

*development of any permitted use, and the following standards shall at a minimum secure this objective:*

- a. Under any permitted alteration of natural landforms during construction, mineral extraction or other approved development, the topography shall be restored to as close to natural contours as possible, and the area planted with attractive vegetation common to the region.*
- b. In permitted development, landform alteration for access roads and public utilities shall be minimized by running hillside roads and utility corridors along natural contours where feasible, and the optional waiving on minimum street width requirements, where proposed development densities or use of one-way circulation patterns make this consistent with public safety, in order that necessary hillside roads may be as narrow as possible.*
- c. In addition, the preservation of coastal natural landforms and features through the mechanism of voluntary open-space and scenic easements shall be encouraged. Local land trusts that have official recognition, such as the Humboldt North Coast Land Trust, are appropriate entities to achieve the goal of scenic resource preservation through their ability to accept voluntary deed and easement purchases.*

### *3. Coastal Scenic Areas*

*In Coastal Scenic Areas as designated on the Area Plan Maps, and applied to portions of parcels immediately adjacent to and visible from the designated area, it is the intent of these regulations that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas. The following uniform standards and conditions shall apply to all development within said area, in addition to other applicable policies of this Plan:*

- a. New industrial and public facility development shall be limited to:*
  - (1) Temporary storage of materials and equipment for the purpose of road and utility repair or improvement provided that this is necessary to the repair or improvement, and no feasible site for storage of equipment or material is available outside such area.*
  - (2) Underground utilities, telephone lines, and above-ground power lines less than 30KV.*
  - (3) Minor modifications of existing facilities.*
- b. Commercial uses shall be approved only where permitted by the Plan and zoning, and only such uses as serve the ordinary needs of tourists or recreational users of the area shall be permitted. The siting and design of commercial uses shall:*

- (1) *Maintain existing landforms.*
- (2) *Minimize grading and removal of native vegetation.*
- (3) *Provide for retention, where feasible, of existing trees within and adjacent to Patrick's Point Drive, Scenic Drive, and Stagecoach Road, and landscaping of areas disturbed during construction to maintain a vegetated border along these roads.*
- (4) *Limit onsite signs at each site to a total area of 40 square feet and a height of no more than 30 feet above grade.*
- (5) *Offsite signs shall be clustered at locations shown on the resource protection maps.*

*All proposed commercial development in excess of 1000 square feet shall be referred to a Design Assistance Committee for review, based on the provision of this policy and subsection 3.40 B 5.*

- c. *All permitted development shall be subject to the following standards for siting design except for structures integral to agricultural land use and timberland management subject to CDF requirements for special treatment areas.*
  - (1) *Siding and roofing materials shall not be of reflective materials, excepting glass and corrugated roofing.*
  - (2) *The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 40 feet from the lowest point of the foundation.*
  - (3) *Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.*
  - (4) *Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property.*
  - (5) *New homesites shall be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and location of existing parcels requires development on hillside sites, new construction or grading shall follow the natural contours of the landscape, fitting the site rather than altering the landform to accommodate buildings designed for level sites and concentrating development near existing major vegetation.*

(6) *New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.*

(7) *Timber harvests and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.*

d. *Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Committee for review and approval.*

4. *Coastal View Areas*

...

5. *Design Assistance Committee*

*New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B. 3 & 4, respectively shall be referred to the Design Assistance Committee. The Design Assistance Committee, as defined in the implementation phase of the Local Coastal Program, shall ensure that the proposed development is compatible with the goals and objectives of this plan. Findings for approval shall include:*

- a. *Consistency and compatibility with applicable elements of the County's General Plan;*
- b. *Alteration of natural landforms caused by cutting, filling, grading or clearing necessary for a building site is minimized and, as appropriate, integrated with the project.*
- c. *That setbacks from roads and property lines are appropriate to protection the scenic and visual qualities of the site;*
- d. *Exterior lighting is compatible with the surroundings and is not directed beyond the boundaries of the parcel;*
- e. *Vegetation common to the area should be used to integrate the manmade with the natural environment, to screen and soften the visual impact;*
- f. *Where feasible, new and existing utilities should be underground. When above-ground facilities are the only alternative, they should be as unobtrusive as possible;*

- g. *Off-premise signs, which are needed to direct visitors to commercial recreation as permitted in the Area Plan, shall be attractively designed in keeping with the surroundings and clustered at appropriate locations. Such clustered signs should have a single design theme;*
- h. *Timber harvest and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.*
- i. *Where views from public roads to the coast or coastal waterways are of concern, the height, width, and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as is possible.*
- j. *Views from public trails, beaches, or public recreation areas into the development site shall also be considered; and*
- k. *Solar collectors for on-site use shall be exempt from this review.*

6. *Voluntary Transfer of Development Credit*

...

9. *Natural Features*

*Significant natural features within the Trinidad Planning Area, and specific protection for retention of these resources are as follows:*

<u>AREA</u>	<u>SCENIC PROTECTION</u>
<i>Trinidad Head</i>	<i>Designated Public Facility (also see Section 3.25A 8<sup>1</sup> for policy requesting that the jurisdiction of this area be granted to the City of Trinidad.)</i>
<i>North End of Moonstone Beach including Cliff Face</i>	<i>Designated Natural Resources and Public Recreation</i>
<i>Elk Head</i>	<i>Designated Natural Resources and Public Recreation</i>
<i>All Offshore Rocks and Intertidal Areas</i>	<i>Designated Natural Resources</i>
<i>Princess Rock</i>	<i>Within Scenic Route Study Area</i>

**Policies from the Trinidad Area Plan related to Land Use Density in the Subject Area**

**3.21 RURAL DEVELOPMENTS SUBDIVISION REQUIREMENTS**

...

**B. DEVELOPMENT POLICIES**

...

- 2. *Planned densities for rural areas designated for residential use shall be as follows:*

...

- d. East Stagecoach Road (south) - RURAL RESIDENTIAL (RR)*

*The area south of Martin Creek and east of Stagecoach Road to the Trinidad City limit line includes about 100 acres. The current average size (arithmetic mean) is three acres. The modal average (most frequently occurring parcel size) is two acres. The area is planned for a one unit per two acre density.*

...

<b>Policies from the Trinidad Area Plan related to Natural Resources Protection</b>
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**3.30 NATURAL RESOURCE PROTECTION POLICIES AND STANDARDS**

*\*\*\* 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.*

...

**B. DEVELOPMENT POLICIES**

- 1. *Identification of Environmentally Sensitive Habitats*

- a. Environmentally sensitive habitats within the County Trinidad Planning Area shall include:*

- (1) Rivers, creeks and associated riparian habitats*

- (2) Offshore rocks, islands and intertidal areas*

- (3) Other critical habitats for rare or endangered species listed on state or federal lists*

- (4) Wetlands. No wetlands are currently identified.*

*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.*

- b. Wetland areas shall be identified according to the Coastal Act's definition of wetlands (See Chapter 5: Definitions).*
- c. Where there is dispute over the boundary or location of an environmentally sensitive habitat, the following information may be requested of the applicant:*

- (1) a base map delineating topographic lines and adjacent roads*
- (2) vegetation map*
- (3) soils map*

*Review of this information shall be in cooperation with the Department of Fish and Game and the County's determination shall be based upon specific factual findings as to whether an area is or is not an environmentally sensitive habitat area based on the criteria and definitions above.*

....

### *3. Wetland Buffer*

- 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.*

- (3) *Transitional Agricultural lands designated Agriculture Exclusive shall be excluded from the wetland buffer.*
- b. *New development, except for*
- (1) *development permitted in 3.30 B2, 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 less than 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 wetland 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 principal 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 wetland 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.*
- (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, 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.*

4. *Road Construction Within Watersheds Containing Wetlands*

a. *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:*

(1) *Limiting soil exposure time and disturbed area.*

(2) *Minimizing uninterrupted slope length through surface roughening and serrated slopes.*

(3) *Temporary slope stabilization if grading operations do not occur during dry weather months (May through October) including, mulches, nettings, chemical and natural binders, rip-rap, etc.*

(4) *Immediate vegetative plantings of disturbed slopes at finished grades.*

(5) *Control of runoff through controlled water and drainage systems with dissipated discharges and receiving stream bank protection.*

(6) *Diversion of runoff away from graded areas and areas traveled during project development.*

(7) *Temporary and permanent sediment control through use of dikes, filter berms, and sediment basins.*

5. *Coastal Streams, Riparian Vegetation and Marine Resources*

\*\*\* 30230. *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.*

\*\*\* 30231. *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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

\*\*\* 30236. *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

a. *Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities under jurisdiction of the Department of Forestry shall be exempt from requirements of this section. Other new development within coastal streams, riparian area, and marine areas shall be consistent with policies and standards of this section.*

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

<i>Penn Creek</i>	<i>Mill Creek</i>
<i>Beach Creek</i>	<i>McConnahas-Mill Creek</i>
<i>Burris Creek</i>	<i>Deadman Creek</i>
<i>Savage Creek</i>	<i>Luffenholtz Creek &amp; Tributaries</i>
<i>McNeil Creek</i>	<i>Riley Creek</i>
<i>Hobson Creek</i>	<i>Unnamed Creek South of Driver Road</i>
<i>Martin Creek</i>	

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 crossing, consistent with the provisions of Section 3.30 B5e and trail crossings consistent with the provisions of 3.30 B5e(10).*
  - (3) *Maintenance dredging for flood control and drainage purposes consistent with the transitional Agricultural Lands policies.*
  - (4) *Development consistent with the provisions of 3.30 B 5e, below.*
- 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.*
- e. *New development within riparian corridors shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measure 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 practices shall be consistent with those permitted under the forest practices rules for stream protection zones in Coastal Commission Special Treatment Areas. Unmerchantable hardwoods and shrubs shall be protected from unreasonable damage.*
  - (3) *Maintenance of flood control and drainage channels.*
  - (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 the property use on the property consistent with the applicable forest practice rules for stream protection zones in Coastal Commission Special Treatment Areas.*
  - (8) *Mitigation measures for development within riparian corridors shall, at a minimum, include replanting disturbed areas with riparian vegetation, retaining snags within the riparian corridor unless felling is required by CAL-OSHA regulations, and retaining live trees with visible evidence of current use as nesting sites by hawks, owls, eagles, osprey, herons or egrets.*
  - (9) *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.*
  - (10) *Public access trails provided that the length of the trail within the riparian corridor shall be minimized, where feasible, by rights of way which cross streams at right angles, which are kept as far up slope from the stream as possible, which involve a minimum of slope disturbance and vegetative clearing, and are the minimum width necessary..*
- f. *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 effect 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.*
6. *Water Withdrawals From Trinidad Area Streams...*  
...
7. *Permitting and Siting of Septic Systems*
- a. *Sewage disposal systems placed on existing and proposed lots must meet all of the requirements of the Humboldt-Del Norte Department of Public Health and the Regional Water Quality Control Board.*

<b>Combining Zone Standards of the Coastal Zoning Regulations</b>
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313-19.1 D: DESIGN REVIEW

19.1.1 Purpose. *The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.*

19.1.2 Applicability. *These regulations shall apply to lands designated "D" on the Zoning Maps. Solar collectors for on site use are exempt from the design review requirement of this section.*

19.1.3 Special Permit Required.

19.1.3.1 A Special Permit is required for all development subject to these regulations

19.1.3.2 The application for the permit shall be accompanied by a fee in the amount established by ordinance or resolution of the Board of Supervisors.

19.1.4 Appointment and Composition of the Design Review Committee. *The Board of Supervisors may select any person(s) or organization who, in the opinion of the Board, is qualified to serve on the committee. Such person(s) must be devoid of any and all financial interest in the development application under consideration. The representatives of the Design Review Committee shall not exceed five (5) persons. In the absence of any Board of Supervisors' approved representatives, the Director shall be the reviewing authority.*

19.1.5 Design Review Standards. *Buildings, sites, structures, signs, landscaping, and similar development will be consistent with the policies of the General Plan and this Division, and the Design Review Committee shall take the following items under consideration in reviewing development plans:*

19.1.5.1 The project is consistent and compatible with applicable elements of the General Plan.

19.1.5.1.1 Within designated Coastal Scenic Areas, as mapped, measures are included in the project design so that it will be subordinate to the character of the surrounding setting;

19.1.5.1.2 Within designated Coastal View Areas, as mapped, and where views from the public roads to the coast or coastal waterways are of concern, the height, width, and siting of structures, including setbacks from roads and parcel lines will be considered to retain as much of the existing view as possible. Views from public trails, beaches, or public recreation areas into the development site will also be considered.

19.1.5.1.3 Within Shelter Cove designated Coastal View areas, building heights may be increased one foot (1') for each two feet (2') of total additional

*side yard that is provided in excess of the required five feet (5') side yards, to a maximum allowable height of twenty-four feet (24'); or, in order to provide an alternate method of providing view corridors, one side yard may be reduced to a minimum of zero feet where:*

*19.1.5.1.3.1 The opposite side yard provided equals ten feet (10'); and*

*19.1.8.1.1.1 The adjacent property owner along the side yard being reduced agrees to a similar reduction along the common lot line; and*

*19.1.5.1.3.3 The adjacent dwellings can meet building and energy code requirements for structures which are separated by less than ten feet (10').*

*19.1.5.2 Protection of natural land forms through minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws.*

*19.1.5.3 Exterior lighting that will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel.*

*19.1.5.4 Screening or softening the visual impact of new development through the use of vegetative plantings. If appropriate, species common to the area should be used. Known fire resistive plants should be considered where appropriate.*

*19.1.5.5 Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they should be sited as unobtrusively as possible.*

*19.1.5.6 Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area.*

*19.1.5.7 Off-premises signs, which are needed to direct visitors to permitted commercial recreation areas should be attractively designed in keeping with the surrounding setting and clustered at appropriate locations.*

...

*19.1.7 Required Findings for Designated Coastal Scenic and Coastal View Areas. A Coastal Development Permit for development located within a designated Coastal Scenic or Coastal View Area shall only be approved if the applicable Resource Protection Impact Findings of Chapter 2, Procedures, Supplemental Findings, are made.*

...

313-22 "G" COMBINING ZONE DESIGNATIONS

313-22.1 G: ALQUIST-PRIOLO FAULT HAZARD

*22.1.1 Purpose. The purpose of these provisions is to implement the Alquist-Priolo Special Studies Zones Act (Public Resources Code, Section 2621 and following) in order to address potential hazards resulting from surface faulting or fault creep. (Former Section CZ#A314-51(A))*

*22.1.2 Applicability of the Alquist-Priolo Fault Hazard Regulations. The Alquist- Priolo Fault Hazard Regulations shall apply to lands which are designated "G" on the Zoning Maps, and which are within Special Studies Zones delineated on maps by the State Geologist. Regardless of the designation on the zoning maps, these regulations shall also apply to lands located within Special Study Zones delineated on the most recent maps that are officially adopted, revised or issued by the State Geologist.*

*22.1.3 Modifications Imposed by the Alquist-Priolo Fault Hazard Regulations. The provisions of the Alquist-Priolo Fault Hazard Regulations shall apply in addition to regulations imposed by the principal zone, development regulations, and other special area combining regulations. In the event of any conflict or inconsistency between these provisions and any other applicable provisions of the code, the most restrictive provisions shall apply in order to provide the greatest protection against fault hazards.*

*22.1.4 Special Permit Required. Development may be approved in an area subject to the Alquist-Priolo Fault Hazard Regulations upon approval of a Special Permit, unless the development is exempt from the fault evaluation report pursuant to subsection 313-22.1.6.*

*22.1.5 Geologic Fault Evaluation Report Required. Application for a Special Permit for any of the following types of development shall be accompanied by a geologic fault evaluation report, prepared by a geologist registered in the State of California, which is directed to the problem of potential surface fault displacement through the project site, unless such project is exempt or the report is waived pursuant to subsection 313-22.1.6:*

*22.1.5.1 Parcel and Final Map Subdivisions, as defined by the Subdivision Map Act;*

*22.1.5.2 Construction of any structure for human occupancy;*

*22.1.5.3 Alterations or additions to structures for human occupancy the value of which exceeds fifty percent (50%) of the value of the structure;*

*22.1.5.4 Any change in use or character of occupancy that results in the conversion of a building or structure from one not used for human occupancy to one that is so used.*

*22.1.6 Exemption From Fault Evaluation Report Requirements. Notwithstanding the Geologic Fault Evaluation Report requirements, the following types of development are exempt from the requirement of a Geologic Fault Evaluation Report:*

*22.1.6.1 Construction, alteration, or additions of three (3) or fewer single family wood frame dwellings or manufactured homes, provided that they do not exceed two (2) stories;*

*22.1.6.2 Construction, alteration, or addition of four (4) or more single family homes or manufactured homes, provided that they do not exceed two (2) stories and if the dwelling is located within a subdivision, as defined in the Subdivision Map Act, for which subdivision a Geologic Fault Evaluation Report has been approved or waived.*

*22.1.6.3 Conversion of an existing apartment complex into condominiums.*

*22.1.6.4 Any other development that may be exempt or excluded pursuant to the Alquist-Priolo Special Studies Zones Act, commencing with Public Resources Code Section 2621, and following.*

*22.1.7 Content of Geologic Fault Evaluation Report. The required report shall be based on a geologic investigation designed to identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the project site in the future. The report may be combined with other geological or geotechnical reports. The report shall be prepared in accordance with the California Department of Mines and Geology (CDMG) Note #49 "Guidelines for Evaluating the Hazard of Surface Fault Rupture." CDMG Notes #37, 43 and 44 shall be utilized as applicable when the fault evaluation report required herein is combined with other geological or geotechnical reports.*

*22.1.8 Waiver of Required Report. Waiver from the geologic fault evaluation report required herein may be applied for pursuant to the procedure outlined in Appendix D, "Waiver Procedure for the Alquist-Priolo Act," contained in Special Publication 42 "Fault-Rupture Hazard Zones in California," California Division of Mines and Geology, 3/80, or any subsequent publication which is prepared for the same or similar purpose. Granting of such a waiver is subject to the approval of the State Geologist.*

*22.1.9 Required Findings. The Hearing Officer may approve a Special Permit for development located within an Alquist-Priolo Special Studies zone if all of the applicable Public Safety Impact Findings of Chapter 2, Procedures, Supplemental Findings, are made.*

...

313-28 "M" COMBINING ZONE DESIGNATIONS

313-28.1 *M: MANUFACTURED HOMES*  
(See also Special Combining Zone “SM”).

28.1.1 *Special Designation for Manufactured Home Building Type Modifications.*  
*Whenever the Combining Zone is used to modify a principal zone to allow manufactured homes as permitted building types, the following designators shall be used as applicable:)*

28.1.1.1 *M - where the development standards are modified for the sole purpose of allowing manufactured homes.*

28.1.1.2 *(See also, the subsection, Special Combining Zone “SM”, where development standards in addition to the Manufactured Homes Building Type are modified.)*

*When the M designator is used, the permitted building type shall not be listed by name in the table format.*

<b>Major Vegetation Removal Standards of the Coastal Zoning Regulations</b>
---

313-64.1 *VEGETATION REMOVAL, MAJOR*

64.1.1 *Purpose.* The purpose of these provisions is to: (1) preserve and protect major vegetation within the County Coastal Zone that directly and indirectly prevents soil erosion, landslide and flood hazard; (2) reduce runoff, provide windbreaks or provide protection to adjacent trees from irreparable wind damage; and (3) protect property values and the local economy by maintaining the visual quality of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent.

64.1.2 *Major Vegetation Removal Permitted With a Special Permit in All Zones as an Accessory Use.* Major vegetation removal may be permitted with a Special Permit in all zones, as an accessory use associated with a specified principal or conditionally permitted use. Major vegetation removal may be permitted with a Special Permit in conjunction with or prior to the establishment of a principal or conditionally permitted use.

64.1.3 *Applicability.* These regulations shall apply to major vegetation removal as defined in this section, within the Humboldt County Coastal Zone, except that the following development shall be exempt:

64.1.3.1 *Timber management and timber harvesting activities regulated by the California Department of Forestry and the Board of Forestry, and forest improvement activities carried out under the Forest Incentives Program (FIP), Agricultural Conservation Program (ACP), or California Forest Improvement Program (Cal FIP);*

*64.1.3.2 Major vegetation removal necessary to carry out activities authorized by: (1) an approved building permit, Coastal Development Permit, Use Permit, or Special Permit; or (2) satisfying improvement requirements of an approved subdivision;*

*64.1.3.3 Major vegetation removal subject to the Coastal Streams and Riparian Corridor regulations; and*

*64.1.3.4 Major vegetation removal associated with general agriculture, in zones where the General Agriculture use type is a principal permitted use, except where the Director determines that pursuant to subsection 313-64.1.4.3., that the major vegetation removal may result in a significant environmental impact.*

*64.1.4 Definition of Major Vegetation Removal. For purposes of this section major vegetation removal shall be defined to include one or more of the following:*

*64.1.4.1 The removal of one or more trees with a circumference of thirty-eight inches (38") or more measured at four and one-half feet (4½') vertically above the ground;*

*64.1.4.2 The removal of trees within a total aggregate contiguous or non-contiguous area or areas exceeding 6,000 square feet, measured as the total of the area(s) located directly beneath the tree canopy; or*

*64.1.4.3 The Director may determine that a proposal to remove woody vegetation constitutes major vegetation removal if the Director finds that it may result in a significant environmental impact pursuant to this section. In making a finding that the proposed major vegetation removal may result in a significant environmental impact, the Director shall review the proposal and determine if any of the following conditions exist or are proposed:*

*64.1.4.3.1 The major vegetation removal involves the use of heavy equipment;*

*64.1.4.3.2 The major vegetation removal:*

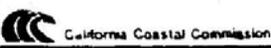
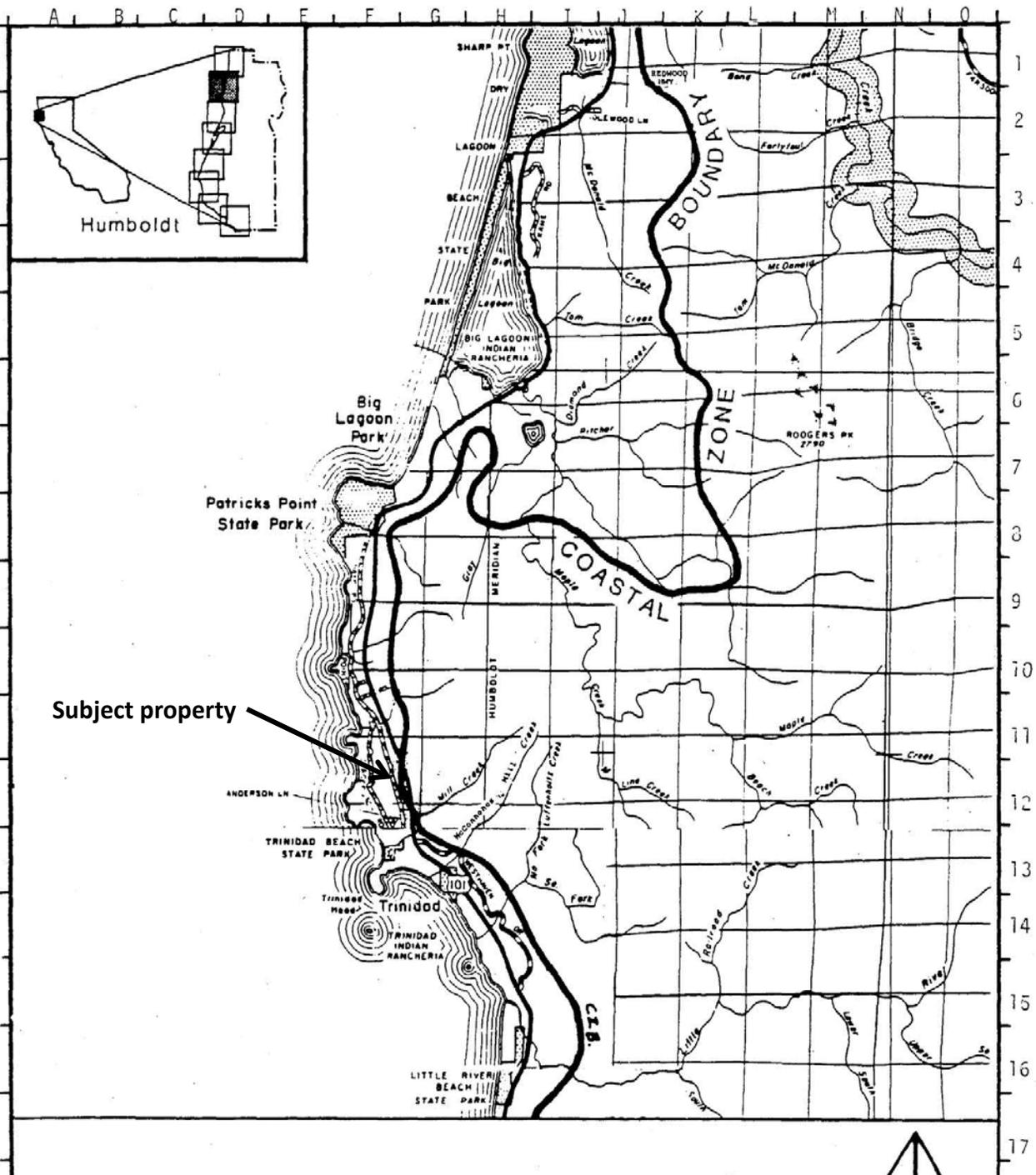
*64.1.4.3.2.1 is proposed on either a steep slope (15% or greater), or on a slope designated on the Geological Map of the General Plan with slope stability index of "2" - moderate instability, or "3" - high instability; and*

*64.1.4.3.2.2 may result in soil erosion or landslide;*

*64.1.4.3.3 The major vegetation removal is located within or adjacent to an environmentally sensitive habitat as identified in the applicable coastal area plan; or*

*64.1.4.4 The major vegetation removal may result in significant exposure of adjacent trees to wind damage.*

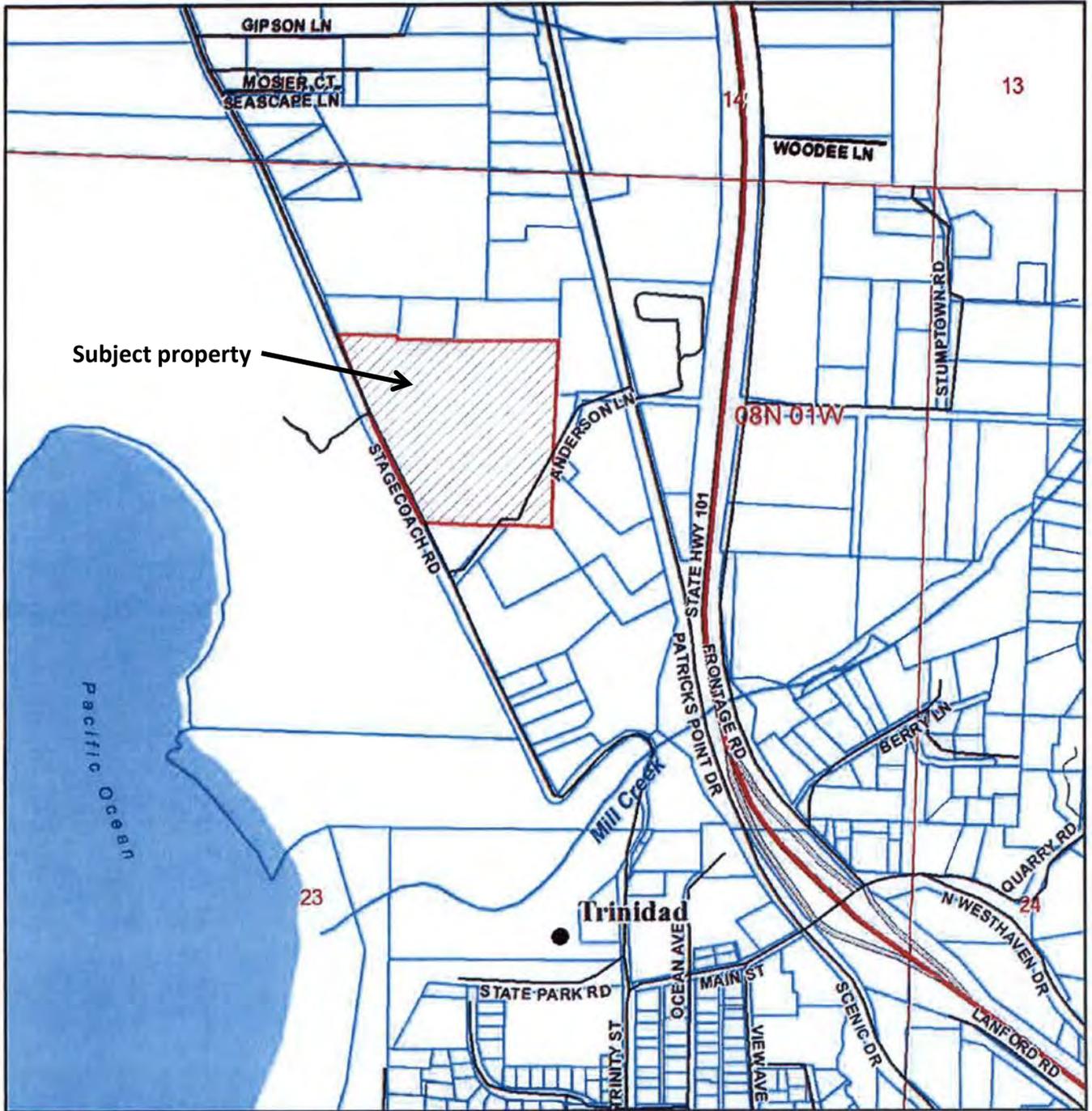
*64.1.5 Appeal of the Director's Determination of Major Vegetation Removal. Appeals may be filed pursuant to the appeal procedures in Chapter 2, Section 312-13.*



**LOCATION MAP**

County of Humboldt

**EXHIBIT NO. 1**  
 APPEAL NO. A-1-HUM-15-0065  
 John & Katrin Homan  
**REGIONAL LOCATION MAP**



**LOCATION MAP**

**PROPOSED HOMAN  
FINAL MAP SUBDIVISION &  
COASTAL DEVELOPMENT PERMIT  
TRINIDAD AREA**

**FMS-08-002/CDP-08-025**

**APN: 515-191-037**

**T08N R01W S23 HB&M (Trini**

**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



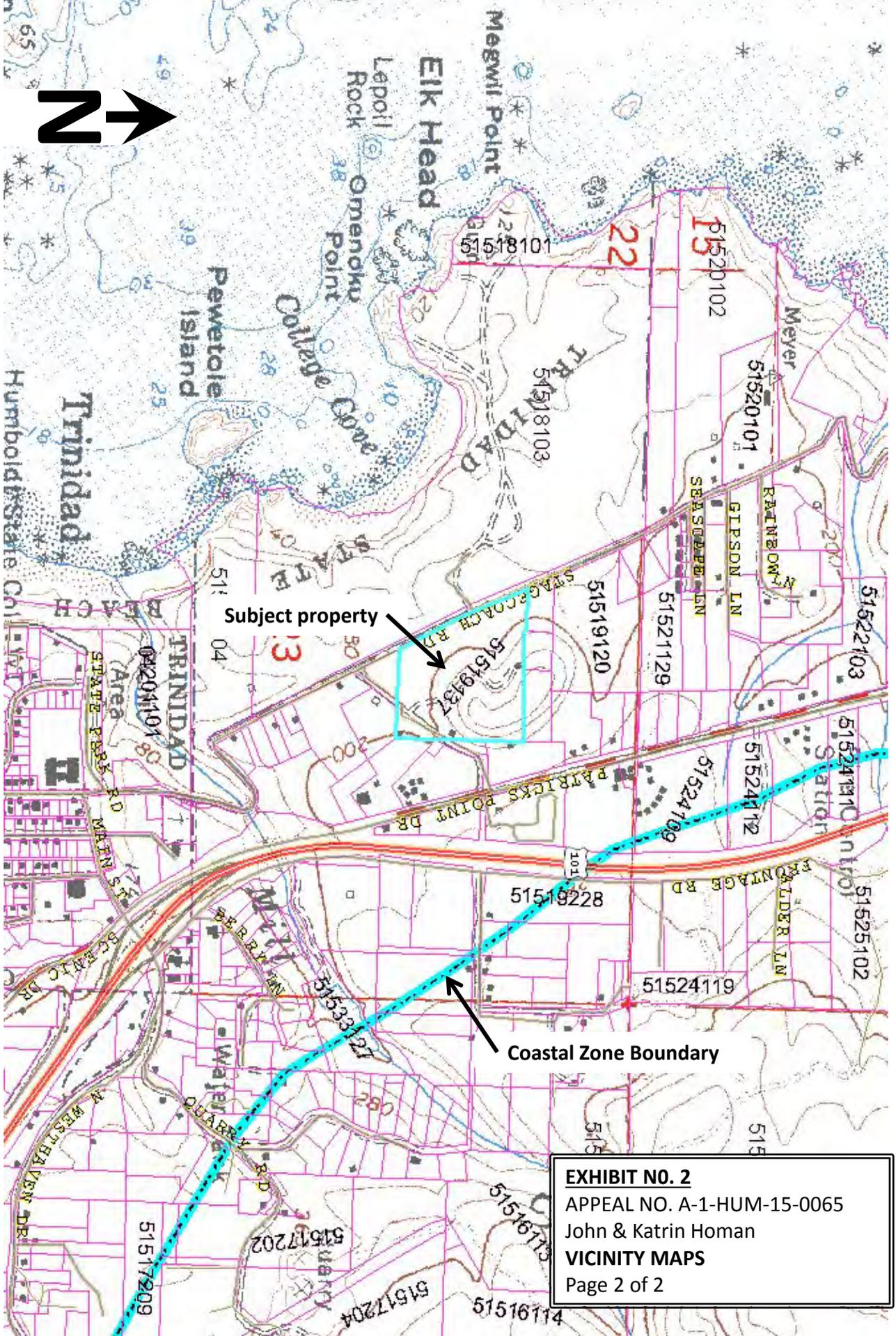
**EXHIBIT NO. 2**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**VICINITY MAPS**

Page 1 of 2



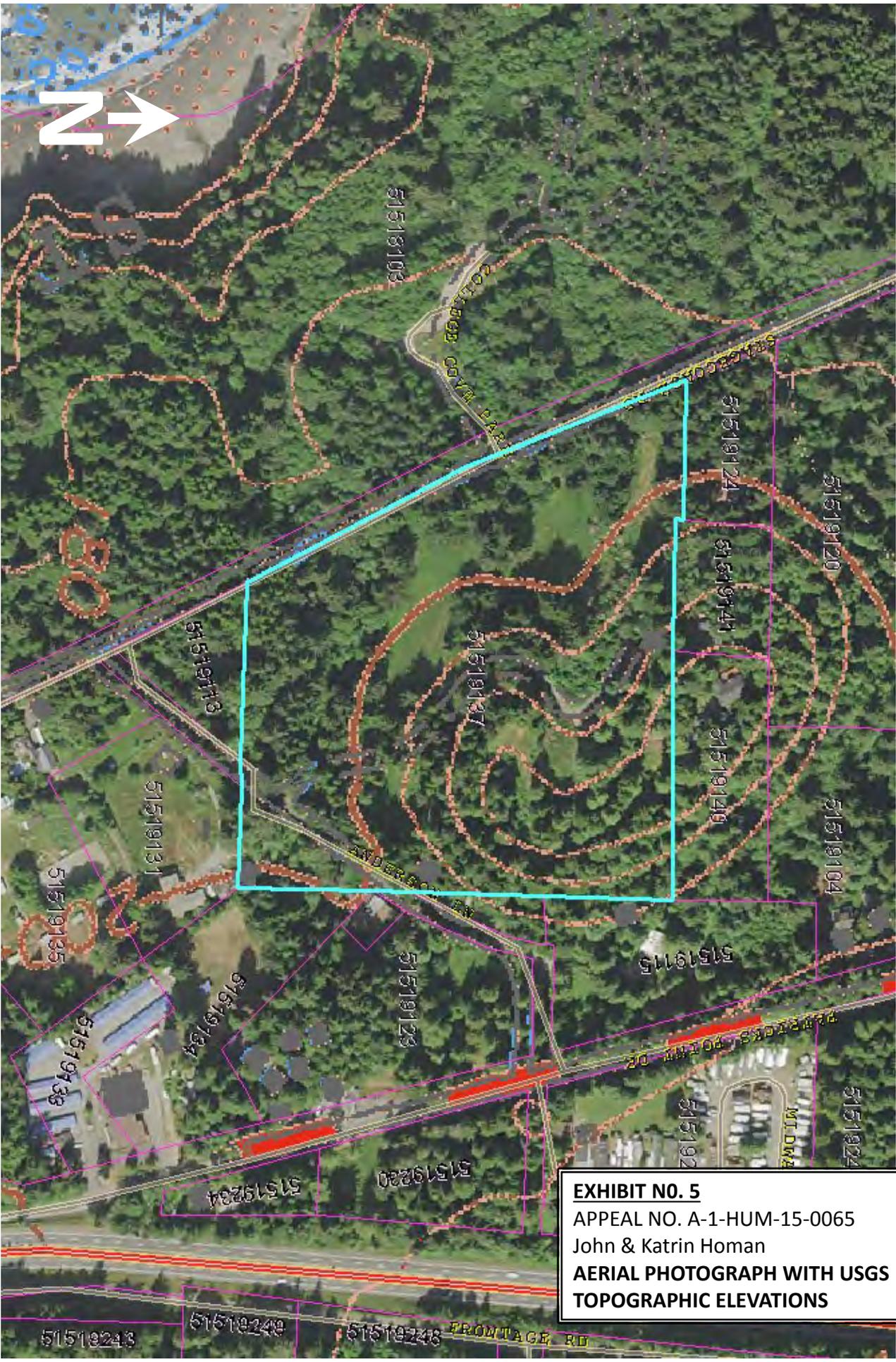
Subject property

Coastal Zone Boundary

**EXHIBIT NO. 2**  
APPEAL NO. A-1-HUM-15-0065  
John & Katrin Homan  
**VICINITY MAPS**  
Page 2 of 2







**EXHIBIT NO. 5**  
APPEAL NO. A-1-HUM-15-0065  
John & Katrin Homan  
**AERIAL PHOTOGRAPH WITH USGS  
TOPOGRAPHIC ELEVATIONS**

51518103

51519124

51519120

51519141

51519187

51519149

51519104

51519113

51519131

51519135

51519138

51519134

51519123

51519115

51519192

51519122

51519234

51519220

51518243

51518249

51518248

FRONTAGE RD

HARRIS BOWL DR

ANDERSON LN

COLLEGE CANYON PARK

MIDWEST

# PHASED TENTATIVE MAP HOMAN MAJOR SUBDIVISION 101 ANDERSON LANE, HUMBOLDT COUNTY, CALIFORNIA ASSESSOR PARCEL NUMBER 515-191-037

**SHEET INDEX**

- SHEET 1 TITLE SHEET & NOTES
- SHEET 2 LEGEND
- SHEET 3 SITE PLAN
- SHEET 4 IMPROVEMENT PHASING, ROAD SUBDIVISION INDEX & WATER DISTRIBUTION PLAN
- SHEET 5 UPPER ROAD DETAIL & SECTION
- SHEET 6 PROJECT SETBACKS
- SHEET 7 UPPER ROAD PROFILE
- SHEET 8 TREE LOCATIONS & POTENTIAL REMOVAL

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**SIGNATURES**

DIRECTOR OF PLANNING & BUILDING

DATE OF EXAMINATION: FEBRUARY 2015  
APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 2015 AS PER PARCEL NUMBER 515-191-037

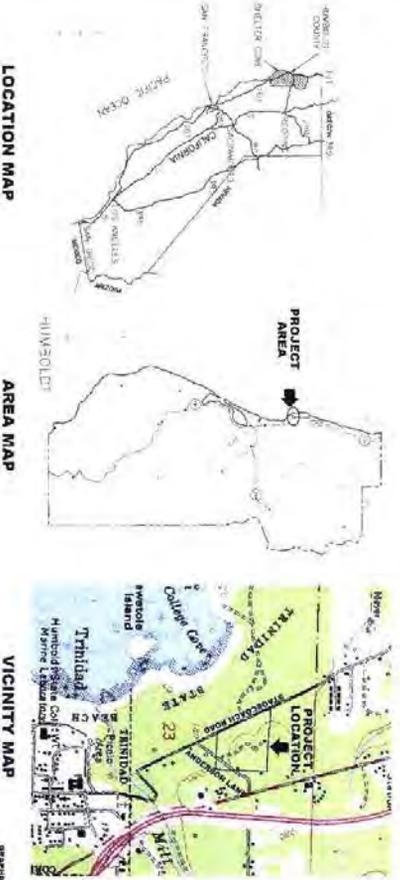
DATE

SIGNED

CONTRACT ENGINEER SIGNATURE  
THE MAP CONFORMS WITH THE REQUIREMENTS OF HUMBOLDT COUNTY ZONING AND SUBDIVISION LAWS

DATE

SIGNED



LOCATION MAP N.T.S.  
AREA MAP N.T.S.  
VICINITY MAP N.T.S.

- 1 THE PROPERTY DESCRIBED HEREON IS THE SMALL FAMILY RESIDUAL UNITING AN OVER-SIZED COUNTRYSIDE AND ORIENTED SPECIFICALLY TO THE STATE OF CALIFORNIA.
- 2 THE PROPERTY IS SITUATED IN THE CITY OF HUMBOLDT, CALIFORNIA, AND IS ZONED R-1 (RESIDENTIAL SINGLE-FAMILY).
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- 39 THE PROPERTY IS SITUATED IN THE CITY OF HUMBOLDT, CALIFORNIA, AND IS ZONED R-1 (RESIDENTIAL SINGLE-FAMILY).
- 40 THE PROPERTY IS SITUATED IN THE CITY OF HUMBOLDT, CALIFORNIA, AND IS ZONED R-1 (RESIDENTIAL SINGLE-FAMILY).

HOMAN MAJOR SUBDIVISION  
TITLE SHEET & NOTES  
JOHN & KATRIN HOMAN  
P.O. BOX 1261, TRINIDAD, CALIFORNIA

**EXHIBIT NO. 6**  
**APPEAL NO. A-1-HUM-15-0065**  
**John & Katrin Homan**  
**APPROVED SUBDIVISION MAPS**  
 Page 1 of 7



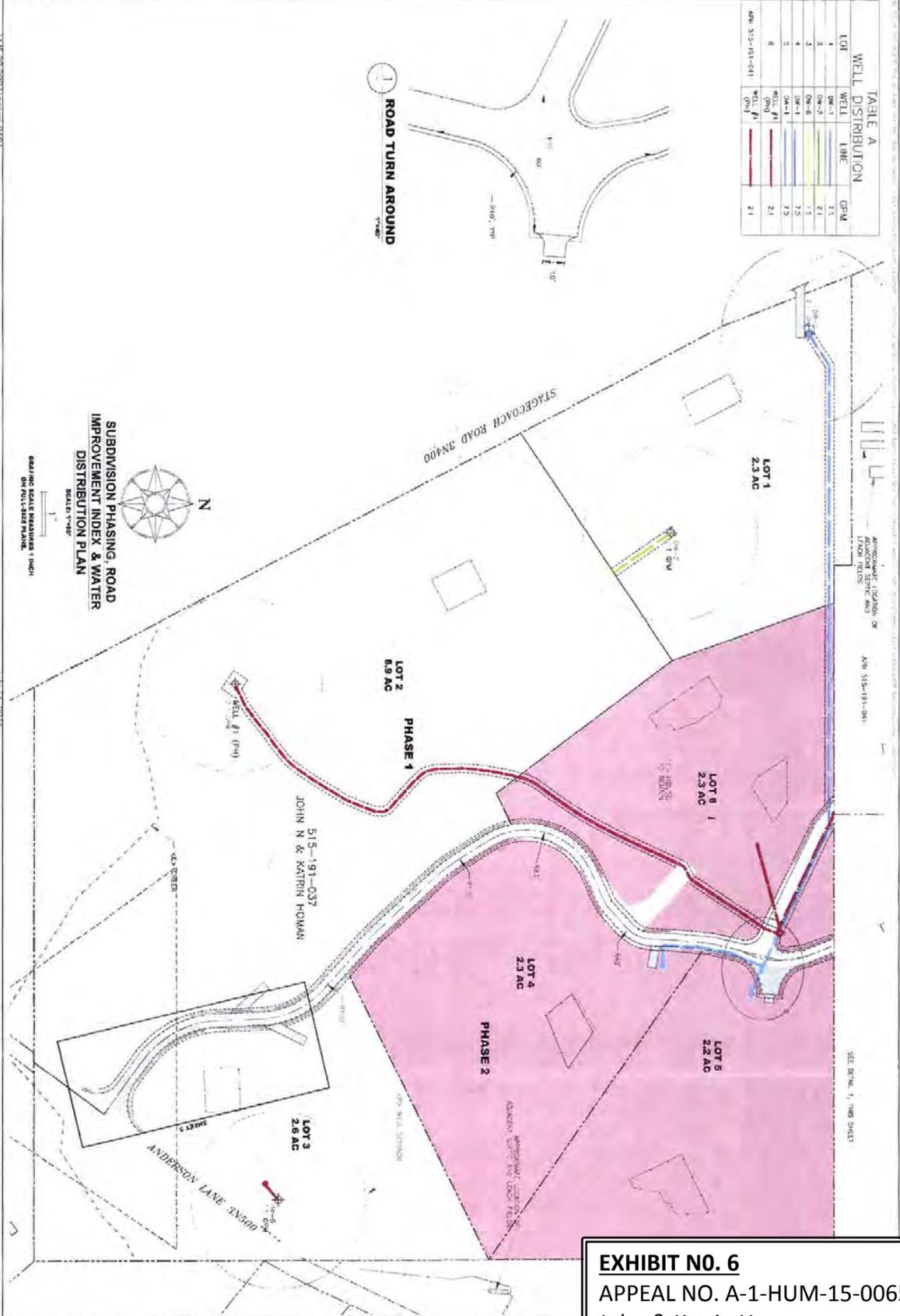
PLAN 08-007 HOMAN 79-07

JULY 16, 2015

FORM 15

**TABLE A**  
**WELL DISTRIBUTION**

LOT	WELL	LINE	GPM
1	DM-1	1	7.5
2	DM-2	2	7.5
3	DM-3	3	7.5
4	DM-4	4	7.5
5	DM-5	5	7.5
6	DM-6	6	7.5
7	DM-7	7	7.5
8	DM-8	8	7.5
9	DM-9	9	7.5
10	DM-10	10	7.5
11	DM-11	11	7.5
12	DM-12	12	7.5
13	DM-13	13	7.5
14	DM-14	14	7.5
15	DM-15	15	7.5
16	DM-16	16	7.5
17	DM-17	17	7.5
18	DM-18	18	7.5
19	DM-19	19	7.5
20	DM-20	20	7.5
21	DM-21	21	7.5
22	DM-22	22	7.5
23	DM-23	23	7.5
24	DM-24	24	7.5
25	DM-25	25	7.5
26	DM-26	26	7.5
27	DM-27	27	7.5
28	DM-28	28	7.5
29	DM-29	29	7.5
30	DM-30	30	7.5
31	DM-31	31	7.5
32	DM-32	32	7.5
33	DM-33	33	7.5
34	DM-34	34	7.5
35	DM-35	35	7.5
36	DM-36	36	7.5
37	DM-37	37	7.5
38	DM-38	38	7.5
39	DM-39	39	7.5
40	DM-40	40	7.5
41	DM-41	41	7.5
42	DM-42	42	7.5
43	DM-43	43	7.5
44	DM-44	44	7.5
45	DM-45	45	7.5
46	DM-46	46	7.5
47	DM-47	47	7.5
48	DM-48	48	7.5
49	DM-49	49	7.5
50	DM-50	50	7.5
51	DM-51	51	7.5
52	DM-52	52	7.5
53	DM-53	53	7.5
54	DM-54	54	7.5
55	DM-55	55	7.5
56	DM-56	56	7.5
57	DM-57	57	7.5
58	DM-58	58	7.5
59	DM-59	59	7.5
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61	DM-61	61	7.5
62	DM-62	62	7.5
63	DM-63	63	7.5
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66	DM-66	66	7.5
67	DM-67	67	7.5
68	DM-68	68	7.5
69	DM-69	69	7.5
70	DM-70	70	7.5
71	DM-71	71	7.5
72	DM-72	72	7.5
73	DM-73	73	7.5
74	DM-74	74	7.5
75	DM-75	75	7.5
76	DM-76	76	7.5
77	DM-77	77	7.5
78	DM-78	78	7.5
79	DM-79	79	7.5
80	DM-80	80	7.5
81	DM-81	81	7.5
82	DM-82	82	7.5
83	DM-83	83	7.5
84	DM-84	84	7.5
85	DM-85	85	7.5
86	DM-86	86	7.5
87	DM-87	87	7.5
88	DM-88	88	7.5
89	DM-89	89	7.5
90	DM-90	90	7.5
91	DM-91	91	7.5
92	DM-92	92	7.5
93	DM-93	93	7.5
94	DM-94	94	7.5
95	DM-95	95	7.5
96	DM-96	96	7.5
97	DM-97	97	7.5
98	DM-98	98	7.5
99	DM-99	99	7.5
100	DM-100	100	7.5



**EXHIBIT NO. 6**  
 APPEAL NO. A-1-HUM-15-0065  
 John & Katrin Homan  
**APPROVED SUBDIVISION MAPS**  
 Page 3 of 7

HOMAN MAJOR SUBDIVISION  
 SUBDIVISION PHASING, ROAD IMPROVEMENT INDEX &  
 WATER DISTRIBUTION PLAN

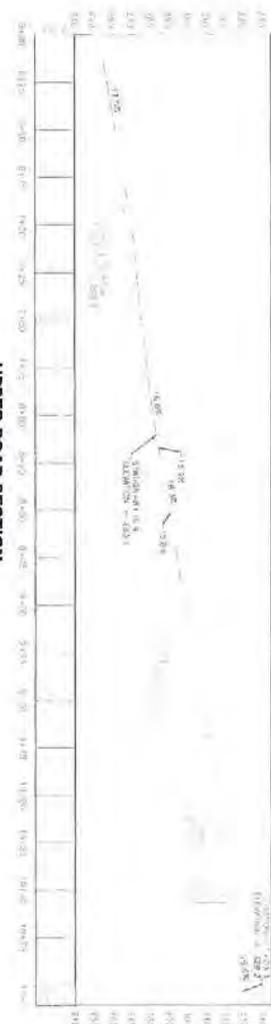
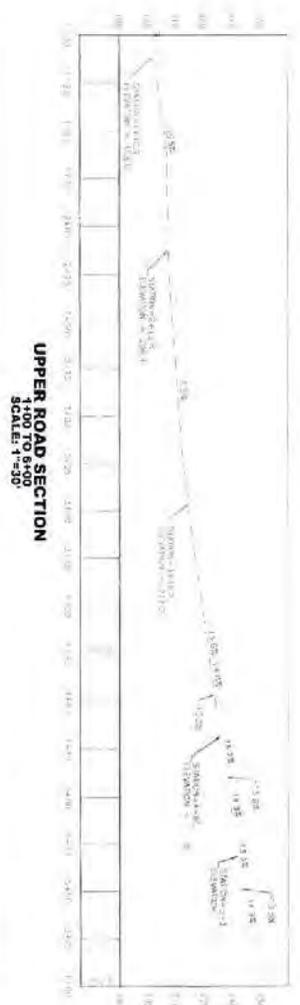
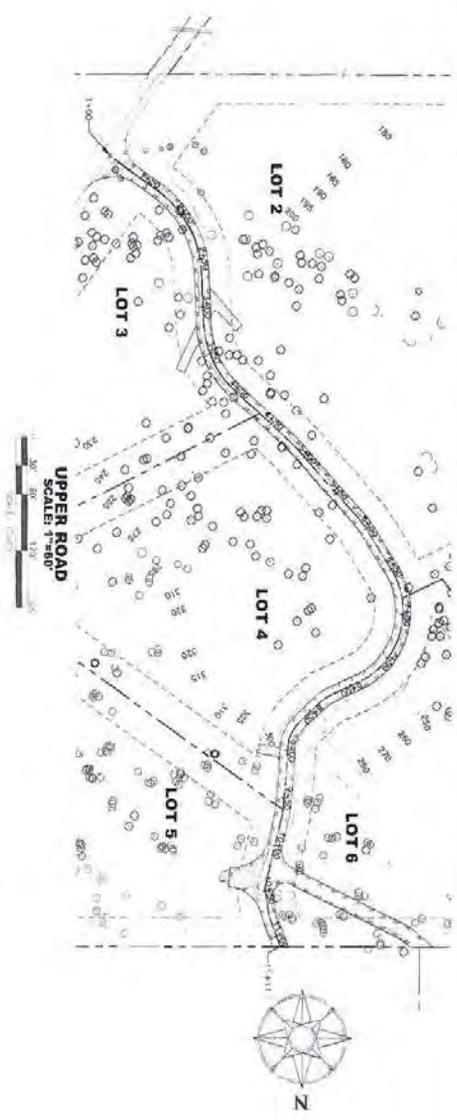
JOHN & KATRIN HOMAN  
 P.O. BOX 1261, TRINIDAD, CALIFORNIA

NO. \_\_\_\_\_ HISTORY / REVISION BY CHK.

DATE APPROVED: 07/21/14  
 BY: [Signature]  
 TITLE: [Title]







**CONCEPTUAL PLANS ONLY**  
**NOT FOR CONSTRUCTION**  
Plans are required prior to construction

**EXHIBIT NO. 6**  
 APPEAL NO. A-1-HUM-15-0065  
 John & Katrin Homan  
**APPROVED SUBDIVISION MAPS**  
 Page 6 of 7

GRAPHIC SCALE: 1"=80'  
OR POLYLINE PLANS

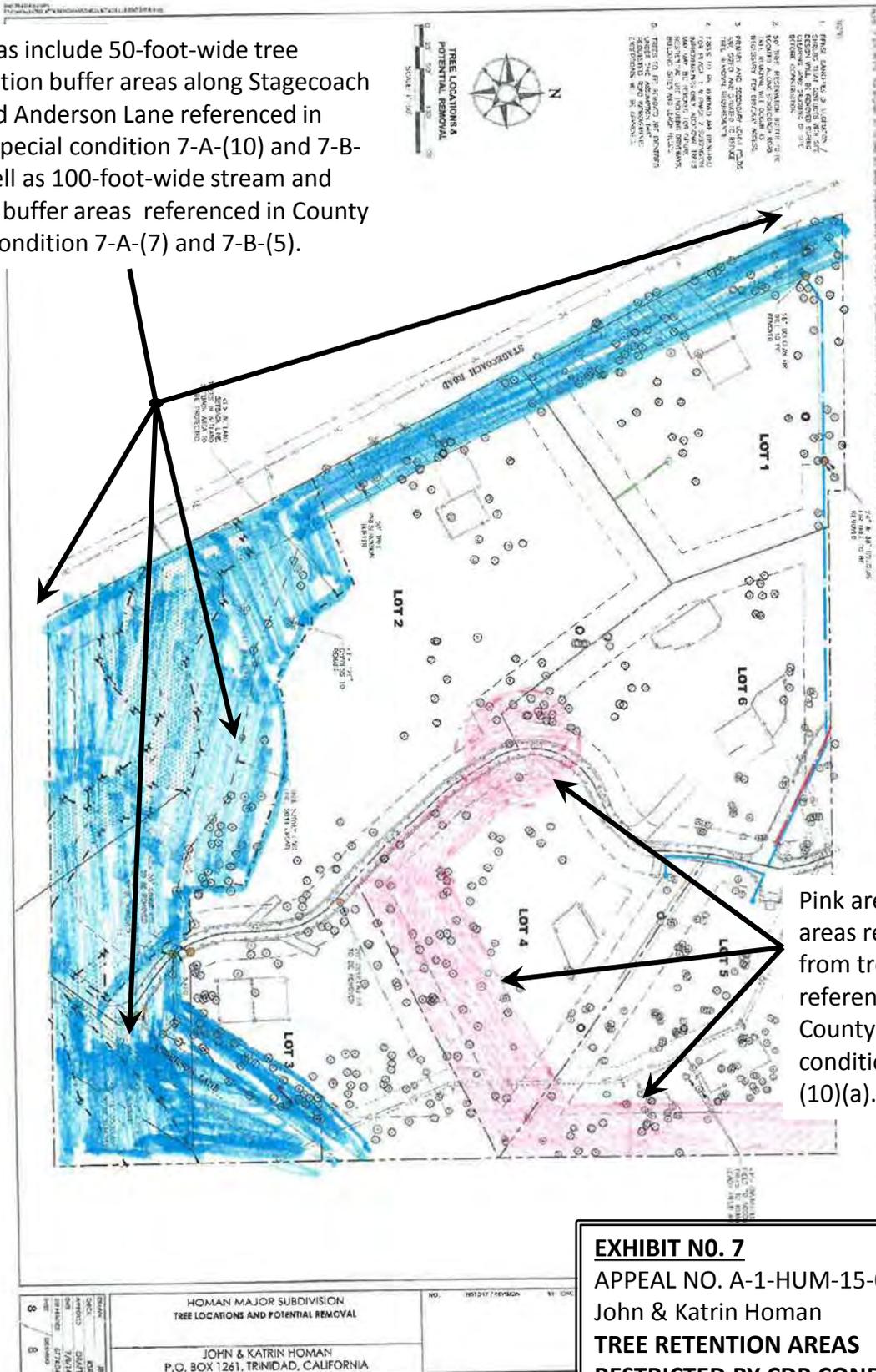
DATE: 10/27/15  
 DRAWN: DANM  
 CHECKED: 6/7/14  
 APPROVED: 6/7/14  
 8

HOMAN MAJOR SUBDIVISION  
 UPPER ROAD PROFILE  
 JOHN & KATRIN HOMAN  
 P.O. BOX 1261, TRINIDAD, CALIFORNIA

SCALE: VARIABILITY APPROXIMATE BY CITY



Blue areas include 50-foot-wide tree preservation buffer areas along Stagecoach Road and Anderson Lane referenced in County special condition 7-A-(10) and 7-B-(8) as well as 100-foot-wide stream and riparian buffer areas referenced in County special condition 7-A-(7) and 7-B-(5).



Pink areas include areas restricted from tree removal referenced in County special condition 7-B-(10)(a).

**EXHIBIT NO. 7**  
**APPEAL NO. A-1-HUM-15-0065**  
**John & Katrin Homan**  
**TREE RETENTION AREAS**  
**RESTRICTED BY CDP CONDITIONS**



Existing residential structures on existing lots (structure locations are approximate)



Potential locations of future residential structures on approved subdivided lots



Tree preservation areas (approximate) where tree removal is restricted under the County CDP



Existing public road



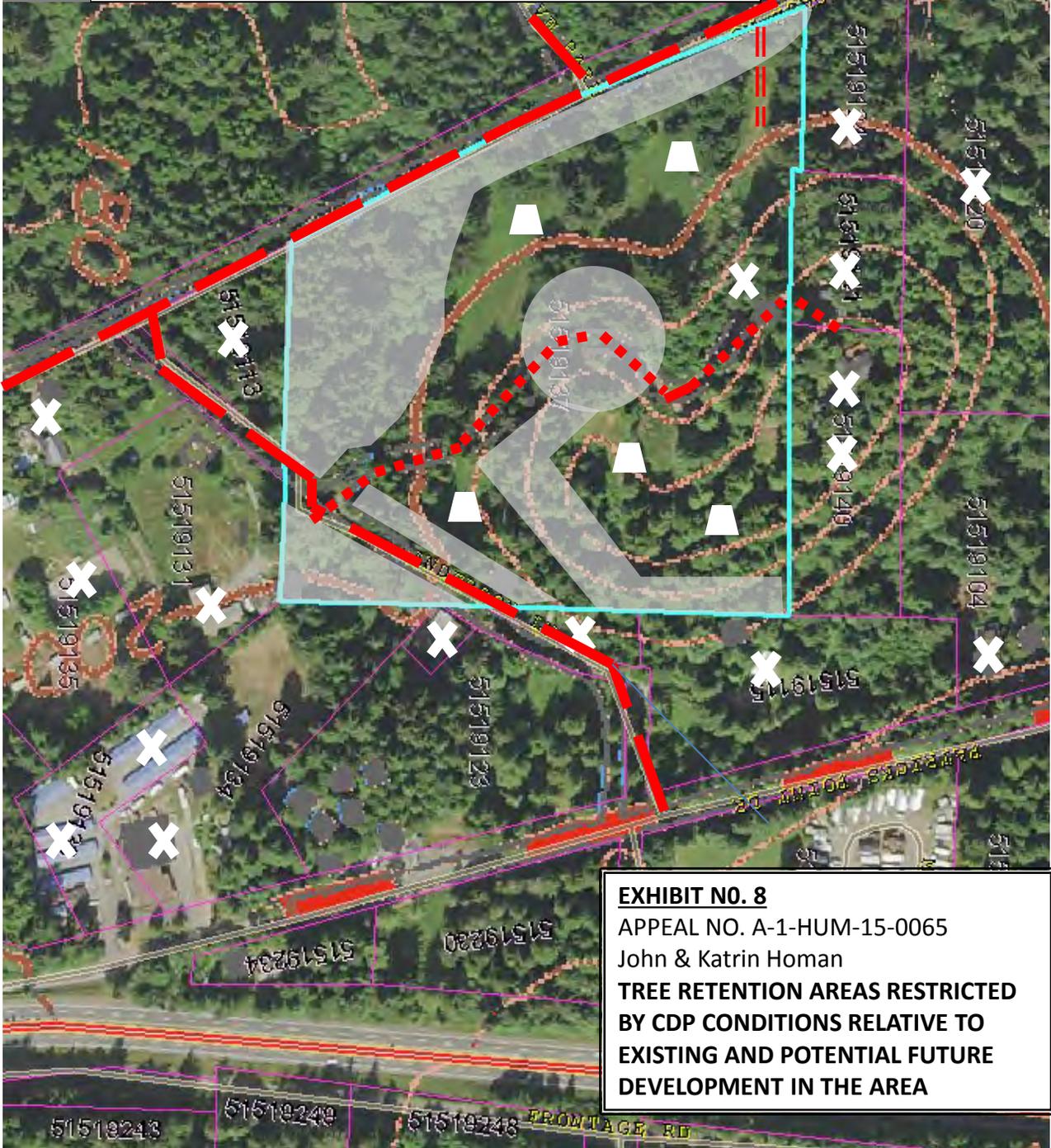
Proposed new driveway off of Stagecoach Road



Existing private road



**NOTE:**  
MAP FEATURES  
NOT TO SCALE



**EXHIBIT NO. 8**  
 APPEAL NO. A-1-HUM-15-0065  
 John & Katrin Homan  
**TREE RETENTION AREAS RESTRICTED  
 BY CDP CONDITIONS RELATIVE TO  
 EXISTING AND POTENTIAL FUTURE  
 DEVELOPMENT IN THE AREA**



**Photo 1.** View of Anderson Lane looking east, with the property frontage to the north (left). The existing private road that provides access to the property as well as to two adjacent properties appears in the center of the photo. According to County Department of Public Works, there are no road improvements required for Anderson Lane.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

Page 1 of 18



**Photo 2.** View of Anderson Lane looking west, with the property frontage to the north (right). A contention raised in Carol Boyd’s appeal was that the required improvements to Anderson Lane would impact this large spruce tree seen on the right (north) side of the road. According to County Department of Public Works, there are no road improvements required for Anderson Lane.

**EXHIBIT NO. 9**

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John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 3.** View of the private access road looking east, near the intersection with Anderson Lane. The project as approved by the County requires access improvements in this area involving minor road widening, which will necessitate the removal of the two small (less than 12-inch-diameter) trees seen in the center of the photo. Carol Boyd's appeal raised a concern regarding road improvement impacts to the large spruce tree seen in background on the right side of the Anderson Lane (near the vehicle). According to the Department of Public Works, there are no required improvements to Anderson Lane, so there will be no impacts to any trees along the public roadway.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 4.** View of the isolated wetland near the intersection of Anderson Lane and the private access road leading into the property. There are no required road improvements in the vicinity of this wetland.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 5.** View of the private access road leading into the property taken from the south end of the property near the intersection with Anderson Lane. According to both the County Department of Public Works and CalFire, none of the trees visible in this photo need to be removed to accommodate the required road improvements for the subdivision approved under the County CDP. Along this section of the private road, the permit conditions require widening the road primarily eastward (to the right) to Category 4 standards. The Department of Public Works has stated that it is satisfied with a meandering alignment to avoid tree removal along this stretch.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

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**Photo 6.** View of the private access road that bisects the property, looking south from approximately half way up the road. According to both the County Public Works Department and CalFire, there will be a need to remove up to 5 to 10 trees (four of which are seen in this photo) along the private access road that bisects the property to accommodate the required road improvements for the subdivision approved under the County CDP. Along this section of the private road, the required road improvements call for widening the road eastward to a Category 3 standard. The road alignment may vary to avoid trees.

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John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 7.** View of Stagecoach Road looking north, near the intersection of Stagecoach Road and Anderson Lane. The house seen in the photo on the right is on the property immediately adjacent to (south of ) the subject property. The property on the west (left) side of the road is Trinidad State Beach. As approved by the County, there will be no required road improvements (e.g., widening, bladed shoulders, ditches, etc.) to Stagecoach Road.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 8.** View of Stagecoach Road looking south, near the intersection of the approved new driveway to lot 1 (see next photo). As approved by the County, all of the trees seen on the left (east) side of the road are within the 50-foot tree preservation buffer. The property right (west) of the road is Trinidad State Beach. The entrance to the state park is several hundred feet south of the approved new driveway that leads to lot 1. As approved by the County, there will be no required road improvements (e.g., widening, bladed shoulders, ditches, etc.) to Stagecoach Road.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 9.** View from Stagecoach Road looking east at the location of the approved new driveway access to lot 1. No trees greater than 12 inches in diameter will be removed for the construction of the new 10-foot-wide driveway, which will be located approximately in the alignment width shown by the arrows. The surrounding trees are within the 50-foot tree preservation buffer required to be retained under the County-approved CDP.

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John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 10.** View from the private access road on the property looking west. The mature trees indicated in the photo are some of the trees within one of the tree preservation buffers required to be retained under the County-approved CDP.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 11.** View of a portion of lot 2 (6.9 acres as approved by the County). The stakes and flagging seen on the left indicate the 100-foot wetland setback boundary. The lot supports sufficient areas for future development that could be accommodated without the need for any tree removal. A portion of the 50-foot tree preservation buffer along Stagecoach Road is visible in the upper left of the photo.

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John & Katrin Homan

**SITE PHOTOGRAPHS**

Page 11 of 18



All trees in photo except for  
these two trees are protected

**Photo 12.** View from the top of the property on lot 4 looking south towards Trinidad Head. All of the trees within the photo except for the two trees indicated are within the designated tree protection area required by County CDP Condition #7-B(10)(a). There are a total of approximately 50 mature conifer trees with diameters greater than 12 inches and an estimated average height of 129 feet in this tree protection area. The protected trees are over 130 feet away from open cleared areas on the lot where a future house may be located. Tree heights extend at least 50 feet above the ridgetop ground level. Thus, future development on the ridgetop lot will be adequately screened from public vantage points on Trinidad Head.

**EXHIBIT NO. 9**

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John & Katrin Homan

**SITE PHOTOGRAPHS**

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All trees in view except for these  
three trees are protected

**Photo 13.** View from the top of the property on lot 4 looking southeast. All of the trees within the photo except for the two trees indicated are within the designated tree protection area required by County CDP Condition #7-B(10)(a). The protected trees, which comprise the ridgeline silhouette as viewed from Trinidad Head, are over 130 feet away from the open cleared area on the lot where a future house may be located. Tree heights extend at least 50 feet above ground level. Thus, future development on the lot will be adequately screened from public vantage points on Trinidad Head. In addition, there are existing open areas available on the lot where no significant tree removal will be needed to accommodate future residential development and where development could be sited adequate setback from the tree preservation area so as not to engender the need for hazard tree removal in the future.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 14.** View of another existing open area on lot 4 where no significant tree removal would be needed to accommodate future residential development and where development could be sited adequately setback from the tree preservation areas around the southern and western lot boundaries so as not to engender the need for hazard tree removal in the future.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 15.** View of some of the trees on the property visible from one of the lower public vantage points on Trinidad Head. Note the presence of a forested ridge behind the property. The trees in front of and west of the Homan property are on state park lands. Much of the forested ridge in the background behind the Homan property is located on industrial timberland, and a cleared area is visible near the top of the back ridge.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 16.** View of portions of the property from a lower vantage point on Trinidad Head. The City of Trinidad is seen in the foreground. Note the presence of a forested ridge behind the subject property. The trees in front of and west of the Homan ridge are on state park lands.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 17.** View of portions of the property from an upper vantage point on Trinidad Head. The City of Trinidad is seen in the foreground. The trees seaward of the Homan property and between the Homan property and the City of Trinidad are on state park lands.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

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**Photo 18.** View of some of the trees on the upper ridge on the property from the Highway 101 Vista Point in McKinleyville, adjacent to the Hammond Trail, approximately 6 miles southeast of the subject site.

**EXHIBIT NO. 9**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SITE PHOTOGRAPHS**

Page 18 of 18

**From:** [Estlow, Trevor](#)  
**To:** [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal)  
**Subject:** RE: questions about Homan tree mitigation plan  
**Date:** Thursday, November 12, 2015 4:46:09 PM

---

Hi Melissa -

The tree mitigation plan for the Homan property has not yet been implemented or even submitted for our review. The tree mitigation plan (identified as Mitigation Measure AE-3 of the Mitigated Negative Declaration) is required as part of the first phase of the subdivision. The plan would be submitted concurrently with the improvement plans and reviewed by Planning Staff. As part of our review, copies will be sent to the California Department of Fish and Wildlife as well as the California Coastal Commission to determine the appropriateness of species and location. Once approved, the initial planting of 100 trees will be required prior to the recording of Phase 1 of the subdivision. Please let me know if you have any other questions.

Thanks

-Trevor

---

**From:** Kraemer, Melissa@Coastal [mailto:Melissa.Kraemer@coastal.ca.gov]  
**Sent:** Thursday, November 12, 2015 11:13 AM  
**To:** Estlow, Trevor  
**Subject:** questions about Homan tree mitigation plan

Trevor

Could you please tell me if the tree mitigation plan on the Homan property has been implemented yet? One of the contentions in one of the appeals of the County's CDP is that the tree mitigation plan that has been implemented on the property is failing. According to the applicant, the tree mitigation plan hasn't yet been prepared, implemented, or approved. In addition to your understanding of the status of the tree mitigation plan, could you also explain the process for the County's review and approval of the plan?

Thanks

Melissa

*Melissa B. Kraemer*

North Coast District Office  
1385 8<sup>th</sup> Street, Ste. 130  
Arcata CA 95521  
(707) 826-8950 ext. 5



[www.coastal.ca.gov](http://www.coastal.ca.gov) ~ [www.ecoplates.com](http://www.ecoplates.com)

**EXHIBIT NO. 10**

APPEAL NO. A-1-HUM-15-0065  
John & Katrin Homan  
**COUNTY PLANNING STAFF E-MAIL  
REGARDING TREE MITIGATION  
PLAN**



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7653  
ROADS & EQUIPMENT

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

LAND USE 445-7205

11/13/2015

John Homan  
PO Box 1261  
Trinidad, CA 95570

**RE: SUBDIVISION IMPROVEMENTS  
HOMAN SUBDIVISION (FMS 08-02)  
APN 515-191-037, HUMBOLDT 165731**

**EXHIBIT NO. 11**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**COUNTY DEPARTMENT OF PUBLIC  
WORKS LETTER REGARDING**

**ROAD IMPROVEMENTS**

Page 1 of 2

This letter is to clarify the improvements required for the Homan Subdivision (FMS 08-02) as set forth in Items 2.5(c), 2.5(e) and 2.6 of the Public Works Conditions of Approval dated 11/14/2014 and as revised on 10/06/2015 by the Board of Supervisors.

**Item 2.5(c):** We meet on-site today and reviewed Anderson Lane. Along the frontage of the subject property, Anderson Lane in its current condition meets the intent of the requirements of Item 2.5(c). No further work is needed to comply with Item 2.5(c).

**Item 2.5(e):** During our meeting we also reviewed the improvements for the unnamed access road. The widening of the unnamed access road will require the removal of some trees.

*Anderson Lane to the driveway at Lot 3:* This portion of the unnamed access road can be widened to Category 4 standards without the need to remove any of the trees with a diameter greater than 12 inches; except at the intersection of Anderson Lane and the unnamed access road where two trees will need to be removed and are shown in the picture below. These two trees appear to be around 12 inches in diameter.



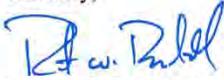
*Driveway at Lot 3 to the end of the road:* For this portion of the unnamed access road it is difficult to determine the exact number of trees that will need to be removed to widen the road to Category 3 standards. A preliminary estimate indicates that up to 10 trees with

diameters larger than 12 inches in diameter may be affected. Once improvement plans are prepared by a civil engineer, a more precise count of trees to be removed can be made.

**Item 2.6:** We meet on site today and review the proposed driveway location for Lot 1 off of Stagecoach Road. The driveway can be constructed at a location where no tree larger 12 inches in diameter will need to be removed. Minor grading to bring the driveway to the grade of the road will be required. Further, it does not appear that the grading will impact any of the nearby trees that are larger than 12 inches in diameter.

If you have any questions, please feel free to call me at 707.445.7205.

Sincerely,



**Robert W. Bronkall**  
Deputy Director  
Land Use Division  
3033 "H" Street, Room 17  
Eureka, CA 95501

**EXHIBIT NO. 11**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**COUNTY DEPARTMENT OF PUBLIC  
WORKS LETTER REGARDING  
ROAD IMPROVEMENTS**

Page 2 of 2

**EXHIBIT NO. 12**

APPEAL NO. A-1-HUM-15-0065

John &amp; Katrin Homan

**CDFW E-MAIL REGARDING  
WETLANDS**

Page 1 of 3

**From:** [Olson, Jennifer@Wildlife](mailto:Olson, Jennifer@Wildlife)  
**To:** [Kraemer, Melissa@Coastal](mailto:Kraemer, Melissa@Coastal); [Van Hatten, Michael@Wildlife](mailto:Van Hatten, Michael@Wildlife)  
**Subject:** RE: wetland delin  
**Date:** Tuesday, November 10, 2015 4:58:00 PM

Hi Melissa,

I just conferred with Mike on this, and we are still satisfied with the adequacy of the delineation and 100-foot buffers.

Let me know if you need additional information.

Best,

Jen

Jennifer Olson  
Environmental Scientist – Coastal Conservation Planning  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501  
(707) 445-5387  
[jennifer.olson@wildlife.ca.gov](mailto:jennifer.olson@wildlife.ca.gov)

---

**From:** Kraemer, Melissa@Coastal  
**Sent:** Monday, November 09, 2015 11:31 AM  
**To:** Van Hatten, Michael@Wildlife; Olson, Jennifer@Wildlife  
**Subject:** FW: wetland delin

Michael & Jen--

I have a question for you related to the Homan subdivision project. The project has been appealed to the Coastal Commission by multiple parties and we now are examining the contentions raised in the appeals. One of the contentions relates to the adequacy of the wetland delineation conducted in 2008 by Winzler and Kelly and revisited in 2013 by LACO Associates (both are attached). Also attached are the emails that both of you (Mike in 2009 and Jen in 2014) sent to the County regarding wetlands and other issues associated with the property/project.

The Trinidad Area Plan (TAP) identifies no wetlands within the planning area, but instead specifies the process for the identification of wetlands and other ESHA that are not indicated on the certified resource maps as follows:

*...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...*

In addition, the TAP directs the County to cooperate with CDFW to determine ESHA (including

**EXHIBIT NO. 12**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**CDFW E-MAIL REGARDING  
WETLANDS**

Page 2 of 3

wetland) boundaries:

*Where there is dispute over the boundary or location of an  
the following information may be requested of the applicar*

*(1) a base map delineating topographic lines and adjacent roads*

*(2) vegetation map*

*(3) soils map*

*Review of this information shall be in cooperation with the Department of Fish and Game and  
the County's determination shall be based upon specific factual findings as to whether an  
area is or is not an environmentally sensitive habitat area based on the criteria and  
definitions above.*

The TAP defines wetlands the same as they are defined by the U.S. Fish and Wildlife Service and also as defined in the Coastal Act:

*"Wetlands" -- lands which may be covered periodically or permanently with shallow waters, including salt marshes, freshwater marshes, swamps, mudflats, and fens. The County will use the U.S. Fish and Wildlife Service's Classification of Wetland and Deepwater Habitats of the United States as a guide to wetland identification. In general, lands which meet the classifications definition of subtidal estuarine aquatic beds, estuarine intertidal flats and emergent habitats, and palustrine emergent and non-riparian palustrine shrub-scrub and forested habitats will be considered wetlands.*

Mike, in 2009 you didn't directly comment on the adequacy of the wetland delineation, but you visited the site to review the stream and wetland resources, and your comments include recommendations regarding fencing the setback and enhancing plantings within the established wetland setback area. Based on your comments (attached), it appears that at that time you were satisfied with the delineation and suggested 100-foot setback as adequate to protect the wetland and stream resources on the site (including your additional recommended measures perhaps). Please confirm.

Jen your comments regarding the project relate more to water supply issues and potential effects of the new wells on the stream and surrounding wetlands. In your written comments you didn't address the adequacy of the wetland delineation, so it's not clear if this means that CDFW had no further concerns regarding wetlands in 2014 (including concerns with the age of the delineation report).

Could you please tell me, to the extent that you are able, if based on your review of the site and the documents prepared for the project, do the comments provided by both of you (and any other involved CDFW staff) to the County indicate that CDFW is satisfied with where on the ground the wetlands were delineated (i.e., whether the delineation of the "stream transition line" as defined in

the report appropriately captured all wetlands on site), and if so, then the 100-foot buffers established are adequate to protect wetland and stream resources from future development impacts? Please keep in mind that the wetlands were originally delineated in 2008 with only supplemental follow-up in 2013, but no new or updated delineation.

Thanks for any clarifications you can offer, and if you have any questions please give me a call.

Melissa

*Melissa B. Kraemer*

North Coast District Office  
1385 8<sup>th</sup> Street, Ste. 130  
Arcata CA 95521  
(707) 826-8950 ext. 5



[www.coastal.ca.gov](http://www.coastal.ca.gov) ~ [www.ecoplates.com](http://www.ecoplates.com)

~ ~ ~ ~ ~

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**From:** Estlow, Trevor [<mailto:TEstlow@co.humboldt.ca.us>]  
**Sent:** Tuesday, November 03, 2015 11:33 AM  
**To:** Kraemer, Melissa@Coastal  
**Subject:** RE: wetland delin

Hi Melissa-

Embodied in the attachment is the wetland delineation (it was scanned with a memo from LACO regarding the current proposal). I also included three emails from Jen Olson at CDFW responding to the referral. Finally, I attached the memo regarding the wells that she responded to in the third email.

We are getting the copy of the record together and I wanted to know how to deliver it to you? It's A LOT of paper, so I don't know what the best delivery system is. Do you have anyone in Eureka that could stop by and pick it up? I'll let you know when it is complete.

Thanks

-Trevor

**EXHIBIT NO. 12**  
APPEAL NO. A-1-HUM-15-0065  
John & Katrin Homan  
**CDFW E-MAIL REGARDING  
WETLANDS**  
Page 3 of 3



PLANNING AND BUILDING DEPARTMENT  
COUNTY OF HUMBOLDT  
PLANNING DIVISION

3015 H Street, Eureka, CA 95501  
Phone (707) 445-7541 • Fax (707) 268-3792  
[www.co.humboldt.ca.us/planning](http://www.co.humboldt.ca.us/planning)

California Coastal Commission  
1385 8th Street, Ste 130  
Arcata, CA 95521

**RECEIVED**

OCT 16 2015

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Notice of Final Action Taken

**Date** October 14, 2015 **Appealable Status** Appealable

**Applicant** Katrin and John Homan  
**Address** PO Box 1261  
Trinidad, CA 95570

**Assessor Parcel No.** 515-191-037 **Apps No.** 9501

**Permit** FMS 08-002, CDP 08-025

**Contact** Trevor Estlow at 268-3740

**Description**

A phased Final Map Subdivision to create six (6) parcels ranging in size from approximately 2.2 acres to 6.9 acres. The objective is to create separate legal lots consistent with a 2-acre minimum parcel size, suitable for residential development, while protecting sensitive habitat and visual qualities. The project will be developed in two phases. The existing approximately 19-acre parcel is developed with one residence. The property has frontage on Anderson Lane and Stagecoach Road. Access is from a private road from Anderson Lane, which serves the single-family home on the property and two off-site residences. A similar Final Map Subdivision was previously proposed on the subject site to create nine (9) parcels. Prior to the public hearing for that project, County Staff, affected regulatory agencies and the applicant had reached agreement regarding the conditions of approval that would be applied to the project. The current application has been modified to reduce the number of parcels and limit tree removal. All new development will be served by on-site domestic water wells and wastewater disposal systems.

**Action Taken**

Following a noticed public hearing the County of Humboldt Planning Commission approved the referenced application on July 16, 2015.

**Appeal Completion**

The appeal period for this project has been completed and no appeal was filed.

**Effective Date**

Coastal Development Permit CDP 08-025 will become effective upon approval by the  
California Coastal Commission appeal period and will expire 12 months after the effective date.

**EXHIBIT NO. 13**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**NOTICE OF FINAL LOCAL ACTION**

**AND FINDINGS FOR APPROVAL**

**(Excerpt)** Page 1 of 195

**ATTACHMENT 1**  
**Revised\* Conditions of Approval for Subdivision**  
**\*Revised per Board of Supervisors meeting on October 6, 2015**

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE FINAL MAP MAY BE RECORDED:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
- \*2. The conditions on the enclosed Department of Public Works referral dated ~~November 14, 2014~~ **October 6, 2015 revised by Board of Supervisors** shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final Map be submitted for review and approval. Gross and net lot area shall be shown for each lot or parcel.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$96 per parcel) as required by the County Assessor's Office shall be paid to the Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
6. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
7. The applicant shall submit three (3) copies of a Development Plan for all parcels to the Planning Department for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and the following site development details:
  - A. Mapping
    - (1) Details showing conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. H.C.C.), including but not limited to:
      - a. Road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)

**EXHIBIT NO. 13**

A-1-HUM-15-0065

Page 2 of 195

- b. Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
  - c. Emergency water standards (i.e., placement of fire hydrants, 2,500 gallon individual emergency water supply, etc.)
  - d. Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.).
- (2) Details showing conformance with road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, turnaround, etc.) per the requirements of the Department of Public Works – Land Use Division (LUD) (see memo dated November 14, 2014).
  - (3) Development standards for all parcels: existing buildings, building sites, setbacks, maximum lot coverage, maximum building height, four (4) parking spaces for each parcel independently accessible and outside the front yard setbacks per Section 313-109.1 HCC and Appendix §4-2(a) of the Subdivision Regulations.
  - (4) Existing roadway improvements, reserved right-of-ways, all existing structures, utility lines and easements, areas of major vegetation, and limits of tree removal.
  - (5) Road improvements and turnarounds, location of fire water storage, utilities, and easements required by this subdivision. If applicable, areas of on-site drainage detention shall also be shown.
  - (6) Location of geological hazard/non-buildable areas per Fault Evaluation Report prepared by LACO Associates dated March 2008.
  - (7) Location of a riparian buffer and wetland buffer along the unnamed stream. These areas shall be labeled "non-buildable". Location of a split rail fence or other symbolic wildlife friendly fencing along the SMA/Wetland Buffer.
  - (8) Topography of the land in 2-foot contours.
  - (9) The location of all waterline easements.
  - (10) Location of 50' tree preservation buffer along Stagecoach and Anderson Lane.
- B. Notes to be Placed on the Development Plan:
- (1) "All flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be disposed of by chipping, burying, burning or removal to a landfill site approved by the County."
  - (2) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A(1) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
  - (3) "The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. Exceptions to the 30-foot setback requirement may be pursued upon

- demonstration of providing the "same practical effect" of the setback through a combination of construction material choices, non-flammable vegetative buffers, and other design features. Contact the Planning and Building Department for further information."
- (4) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
- If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
  - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
- (5) "Development within the Riparian Corridor shall be limited to the uses as listed in Section 3.30 of the Trinidad Area Plan (TAP). Please contact the Planning Division at 445-7541 prior to commencing any new development in the mapped Streamside Management Area."
- (6) "All development shall conform to the recommendations of the Fault Evaluation Report prepared for the project by LACO Associates dated December 2008. Site specific soils and/or geologic reports may be required as part of a future building permit application if a building is proposed to be located outside of the area identified in the Geotechnical Report for the project."
- (7) "Road access and turnaround area shall be consistent with the County's Fire Safe Ordinance Regulations."
- (8) "The mapped 50 foot buffer along Stagecoach Road and Anderson Lane is intended to minimize the removal of large trees and provide a visual buffer. Only trees that are deemed a hazard by a qualified forestry professional or arborist can be removed within this buffer."
- (9) "No second unit shall be authorized or constructed on Lot No. 8 unless an on-site wastewater suitability study is prepared to demonstrate that a specific septic system design will function appropriately to accommodate the additional wastewater on site and the Fault Evaluation Report is amended to include the proposed building site."
- \*(10) "To ensure that future development is subordinate to the surrounding area consistent with the Trinidad Area Plan (TAP), the following measures shall be implemented during the Coastal Development Permit and Design Review process for Lots 4 and 5:**
- (a) No trees shall be removed within 100 feet of the southerly property line of Lot 4, within 50 feet of the western property line of Lot 4, within a circular area with a 75-foot radius centered at the confluence of Lot 6, Lot 2 and the access road, or within 50 feet of the eastern property line of Lot 5 unless the visual analysis determines that the remaining trees and vegetation provides significant screening from public viewpoints, or if such**

**trees are deemed a hazard by a qualified forestry professional or arborist. Trees identified on the tentative map to be removed for access improvements and public utility purposes are not subject to these requirements.**

**(b) The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 35 feet from the lowest point of the foundation. If it is determined that a proposed structure will not be subordinate to the surrounding area, further height reductions may be necessary.**

**(c) Structures shall be painted with dark earth tones.**

**(d) A visual resources impact analysis shall be required in order to assure that the structure will be subordinate to the surrounding area. This analysis requires that story poles be erected to create an accurate silhouette of the proposed project. In addition, any visible glazing identified in the analysis shall use anti-glare treatment."**

8. The applicant shall cause to be recorded a "Notice of Development Plan and Geologic Report" on forms provided by the Humboldt County Planning Division. Contact the Planning Division for a copy of the required form and instructions. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$295.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
9. The property owner shall execute and file with the Planning Division the statement titled "*Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County*" as required by Section 313-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.
10. A 2,500 gallon emergency water supply shall be developed for each parcel prior to the recordation of the respective Final Map for each phase. For undeveloped parcels, this requirement may be deferred until issuance of building permit for development on the parcel. A note to this effect shall appear on the Development Plan.
11. The applicant shall convey future development rights to the County of Humboldt for secondary dwelling units on Parcels 4 - 6. Release from this conveyance may be pursued at such time that road access from the County Road to the parcels is upgraded to "Road Category 4" standards. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$295.00) will be required.
12. Permanent, irreversible water rights and easement shall be shown on the subdivision map and referenced by any deed conveying the parcels shown on the Final Map.
13. The applicant shall furnish the Planning Division with a letter from the Division of Environmental Health indicating that DEH has no objection to the recordation of the Parcel Map.
14. **Prior to public hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.00. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment

will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2015 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.00 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

*Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).*

15. All vegetation/tree removal and subsequent maintenance must be conducted outside of the bird nesting season (generally March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513 and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If hazard trees must be removed within the breeding season, the Permittee shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests.
16. Completion of the mitigation measures as set forth in Attachment 4 (Mitigated Negative Declaration). The applicant shall be responsible for all staff costs involved in carrying out responsibilities for mitigation. These costs shall be charged using the most current County burdened hourly rate. A deposit may be collected to cover anticipated costs, if required by the Planning Director.
17. The applicant shall obtain a Timberland Conversion Permit from the California Department of Forestry and Fire Protection prior to the removal of any trees.
18. The applicant shall:
  - a) use dust control techniques when excavating to minimize dust problems on adjacent parcels,
  - b) reseed disturbed areas prior to winter rain, and
  - c) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

In addition, Best Management Practices for erosion and sediment control are to be utilized to minimize construction related impacts. These measures shall include:

- Restricting ground disturbance to the dry season,
- Installation of a silt fence on the downslope perimeter of the construction site,
- Limiting the concentration of runoff and armoring any high velocity discharge areas,
- Prohibiting downslope sidelaying of disturbed soils, and
- Staging of equipment to be conducted on paved areas where possible.

**Informational Notes:**

1. To minimize costs the applicant is encouraged to bring in written evidence\* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: Conditions 3 - 17). The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Copies of all required forms and written instructions are included in the final approval packet.

\* Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. \_\_\_\_\_, Condition \_\_\_\_\_.  
(Specify) (Specify)

2. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.
3. The Coastal Development Permit shall be effective for 24 months to coincide with the tentative parcel map approval. Extension of the permit and map may be secured in accordance with the Humboldt County Code. Please contact the Humboldt County Planning Division for details.

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

PUBLIC WORKS BUILDING  
SECOND & L ST. EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST. EUREKA  
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

COASTAL DISTRICT  
COMMISSION

LAND USE DIVISION INTEROFFICE MEMORANDUM

10/16/2015

RECEIVED

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director *[Signature]*

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE  
APPLICATION OF HOMAN, APN 515-191-037, FMS-08-02, CDP-08-025  
FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 19 ACRES  
INTO 6 LOTS

DATE: 11/14/2014  
10/06/2015 revised by Board of Supervisors

*The following requirements and standards are applicable to this project and must be completed to the specifications and satisfaction of the Department of Public Works (Department) before the subdivision map may be filed with the County Recorder. If there has been a substantial change in the project since the last date shown above, an amended report must be obtained and used in lieu of this report. Prior to commencing the improvements indicated below, please contact the Subdivision Inspector at 445-7205 to schedule a pre-construction conference.*

**These recommendations are based on the tentative map prepared by LACO Associates dated 09/08/2014, and dated as received by the Humboldt County Planning Division on 10/16/2014.**

NOTE: All correspondence (letters, memos, faxes, construction drawings, reports, studies, etc.) with this Department must include the Assessor Parcel Number (APN) shown above.

**READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT**

1.0 MAPPING

1.1 **EXPIRATION OF TENTATIVE MAP:** Applicant is advised to contact the Planning & Building Department to determine the expiration date of the tentative map and what time extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to the Planning & Building Department.

**EXHIBIT NO. 13**  
A-1-HUM-15-0065  
Page 8 of 195

Applicant is responsible for completing all of the subdivision requirements prior to expiration of the tentative map. Applicant is advised to promptly address all of the subdivision requirements in order to avoid the tentative map expiring prior to completion of the subdivision requirements. Applicants are encouraged to contact a land development professional for advice on developing a realistic schedule for the processing of the project.

- 1.2 **MAP TYPE:** Applicant must cause to be filed a subdivision map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code Section 326-15. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

All Department charges associated with this project must be paid in full prior to the subdivision map being submitted to the County Recorder for filing.

Applicant shall submit to this Department four (4) full-size copies of the subdivision map as filed by the County Recorder.

Prior to submitting the subdivision map to the County Surveyor for map check, applicant shall submit the subdivision map to the utility providers to provide input on necessary public utility easements. Copies of the responses from the utility providers shall be included with the first submittal of the subdivision map to the County Surveyor.

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.
- 1.5 **FURTHER SUBDIVISION:** At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.
- 1.6 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

(a) **ANDERSON LANE (3N500):**

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Culverts & Bridges: In addition, the access easement shall include a 50 foot wide strip centered on the existing creek/stream/river for a length of 50 feet.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated to the County of Humboldt a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes in a manner approved by this Department. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

(b) **STAGECOACH ROAD (3N400):**

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 25 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Culverts & Bridges: In addition, the access easement shall include a 50 foot wide strip centered on the existing creek/stream/river for a length of 50 feet.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

The applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easement for the road.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department.

(c) **UNNAMED ACCESS ROAD:**

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels/lots within the subdivision in a manner approved by this Department. The easement shall be 40 feet in width.

A turn-around area shall be provided at the end of road as shown on the tentative map, or as otherwise approved by the Department.

PUE: Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 10 foot wide public utility easement (PUE) adjacent to the right of way for the road or as otherwise approved by this Department. Additional PUEs shall be dedicated in a manner, width, and location approved by this Department.

The applicant shall cause to be dedicated to the County of Humboldt a PUE over the entire area of the access easement for the road.

Slopes: When cut and fill slopes adjacent to the road are proposed (or currently exist), applicant shall cause to be dedicated a slope maintenance easement to a point 10 feet beyond the toe of fill slopes or top of cut slopes. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department.

- (d) **DEVELOPMENT RIGHTS:** Applicant shall cause to be conveyed to the County of Humboldt the rights to construct a secondary dwelling unit(s) on lots 4, 5, and 6 until such time as UNNAMED ACCESS ROAD is improved to a minimum Category 4 road standard. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.
- (e) **SUBDIVISION RIGHTS:** Applicant shall cause lots 4, 5, and 6 to be conveyed to the County of Humboldt the rights to further subdivide the lots created by this subdivision until such time as UNNAMED ACCESS ROAD is improved to a minimum standards outlined in the fire safe regulations. Per Fire Safe Regulations, a category 3 road is required for roads serving 3 to 8 parcels; a category 4 road is required for roads serving 9 or more parcels. This shall be noted on the development plan to be filed with the Planning & Building Department. A notice of the development plan must be recorded. The content of the notice must be in a manner approved by this Department.
- (f) **NON-VEHICULAR ACCESS:** Applicant shall cause to be dedicated to the County of Humboldt on the subdivision map a 1 foot wide non-vehicular access strip adjacent to lot 2 on Stagecoach Road and adjacent to lot 2 and lot 3 on Anderson Lane. The location shall be as shown on the tentative map, or as otherwise approved by this Department. Said easement shall be dedicated in manner and location as approved by this Department.
- (g) **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional easement(s) as necessary to accommodate the NBU.

Note: The Post Office may not require a NBU for this project.

## 2.0 IMPROVEMENTS

- 2.1 **CONSTRUCTION PLANS:** Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. Construction plans shall

**EXHIBIT NO. 13**  
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size of 22" x 34", unless approved otherwise by this Department. Construction of the improvements shall not commence until authorized by this Department. This Department will require the submittal of 1 full size (22" x 34") set and 1 reduced (11" x 17") set of the approved construction plans prior to start of work.

The construction plans shall show the location of all proposed new utilities and any existing utilities within 10 feet of the improvements. The plans shall be signed as approved by the local fire response agency and public utility companies having any facilities within the subdivision prior to construction authorization by this Department.

Construction plans shall be tied into elevation datum approved by this Department.

Unless otherwise waived by this Department, record drawing ("As-Built") plans shall be submitted for any road, drainage, landscaping, and pedestrian improvements that are constructed as part of this project. Record drawing plans must be prepared by a Civil Engineer registered by the State of California. Once approved by this Department, one (1) set of "wet stamped" record drawings on 22" x 34" mylar sheets shall be filed with this Department.

- 2.2 **CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.
- 2.3 **ROAD NAMES:** The access road to lots 2, 3, 4, 5, and 6 shall be named as approved by the Planning & Building Department - Planning Division.
- 2.4 **TRAFFIC CONTROL DEVICES:** Street name and traffic control devices may need to be placed as required and approved by this Department. Signage and pavement marking per the current MUTCD shall be required at the intersection of the UNNAMED ACCESS ROAD and Anderson Lane.
- 2.5 **ACCESS ROADS:** The surface of the access road(s) shall conform to the *Structural Section* requirements within this document. The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:
- (a) All intersections (including driveways) must conform to Humboldt County Code Section 341 regarding visibility. This will require the removal of some trees to achieve improved visibility.
  - (b) The intersection of the subdivision access road and the County road shall be constructed in conformance with the standards for a private road intersection as illustrated in Caltrans standards.  
  
When the County road is paved, the access road shall be paved for a minimum of 50 feet from the edge of the County road.
  - (c) **ANDERSON LANE (3N500):** Along the frontage of the subject property, Anderson Lane is paved approximately 17 feet wide. Along the frontage of the property, applicant shall widen the road to 18 feet wide (paved) with 2 foot wide bladed side. Applicant shall construct drainage swales and/or ditches as

Department. The Department can support a flexible design to preserve as many trees as possible.

- (d) ~~STAGECOACH ROAD (3N400):~~ Along the frontage of the subject property, Stagecoach Road varies in width from approximately 18 feet to 23 feet. Along the frontage of the property, applicant shall widen the road to 20 feet (paved) with 5 foot wide bladed shoulders on the east side. Applicant shall construct drainage swales and/or ditches as required by the Department. It is the intent that no trees will be removed for road widening. However, trees may need to be removed to construct the residential driveway to lot 1. [This item was deleted by the Board of Supervisors on 10/03/2015, subject to Cal Fire approval.]
- (e) The **UNNAMED ACCESS ROAD** will serve approximately 7 Lots, onsite and offsite. The road shall be constructed as a Category 4 road from Anderson Lane to the lot 3 driveway. The remainder of the road shall be constructed as a Category 3 road being paved 16 feet wide with 2 foot wide bladed shoulders on each side.

A paved turnaround conforming to Fire Safe Regulations shall be constructed as shown on the Tentative Map, subject to Cal Fire approval.

- (f) The access road from a County maintained road to the subject property; and all access road(s) (including driveways) within the subject property, shall be certified by a Civil Engineer registered by the State of California to be in conformance with SRA Fire Safe Regulations as adopted by the County of Humboldt; in conformance with any exceptions approved by the Director of Building & Planning Department of the County of Humboldt; and in conformance with any exceptions approved by Cal Fire. Conformance shall include, but is not limited to: width of traveled way; roadway grade; curve radius; roadway surface; turnouts; turnaround areas; and maximum length of dead-end road. Certification shall be made in a manner approved by this Department.

In the event that the Civil Engineer is unable to certify that the road(s) are in conformance, the applicant shall cause construction plans to be prepared by a Civil Engineer that show what improvements need to be constructed to bring the road(s) into conformance. The plans shall be submitted for review by this Department. Once the construction plans are authorized for construction by the Department and the applicant constructs the improvements, the engineer shall certify that the road(s) are in conformance.

- (g) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (h) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County adopted guidelines and policies.

- 2.6 **DRIVEWAYS:** All access openings (existing and proposed) shall conform to Humboldt County Code Section 341 regarding visibility. All access openings (existing and proposed) shall intersect the road at a 90° angle, unless otherwise approved by this Department.

All access openings (existing and proposed) shall be paved with hot mix ("asphalt") for the width of the driveway and a distance of 25 feet from the edge of the County road.

Any proposed access openings to the County road will require encroachment permits from this Department. The proposed access openings will be evaluated after application is received.

All access openings (existing and proposed) shall be shown on the improvement plans.

- 2.7 **STRUCTURAL SECTION:** The access road(s) shall be constructed to a structural section recommended in the soils report and as approved by this Department.

- (a) **For paved road surfaces,** the structural section shall include a minimum of 0.2 foot of Caltrans Type B hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.

When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.

- (b) Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way,** unless approved in writing by this Department.

- 2.8 **UNKNOWN IMPROVEMENTS:** Other on-site and/or off-site improvements may be required which cannot be determined from the tentative map and/or preliminary improvement plans at this time. These improvements will be determined after more complete improvement plans and profiles have been submitted to the County for review.

- 2.9 **UTILITIES:** The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located by the owner of individual hookups. A letter of completion of all work from each involved

shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

Applicant shall remove any abandoned utilities (natural gas, electrical, cable tv, etc.) within the public right of way fronting the subdivision or within the subdivision as directed by this Department.

- 2.10 **PERMITS:** An encroachment permit is required to be obtained prior to construction from this Department for all work within the right of way of a County maintained road.
- 2.11 **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES.** When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department.

Note: The Post Office may not require a NBU for this project.

- 2.12 **GATES:** Gates are not permitted on County right of way for public roads without authorization of the Board of Supervisors. Gates must not create a traffic hazard and must provide an appropriate turnaround in front of the gate. Existing gates shall be evaluated for conformance.
- 2.13 **PHASING:** The project proposes two (2) phases. Roadway improvements shall be completed for all roads within or adjacent to each phase.
- Phase 1 will include frontage improvements to Anderson Lane within the limits of the subject property; frontage improvements to Stagecoach Road within limits of the subject property; and improvements to the unnamed access road adjacent to lot 2 and 3 up to the northerly line of lot 3.
  - Phase 2 will include remainder of improvements.
- 2.14 **SHARED DRIVEWAYS (OPTIONAL):** Due to terrain, the applicant may wish to make a common driveway that serves lots 4 and 5.

### 3.0 DRAINAGE

- 3.1 **DRAINAGE ISSUES:** Applicant shall be responsible to correct any involved drainage problems associated with the subdivision to the satisfaction of this Department.
- 3.2 **DRAINAGE REPORT:** Applicant must submit a complete hydraulic report and drainage plan regarding the subdivision for review and approval by this Department. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.

### 4.0 GRADING

- 4.1 **SOILS REPORT:** Pursuant to Humboldt County Code Section 331-14 (E)(5), applicant shall provide a soils engineering report that addresses the entire subdivision. The report shall include sufficient detail to enable the Building Official to issue building permits for each lot within the subdivision.

Pursuant to Humboldt County Code Section 331-14 (H)(6)(b)(3), the Applicant shall file a copy of the soils engineering report with the Chief Building Official

- 4.2 **GRADING PLAN:** It is optional for the applicant to grade building pads as part of the project.

Applicant shall demonstrate that driveways to potential building pads can be built in conformance with County Visibility Obstruction Regulations (Humboldt County Code Section 314-1 et seq.) and Protection and Control of County Roads (Humboldt County Code Section 411-1 et seq.). If the project is located within the State Responsibility Area (SRA), applicant shall demonstrate that the driveway also complies with SRA requirements (Humboldt County Code Section 3111-1 et seq.).

- 4.3 **CONSTRUCTION TIMING:** Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by this Department. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

- 4.4 **DATUM:** Grading plans shall be tied into elevation datum approved by this Department.

- 4.5 **EROSION CONTROL:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(d)(1), an erosion control plan (aka, sediment control plan, Storm Water Pollution Prevention Plan, etc.) addressing erosion from storm water runoff and wind shall accompany the grading plan.

For construction sites equal to or greater than one (1) acre, a Notice of Intent (NOI) and permit registration documents are required to be filed with the State Water Quality Control Board. A copy of the State's receipt of the approved NOI shall be provided to this Department prior to the start of construction.

## 5.0 MAINTENANCE

- 5.1 **MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 323-2 (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be needed

Based upon the tentative map, it appears that the following will need to be maintained by a maintenance plan:

- A maintenance plan for the non-county maintained road known as UNNAMED ACCESS ROAD.

If a maintenance association currently exists for the access road, applicant shall attempt to the satisfaction of this Department to annex the subdivision into the existing road maintenance association. That portion of this condition regarding road maintenance may be waived if the applicant provides evidence satisfactory to this Department that the subject property already belongs to a maintenance association for the access road(s).

A maintenance plan is not required for driveways; as driveways serve only one parcel. A maintenance plan is *optional* for roads that serve only two parcels. A maintenance plan is required for roads serving three or more parcels.

## 6.0 DEVELOPMENT PLAN

<NONE>

## 7.0 LANDSCAPING

<NONE>

// END //

-----Original Message-----

From: Julie Fulkerson [juliefulkerson@mac.com]

Sent: Friday, October 02, 2015 02:02 PM Pacific Standard Time

To: Sundberg, Ryan

Subject: Stagecoach

Hi Ryan,

Apparently, there is a project by Homan in the land north of Trinidad coming up on your agenda next week. Part of the permit requires the developer to widen Stagecoach road.

This seems unnecessary to me so I am asking that you consider removing that requirement from the permit. Widening the road in one small area just creates problems on the rest of the road...and is more for the County to maintain. I am assuming the developer wouldn't want this added expense.

Thank you for considering,

julie

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**SUPPLEMENTAL INFORMATION  
No. 1**

For Board of Supervisors Agenda of:  
October 6, 2015

Re: Applicant	John and Katrin Homan
Case Number	FMS-08-002A, CDP-08-025A
Assessor Parcel Number	515-191-037

Attached are tables reflecting a revised setback analysis. The analysis took into account parcels identified in the Trinidad Area Plan East Stagecoach Road (south) area (see attached). The area is identified as "the area south of Martin Creek and east of Stagecoach Road to the Trinidad City limit line." The area is also identified as having an average (arithmetic mean) parcel size of three acres and a modal (most frequently occurring) of two acres.

The area includes parcels ranging from 0.11 acres to over seven acres, not including the subject parcel (19 acres). To account for a large variation in setbacks, the parcels less than 4 acres – those without subdivision potential – were included in the analysis.

The results (see attached) indicate that the median (middle) setbacks are as follows:

Side 1 = 36 feet      Side 2 = 15 feet      Front = 40 feet      Rear = 45 feet

The mode (most common) is as follows:

Side 1 = 10 feet      Side 2 = 10 feet      Front = 12.5 feet      Rear = 25 feet

Furthermore, by removing the outlying parcels on upper and lower end (mid mean), the results are as follows:

Side 1 = 33.61 feet      Side 2 = 48.17 feet      Front = 49.38 feet      Rear = 57.10 feet

Staff believes that the Board can use these alternative analysis in making your findings for denying the appeal as they utilize formulas that are reasonable and consistent with the Trinidad Area Plan.

- 3.21 B. 2. d. East Stagecoach Road (south) - RURAL RESIDENTIAL (RR) (Amended by Res. No. 83-52, March 8, 1983)

The area south of Martin Creek and east of Stagecoach Road to the Trinidad City limit line includes about 100 acres. The current average size (arithmetic mean) is three acres. The modal average (most frequently occurring parcel size) is two acres. The area is planned for a one unit per two acre density.

- e. Stumptown Road - RURAL RESIDENTIAL (RR)

Only a very small portion of this area is actually within the Coastal Zone and many of the parcels included are dissected by the Coastal Boundary Line. Present parcelization includes 6 parcels with a total of about 37 acres. Using a total of 39 parcels in the surrounding area, both within and outside of the Coastal Zone, an average of between 2-1/2 and 3 acres is yielded. The modal average is larger than this, approximately 4.5 acres. The area is planned for one unit per 2-1/2 acre density.

- f. Rural Scenic and Westhaven Drives - RURAL RESIDENTIAL (RR) (Amended by Res. No. 82-100, July 27, 1982)

There currently exists a great disparity in parcel sizes within the coastal area south of the Trinidad Urban Limit Line and north of the Westhaven Village area. Parcels range in size from about one acre to thirty acres. This area includes approximately 370 acres and about 77 parcels. Because the range of the parcel sizes is so great as well as a large number of parcels, it is possible to identify two modal acreages. Thirty-two percent are between one and two acres while thirty-one percent of the parcels are greater than five acres. The arithmetic mean for the same area is four and one-half acres. The planned density for this area is one unit per two and one-half acres.

- g. East Trinidad - Westhaven Drive (Amended by Res. No. 82-100, July 27, 1982)

RURAL RESIDENTIAL (RR)

Approximately one quarter mile east of the City of Trinidad, and just east of Quarry Road is an area which contains about nine parcels. The planned density is one unit per 2 acres which will allow for only a very modest increase in the existing residential density.

RESIDENTIAL EXURBAN (RX)

Currently, eight parcels are included in this designation. The arithmetic mean and modal average are both one half acre. The planned density is two units per one acre.

- h. Luffenholtz Creek- RURAL RESIDENTIAL (RR) (Amended by Res. No. 82-100, July 27, 1982)

This area includes, currently, about nine parcels and comprises about 43 acres. Since Luffenholtz Creek is the domestic water source for the City of Trinidad and is also an important area anadromous fish stream, the area is planned for a density of one unit per five acres. This is also consistent with the City of Trinidad's land use plan recommendation for the area.

- 3.21 B. 2. i. Westhaven Village - RURAL VILLAGE (RV) (Amended by Res. No. 82-100, July 27, 1982)

MAP 2

# TRINIDAD AREA PLAN Land Use Designations

### Urban

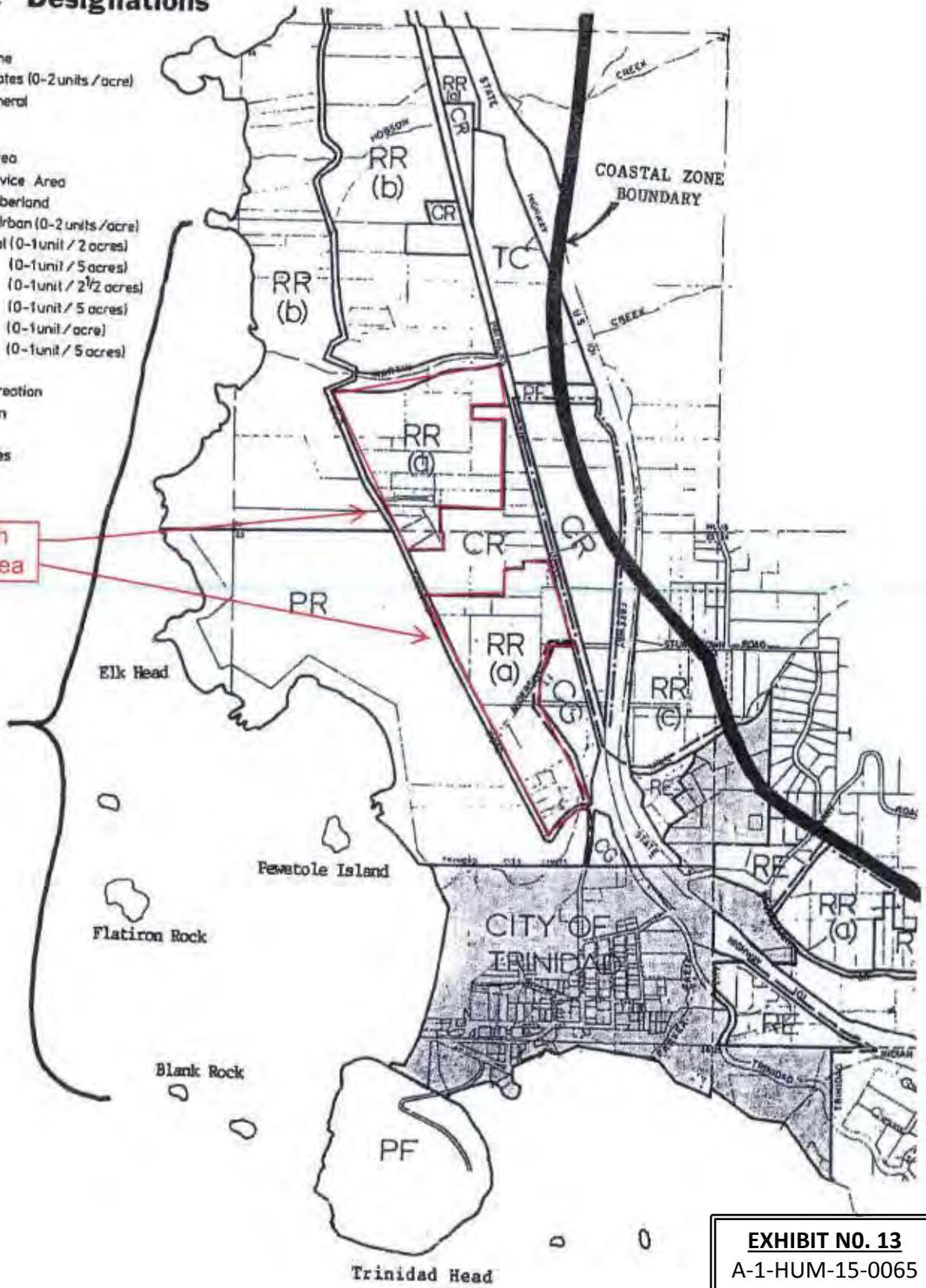
- Urban Limit Line
- RE Residential Estates (0-2 units / acre)
- CG Commercial General

### Rural

- City Service Area
- Westhaven Service Area
- TC Commercial Timberland
- RX Residential Ex Urban (0-2 units / acre)
- RR(a) Rural Residential (0-1 unit / 2 acres)
- RR(b) " " (0-1 unit / 5 acres)
- RR(c) " " (0-1 unit / 2 1/2 acres)
- RR(d) " " (0-1 unit / 5 acres)
- RR(e) " " (0-1 unit / acre)
- RR(f) " " (0-1 unit / 5 acres)
- RV Rural Village
- CR Commercial Recreation
- PR Public Recreation
- PF Public Facility
- NR Natural Resources

East Stagecoach Road (South) area

SEE MAPS 4 & 5 FOR ENLARGEMENT OF THIS AREA.



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Setback Analysis							
APN	SITUS #	PARCEL SIZE	STREETNAME	SIDE SETBACKS (feet)		FRONT SETBACK (feet)	REAR SETBACK (feet)
51519124	585	1.33	Stagecoach Rd	Vacant			
51519141	121	1.34	Anderson Ln	E 13	W 200	46	125
51519140	111	2.48	Anderson Ln	E 423	W 41	86	45
51519104	648	3.57	Particks Point Dr	N 147	S 36	81	345
51519115	576	3.26	Particks Point Dr	N 322	S 197	134	70
51519137	101	19.03	Anderson Ln	N 50	S 900	465	455
51519106	157	0.39	Anderson Ln	N140	W 30	10	125
51519113	73	1.23	Anderson Ln	E 79	W 71	67	155
51519131	70	3.01	Anderson Ln	E 5	W 300	58	30
51519135	349	5.54	Stagecoach Rd	N 220	S 301	75	150
51519114	301	0.51	Stagecoach Rd	N 15	S 5	60	45
51519112	291	0.82	Stagecoach Rd	N 35	S 10	100	120
51519111	267	0.83	Stagecoach Rd	N 30	S 30	35	55
51519110	253	0.86	Stagecoach Rd	N 10	S 65	60	10
51519109	243	0.99	Stagecoach Rd	N 37	S 39	22	175
51519136	249	6	Stagecoach Rd	N 111	S 350	40	325
51519129				Vacant			
51519130				Vacant			
51521106		0.31		N5	S40	54	45
51521108		2.68		N5	S40	25	480
51521113		2.8		W5	E43	40	600
51521116		0.11		Vacant			
51521117		0.16		Vacant			
51521118		0.14		10	10	12.5	25
51521119		0.17		10	10	12.5	25
51521120		0.16		10	10	12.5	25
51521121		0.16		10	10	12.5	25
51521122		0.25		S30	N60	10	20
51521124		0.2		10	10	12.5	25
51521125		0.2		10	10	12.5	25
51521126		0.2		10	10	12.5	25
51521127		0.22		10	10	12.5	25
51521128		0.85		N10	S42	100	185
51521129		5.4		N40	S140	440	40
51521131		3.55		N17	S40	520	25
51521135		0.34		W55	E15	20	34
51521137		0.77		N20	S13	40	10
51521139		0.97		N5	S20	200	75
51521140		1.84		W15	E18	15	5
51521141		0.81		N15	S55	64	205
51521142		0.91		N30	S65	250	15
51521147		1.01		W180	E27	84	25
51521148		1.11		W88	E22	50	140
51521149		7.41		N105	S40	290	205
51521150		2.32		W130	E105	5	50
51521151		2.01		N85	S110	82	235
51521152		2.78		W13	E220	30	170
51521153		4.46		N105	S140	65	25
51521154		2		W90	E250	20	60
51521155		2.01		N190	S20	200	30
				Average: 66	Average: 90.6	Average: 90	Average: 113.5
				Average: 78.4			

Setback analysis for parcels < 4 acres			
Side Setbacks	Front Setback	Rear Setback	
13	200	46	125
423	41	86	45
147	36	81	345
322	197	134	70
140	30	10	125
79	71	67	155
5	300	58	30
15	5	60	45
35	10	100	120
30	30	35	55
10	65	60	10
37	39	22	175
5	40	54	45
5	40	25	480
5	43	40	600
10	10	12.5	25
10	10	12.5	25
10	10	12.5	25
10	10	12.5	25
30	60	10	20
10	10	12.5	25
10	10	12.5	25
10	10	12.5	25
10	10	12.5	25
10	42	100	185
17	40	520	25
55	15	20	34
20	13	40	10
5	20	200	75
15	18	15	5
15	55	64	205
30	65	250	15
180	27	84	25
88	22	50	140
150	105	5	50
85	110	82	235
13	220	30	170
90	250	20	60
190	20	200	30
60.1	69.2	68.4	100.2

73.16666667

Side 1  
 5  
 10 (9)  
 13  
 15  
 18  
 20 (2)  
 22  
 27  
 30 (2)  
 36  
 39  
 40 (3)  
 41  
 42  
 43  
 55  
 60  
 65 (2)  
 71  
 105  
 110  
 197  
 200  
 220  
 250  
 300

median = 36  
 mode = 10  
 range between = 5 - 300  
 number of parcels = 39  
 mean = 59.2  
 mid mean = 33.61

Side 2  
 5 (5)  
 10 (10)  
 13 (2)  
 15 (3)  
 17  
 20  
 30 (3)  
 35  
 37  
 55  
 79  
 85  
 88  
 90  
 140  
 147  
 150  
 180  
 190  
 322  
 423

median = 15  
 mode = 10  
 range between = 5 - 423  
 number of parcels = 39  
 mean = 60.1  
 mid mean = 48.17

Front  
 5  
 10 (2)  
 12.5 (8)  
 15  
 20 (3)  
 22  
 25  
 30  
 35  
 40 (2)  
 46  
 50  
 54  
 58  
 60 (2)  
 64  
 67  
 81  
 82  
 84  
 86  
 100 (2)  
 134  
 200 (2)  
 250

median = 40  
 mode = 12.5  
 range = between 5 - 250  
 number of parcels = 39  
 mean = 68.4  
 mid mean = 49.38

Rear  
 5  
 10 (2)  
 15  
 20  
 25 (10)  
 30 (2)  
 34  
 45 (3)  
 50  
 55  
 50  
 70  
 75  
 120  
 125 (2)  
 140  
 155  
 170  
 175  
 185  
 205  
 235  
 345  
 480  
 600

median = 45  
 mode = 25  
 range = between 5 - 600  
 number of parcels = 39  
 mean = 100.2  
 mid mean = 57.10

**SUPPLEMENTAL INFORMATION  
No. 2**

For Board of Supervisors Agenda of:  
October 6, 2015

Re:	Applicant	John and Katrin Homan
	Case Number	FMS-08-002A, CDP-08-025A
	Assessor Parcel Number	515-191-037

Attached are early draft documents of the Trinidad Area Plan that reference setbacks within a Coastal Scenic area of 50 feet from public roads and 30 feet from property lines. These documents indicate that the current 230 foot setback from property lines is a typographical error.

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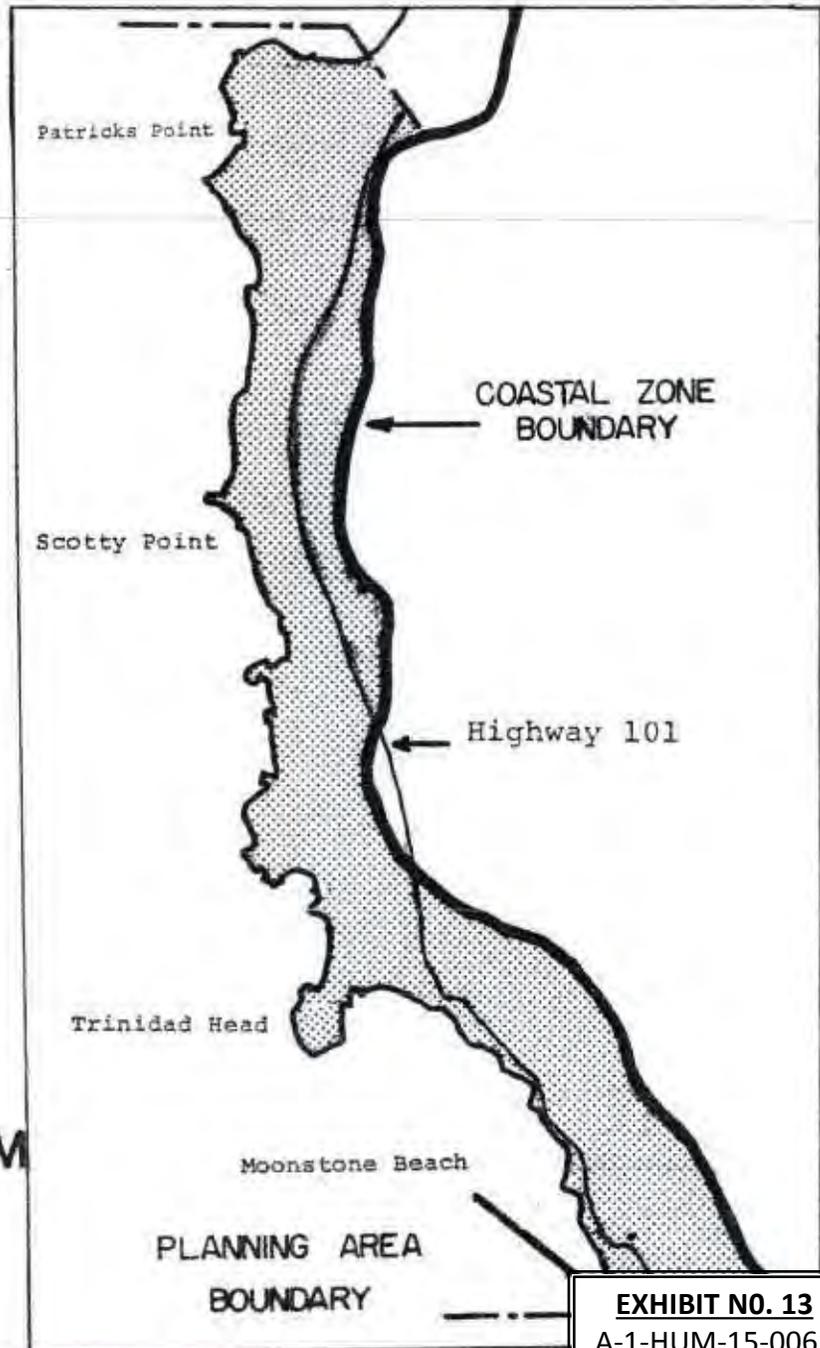
*Bob London*

# Hearing Draft

# TRINIDAD AREA PLAN

**March 1981**

HUMBOLDT COUNTY  
LOCAL COASTAL PROGRAM  
3105 H St.  
EUREKA, CA 95501



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### 3. COASTAL SCENIC AREAS

In Coastal Scenic Areas as designated in the Area Plan Maps, it is the intent of these regulations that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas; and the following uniform standards and conditions shall apply to all development within said areas, in addition to other applicable policies of this plan:

- a. New industrial and public facility development shall be limited to:
  - (1) Temporary storage of materials and equipment for the purpose of road and utility repair or improvement provided that this is necessary to the repair or improvement, and no feasible site for storage of equipment or material is available outside such area.
  - (2) Underground utilities, telephone lines, and above ground power lines less than 30KV.
- b. Commercial uses shall be approved only where permitted by the Plan and zoning, and only such uses as serve the ordinary needs of tourist or recreational users of the area shall be permitted, as follows:
  - (1) Recreational vehicle parks and private campgrounds.
  - (2) Boating rentals.
  - (3) Sport fishing and recreational retail services up to 1000 square feet.
  - (4) As an adjunct to recreational vehicle parks or private campgrounds, a general retail service which may include food, beverage, and hardware items, up to 1000 square feet.
  - (5) Other uses meeting the requirement of this subsection, as determined by the Planning Commission after public hearing including facilities identified in (3) and (4) which are greater than 1000 square feet in area.
- c. All permitted development shall be subject to the following standards for siting and design except for structures integral to agricultural use and timberland management subject to CDF requirements for special treatment areas.
  - (1) Siding and roofing materials shall not be of reflective materials, excepting glass and corrugated roofing. Solar collectors for on-site use shall be permitted and exempt from this standard.
  - (2) The highest point of a structure shall not exceed 30' vertically measured from the highest point of the foundation, nor 40' from the lowest point of the foundation.
  - (3) Setbacks from property lines and public roads shall be no less than 50' from a public road, nor 30' from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.
  - (4) Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property.
  - (5) Clearings for new homesites planned for Rural Residential development shall be limited to a total of one acre.
  - (6) Timber harvests and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.
- d. Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the area plan, may be referred to the Design Assistance Committee for review and recommendation to the Planning Commission.

# WORKSHOP

## HUMBOLDT COUNTY LOCAL COASTAL PROGRAM

HUMBOLDT COUNTY PLANNING DEPT.  
COASTAL PLANNING OFFICE  
517 3RD  
EUREKA, CA 95501

SEPTEMBER 18, 1979  
APPROVED DIRECTIVE GUIDE

# COASTAL LAND USE POLICIES AND STANDARDS

- b. Commercial uses shall be approved only where permitted by the Area Plan and zoning, and only such uses as serve the ordinary needs of tourist or recreational users of the area shall be permitted, as follows:
  - 1. Recreational Vehicle parks, and private campgrounds.
  - 2. Boating rentals.
  - 3. Sport fishing and recreational retail services up to 1000 square feet.
  - 4. As an adjunct to recreational vehicle parks or private campgrounds, a general retail service which may include food, beverage and hardware items, up to 1000 square feet.
  - \* 5. Other uses meeting the requirement of this subsection, as determined by the Planning Commission after public hearing.
- c. Mobile homes shall be allowed only as permitted in the Area Plan; and in an approved recreational vehicle park the Area Plan may allow occupancy of service recreational vehicle sites by mobile homes up to 20% of such existing sites from June through August and up to 80% from September through May.
- \* d. No off-premise signs shall be permitted.
- \* e. All permitted development shall be subject to the following standards for siting and design except for structures integral to agricultural use.
  - \* 1. Siding and roofing materials shall not be of reflective materials, excepting glass.
  - 2. The highest point of a structure shall not exceed 30' vertically measured from the highest point of the foundation, nor 40' from the lowest point of the foundation.
  - \* 3. Setbacks from property lines and public roads shall be as established in the Area Plan, except that in no case shall such setbacks be less than 50' from a public road, nor 30' from a property line.

\* .074 In Coastal View Areas as designated in the Area Plan, it is the intent of these regulations that no development shall block coastal views to the detriment of the public; and the following uniform standards and conditions shall apply to all development other than agricultural development in said areas, and to specified developments in Coastal Scenic Areas, in addition to standards identified in the Area Plans:

- a. No off-premise signs shall be permitted; and on-premise signs to a total area of 40 square feet shall be permitted.
- b. Where the principle permitted use is residential, and a proposed development is between the coast, a coastal waterway, or a Coastal Scenic Area, and a coastal road affording a view of the coast, coastal waterway or Coastal Scenic Area at that point, a development shall be approved subject to the standards of this document only on the following conditions:

**SUPPLEMENTAL INFORMATION  
No. 3**

For Board of Supervisors Agenda of:  
October 6, 2015

Re:	Applicant	John and Katrin Homan
	Case Number	FMS-08-002A, CDP-08-025A
	Assessor Parcel Number	515-191-037

Attached is a graphical depiction of the area to be included in the Development Plan identified in condition of approval #7 as modified below. It includes additional area requested by the applicant, not identified in the current condition.

- (10) "To ensure that future development is subordinate to the surrounding area consistent with the Trinidad Area Plan (TAP), the following measures shall be implemented during the Coastal Development Permit and Design Review process for Lots 4 and 5:
- (a) No trees shall be removed within 100 feet of the southerly property line of Lot 4, within 50 feet of the western property line of Lot 4, within a circular area with a 75-foot radius centered at the confluence of Lot 6, Lot 2 and the access road, or within 50 feet of the eastern property line of Lot 5 unless the visual analysis determines that the remaining trees and vegetation provides significant screening from public viewpoints, or if such trees are deemed a hazard by a qualified forestry professional or arborist.

**EXHIBIT NO. 13**

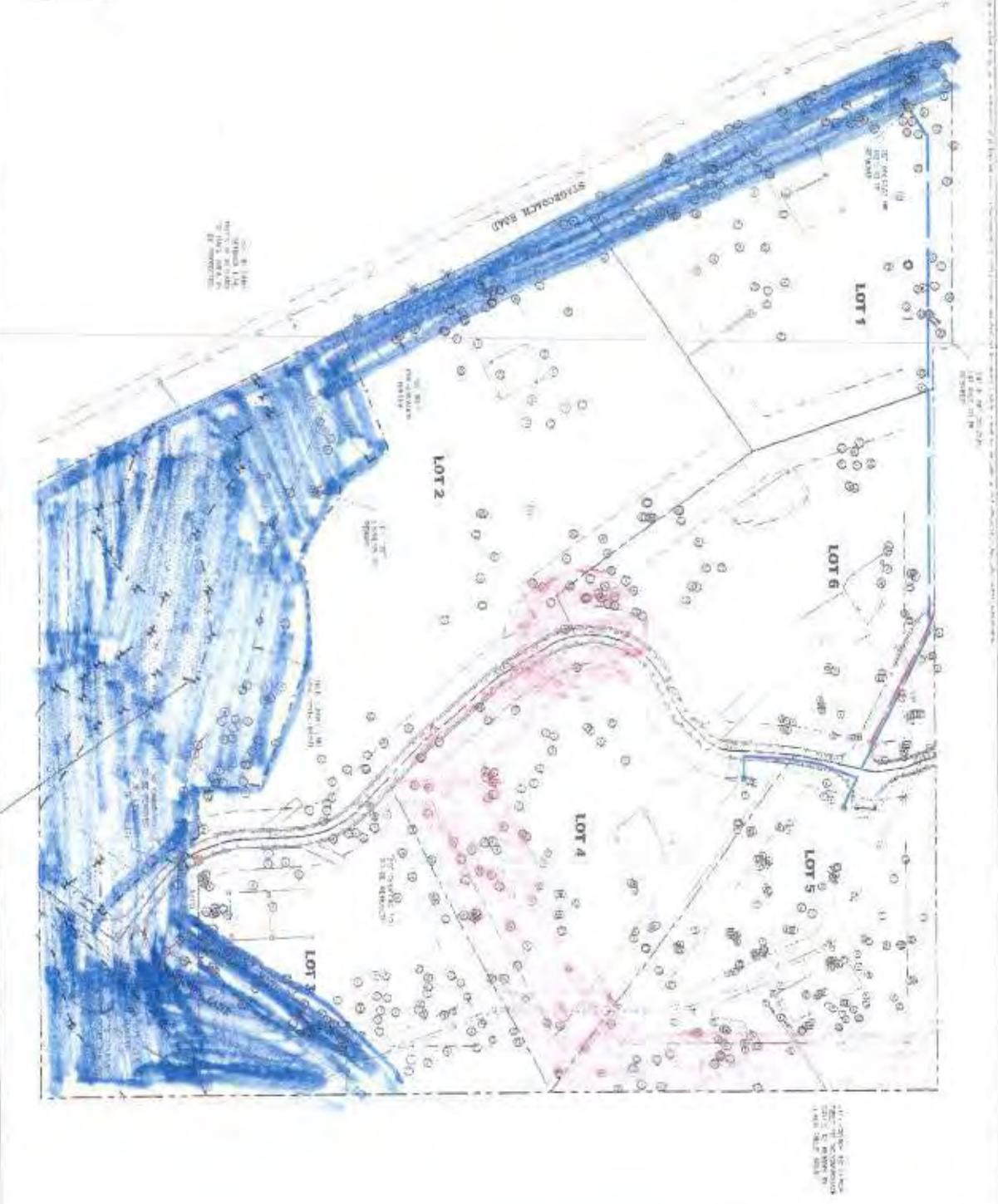
A-1-HUM-15-0065

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NO.	DESCRIPTION	DATE	BY	CHKD.
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10	ISSUED FOR PERMITTING	10/15/15	JL	ML



1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS.
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HOWAN MAJOR SUBDIVISION  
 TREE LOCATIONS AND POTENTIAL REMOVAL

JOHN & KATRIN HOWAN  
 P.O. BOX 1261, TRINIDAD, CALIFORNIA

DATE: 10/15/15  
 SCALE: AS SHOWN

**LACO**  
 EUREKA • UTAH • SANTA ROSA



**SOURCE OF FUNDING:** Fees submitted by the appellant are deposited into Planning and Building Department Current Planning Revenue Account 1100-277-608000. Any costs incurred by this appeal that exceed the applicant's appeal fee will be covered by the Current Planning Division's FY 2015-16 General Fund Allocation.

**DISCUSSION:**

***Project Description***

The matter for consideration by the Board is an appeal (Attachment A) of the Planning Commission's July 16, 2015 approval (Attachment B) of the Final Map Subdivision and Coastal Development Permit application by John and Katrin Homan for a subdivision of an approximately nineteen acre parcel into six parcels.

***Summary***

The project includes a phased Final Map Subdivision to create six (6) parcels ranging in size from approximately 2.2 acres to 6.9 acres. The objective is to create separate legal lots consistent with a 2-acre minimum parcel size, suitable for residential development, while protecting sensitive habitat and visual qualities. The project will be developed in two phases. The existing approximately 19-acre parcel is developed with one residence. The property has frontage on Anderson Lane and Stagecoach Road. Access is from a private road from Anderson Lane, which serves the single-family home on the property and two off-site residences. A similar Final Map Subdivision was previously proposed on the subject site to create nine (9) parcels. In response to input received on that project, the current application was modified to reduce the number of parcels (9 to 6), limit driveway encroachments off Stagecoach Road to one, and limit tree removal (a total of 40 trees will be removed to permit development of road improvements). A 50 foot wide tree preservation buffer and building setback is proposed to be established along the full length of Stagecoach Road. Development will comply with all stream and wetland buffer setbacks set forth in the Trinidad Area Plan (TAP) and therefore no exceptions to these buffers are necessary. All new development will be served by on-site domestic water wells and wastewater disposal systems.

***Basis of Appeal***

The basis of the appeal is set forth in the appeal letter submitted by Robert Vogel, which was received by the Planning and Building Department – Planning Division on July 24, 2015 (Attachment A). This appeal was timely filed in accordance with County Code.

***Planning Commission Decision***

On July 16, 2015, the Planning Commission approved the project by adopting Resolution No. 15-21, with a 7 -0 vote after review of the staff report and supplemental information and after consideration of public testimony (Attachments B, C and D).

***Staff Recommendation***

Planning staff recommends that the Board deny the appeal, uphold the Planning Commission decision and approve the project subject to the recommended conditions with clarifying language as suggested in the Coastal Commission response to the appeal.

***Staff Discussion on the Issues on Appeal***

The appellant does not deny that the Planning Commission is empowered to act in the capacity of the Design Assistance Committee. However, the appellant alleges in his appeal that the Planning Commission does not have the authority to grant exceptions as stated in S

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B.5 of the Trinidad Area Plan (TAP) where the prescriptive standard for siting design for structures can be met by an alternative design. The appellant cites to Section 3.40 B.5 which states:

*"New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B. 3 & 4, respectively shall be referred to the Design Assistance Committee." (emphasis added)*

The Homan subdivision meets all of the siting design criteria in 3.40.B.3 but one pertaining to building setbacks. This design standard in Section 3.40B.3.c.3 states:

*"Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures." (emphasis added)*

The 230 foot setback from property lines reference mentioned above has been previously identified as a typographic error in the plan text and should read "30 feet" (Note: this exact provision was correctly reflected in the North Coast Area Plan also adopted in 1990). Further, the Homan subdivision is located in an area where more than 50% of the surrounding properties are developed. While the "average setback" accommodate would typically apply to neighborhoods where a further reduction below the prescriptive setback of 50 feet from a public road and 30 feet from property line might be sought, this is not the case as the Homan neighborhood consists of large lots and average building setbacks much larger than the prescriptive standard. The setback averages calculated in this area were:

Front yard setback	89 feet;
Rear yard setback	149 feet;
Side yard setback	137 feet.

Applying these setback minimums to a two-acre parcel proposing a hypothetical 40-foot by 40-foot structure would result in a parcel 314 feet wide and 278 feet deep. While it is physically possible to meet the standards on a two-acre parcel, the project site is constrained by riparian and wetland buffers as well as geologic setbacks limiting developable areas. To apply these average setbacks to the creation of the new parcels on the Homan property would greatly affect the size, shape and layout of the subdivision lots. Further, by allowing this one exception, the subdivision can be approved with six parcels where the potential for nine parcels exists and still remain compatible with the goals and objectives of the TAP.

The appellant states "it is not appropriate to apply these sections to cases where project alternatives are available that would meet the prescriptive standards. These sections apply to cases where an existing lot is constrained such that it cannot be developed for its planned use consistent with TAP standards." The appellant further argues that if the Planning Commission were permitted to grant this flexibility to siting design standards it would "clearly violate the letter and spirit of the Coastal Act."

Staff disagrees. First, the Coastal Act provisions in Public Resources Code Section 30251 incorporated by reference into the TAP provide the framework for the Coastal Scenic provisions at issue:

"30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas

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those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting."

This language does not specify a minimum building setback standard from roads or property lines nor does it restrict the application of policy to existing lots or where project alternatives are not available. Instead the key provisions call for the protection of coastal views, minimization of alterations to landforms, and visual compatibility with the character of surrounding area. For areas of high scenic value, characterized as Coastal Scenic by the TAP, such development must be subordinate to the character of the setting.

Second, the language of the TAP itself is not restricted to existing lots or where there is no other feasible alternative. According to Section 3.40 B.5 (Design Assistance Committee) of the TAP states:

*"New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B. 3 & 4, respectively shall be referred to the Design Assistance Committee. The Design Assistance Committee, as defined in the implementation phase of the Local Coastal Program, shall ensure that the proposed development is compatible with the goals and objectives of this plan."*  
(emphasis added)

Were it the intent of the County to apply this provision to new development on only existing lots or where there were no other feasible alternative this section would have included wording to this effect. However, the language used is "new development proposed with the Coastal Scenic and/or Coastal View areas". This language uses no such limiting wording.

Lastly, Section 3.40.B.3.d of the TAP states:

"d. Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Committee for review and approval."

Again, the language governing development in Coastal Scenic Areas echo the exception allowance in Section 3.40.B.5 above that grants to the Design Assistance Committee, in this case, the Planning Commission, as hearing officer, where no committee has been formed by the Board of Supervisors pursuant to Section 313-19.1.4 of the Zoning Regulations (Authority and Composition of the Design Review Committee), the authority to grant relief from the siting design standards when it finds the exception to be "in conformance and compatible with the goals and objectives of this section and the Area Plan."

This was the approach taken by the Planning Commission with respect to the average setback exception. Findings for approval (3.40 B.5.a – k) made by the Planning Commission are listed below with explanations of each.

- a. Consistency and compatibility with applicable elements of the County's General Plan. Project complies – see Planning Commission staff report General Plan Consistency discussion beginning on page 35.
- b. Alteration of natural landforms caused by cutting, filling, grading or clearing necessary for a building site is minimized and, as appropriate, integrated with the project. Project complies – see Planning Commission staff report Visual Resources discussion beginning on page 38.

- c. That setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site. Project complies - see Planning Commission staff report Visual Resources discussion beginning on page 38.
- d. Exterior lighting is compatible with the surroundings and is not directed beyond the boundaries of the parcel. Project complies - see Planning Commission staff report, item 4, on page 39.
- e. Vegetation common to the area should be used to integrate the manmade with the natural environment, to screen and soften the visual impact. Project complies - see Planning Commission staff report, item 6, on page 39.
- f. Where feasible, new and existing utilities should be underground. When above-ground facilities are the only alternative, they should be as unobtrusive as possible. Project complies - new utilities associated with the subdivision will be located underground; existing overhead utilities will be relocated underground where feasible.
- g. Off-premise signs, which are needed to direct visitors to commercial recreation as permitted in the Area Plan, shall be attractively designed in keeping with the surroundings and clustered at appropriate locations. Such clustered signs should have a single design theme. Project complies - no off-premise signs are proposed.
- h. Timber harvest and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas. Project complies - see Planning Commission staff report, item 7, on page 40.
- i. Where views from public roads to the coast or coastal waterways are of concern, the height, width and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as possible. Project complies - see Planning Commission staff report Visual Resources discussion beginning on page 38.
- j. Views from public trails, beaches or public recreation areas into the development site shall also be considered. Project complies - see Planning Commission staff report Visual Resources discussion beginning on page 38.
- k. Solar collectors for on-site use shall be exempt from this review. Not applicable.

Staff finds that the above findings can be made and that the Planning Commission is authorized to determine that the proposed development is compatible with the goals and objectives of the TAP.

In addition to the above findings for approval, Planning staff received referral comments on August 28, 2015 via email from the California Coastal Commission in response to the appeal (Attachment F). In the email, the Commission states that it is their understanding that the majority of the issues raised in their comment letter dated November 13, 2014 have been addressed. These issues include the authority of the Planning Commission raised by the appellant. The letter does, however, make recommendation that the Board of Supervisors in its consideration of the appeal consider adding additional conditions to assure that development on the proposed lots be subordinate to the character of the area, including views from public vantage points such as Trinidad Head. While it is understood that future homesite development on the lots created by the Homan subdivision will require the new owner to obtain a separate coastal development permit before proceeding with development, Planning staff acknowledges that adding clarity to the Development Plan prepared the subdivision map used to guide these applications as to how these protections will be applied is worthy of attention. Accordingly, the Plan

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drafted with the agreement of the applicant clarifying wording which will ensure that future development is subordinate to the character of the surrounding area. Staff is recommending that this additional language be added to the Development Plan (Condition number 7.B) to read as follows:

- (10) "To ensure that future development is subordinate to the surrounding area consistent with the Trinidad Area Plan (TAP), the following measures shall be implemented during the Coastal Development Permit and Design Review process for Lots 4 and 5:
- (a) No trees shall be removed within 100 feet of the southerly property line of Lot 4 or within 50 feet of the eastern property line of Lot 5 unless the visual analysis determines that the remaining trees and vegetation provides significant screening from public viewpoints, or if such trees are deemed a hazard by a qualified forestry professional or arborist.
  - (b) The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 35 feet from the lowest point of the foundation. If it is determined that a proposed structure will not be subordinate to the surrounding area, further height reductions may be necessary.
  - (c) Structures shall be painted with dark earth tones.
  - (d) A visual resources impact analysis shall be required in order to assure that the structure will be subordinate to the surrounding area. This analysis requires that story poles be erected to create an accurate silhouette of the proposed project. In addition, any visible glazing identified in the analysis shall use anti-glare treatment."

It is recommended that the Board include this condition wording in their action to deny the appeal and grant approval of the Homan Final Map Subdivision and Coastal Development Permit.

**FINANCIAL IMPACT:** There may be an effect on the General Fund. The appellant has paid in full the appeal fee associated with this appeal. Any costs incurred by this appeal that exceed the applicant's appeal fee will be covered by the Current Planning Division's FY 2015-16 General Fund Allocation.

**OTHER AGENCY INVOLVEMENT:** The project was referred to the applicable referral agencies for comments and recommendations. The Draft Mitigated Negative Declaration was circulated to State agencies pursuant to the California Environmental Quality Act. The California Coastal Commission was contacted and submitted comments on the appeal (Attachment F).

**ALTERNATIVES TO STAFF RECOMMENDATIONS:** The Board of Supervisors can uphold the appeal and deny the project. This alternative should be implemented if the Board is unable to make all of the required findings. Planning Division staff has found that the required findings can be made. Consequently, staff does not recommend further consideration of this alternative.

**ATTACHMENTS:**

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

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- Attachment A: Appeal letter submitted by Robert Vogel
- Attachment B: Resolution of the Planning Commission, Resolution No. 15-21
- Attachment C: Planning Commission Staff Report
- Attachment D: Planning Commission Supplemental Information Items #1, #2, #3 and #4
- Attachment E: Section 3.40 of the Trinidad Area Plan
- Attachment F: Email from Coastal Commission dated August 28, 2015

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**ATTACHMENT A**

**Appeal letter submitted by Robert Vogel**

**EXHIBIT NO. 13**

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Robert Vogel  
PO Box 516  
Trinidad CA 95570

July 24, 2015

Mr. Kevin Hamblin  
Director  
Planning and Building Department  
3015 H Street  
Eureka CA 95501



The County Board of Supervisors  
825 Fifth Street, Room 111  
Eureka, CA 95501

Subject: Appeal of John Homan Subdivision Case Numbers FMS-08-002, CDP-08-025

Mr. Hamblin and Honorable Supervisors:

On behalf of myself and the Friends of College Cove, I submit this letter to appeal the Humboldt County Planning Commission's approval on July 16, 2015 of the John Homan Final Map Subdivision and Coastal Development Permit, 101 Anderson Lane, Trinidad, Case Numbers FMS-08-002, CDP-08-025; Assessor Parcel Number 515-191-037.

### **The Planning Commission's Authority**

As part of the subdivision application, Dr. Homan has asked for an exemption to the setback requirements specified in section 3.40 B.3.c. (3) of the Trinidad Area Plan (TAP), claiming that the Planning Commission has the authority to grant the exemption pursuant to TAP section 3.40 B. 5.

We disagree. The Planning Commission does not have the authority to grant that exemption, and we appeal the Planning Commission's approval of that exemption request and of the project on that basis.

TAP Section 3.40 B. 5. states:

*New development proposed within Coastal Scenic and/or Coastal View Areas which cannot satisfy the prescriptive standards listed in Section 3.40 B. 3 & 4, respectively shall be referred to the Design Assistance Committee.*

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TAP Section 3.40 B. 3. d. similarly states:

*Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Committee for review and approval.*

Both sections grant the Design Committee (the Planning Commission in this case) authority to approve projects that cannot satisfy the prescriptive standards of 3.40 B.3.c. (3).

It is not appropriate to apply these sections to cases where project alternatives are available that would be able to meet the prescriptive standards. These sections only apply to cases where an existing lot is constrained such that it cannot be developed for its planned use consistent with the TAP standards.

(See attached letter dated November 13, 2014 from the California Coastal Commission to the Humboldt County Planning and Building Department).

The applicant's lot is not so constrained. Project alternatives are available that would enable development consistent with the prescriptive standards as well as the planned use of the lot

The planned use for this lot is rural residential development. As the November 13 letter from the California Coastal Commission asserts, one such project alternative is the existing development currently on the parcel: a single family residence that conforms to TAP standards, including section 3.40 B.3.c. (3).

### **The Planning Commission's Interpretation of TAP section 3.40 B.5.**

The Humboldt County Planning Commission interprets the language of TAP section 3.40 B.5. to mean that if the proposed development DOES not satisfy the standards, then they nevertheless, have the authority to review and approve the project.

This interpretation delegates far more authority to the local government than the Coastal Act intends to delegate. If true, it would imply that ANY proposed development that did not satisfy the prescriptive standards could be approved by the design committee if that committee deemed it to be consistent with the goals and objectives of the plan.

This interpretation clearly violates the letter and the spirit of the Coastal Act. The California Coastal Commission was enacted in 1972 in response to a patchwork of development along the coast under the jurisdictions of multiple local governments, many of which were not protecting vital coastal resources. It was never the intent of the Coastal Act to delegate unlimited authority back to the local government. Rather, the authority of the local government is limited by the terms of their Local Coastal Programs, e.g., TAP section 3.40 B.3.c. (3).

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## **Other Project Alternatives**

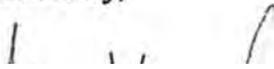
The 'no further development' alternative described above is not the only alternative available to the developer and acceptable to us. There are subdivision projects that

- 1) meet all the prescriptive standards and thus, would not require the planning commission to approve an exemption that it lacks the authority to grant, and
- 2) would, in our opinion, make positive contributions to our neighborhood.

We would welcome such a subdivision. In the past few years, several projects have been approved that meet all prescriptive standards and have proved beneficial to both the developer and the neighborhood. We commend the Humboldt County Planning Department and the Planning Commission for shepherding those projects through to completion.

Those prescriptive standards are working well; let's continue to observe them. We respectfully ask the Board of Supervisors to instruct Dr. Homan to work with us to design a subdivision that meets the prescriptive standards and is acceptable to both parties.

Sincerely,



SIGNATURE ON FILE

  
Robert Vogel

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## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
 1385 EIGHTH STREET • SUITE 130  
 ARCATA, CA 95521  
 VOICE (707) 826-8950  
 FACSIMILE (707) 826-8960



November 13, 2014

Trevor Estlow, Senior Planner  
 Humboldt County Planning and Building Dept.  
 3015 H Street  
 Eureka, CA 95501

RE: Comments on CDP 08-025 (Homen) to subdivide an existing 19-acre developed lot into six separate parcels ranging from 2.2 acres to 6.9 acres in size, Stagecoach Road/Anderson Lane (APN 515-191-037).

Dear Trevor:

We received the subject referral on October 24, 2014 and offer the following comments. In your analysis of the proposed development's consistency with the certified Trinidad Area Plan (TAP) and coastal zoning regulations (CZR), please consider the following:

1. Visual Resources.

- a. The County analysis should consider the potential impacts of the future development of the subdivided lots at maximum build-out, including the potential effects on public visual resources (from public vantage points adjacent to the area, from College Cove/Elk Head and other public parklands, and from Highway 101 and other public roads, beaches, and vista points) potentially resulting from the future development of primary and secondary residences, roads and utility infrastructure, and major vegetation (tree) removal on all proposed lots (considering tree removal for structures, mandated fire-safe clearances, primary and secondary residences and leachfields, utilities and driveways, road improvements, etc.).
- b. The County must find the project consistent with Section 30251 of the Coastal Act (TAP Section 3.40).
- c. The subject site falls within an area designated as "Coastal Scenic" in the TAP. As such, the County analysis should discuss the proposal's consistency with the visual resources protection policies of the TAP pertaining to site design (3.40-B-3-c-1-through-7).
- d. The information provided with the referral (LACO project description) notes that modified setbacks are proposed. If the project as proposed cannot satisfy the prescriptive standards of TAP Section 3.40-B-3-c-1-through-7 (including 3, which relates to setbacks from property lines and public roads), then the number of proposed lots should be reduced such that the prescriptive standards can be met. It is not appropriate to apply 3.40-B-3-d (referral of the project which cannot satisfy the prescriptive standards to the Design Committee for review and approval pursuant to TAP 3.40-B-5) to cases where project alternatives are available that would be able to meet the prescriptive standards cited above. TAP

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Section 3.40-B-3-d applies to cases where an existing lot is constrained such that it cannot be developed for its planned use consistent with the TAP standards without certain modifications. The subject lot already is developed with a residence consistent with its existing TAP designation (rural residential development), and for the County to deny the proposed 6-lot subdivision of the property based on inconsistencies with TAP 3.40-B-3-c(3) or other LCP policies would not result in any unconstitutional taking of the property (lot subdivision is not inherently a principally permitted use).

2. Wetlands and ESHA. The County should require updated delineation and mapping of wetland and ESHA resources on the project site if the basis of the wetlands/ESHA mapping is more than five years old. The delineation must be identify all coastal wetlands, as defined in the LCP and the Coastal Act (i.e., wetland delineation based on the presence of any single wetland parameter – hydric soils, wetland hydrology, or a predominance of hydrophytic vegetation).
3. Riparian corridor protection. TAP Section 3.30-B-5-e prohibits new development within riparian corridors except for certain allowable uses, listed in sub-policies (1) through (9), and in those cases only where there is no less environmentally damaging feasible alternative and where the best mitigation measures feasible have been provided to minimize adverse environmental effects. The County must require accurate delineation of riparian corridors to ensure consistency with this policy. Proposed wells, tree removal, road construction, and other permissible uses within riparian corridors per the cited policy should not be permitted if there are any feasible alternatives (e.g., reduction in the proposed number of lots).
4. Wetland buffer areas and setbacks. TAP Section 3.30-B-3 restricts development in Wetland Buffer Areas (as defined in the policy) and requires that any such development permitted in these areas shall not degrade the adjacent coastal wetlands or detract from their natural resources values. The policy also requires that setbacks from coastal wetlands in rural areas shall be between 100 and 200 feet, and the prescribed setback shall be based on upon a site-specific analysis of the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on wetland habitat values. The policy requires that the precise width of the setback shall be sufficient to prevent significant effects to the wetland. The project proposes a 100-foot setback from a coastal wetland, with provision that required improvements to Anderson Lane and the private road be permitted within that setback (i.e., development less than 100 feet from the delineated wetlands). All setback distances shall be consistent with TAP Section 3.30-B-3-d, and the County findings should include an analysis of appropriate setbacks to ensure no significant impacts to the wetland(s) based on the maximum development potential of the subdivision project. In addition, if the project as proposed cannot satisfy the prescriptive standards of TAP Section 3.30-B-3-d, then the number of proposed lots should be reduced such that the prescriptive standards can be met. It is not appropriate to apply 3.30-B-3-e (setback reduction) to the proposed subdivision project, since that policy is applied only in situations when the prescribed buffer would prohibit development of the site for the principal use for which it is designated. The subject property already is developed for the principal use for which it is designated (rural residential development), and the proposed lot subdivision is not a principally permitted use.

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5. Water supply. The 2008 well data used to provide evidence of adequate groundwater capacity for domestic water servicing of the proposed development is outdated. It is noted that LACO checked the depth to groundwater on August 16, 2014 to verify continued groundwater availability, and the results of that testing "were generally consistent with the results from 2008..." However, given the prolonged drought suffered by the County over the past approximately five years and the numerous capacity/supply issues that existing wells in the Trinidad region (and elsewhere in the County) have recently experienced (which have necessitated the issuance of emergency permits for the drilling of additional deeper wells), the County should require the completion of comprehensive updated water supply testing for the proposed maximum subdivision build-out. The County also should require a cumulative impacts analysis to examine the potential impacts of the maximum potential development scenario on the groundwater aquifer as it relates to surrounding wetlands, streams, and other water resources in the area. This type of analysis is necessary for the County to determine project consistency with TAP Section 3.30-B-3.

Thank you for the opportunity to provide comments on the proposed application. If you have any questions, please contact me at (707) 826-8950.

Sincerely,



SIGNATURE ON FILE



Melissa B. Kraemer  
Supervising Planner

Cc: Planning Commission Clerk, Humboldt County Planning and Building Dept.

**ATTACHMENT B**

**Resolution of the Planning Commission, Resolution No. 15-21**

**EXHIBIT NO. 13**

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**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 15-21**

**Case Numbers FMS-08-02, CDP-08-25  
Assessor Parcel Number 515-191-037**

**MAKES THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT AND CONDITIONALLY APPROVES THE HOMAN FINAL MAP SUBDIVISION APPLICATION**

**WHEREAS**, LACO Associates, on behalf of the owners, submitted an application and evidence in support of approving the subdivision of an approximately 19 acre parcel into six (6) lots ranging in size from 2.2 – 6.9 acres in size and consisting of two phases; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the County Planning Division prepared a draft Mitigated Negative Declaration, included in Attachment 4, which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15074 of the Public Resources Code; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed subdivision.

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

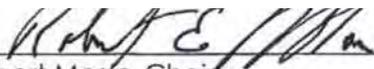
1. The Planning Commission approves the proposed Mitigated Negative Declaration in Attachment 5, as required by Section 15074(b) of the CEQA guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers FMS-08-002/CDP-08-025 based on the submitted evidence.
3. The Planning Commission conditionally approves the proposed subdivision as recommended in the Planning Division staff report for Case Numbers FMS-08-002/CDP-08-025.

Adopted after review and consideration of all the evidence on July 16, 2015.

The motion was made by Commissioner Ulansey and seconded by Commissioner Shepherd.

AYES: Commissioners: Ulansey, Levy, McKenny, Morris, Edmonds, Shepherd, Bongio  
NOES: Commissioners: None  
ABSTAIN: Commissioners: None  
ABSENT: Commissioners: None  
DECISION: Motion carries 7/0.

SIGNATURE ON FILE

  
\_\_\_\_\_  
Robert Morris, Chair

I, Catherine Munsee, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the a matter by said Commission at a meeting he

SIGNATURE ON FILE

  
\_\_\_\_\_  
Catherine Munsee, Clerk

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**ATTACHMENT C**

**Planning Commission Staff Report**

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**COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 16, 2015  
To: Humboldt County Planning Commission  
From: Kevin R. Hamblin, Director of Planning and Building Department  
Subject: Homan Final Map Subdivision and Coastal Development Permit  
Application Number 9501  
Case Number FMS-08-002, CDP-08-025  
Assessor Parcel Number 515-191-037  
101 Anderson Lane, Trinidad

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Please contact Trevor Estlow, Senior Planner at 268-3740 if you have any questions about the scheduled public hearing item.

cc: Applicant, Agent, Land Use Division, California Coastal Commission

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**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> July 16, 2015	<b>Subject</b> Final Map Subdivision and Coastal Development Permit	<b>Contact</b> Trevor Estlow
--------------------------------------	--	---------------------------------

**Project Description:** A phased Final Map Subdivision to create six (6) parcels ranging in size from approximately 2.2 acres to 6.9 acres. The objective is to create separate legal lots consistent with a 2-acre minimum parcel size, suitable for residential development, while protecting sensitive habitat and visual qualities. The project will be developed in two phases. The existing approximately 19-acre parcel is developed with one residence. The property has frontage on Anderson Lane and Stagecoach Road. Access is from a private road from Anderson Lane, which serves the single-family home on the property and two off-site residences. A similar Final Map Subdivision was previously proposed on the subject site to create nine (9) parcels. Prior to the public hearing for that project, County Staff, affected regulatory agencies and the applicant had reached agreement regarding the conditions of approval that would be applied to the project. The current application has been modified to reduce the number of parcels and limit tree removal. All new development will be served by on-site domestic water wells and wastewater disposal systems.

**Project Location:** The project site is located in Humboldt County, in the Trinidad area, on the northwest side of Anderson Lane, approximately 350 feet northeast of the intersection of Anderson Lane with Stagecoach Road, on the property known as 101 Anderson Lane.

**Present Plan Designation:** Rural Residential (RR(a)) Trinidad Area Plan (TAP). Density: one unit per 2 acres. Slope Stability: Moderate Instability.

**Present Zoning:** Rural Residential Agriculture with combining zones for Manufactured Homes, Alquist-Priolo Fault Hazard and Design Review (RA-2-M/G,D).

**Application Number** 9501

**Case Numbers:** FMS-08-002, CDP-08-025

**Assessor Parcel Number:** 515-191-037

**Applicant**

John and Katrin Homan  
PO Box 1261  
Trinidad, CA 95570

**Owner(s)**

same as applicant

**Agent**

LACO Associates  
Randy Rouda  
21 W. 4<sup>th</sup> Street  
Eureka, CA 95501

**Environmental Review:**

Environmental review is required.

**Major Issues:**

Geologic stability, neighborhood compatibility

**State Appeals Status:**

Project is appealable to the California Coastal Commission

<p><b>EXHIBIT NO. 13</b> A-1-HUM-15-0065 Page 49 of 195</p>
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## Homan Final Map Subdivision and Coastal Development Permit

Case Numbers: FMS-08-002, CDP-08-025

Assessor Parcel Number: 515-191-037

### RECOMMENDED COMMISSION ACTION:

1. Describe the application as a Public Hearing.
2. Allow the staff to present the project.
3. Open the public hearing; and
4. After receiving testimony, close the hearing and make a motion to:

Adopt the Mitigated Negative Declaration, make all of the required findings for approval of the Final Map Subdivision and Coastal Development Permit, based on evidence in the staff report and public testimony, and adopt the resolution approving the Homan project subject to the recommended conditions.

### Executive Summary:

The applicant is proposing a Final Map subdivision of an approximately 19 acre parcel into six (6) lots ranging in size between 2.2 acres and 6.9 acres. The proposed subdivision will occur in two phases. Phase 1 will include the creation of Parcels 1 – 3, and Phase 2 will include the creation of Parcels 4 – 6. The parcel is currently developed with a single family residence, on-site sewage disposal system and six wells, four of which will serve the subdivision and were necessary to complete water availability testing. According to the Trinidad Area Plan (TAP), this area of Trinidad "south of Martin Creek and east of Stagecoach Road to the Trinidad City limit line includes about 100 acres. The current (circa 1985) average size (arithmetic mean) is three acres. The modal average (most frequently occurring parcel size) is two acres. The area is planned for a one unit per two acre density." The proposed subdivision is well within the prescribed density.

Proposed Parcel 1 will gain access off of Stagecoach Road, a County maintained road, and proposed Parcels 2 – 6 will all gain access off of a private road off of Anderson Lane, a County maintained road. In general, Stagecoach Road is 18 to 23 feet wide with few shoulders and no pedestrian improvements. Near the Trinidad city limits, a storm damage site has reduced the width of the road to 12 to 14 feet for approximately 100 feet. Except for the storm damage site, Stagecoach Road meets the minimum width requirements for a Category 4 road. In general, Anderson Lane is approximately 17 to 18 feet wide with few shoulders and no pedestrian improvements. The applicant will be required to improve both road frontages as part of the subdivision.

This parcel is located in the Trinidad area, east of Stagecoach Road and in the Coastal Zone. The parcel is located in the Coastal Scenic area which requires certain siding and roofing materials, additional setbacks from public roads, siting of homesites on flatter portions and that timber harvests comply with timber harvest visual standards for Special Treatment Areas. The proposal does include the removal of up to 40 trees over 12 inches diameter at breast height (dbh). The trees may be removed to accommodate subdivision improvements. Additional tree removal, in accordance with Coastal Development Permits, is likely to occur in the future to accommodate residential development. To mitigate the visual impacts of the tree removal, a 50-foot tree preservation buffer will be maintained along Stagecoach Road and Anderson Road. Additionally, the applicant will make an initial tree planting of 100 mixed redwood, fir and spruce trees with plantings distributed on all parcels. Such trees are intended to replace trees associated with road improvements as well as residential development. Pre-planting will provide an opportunity for such trees to become well established prior to the removal of existing trees. The tree removal will require a Timberland Conversion Permit from the California Department of Forestry and Fire Protection (Calfire). This has been made a condition of approval.

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This parcel is within the Alquist-Priolo Special Studies Hazard area as mapped on the Trinidad quad USGS map. LACO Associates prepared a Fault Evaluation Report (FER) which was reviewed by the County's contracted geologist, Giblin & Associates, and found to be in compliance with the State's regulations. In one of the trenches, evidence of faulting was observed, however, setbacks were recommended and approved by Giblin Associates. The buildable areas are shown on the tentative map and will be shown on the Development Plan.

The applicant has submitted a report prepared by LACO Associates titled Aquifer Test Results for Domestic Wells DW-1 Through DW-6. The report contains the results of the aquifer testing conducted at the subject parcel during the Humboldt County dry-weather testing period in 2008. Six drawdown production tests were conducted simultaneously on six water wells between September 30 and October 1, 2008. A subsequent single well test was performed for DW-1 on October 5 and 6, 2008. The production tests were conducted in accordance with Humboldt County Division of Environmental Health policies. The report concludes that sufficient water is available to supply a minimum of 21 dwelling units and a maximum of 27 dwelling units without causing sustained reduction in the local aquifer. Testing indicated that drawdown of on-site monitoring wells ranged from 0.1-feet to 0.14 feet. Drawdown in creekside observation wells was a maximum of 0.01 feet. No drawdown was observed in the neighboring well. As water shortages are well known in the Trinidad area, this testing was done to assure that adequate water is available for maximum buildout and that water use will not affect surrounding users or the stream flow. In 2014 staff received comments from the California Department of Fish and Wildlife with concerns regarding one of the test wells. LACO Associated provided a Technical Memorandum dated February 20, 2015 (Attachment 3) addressing these concerns.

The site is located across Stagecoach Road from Trinidad Beach State Park. With the exception of the parcels associated with the park, the neighborhood surrounding the proposed project is typified by lots ranging from one to three acres. A subdivision along Seascape Lane, approximately ¼ mile to the north, consists of 11 lots of approximately 6,000 to 12,000 square feet. The developed portions of the City of Trinidad are located approximately ¼ mile south of the site. At 19 acres, the subject parcel is currently the largest residentially designated parcel in the vicinity, with the next largest being a 12 acre parcel located just to the north.

Each site will be served by on-site wastewater disposal systems. Such systems require mandatory setbacks for leach fields from property lines, streams and water wells. Leach field sizing varies by the number of bedrooms in primary or secondary residences proposed, as well as the soil characteristics, depth to groundwater, and type of system. An on-site wastewater system evaluation was prepared by Pacific Watershed Associates and amended by LACO Associates to address the potential to accommodate the additional bedrooms associated with secondary dwelling units. Primary and secondary leach field areas meeting the minimum sizing standards called for in the studies and meeting all mandatory setbacks are shown on Tentative Map Sheet 4 of 12. The Division of Environmental Health has reviewed and accepted the technical studies and leach field areas.

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

#### **ALTERNATIVES:**

1. The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

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**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 15-**

**Case Numbers FMS-08-02, CDP-08-25  
Assessor Parcel Number 515-191-037**

**MAKES THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT AND CONDITIONALLY APPROVES THE HOMAN FINAL MAP SUBDIVISION APPLICATION**

**WHEREAS**, LACO Associates, on behalf of the owners, submitted an application and evidence in support of approving the subdivision of an approximately 19 acre parcel into six (6) lots ranging in size from 2.2 – 6.9 acres in size and consisting of two phases; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is subject to environmental review pursuant to of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the County Planning Division prepared a draft Mitigated Negative Declaration, included in Attachment 4, which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15074 of the Public Resources Code; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed subdivision.

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

1. The Planning Commission approves the proposed Mitigated Negative Declaration in Attachment 5, as required by Section 15074(b) of the CEQA guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers FMS-08-002/CDP-08-025 based on the submitted evidence.
3. The Planning Commission conditionally approves the proposed subdivision as recommended in the Planning Division staff report for Case Numbers FMS-08-002/CDP-08-025.

Adopted after review and consideration of all the evidence on July 16, 2015.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES:           Commissioners:  
NOES:           Commissioners:  
ABSTAIN:       Commissioners:  
ABSENT:        Commissioners:  
DECISION:

\_\_\_\_\_  
Robert Morris, Chair

I, Catherine Munsee, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
Catherine Munsee, Clerk

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## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

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

Subdivision Findings: Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (HCC) specify the findings that must be made to approve tentative subdivision maps. Basically, the Hearing Officer may approve a tentative map and the special permit if the applicants have submitted evidence which supports making all of the following findings:

- A.1. That the proposed subdivision together with the provisions for its design and improvements, is consistent with the County's General Plan.
- A.2. That the tentative subdivision map conforms with the requirements and standards of the County's subdivision regulations.
- A.3. That the proposed subdivision conforms to all requirements of the County's zoning regulations.
- A.4. The proposed subdivision is not likely to cause substantial environmental damage.
- A.5. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare.

Coastal Development Permit and Special Permit Findings: The Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit and Special Permit:

- B.1. The proposed development is in conformance with the County General Plan;
- B.2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
- B.3. The proposed development conforms with all applicable standards and requirements of these regulations; and
- B.4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to property or improvements in the vicinity.
- B.5. Title III, Division 1, Chapter 2 of the H.C.C. specifies that in addition to the required findings specified in Title III, Division 1, of the H.C.C., the Hearing Officer may approve or conditionally approve an application for a Special Permit and Coastal Development Permit only if the following Supplemental Findings are made.

#### §312-26.1 ALQUIST-PRIOLO GEOLOGIC FAULT HAZARD AREAS

26.1.1 A report has been prepared and reviewed or waived pursuant to this section; and,

26.1.2 A project as proposed will not cause or allow a structure for human

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to be placed within fifty (50) feet of a trace of an active fault; and,

26.1.3 The project otherwise conforms to the recommendations and conclusions of the geologic report that has been concurred with by the County reviewing geologist; and,

26.1.4 The project is not in conflict with any of the County reviewing geologist's final recommendations.

#### §312-39.3 COASTAL SCENIC AREAS

39.3.1 The project is sited and designed to be subordinate to the character of the setting.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

A.6/B.6 a) The project is either categorically or statutorily exempt; or

b) There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or

c) An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

**Staff Analysis:**  
 SUBDIVISION, COASTAL DEVELOPMENT & SPECIAL PERMIT FINDINGS

**A.1/B.1. General Plan Consistency:** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in Chapters 2-4 of the Framework Plan (FP) and Trinidad Area Plan (TAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§3.21B(2)(d) Rural Residential (RR) TAP	Rural Residential – East Stagecoach Road (south) area Density: one unit per two acres	Subdivision of the existing ± 19-acre parcel to create six residential lots developed in two phases. All parcels have the potential to be developed with secondary dwelling units provided the access roads are developed to a Road Category 4 standard, however, lots 4-6 will convey secondary dwelling unit rights until such time the access road is improved to a Road Category 4 standard. A secondary dwelling unit on Lot 6 will require an on-site wastewater study and an amendment to the Fault Evaluation Report for a potential building site. Future development of individual lots will require a separate CDP approval by the County.

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<p>Hazards §3.16 TAP Geologic</p> <p>Flood</p> <p>Fire</p>	<p>New construction shall be built to help protect occupants from hazards.</p>	<p>The property is located in an area of moderate slope instability and within the Alquist-Priolo Fault Hazard Zone. LACO Associates prepared a Fault Evaluation Report (FER) in December 2008 because of the site's location within the Alquist-Priolo Special Studies Hazard Zone. The FER identified the approximate location of a fault in the southern portion of the parcel running almost parallel just north of the unnamed stream. This is shown in Figure 4 of the FER. The area suitable for residential development is shown in Figure 5 of the FER as well as on sheet 3 of the tentative map. These mapped outcomes shall be illustrated on the Development Plan as a condition of subdivision approval.</p> <p>The proposed building sites are located outside mapped flood hazard areas. There is no flood hazard associated with the unnamed stream per FIRM Map Panel 060060 0450B (July 19, 1982) and, with building sites at between 200 and 300 feet in elevation, outside the zone of potential inundation by a tsunami. The site is not shown on the Planning Scenario for a Great Earthquake on the CSZ (CDMG, 1995, Map S-1). The project site is not within a mapped dam or levee inundation area.</p> <p>The area has a low fire hazard rating. All development will be in accordance to Fire Safe standards.</p>
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<p>Biological §3.30 TAP</p>	<p>To protect designated sensitive habitats and natural resources.</p> <p>§3.30.B.d: Outside an Urban Limit Line, the setback shall 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 wetland habitat values. The precise width of the setback shall be sufficient to prevent significant effects to the wetland.</p>	<p>An unnamed stream flows through the southern portion of the parcel, crosses Stagecoach Road and then flows through College Cove to the ocean. Winzler &amp; Kelly (now GHD) performed a stream transition line and wetland delineation for the subject parcel. Some wetland areas were delineated within the riparian buffer and a 100 foot buffer was proposed from the stream transition line or outer edge of the wetland areas, whichever was greater. In addition, a small isolated wetland was identified on the site at the intersection of the access road and Anderson Lane. A 100 foot setback will be required from this wetland as well. The report determined that the 100 foot setback is adequate to protect the habitat values of the creek and adjoining wetlands. The riparian and wetland buffer are shown on the tentative map and will be included on the development plan and labeled "non-buildable". A representative from the California Department of Fish and Wildlife has visited the site and reviewed the proposed setback/buffer areas and found them adequate. A response from Fish and Wildlife is included in Attachment 5.</p>
<p>Cultural Resources §3.16 TAP</p>	<p>To protect designated historical and archeological resources.</p>	<p>Referral comments received from the Northwest Information Center recommended further study. The Yurok Tribe was then contacted for further review. The Tribe conducted two site visits and did not find evidence of archeological or cultural material. The applicant has agreed to allow for a paid Yurok Tribe monitor to be present during initial ground disturbance for all proposed ground disturbance activities.</p>
<p>Public Services §3.23 TAP</p>	<p>All subdivisions shall provide road access to County maintained roads.</p>	<p>The proposed parcels will gain access via Stagecoach Road and Anderson Lane, both County maintained roads. Water and sewer will be provided by individual systems.</p>

<p>Visual Resources §3.40 TAP</p>	<p>No development shall be approved that is not compatible with the physical scale of development as designated in the Area Plan and zoning for the subject parcel (3.40B)</p>	<p>The proposed subdivision will create five new vacant parcels (six total) with a single family residence developed on each one at some point in the future. The parcels would qualify for the construction of a secondary dwelling unit, however, historically less than 10% of lots have been developed in this manner. Any future development of homesites will require a Coastal Development Permit as well as a Special Permit for Design Review. Approximately 40 trees over 12" dbh are proposed to be removed to accommodate subdivision improvements. Additional tree removal, in accordance with Coastal Development Permits, is likely to occur in the future to accommodate residential development. To mitigate the visual impacts of the tree removal, a 50-foot tree preservation buffer will be maintained along Stagecoach Road and Anderson Road. Additionally, the applicant will make an initial tree planting of 100 mixed redwood, fir and spruce trees with plantings distributed on all parcels. Such trees are intended to replace trees associated with road improvements as well as residential development. Pre-planting will provide an opportunity for such trees to become well established prior to the removal of existing trees.</p>
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**§3.40(B)(3)c states "All permitted development shall be subject to the following standards for siting design except for structures integral to agricultural land use and timberland management subject to CDF requirements for special treatment areas."**

<p>1. Siding and roofing materials shall not be of reflective materials, excepting glass and corrugated roofing.</p>	<p>No structures are proposed with this subdivision. Future development will require separate Coastal Development Permits and be required to meet these standards.</p>
<p>2. The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 40 feet from the lowest point of the foundation.</p>	<p>No structures are proposed with this subdivision. Future development will require separate Coastal Development Permits and be required to meet these standards.</p>
<p>3. Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 30 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.</p>	<p>The proposed project is for a subdivision with no structural development proposed.  Given that the area is developed at greater than 50%, staff analyzed the average setbacks using the County's GIS measurement tool. The results yielded a front yard setback of 89 feet</p>

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	<p>a rear yard setback of 149 feet and a side yard setback of 137 feet. Such setbacks would prohibit development on at least 1.5 acres in an area that permits two-acre parcel sizes and in which development constraints such as steep slopes, environmentally sensitive areas, seismic exclusion zones, and setbacks to accommodate wells and septic systems are common. Therefore, the applicant has requested that the Design Assistance Committee approve modified setbacks (pursuant to Section 3.40.B.5 of the TAP) to accommodate a reasonable degree of development flexibility on the proposed lots.</p> <p>The building setbacks for the lots created by subdivision are proposed to be 50 feet from all public roads and 30 feet from all property lines.</p> <p>Except for conforming to the average yard setbacks of existing development, the proposed project is in conformance and is compatible with the goals and objectives of the Coastal Scenic and other applicable plan policies.</p>
<p>4. Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property.</p>	<p>No structures are proposed with this subdivision. Future development will require separate Coastal Development Permits and be required to meet these standards.</p>
<p>5. New homesites shall be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and location of existing parcels requires development on hillsides sites, new construction or grading shall follow the natural contours of the landscape, fitting the site rather than altering the landform to accommodate buildings designed for level sites and concentrating development near existing major vegetation.</p>	<p>No structures are proposed with this subdivision, however, building sites and leachfield areas have been designated on the tentative map. The proposed development will be predominantly located on the portions of the site with modest slopes as described in Section 3.40.B.3.c of the TAP. Lots 1 – 3 provide buildable areas on the lower terrace of the property. The buildable areas of Lots 4 and 5 include generally level areas which will not require substantial grading but which are located on higher elevations on the property at or near the ridgeline.</p>
<p>6. New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline</p>	<p>Existing trees are available to screen new development on the higher elevations as described in Section 3.40.B.3.c(6) in the TAP and will continue to define ridgeline views. Coastal Development Permits</p>

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silhouettes.	residential development will include specific discussion of the techniques incorporated to limit grading and to take advantage of existing major vegetation to avoid significant alteration of ridgeline vista views.
7. Timber harvest and activities related to timber management exempt from CDF regulation shall conform to timber harvesting visual standards for Special Treatment Areas.	The project will likely require a Timberland Conversion Permit which will adhere to the visual standards for Special Treatment Areas.
<p><b>§3.40(B)(5) states "Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Assistance Committee for review and approval.</b></p>	
<p>The proposed development meets all of the above criteria except the setback requirement. When combined with other factors including slope, septic location, grading, and tree removal, the lot configuration and location of development is appropriate. The proposed development will be outside of view from the closest publicly traveled road (Patricks Point) and will not be visible from the coast. These factors should help minimize any potential visual disturbance to the neighborhood.</p> <p>Section 3.40d in the Trinidad Area Plan states that "Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Review Committee for review and approval." Where no Board of Supervisors appointed Design Review Committee has been formed, the Hearing Officer, in this case, the Planning Commission, functions in this capacity.</p> <p>Staff believes the finding can be made that the proposed project is in conformance and compatible with the goals and objectives of this section and the Area Plan.</p>	

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**A.2. Subdivision Regulations:** The following table identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies and standards in Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code (HCC).

Section(s)	Summary of Applicable Subdivision Requirements	Evidence Which Supports Making The Subdivision Requirement Finding
Lot Suitability 322-3	All lots shall be suitable for their intended uses.	The staff site inspections, referral comments and geologist/biologist recommendations all indicate that the proposed subdivision meets the required standards.
Access and Drainage 324-1	Improvements shall be required for the safe and orderly movement of people and vehicles.	The LUD has required the applicant to be responsible to correct any involved drainage problems to the satisfaction of the Department of Public Works.  Project requires the additional dedication of a 25' wide strip from the centerline of Stagecoach Road for County maintenance purposes. Any road work necessary per LUDs conditions will require an encroachment permit.
Sewer & Water 324-1 (d)	The subdivider shall construct the sewer and water systems to the standards of the governmental entities, which will accept and maintain those systems.	All parcels will be served by individual on-site sewer and water facilities. The appropriate testing has occurred and been provided to DEH which has recommended approval of the project based on these findings.
Access Road App. 4-1	Roadway design must incorporate a 40-foot right of way.	Parcel 1 will be served by a driveway taking access off of Stagecoach Road. The remaining parcels will take access off of a private road that takes access off of Anderson Lane. All three roads involved in the subdivision will be improved to comply with the Firesafe Ordinance.
Parking App. 4-2	Parking shall be provided for each parcel.	The subdivision will provide for off-street parking, resulting in 4 spaces per parcel and shall be required on each lot as it develops.

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<p>Solar Analysis 322.5</p>	<p>The design of subdivision shall provide, to the extent feasible, passive or natural heating and cooling.</p>	<p>The applicant requests an exemption to the Solar Access standards pursuant to Section 322.5-8 of the County's Subdivision Regulations for all of the lots in the subdivision. Pursuant to Section 322.5-9, an exemption may be granted if a finding is made that all lots in the proposed development are one (1) acre or larger in size and lot configuration does not constrain solar access. With a required 30 to 50 foot setback from all property lines, a 35 foot height limit and a staggering of lots, adequate solar access will be available to all lots.</p>
<p>Structural Fire Protection CGC §66474.02</p>	<p>Areas within State Responsibility Areas (SRA) require a finding that structural fire protection and suppression services will be available to the subdivision by County, special district, or other the entity organized solely to provide fire protection services that is monitored or funded by the County, or by contract entered into with the Department of Forestry and Fire Protection.</p>	<p>Structural fire protection and suppression services are provided through contract with CalFire by County Service Area #4.</p>

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**A.3/B.2./B.3. Zoning Compliance:** The following table identifies the evidence which supports finding that the proposed subdivision is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Rural Residential Agriculture RA-2-M/G, D	Summary of Applicable Requirement	Evidence
Principal Permitted Use:	Principally permitted uses include single family residential, second residential unit and general agriculture.	The parcel is currently developed with a single family residence. The subdivision will divide the 19 acre parcel into 6 parcels all capable of being developed with a single family residence and secondary dwelling unit. All future proposed development will require a Coastal Development Permit.
Minimum Parcel Size:	2 acres	Parcels will be between 2.2 acres and 6.9 acres in size.
Minimum Lot Width at front yard setback:	175'	All lots are over 175 feet wide.
Maximum Lot Depth:	4 x width	All parcels will comply.
Lot Coverage:	35% maximum	All proposed parcels will be developed to a level significantly below the 35% maximum.
Yard Setbacks: <i>Firesafe setbacks apply</i>	50' from public road and 30' from property lines per Visual Resources, §3.40B(3)(c), TAP	Building envelopes reflect these setbacks and future development of the parcels will be required to comply with this standard.
"M" - Manufactured Homes §313-28.1, HCC	Where the development standards are modified for the sole purpose of allowing manufactured homes.	No manufactured homes are proposed at this time.

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<p>"G" – Alquist-Priolo Fault Hazard §313-22, HCC</p>	<p>The purpose of these provisions is to implement the A-P Special Studies Zones Act in order to address potential hazards resulting from surface faulting or fault creep.</p>	<p>This parcel is within the A-P Special Studies Hazard area as mapped on the Trinidad Quad. LACO Associates prepared a Fault Evaluation Report (FER) which was reviewed by the County's contracted geologist, Giblin &amp; Associates, and found to be in compliance with the State's regulations. In one of the trenches, evidence of faulting was observed, however, the observed fault offset is pre-Holocene and is therefore by definition not active. Setbacks were recommended and approved by Giblin Associates. The buildable areas are shown on the tentative map and will be shown on the Development Plan.</p>
<p>"D" – Design Review, §313.19, HCC</p>	<p>The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.</p>	<p>No residential development is proposed at this time. Future construction of residences will require a separate Coastal Development Permit and Special Permit for Design Review. Per the Visual Resources section of the TAP, all development will be set back a minimum of 50' from Stagecoach Road and Anderson Lane. Vegetation removal for the subdivision includes the removal of up to 40 trees over 12 inches diameter at breast height (dbh) for subdivision improvements.</p>
<p>Major Vegetation Removal §313-64, HCC</p>	<p>Major vegetation removal may be permitted with a Special Permit in all zones, as an accessory use associated with a principally or conditionally permitted use.</p>	<p>The vegetation removal will consist of the removal of up to 40 trees over 12 inches dbh and will require a Timberland Conversion Permit from Calfire. The trees range in size from 12 inches up to 48 inches dbh and include a mix of fir, redwoods, and spruce. The trees to be removed are approximately 5% of the total trees onsite. In order to minimize the visual impacts, a 50-foot tree preservation buffer will be maintained along Stagecoach Road and Anderson Road. Additionally, the applicant will make an initial tree planting of 100 mixed redwood, fir and spruce trees with plantings distributed on all parcels.</p>

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313-106.5 Rural Residential Agriculture (RA) Land Division	Land divisions in coastal areas zoned RA shall be permitted only if at least fifty percent (50%) of the lots in the same zone, and within the same Coastal Land Use Planning Area where the proposed development is to be located, have been developed with a permitted main building.	A survey of the surrounding parcels zoned RA found that well over 50% of the surrounding parcels were developed with a permitted main building.
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**B.5 Supplemental Findings**

<b>§312-26.1 Supplemental Alquist-Priolo Geologic Fault Hazard Area Findings</b>	
A report has been prepared and reviewed or waived pursuant to this section; and	A Fault Evaluation Report was prepared by LACO Associates (December 2008) and reviewed by Giblin Associates, the County reviewing geologist.
A project as proposed will not cause or allow a structure for human occupancy to be placed within fifty (50) feet of a trace of an active fault; and	The buildable area for structures intended for human occupancy is shown on the tentative map and reflects a minimum of a 50 foot setback from all active fault traces.
The project otherwise conforms to the recommendations and conclusions of the geologic report that has been concurred with by the County reviewing geologist; and	The Fault Evaluation Report was reviewed by Giblin Associates, the County reviewing geologist and the project reflects the recommendations and conclusions identified in the report.
The project is not in conflict with any of the County reviewing geologist's final recommendations.	The project is consistent with the County reviewing geologist's final recommendations. (see approval letter dated January 20, 2009 included in Attachment 5)
<b>§312-39.3 Supplemental Coastal Scenic Area Findings</b>	
The project is sited and designed to be subordinate to the character of the setting.	There will be some earthwork and tree removal necessary for the two phases of the subdivision, however, the trees to be removed are approximately 9% of the total trees onsite. In order to minimize the visual impacts, and to keep the project subordinate to the setting, a 50-foot tree preservation buffer will be maintained along Stagecoach Road and Anderson Road. Additionally, the applicant will make an initial tree planting of 100 mixed redwood, fir and spruce trees with plantings distributed on all parcels.

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**A.5/B.4. Public Health, Safety and Welfare:**

<b>The project will not be detrimental to the public health, safety and welfare because:</b>	<b>Evidence supporting the finding:</b>
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 5.
The proposed project is consistent with the general plan.	See Section 1, above.
The proposed project is consistent with the zoning.	See Section 3, above.
The proposed project will not cause environmental damage.	See initial study (Attachment 4)

**A.4/A.6/B.6 Environmental Impact:**

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project.** The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.00. [Note: in order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2015 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,210.00 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #14 of Attachment 1.

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### ATTACHMENT 3

#### Applicants' Evidence In Support of the Required Findings

Document	Date Received by Planning	Location
Tentative Subdivision Map	10/16/14	Attached
Application Form	10/16/14	On file with Planning
Project Description	10/16/14	Attached
Preliminary Title Report	10/16/14	On file with Planning
Exception Request for Solar Access	10/16/14	On file with Planning
Fault Evaluation Report (LACO, Dec. 2008)	10/16/14	On file with Planning
R-1 Engineering Geologic/Foundation and Soils Report (LACO, Dec. 2008)	10/16/14	On file with Planning
Stream Transition Line and Wetland Delineation (Winzler & Kelly, April 2008)	10/16/14	On file with Planning
Terrestrial Vertebrate Survey (Winzler & Kelly, November 2008)	10/16/14	On file with Planning
Special Status Plant Survey (Winzler & Kelly, November 2008)	10/16/14	On file with Planning
Technical Memorandum – Biological Resources Study Update	10/16/14	Attached
Technical Memorandum – Response to CDFW Concerns   Water Supply Study Update	3/10/15	Attached
Aquifer Test Results for Domestic Wells	10/16/14	On file with Planning
On-Site Wastewater Evaluation (Pacific Watershed Associates, February 2009)	10/16/14	On file with Planning

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**Homan Project Description  
Proposed Homan Subdivision  
Assessor's Parcel Number 515-191-037  
101 Anderson Lane, Trinidad, California**

**OVERVIEW/OBJECTIVE**

This project is a phased Final Map Subdivision to create six (6) parcels ranging in size from approximately 2.2 acres to 6.9 acres. The objective is to create separate legal lots consistent with a 2-acre minimum parcel size, suitable for residential development, while protecting sensitive habitat and visual qualities. The project will be developed in two phases. The existing approximately 19-acre parcel is developed with one residence. The property has frontage on Anderson Lane and Stagecoach Road. Access is from a private road from Anderson Lane, which serves the single-family home on the property and two off-site residences.

All new development will be served by on-site domestic water wells and wastewater disposal systems.

*Table 1. Lot size*

<b>Lot</b>	<b>Size (acres)</b>	<b>Phase</b>
1	2.3	1
2	6.9	1
3	2.6	1
4	2.3	2
5	2.2	2
6	2.3	2
<b>Total</b>	<b>18.6 acres</b>	
<b>Average</b>	<b>3.1 acres</b>	

**LOCATION**

The project site is situated approximately ½ mile north-northwest of the city of Trinidad, within the unincorporated area of Humboldt County. The site is located in the NE ¼ of Section 23, T. 8 N., R. 1 W., Humboldt Baseline and Meridian at approximately 41.0686° latitude and -124.1461° longitude. The subject parcel is currently identified as Assessor Parcel Number 515-191-037 and the site address is 101 Anderson Lane.

The City of Trinidad, with 361 residents (California Department of Finance, 2014), is the nearest population center. Surrounding land uses are primarily rural residential and public lands with some commercial and commercial recreation uses.

21 W. 4th Street, Eureka, California 95501 707 443-5054 Fax 707 443-0553  
 311 S. Main Street, Ukiah, California 95482 707 462-0222 Fax 707 462-0222  
 3450 Regional Parkway, Suite B2, Santa Rosa, California 95403 707 525-1222

Toll Free 800 515-5054 www.lacaassociates.com

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## ACCESS

The site has frontage on two public roads: Stagecoach Road and Anderson Lane. Access to the site is currently provided from a private road on Anderson Lane (County Road NO 3N500) that serves the residence on the project site and two off-site residences. The private road bisects the entire property and has a paved surface that varies in width from approximately 12 feet to 18 feet. As part of the subdivision, the lane will be improved to road category 3, with a paved surface width of 16 feet with 2-foot bladed or gravel shoulders. The existing graded road bed has sufficient width to permit widening of the private road to a total width of 20 feet with minimal excavation. The existing intersection of the private road with Anderson Lane will be improved to meet Humboldt County Fire Safe standards. The existing private road will provide access to Lots 2 through 6 and will continue to serve two off-site parcels. A single, new 10-foot-wide driveway from Stagecoach Road will be constructed in the northwest corner of the property to serve Lot 1. Encroachment permits will be required for the improvements to the private road at Anderson Lane and for the installation of the driveway at Stagecoach Road.

## WATER

Domestic water service will be provided by one existing and three proposed on-site wells. No community water service is available to the site. One production well already exists on the property (PH) and serves the existing residence and one off-site residence. Test wells were drilled and tested to verify the availability of adequate production capacity (LACO Associates, 2008). The test results indicate that adequate water supply is available to conservatively support the existing and proposed residences as well as permitted second units, if needed. LACO Associates checked the depth to groundwater on August 16, 2014, to verify continued groundwater availability. The results of that testing were generally consistent with the results from 2008 and did not show an increase in depth to groundwater.

The lot distribution and gallons-per-minute production for each well is presented in Table 2. Access to shared wells will be provided through easements.

Table 2. Well Distribution and Production Rates

Well	Gallons Per Minute	Lot/Location	Lots served
DW-1	7.5	Lot 1	1, 4, 5
DW-2	2.1	Lot 1	2
PH-1	2.1	Lot 2	6 (and off-site)
DW-6	1.5	Lot 3	3

## WASTEWATER

All lots will be served by on-site sewage disposal systems. No public sewer service is available. Each lot has been evaluated for its ability to serve both a three-bedroom primary and a two-bedroom secondary residence (Pacific Watershed Associates, 2009; LACO, 2009; and LACO, 2014). Alternatively a single residence with up to seven bedrooms can be supported on each lot. The proposed septic system design includes a standard 1,500 gallon septic tank (for up to three bedrooms), a primary leach field, and a reserve leach field. The reserve leach field is sufficient to accommodate 100 percent of the effluent in the event the primary leach field fails. Based on soil and topographic characteristics of the site, the technical evaluations each recommended a mix of gravity- and pressure-based systems as follows:

Table 3. Type of OWTS Associated with Previously Proposed and Currently Proposed Lots

PWA, 2009	LACO, 2009	LACO 2014	Type of System
Lot 1	Lot 1	Lot 1	Gravity
2	2		Gravity
3	3	Lot 2	Gravity
4	4		Gravity
5	Lot 5		Gravity
Lot 6	Lot 6	Lot 3	Pressure
Lot 7	Lot 7	Lot 4	Pressure
Lot 8	Lot 8	Lot 6	Gravity (Existing) Pressure (Future)
Lot 9	Lot 9	Lot 5	Pressure

## VEGETATION REMOVAL

The subdivision improvements and ultimate development of residences on the proposed lots are expected to require major vegetation removal as defined in the Humboldt County Zoning Ordinance (Section 313.64.1). Vegetation removal is expected to consist of the removal of selected redwood, fir, and spruce trees larger than 12 inches dbh (diameter at breast height or 1.4 meters above ground) and associated underbrush, shrubs, and smaller trees as follows:

- 1) Phase 1 (Lots 1-3): Shoulder improvements to Stagecoach Road and Anderson Lane  
 Based on initial consultation, the Humboldt County Public Works Department is expected to recommend construction of wider shoulders along Stagecoach Road and Anderson Lane, within the existing County right of way. Such improvements would require the removal of approximately 15 to 25 trees. The applicant has submitted a request for modification of the improvement standards to preserve trees and other environmentally sensitive resources.

LA

- 2) Phase 1 (Lots 1-3): Installation of a drive approach to Lot 1  
The applicant has identified a single driveway location on Stagecoach Road which will provide access to Lot 1. The driveway location was selected to minimize vegetation and tree removal, however, until final improvement plans are prepared, the applicant cannot guarantee that all existing trees will remain. Based on preliminary review, the applicant estimates that 0 to 4 trees would be removed to accommodate the proposed driveway.
- 3) Phase 1 (Lots 1-3) and Phase 2 (Lots 4-6): Intersection improvements and widening of the private road to meet County Standards  
The intersection of the existing private drive with Anderson Lane does not meet minimum width and turning radius requirements. Intersection improvements are expected to be required at Anderson Lane which will require the removal of approximately two trees. Upon completion of the subdivision, the private road will serve seven lots, including two off-site lots. Improvements to the road are expected to be required to meet a minimum 16-foot paved surface with two-foot-wide shoulders. Such improvements would require the removal of approximately 7 to 10 trees. The applicant has requested an exception to shoulder width requirements in places where a reduced requirement would preserve existing trees. Private road construction and associated tree removal is expected to occur in two phases. The intersection improvements and widening along Lot 2 and Lot 3 would occur in Phase 1. The widening along Lots 4 through 6 would occur in phase 2.

In total, subdivision improvements may require the removal of up to a maximum of 40 trees larger than 12 inches dbh.

Additional vegetation removal, in accordance with Coastal Development Permits (CDPs), is likely to occur in the future to accommodate residential development. Further tree removal may be required at some point following initial residential development for the installation of secondary leach fields. The project design includes several features to provide options for the location of residences, driveways, and primary and secondary leach fields, which would limit tree removal. Driveway locations have been selected to avoid existing trees where feasible. Primary leach fields can be developed with minimal or no removal of existing trees. Secondary leach fields have also been identified which can be developed with minimal or no removal of existing trees. Individual property owners will have the responsibility to prepare building and site designs and to secure CDP's in conformance with the requirements of the Trinidad Area Plan. In the absence of specific building designs, any estimate of the number of trees which will be approved for removal for this purpose would be speculative.

Tree removal will only occur as needed, over an extended period including Phase 1 and Phase 2 subdivision improvements, residential development, and, potentially, the development of secondary leach fields which would only be needed in the event of failure of the primary leach field. The applicant proposes the following measures to mitigate the effects of such removals.

- 1) A 50-foot-wide tree preservation buffer will be established along the frontage of Stagecoach Road and Anderson Lane and along the easterly property boundary (Lot 3, Lot 4, and Lot 5). Within the tree preservation buffer, no trees larger than 12 inches dbh will be removed except as required to comply with mandatory conditions of approval; at the direction of a government agency to comply with federal, state, or local regulations; or to remove trees identified as hazard trees by a registered professional forester, certified arborist, or similar qualified professional. Any trees removed within the tree preservation buffer, which are larger than 6 inches dbh, will be replaced with a similar species, also within the tree preservation buffer, as close to the removed tree as feasible, or as recommended by a qualified professional. A qualified professional will also be consulted to ensure that any tree trimming, limbing, or similar maintenance activities are carried out in a manner which protects the health of the individual trees and the overall health of the trees in the buffer area.



- 2) Any trees larger than 12 inches dbh removed from any location on the property will be replaced with new tree plantings of a similar species and on the same lot or as recommended by a qualified professional.
- 3) The applicant will make an initial tree planting of 100 mixed redwood, fir, and spruce trees (calculated as 40 trees for subdivision improvements and 10 trees per lot for future residential construction) with plantings distributed on all proposed parcels, concurrent with Phase 1 subdivision improvements. Such trees are intended to replace trees associated with Phase 1 improvements and to pre-plant trees which will serve as replacements for trees removed for Phase 2 improvements, residential construction, or the installation of primary and secondary leach fields. Pre-planting will provide an opportunity for such trees to become well established and, in some cases, to approach maturity prior to the removal of existing trees.
- 4) All trees planted on the subject site as required by the above conditions shall meet the following standards except as modified by a qualified professional to promote the health and survivability of the existing and new trees:
  - a. Tree species shall be native to the area and present on the subject site or on nearby parcels. Local seed stock will be used if available and suitable pursuant to the advice of a qualified professional.
  - b. New plantings shall be a minimum of one gallon upon planting and free of apparent disease or structural weaknesses.
  - c. New plantings shall be placed at a location which has the appropriate soil type, sunlight, and access to water as recommended by a qualified professional.
  - d. All trees planted pursuant to these conditions will be monitored by the applicant for a period of three years. Plantings which fail within three years will be replaced. An annual report of tree plantings and survivorship shall be submitted to the Humboldt County Planning and Building Department until all required trees have reached three years of maturity.

The California Department of Forestry (Calfire) designates the site for timber production. No active commercial forestry which would require a Timber Harvest Plan has occurred on the site for many years. The only tree removal that has occurred in recent years was related to maintenance to address storm damage. To convert the site for residential development, a Timberland Conversion Permit and Timber Harvest Plan (TCP/THP) will be submitted to Calfire subsequent to approval of the Tentative Map and adoption of CEQA findings by the County of Humboldt. Any tree removal needed to accommodate initial subdivision improvements will be addressed by this plan.

## APPROVALS REQUIRED

The proposed subdivision and subsequent residential development requires approvals from the Humboldt County Design Assistance Committee (modified setbacks), Humboldt County Planning Commission (discretionary subdivision approval and related Coastal Development Permit), Humboldt County Public Works Department (improvement plans, grading plans, encroachment permits), California Department of Forestry (Timberland Conversion Permit/Timber Harvest Plan), and the California Coastal Commission (if Coastal Development Permit is appealed). At the time of development of each individual lot, a site-specific Coastal Development Permit will be required as well as approval by the Humboldt County Department of Environmental Health (well and septic permits) and Humboldt County Building Division (building permits).

## ENVIRONMENTAL SETTING

The project is within the Trinidad watershed as identified in the Humboldt County General Plan Update Draft Environmental Impact Report (2012). The Trinidad watershed is approximately 130 square miles, beginning just south of the City of Trinidad and terminating near the community of Orick. This watershed contains a number of small streams, including Maple Creek, Little River, and Luffenholtz Creek. Over 80 percent of the land within the watershed is used for timber production. The remaining 20 percent of land is primarily divided between parks, open space, and residential development, with modest areas of commercial use. The vegetation of the Trinidad watershed is primarily coniferous forest, but also includes oak woodlands and grassland prairie (Humboldt County, 2012).

The project site is located directly east of Trinidad Beach State Park. The park offers rugged bluffs and dramatic coastal views. Prominent features include Elk Head to the north and Pewtole Island to the south. This is a popular day-use beach for area residents and tourists.

The western property boundary is located along Stagecoach Road. State park lands are located across Stagecoach Road to the west of the project site and private rural residential lands border the site to the north, east, and south. Anderson Lane bisects the southern portion of the property. The portion located south of Anderson Lane consists primarily of environmentally sensitive stream habitat, with no proposed development activity.

An officially unnamed low-gradient stream meanders through the southerly edge of the project site along a west-northwest trend. The stream crosses Stagecoach Road through a culvert and enters the state park to the west.

On the project site, forest stands are primarily open canopy second-growth Sitka spruce (*Picea sitchensis*) and scattered Douglas fir (*Pseudotsuga menziesii*), coast redwood (*Sequoia sempervirens*), and grand fir (*Abies grandis*). Canopy coverage ranges from 20 percent to 80 percent. Significant portions of the upland forest cover had been heavily damaged by wind storms in 2005 and many of the impacted trees have been removed. The understory varies from limited herbaceous cover of sword fern (*Polystichum munitum*), deer fern (*Blechnum spicant*), Siberian candy flower (*Claytonia siberica*), bracken fern (*Pteridium aquilinum*), Pacific snakeroot (*Sanicula crassicaulis*), hedge nettle (*Stachys ajugoides*), common wood rush (*Luzula comosa*), and false lily-of-the-valley (*Maianthemum dilatatum*), with recent blow down and woody debris. A shrub understory occurs where the forest is undisturbed and consists of black huckleberry (*Vaccinium ovatum*), red huckleberry (*Vaccinium parviflorum*), salal (*Gaultheria shallon*), red elderberry (*Sambucus racemosa*), and thimbleberry (*Rubus parviflorus*). A single seasonal drainage occurs in the southwest corner of the property dominated by a Sitka spruce and red alder canopy with an understory of salmon berry (*Rubus spectabilis*), slough sedge (*Carex obnupta*), skunk cabbage (*Lysichiton americana*), and water parsley (*Oenanthe sarmentosa*). Roadsides and a small clearing within the survey area are primarily vegetated by coyote brush (*Baccharis pilularis*), English daisy (*Bellis perennis*), velvet grass (*Holcus lanatus*), Himalayan blackberry (*Rubus discolor*), regenerating conifers and hardwoods, and a variety of native and non-native grasses and herbs (Winzler & Kelly Consulting Engineers, 2008).

## WETLANDS / STREAMS

As noted above, there is a stream located in the southern portion of the parcel that runs in a westerly direction. The stream which is unnamed on the USGS maps, leaves the property through a culvert on Stagecoach Road and enters Trinidad Beach State Park to the west.

There are wetlands on the north side of the stream and a small isolated wetland south of the intersection of the private road and Anderson Lane, presumably created by runoff which has no outlet at that intersection. With field assistance from California Department of Fish and Wildlife staff, a stream transition line has been established on the north side of the creek in the direction of anticipated development. The Trinidad Area Plan defines a stream transition line as the line closest to the stream where riparian vegetation is permanently established. The stream transition line shown on the Tentative Subdivision Map was set to follow the outermost line of the top of bank of the stream, the dripline of riparian vegetation, and any wetlands adjacent to the stream. In combination, this approach is a modestly more conservative estimate of the stream transition line. The area within the stream transition line is considered to be an Environmentally Sensitive Habitat Area (ESHA) with a 100-foot setback. All proposed development is 100 feet or more from the stream transition line. The isolated wetland is separated from potential development by the existing private road. The applicants have requested approval of a 100-foot building setback from the isolated wetland, with provision that required improvements to Anderson Lane and the private road would be permitted within that setback..

## TRINIDAD HEAD AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE AND WATER QUALITY

Trinidad Head Area of Special Biological Significance (ASBS) is located in the Pacific Ocean approximately 0.4 miles south of College Cove. There are 34 ASBS ocean areas throughout the state which are monitored and maintained for water quality by the **State Water Resources Control Board**. These areas are chosen because they support an unusual variety of aquatic life, and often host unique individual species. The Trinidad Head ASBS encompasses Trinidad Harbor to the south and Flatiron Rock to the northwest. The area was included in the ASBS program due to the presence of bull kelp (*Nereocystis luetkeana*) beds. The kelp beds are biologically significant because they provide food and shelter for fish and invertebrates and are relatively rare along the northern California Coast (California State Water Resources Control Board, 1979). There are two distinct areas associated with the Trinidad Head ASBS. To the south is Trinidad Harbor with commercial and recreational fishing activities, including offal disposal into the water and use of bleach to clean boats and moorings, identified as pollution sources (Gregorio et. al, 2006). The northern section of Trinidad Head ASBS is not as affected by human activities. Key pollution threats include septic tanks, year-round commercial fishing activities, and sediment from timber harvesting (California Water Resources Control Board, 1979).

The on-site stream terminates in Trinidad Beach State Park. There is no direct input to the ASBS from the on-site stream; however, the proximity of the ASBS merits additional caution with regard to surface water quality.

L/A

Given the heightened sensitivity of the off-shore environment, two potential sources of concern for surface water quality have been identified with regard to the proposed subdivision and subsequent residential development. New septic systems will be constructed on the subject site and increased storm runoff is anticipated as a result of new impervious surfaces such as roofs and driveways. The City of Trinidad and others have conducted substantial studies of the effects of septic systems on water quality in watersheds just south of the subject site. In 2013, the City of Trinidad published a brief summary of a forty-year local history of study and policy development with regard to septic systems in the Trinidad-Westhaven community. That history identified septic systems on small lots (less than one acre) and older septic systems that do not meet current standards as primary risk factors. Additional studies (Parker, 2011 and Caldwell, 2010) provide additional support for the focus on development density and older or unpermitted septic systems. The Caldwell study indicates that density of development is more directly correlated with surface water quality in nearby streams. In 2010, the City of Trinidad adopted an On-Site Wastewater Treatment System Management Program which requires regular inspection and maintenance of septic systems within the city. The City has also secured periodic grant funding to assist property owners with septic maintenance and repair.

The septic systems to be installed on the subject property will meet all current setback and design criteria, including tank design and leach field area and design. For each lot, sufficient area will be identified in consultation with the Department of Environmental Health to accommodate both a primary and 100 percent replacement leach field, to be used if necessary. Soils tests have been carried out in close proximity to each of the primary and secondary leach field areas to guide the location, size, and design of leach fields based on the specific characteristics of the soil in those locations.

Urban runoff from impervious surfaces such as roofs, driveways, and patios is often associated with water quality concerns due to decreased percolation and the potential that such runoff may contain road oils, landscaping chemicals, and other materials. The minimum lot size within the Homan Major Subdivision is 2.2 acres and the average lot size is 3.1 acres. That permits considerable areas of the site to remain in its natural state, promoting continued percolation. The applicant also proposes to develop the property with Low Impact Development (LID) features which will slow runoff from the site and facilitate percolation. Such features include the collection of roof runoff and direction of such runoff to percolation areas such as dry wells, French drains, or bioswales. In addition, all new driveways would be installed with appropriate grading to direct runoff into adjacent bioswales or similar features.

## POLICY AND PLANNING CONTEXT

The project site is within the coastal zone and is within the area regulated by the Trinidad Area Plan (TAP) which was certified by the California Coastal Commission in 1983 (Humboldt County, 1983). The project site is under the jurisdiction of Humboldt County. The California Coastal Commission will have appeal authority over the coastal development permit for the subdivision. The project site has a land use designation of Rural Residential, specifying a density of 0 to 1 dwelling units per 2 acres. The zoning designation is also Rural Residential. Within this plan area and zone designation the surrounding area is a mixture of residentially developed lots ranging in size from less than an acre to the project site which is 18.63 acres. Within a ¼ mile radius, the average parcel size is 1.99 acres. Trinidad Beach State Park, located west of the project site across Stagecoach Road is designated for public recreation uses. Southeast of the project site there are Commercial General planned lands developed with a retail and storage units.

LA

The majority of the property, including Stagecoach Road frontage, is designated as Coastal Scenic in the TAP. The Coastal Act (Section 30251) considers coastal scenic areas as a protected resource of public importance. All development in this area is to be subordinate to the character and to the scenic use and enjoyment of public recreation lands (TAP section 3.4B3). Any timber removal activities are subject to the Special Treatment Areas visual standards. In these areas clear cutting is not an acceptable silvicultural method and at least 50 percent of trees greater than 12 inches at DBH must be retained. Coastal Scenic areas require specific setbacks to property lines and public roads.

*TAP (Section 3.40B3c.(3)):Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.*

*TAP(Section 3.40B3c.(5)):New homesites shall be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized.*

*TAP(Section 3.40B3c.(6)):New development on ridgelines shall be sited adjacent to existing major vegetation prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.*

TAP Section 3.40B5 authorizes the Design Assistance Committee to modify setbacks and other standards under certain circumstances where the prescriptive standards cannot be met. The written standard includes a known typographical error in reference to a 230-foot property line setback. County Staff has estimated that the average setbacks of existing residences in the vicinity would yield a front yard setback of 89 feet, a rear yard setback of 149 feet, and a side yard setback of 137 feet. In total, such setbacks would prohibit development on minimally approximately 1.5 acres, in an area which permits two-acre minimum lots and in which development constraints such as steep slopes, environmentally sensitive areas, seismic exclusion zones, and setbacks to accommodate wells and septic systems are common. In light of these concerns, the applicant has requested that the Design Assistance Committee approve modified setbacks to accommodate a reasonable degree of development flexibility on the proposed lots.

The proposed development will be predominately located on the portions of the site with modest slopes as described in TAP Section 3.40.B3c(5). Lot 1, Lot 2, and Lot 3 provide buildable areas on the lower terrace of the property. Additional development is not expected for Lot 6. The buildable areas of Lot 4 and Lot 5 include generally level areas which will not require substantial grading but which are located on higher elevations on the property at or near the ridgeline. Existing trees are available to screen new development on those higher elevations as described in TAP Section 3.40.B3c(6) and will continue to define ridgeline views. Coastal development permits for future residential development will include specific discussion of the techniques incorporated to limit grading and to take advantage of existing major vegetation to avoid significant alteration of ridgeline vista views.

## GEOLOGY

The lower elevations of the project site are located on an uplifted Pleistocene marine terrace surface that slopes gently to the west-southwest. Topographically, the terrace surface is situated at an elevation of 180 to 200 feet above mean sea level (MSL) as depicted on the Trinidad Quadrangle, 7.5-minute series. A prominent former sea stack composed of coherent Franciscan Complex bedrock occupies a majority of the eastern half of the project site and forms the highest point of elevation in the immediate area. Approximately 120 feet of topographic relief is present between the sea stack high point and the lower marine terrace surface. Remnants of an older marine terrace deposit are preserved within a saddle at the upper elevations of the sea stack. A low-gradient stream valley meanders through the southerly edge of the project site along a west-northwest trend and crosses the trace of the Trinidad Fault, dissecting the fault scarp.

Nearly the entire property is located within a State of California Alquist-Priolo Earthquake Fault Zone as delineated by the State of California under the Alquist-Priolo Earthquake Fault Zone Act (A-P Act) of 1972 (California Public Resources Code, Chapter 7.5, Division 2). The intent of the A-P Act is to mitigate the hazard of surface fault rupture, and mandates specific, detailed geologic studies to demonstrate the presence or absence of active faults for certain projects within Earthquake Fault Zones. Subdivision of land within an Earthquake Fault Zone is subject to the conditions of the A-P Act. The project site is included in an Earthquake Fault Zone based on its proximity to a reportedly active trace of the Trinidad fault and is therefore subject to the Fault Zoning Act (CDMG 1997). An Alquist-Priolo Fault Investigation was conducted on the property (LACO Associates, 2008). It included the excavation of ten separate trench segments to depths of 10 to 21 feet for a cumulative length of approximately 1,600 feet across the areas encompassing the anticipated building sites. Four trench segments were specifically located to target the mapped trace of the Trinidad Fault. Evidence indicated that the Trinidad Fault may not be accurately located on the Alquist-Priolo maps where it is shown as crossing the subject site. However, the report does describe a secondary zone of previously unmapped faults across portions of the subject site. The report recommends that a considerable portion of the property be designated as exclusion zones where new buildings for human habitation should be prohibited to reduce the risk from surface fault rupture. Areas were placed within the exclusion zones if they were in the vicinity of potentially active faults or if they were not cleared for development through trench investigations.

## AQUIFER

Test wells were installed in 2008 to measure current groundwater and to identify potential sources of domestic water for the proposed subdivision. The initial depth to ground water ranged from 12 feet to 24 feet below ground surface (on September 30, 2008). LACO Associates checked the depth to groundwater on August 16, 2014. The results of that testing were generally consistent with the results from 2008 and did not show a reduction in available groundwater. Groundwater flow in the southern half of the project site is directed southwestward towards the on-site stream. Groundwater flow in the northern half of the project site is directed westward. Based on the elevation of the water-level surface within the on-site stream, relative to the hydraulic head measured in the nearby borings and wells, the stream appears to be gaining volume through subsurface flows as it crosses the subject site.

Effects on the aquifer were analyzed by pumping six wells simultaneously and documenting recovery rates after drawdown. Additionally, water levels in the on-site stream were monitored to determine if there was a drawdown effect on the creek. The report concludes that sufficient water is available to supply primary and secondary residences on each of the proposed lots without causing sustained reduction in the local aquifer. Testing indicated that drawdown of on-site monitoring wells ranged from 0.1 feet to 0.14 feet. Drawdown in the on-site stream was a maximum of 0.01 feet. No drawdown was observed in a domestic well on a neighboring parcel.

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P:\6700\6774 Homan - Major subdivision\6774.04 Homan Tentative Major Subdivision Map\06 Planning\Permitting\02\_Homan Project Description 08262014.docx

## TECHNICAL MEMORANDUM

Site Visit and Biological Resources Study Update  
Homan Major Subdivision  
101 Andersen Lane, Trinidad, California  
Assessor's Parcel Number 515-191-037

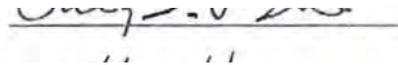
Date: August 14, 2013

Project No.: 6774.04

Prepared For: John Homan

Prepared By: Gary Lester, Senior Environmental Scientist

SIGNATURE ON FILE



Reviewed By: Michael D. Nelson, Planning Director

SIGNATURE ON FILE



Attachments: Figure 1: Location Map  
Appendix A: Site Photos 1-4

### INTRODUCTION

In 2008, biologists from Winzler & Kelly Consulting Engineers conducted a series of wildlife and botanical site visits at the property identified as APN 515-191-037 (hereafter referred to as Project Site). Reports generated by those site visits were reviewed by a citizen's group, Friends of College Cove. The group posed questions about the methodology and results. LACO Associates (LACO) performed a stream classification survey and follow-up biological survey at the Project Site to evaluate the concerns expressed about the biological findings.

The Project Site is located on private property in Humboldt County, near the town of Trinidad, California. The survey examined the stream bed length and adjacent forested habitat throughout the Project Site. The Project Site is comprised of a single Assessor's parcel along Andersen and Stagecoach roads (Figure 1, John Homan Contour Map, Hunt Surveying and Forestry). This Report was prepared by LACO's senior biologist in accordance with the scope of services described in the Agreement signed by John Homan (Client) and LACO on June 12, 2013, and as outlined below.

#### **Task 2440: Site Visit and Biological Resources Study Update**

LACO's Senior biologist conducted a site visit to confirm the results of the biological studies dated November 2008, prepared by Winzler & Kelly Consulting Engineers, which were prepared for the initial Tentative Map submittal in 2009. The biologist will determine whether the Project Site contains suitable habitat for species of concern listed by opponents to the prior project.

## **METHODS**

A field survey of the Project Site to address concerns expressed by Friends of College Cove (FoCC) was conducted in July 2013. LACO's Senior biologist conducted the survey. LACO's Senior biologist is qualified to conduct biological surveys, with an undergraduate degree in Botany, over 30 years of biological resource field experience, and training in recognition of the local flora and fauna, rare plant identification, and survey protocol.

The Project Site topographic maps, aerial photography maps, and the California Department of Fish and Wildlife (DFW) California Natural Diversity Data Base (CNDDDB) Trinidad Quad (DFW 2013) were reviewed prior to and during the survey for potential sensitive aquatic and terrestrial species occurrence. The Project Site stream and adjacent upland habitats were surveyed, noting the physical and biological characteristics. Photographs documenting the visual characteristics of Project Site habitats are included in Appendix A.

The survey was conducted following guidance from the California Environmental Protection Agency (2010). A seasonally-appropriate survey was conducted that surveyed the potential stream source habitat, and biological and physical characteristics. Plants were identified to the lowest taxonomic level (genus or species) necessary for hydrophytic or aquatic plant identification. The plant scientific nomenclature follows the Jepson Manual (Baldwin, et. al. 2012).

## **BIOLOGICAL SURVEY RESULTS**

A stream classification survey recorded evidence of permanent stream flow, with the presence of aquatic macro-invertebrate and vertebrate animals in the stream bed, and physical indicators of persistent water. In many separate stream pools, resident water striders (Gerridae) were observed from the top of the water course (above Andersen Lane) to the lowest section (prior to crossing beneath Stagecoach Road). Also located, were a single adult tailed frog (*Ascaphus truei*) and one other unidentified frog, directly below the Andersen Lane crossing (Appendix A, Photo 1). The stream channel also showed physical characteristics of possessing extended flows, such as rounded cobbles and pebbles. There are no anadromous or resident fish species identified by the CNDDDB Trinidad Quad (2013) records search, but documented occurrences of tailed frog and southern torrent salamander (*Rhyacotriton variegatus*), are reported by CNDDDB (2013). The tailed frog, from as nearby as Mill Creek, and the salamander, from the Project Site waterway, have been documented and are provided by the CNDDDB (2013) records search. Tailed frog was confirmed during this site visit and suitable southern torrent salamander habitat was encountered.

The following is to address the concerns expressed by the FoCC regarding the Winzler & Kelly 2008 Homan Proposed Development Plan APN 515-191-037 Terrestrial Vertebrate Study. It is noted here that a U.S. Fish and Wildlife biologist and two DFW biologists conducted site visits and expressed no specific wildlife concerns. In particular, DFW biologists confirmed the delineation of the stream transition line (STL) and acknowledged the appropriateness of a suitable development setback from the STL.

A survey of Sonoma tree vole (*Arborimus pomo*) needle resin-duct canopy lodges was conducted. The mature forest tree canopies found on the property were examined for lodges, as well as the forest floor below for wind-blown lodges. No vole tree lodges were located in the trees or on the ground. A records search from U.C. Berkeley Museum of Vertebrate Zoology (MVZ) and Humboldt State University T. E. Lawlor Mammal Collection (HSU) of known Sonoma tree vole specimens revealed no Sonoma tree vole collection location closer to the Humboldt coast than Jolly Giant Creek (7.5 kilometers from the coast). If tree voles were present, it would be reasonably assumed that remnant tree lodges would be found wind-blown at such a near coastal location as the Project Site (0.3 kilometers from the coast). Site openings and mid-parcel road access on the Project Site allowed for adequate tree examination with binoculars for canopy tree lodges (Appendix A, Photos 2 and 3). It would be by determination of DFW biologists whether further Sonoma tree vole surveys would be warranted at this location.

The documentation of white-footed vole (*Arborimus albipes*) in California is from 23 museum collections (MVZ HSU). The first documented species occurrence was a Trinidad specimen in 1926 (MVZ). Since the original Trinidad collection, there have been two Patrick's Point State Park collections (HSU). Additional Humboldt County collections are from McKinleyville, Bayside, and Redwood National Park. Similar to the original Trinidad collection, habitat preference appears to be near small, forested streams with dense understory. The Project Site stream habitat is very similar to that described for the white-footed vole. The occurrence of white-footed vole on the Project Site cannot be discounted. Proving its occurrence would be extremely difficult and would likely involve many hours of small mammal trapping, possibly threatening an assumed small population, if present. Assuming presence, the proposed stream transition line setback of 100 feet will adequately protect the white-footed vole habitat.

The Project Site is not attractive to any common terrestrial mammal, as the entire parcel is affectively isolated. It is surrounded on three sides by paved county roads: a four-lane major highway is approximately 200 meters away, the Pacific Ocean is approximately 300 meters away, and all sides are approached by rural residential development (the Town of Trinidad is less than 800 meters away). No suitable structures, caves, or mature tree cavities to support significant bat populations are present on the Project Site. No open water sources are present to allow for favorable bat feeding areas. Because of these factors, the Project Site is not attractive to any bats for breeding, roosting, or feeding. Surveys for other mammals, including up to four California bat species of special concern, would involve many hours of field tracking, smoke plate surveys, photo stations, and trapping. Only expert bat vocal-identifying surveys could determine actual bat presence. It would be by determination of DFW biologists whether further mammal surveys would be warranted at this location.

The forest components of red alder (*Alnus rubra*), big-leafed maple (*Acer macrophyllum*), and cascara (*Frangula purshiana*) are all common riparian and upland sub-canopy or canopy species of coastal Humboldt County forests. All species are present on the Project Site, albeit big-leafed maple is restricted to a much localized portion of the upper end of the parcel. The majority of the red alder present at the Project Site is within the protected stream transition area. It would be by determination of DFW biologists whether a hardwood tree mapping would be warranted at this location.

Potential impacts to stream-dwelling species would be adequately addressed by providing a 100-foot setback from the delineated stream transition line, as recommended by Humboldt County Planning and DWF biologists for the previous project. Potential impacts to white-footed vole would be addressed similarly. Potential impacts to bat and mammals are not considered necessary, as stated above. It is unclear why FoCC wanted potential impacts to Sharp-shinned Hawk (*Accipiter striatus*) and Cooper's Hawk (*Accipiter cooperi*) addressed specifically. The Sharp-shinned Hawk is not a local breeder, but is a common migrant and wintering species. No resident Cooper's Hawks have been documented as breeders on-site or nearby. Any breeding raptor is considered by DFW as a species of special concern and is protected under the Federal Migratory Bird Act. Any major vegetation removal should be required to be conducted in the non-breeding season (September to January). Any proposed major vegetation that would occur outside of the seasonal restriction, will require a pre-removal nesting bird survey. If any active nests are located, then no construction can take place unless the young have fledged or the nest has failed. Native forest and shrub habitat for land birds will be retained within the stream transition line area, as well as the setbacks proposed for the county roads and in the areas of steep unbuildable terrain. To mitigate the loss of land bird nesting habitat, it is recommended that a landscape plan be submitted to the Humboldt County Planning and Building Department, prior to lot development approval. A landscape plan will include all native tree, shrub, and perennial plant species.

The FoCC presented a review of the *Homan Proposed Development Plan APN 515-191-037 Special Status Plant Survey Results* (Winzler & Kelly 2008) which identified a number of deficiencies. It is noted here that a U.S. Fish and Wildlife biologist and two DFW biologists conducted site visits and expressed no specific botanical concerns. Habitat for two moss species are pointed out by the FoCC representative as possibly occurring in the Project Site. One, the cylindrical trichodon (*Trichodon cylindricus*) habitat is described in the California Native Plant Society's Rare and Endangered Plant Inventory (2013) as being sandy, exposed soils, road banks. There are little or no sandy exposed soils on the Project Site. All the soils witnessed at the Project Site were rich, deep loams, much of which are heavily vegetated and not exposed (Appendix A, Photo 4). The other moss, the minute pocket moss (*Fissidens pauperculus*), is found on damp coastal soils (CNPS 2013). Little or no bare, damp soils that are free of heavy vegetation, are found on the Project Site, (Appendix A, Photo 4), thus excluding the pocket moss. It would be at the determination of DFW biologists whether a thorough moss inventory survey would be warranted at this location.

The FoCC representative stated that a U.S. Fish and Wildlife Service (FWS) database query was not made for the Winzler & Kelly rare plant survey. Since there are no plants listed by the FWS for the Trinidad Quad, it was considered sufficient to have a FWS biologist conduct a site visit. As for querying for adjacent quads, there are only two adjacent quads (Rodgers Peak and Crannell); therefore, the Trinidad Quad search was considered adequate because of the unique character of the area and the significant duplication of known species.

The FoCC botanical reviewer found that it was unclear if all habitats were surveyed, or if surveys were comprehensive or floristic in nature. In the section regarding survey methods, the Winzler & Kelly report states that surveys were conducted by two experienced botanists, on six different seasonally-appropriate dates, and that coverage was 60 to 100 percent using protocol developed by DFG (2000).

Testimony from FoCC called into question the adequacy of the wetlands delineation, addressing specifically the use of the three-parameter definition of wetlands. All wetlands, regardless of the number of parameters, are located between the creek and the STL, therefore the 100-foot setback from the STL is

adequate in protecting these wetlands. A jurisdictional agency concerned about the proper delineation method used, may conduct a site visit to determine adequate wetland protection.

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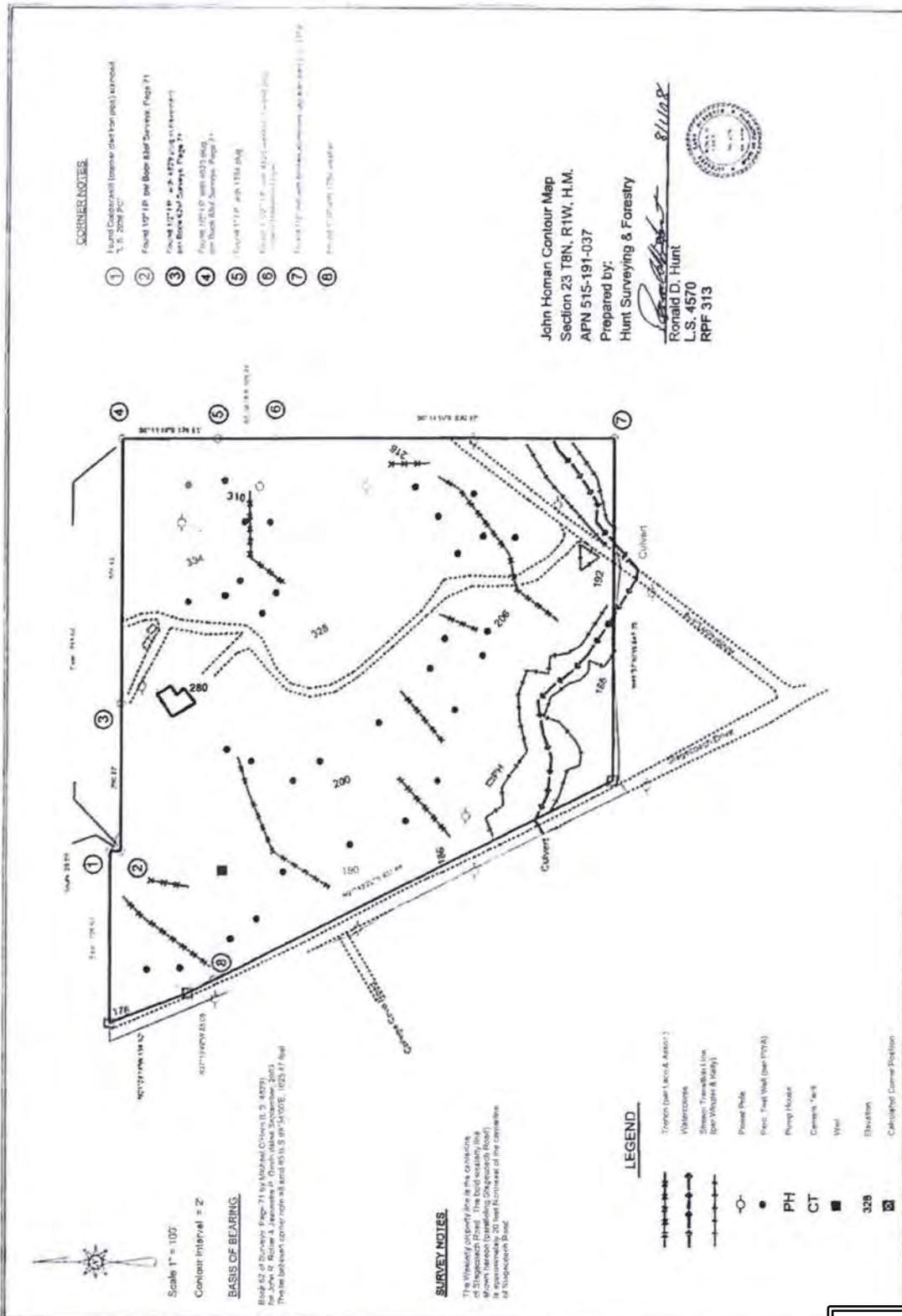
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**CORNER NOTES**

- ① Found Corner 1911 (corner 1911) at road  
N. 8. 2008 2007
- ② Found 1911 P. on Bole Road Survey, Page 71
- ③ Found 1911 P. on 4879 1/2 E. on Bole Road Survey, Page 71
- ④ Found 1911 P. on 4023 1/2 E. on Bole Road Survey, Page 71
- ⑤ Found 1911 P. on 1911 1/2 E. on Bole Road Survey, Page 71
- ⑥ Found 1911 P. on 4023 1/2 E. on Bole Road Survey, Page 71
- ⑦ Found 1911 P. on 4023 1/2 E. on Bole Road Survey, Page 71
- ⑧ Found 1911 P. on 1911 1/2 E. on Bole Road Survey, Page 71

John Homan Contour Map  
 Section 23 T8N, R1W, H.M.  
 APN 515-191-037  
 Prepared by:  
 Hunt Surveying & Forestry  
 Ronald D. Hunt  
 L.S. 4570  
 RPF 313



Scale 1" = 100'  
 Contour Interval = 2'

**BASIS OF BEARING**

Based on the survey of the Bole Road Survey, Page 71, by Ronald D. Hunt, L.S. 4570, RPF 313, on 10/15/15. The Bole Road Survey is recorded in the Public Records of the County of Butte, California, Book 4, Page 1023. The bearing is based on the true north line of the survey.

**SURVEY NOTES**

The vicinity property line is in a corner of the Bole Road Survey. The Bole Road Survey is recorded in the Public Records of the County of Butte, California, Book 4, Page 1023. The bearing is based on the true north line of the survey.

**LEGEND**

- Fence (See L.S. 4570)
- Obstruction
- Shaded Triangular Line (See Volume 4, Page 1023)
- Power Pole
- PH Pump House
- CT Cattle Tank
- Well
- 328 Elevation
- ☒ Calculated Corner Position

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MAR 10 2015

# TECHNICAL MEMORANDUM

Response to CDFW Concerns  
Water Supply Study Update  
Proposed Major Subdivision  
Assessor's Parcel Number 515-191-037

Date: February 20, 2015  
Project No.: 6774.04  
  
Prepared For: Dr. John Homan  
  
Prepared By: Christopher J. Watt  
CHG 967; Exp 03/31/16  
  
Attachments: Attachment 1:

SIGNATURE ON FILE



This Technical Memorandum (TM) was prepared in response to concerns raised by the California Department of Fish and Wildlife (CDFW) regarding the September 8, 2014 Technical Memorandum (2014 Technical Memo) titled "Water Supply Study Update" prepared by LACO Associates (LACO). The 2014 Technical Memo was written as an update to the December 2008 Report titled "Aquifer Test Results for Domestic Wells DW1-DW6" (2008 Aquifer Report) prepared by LACO. In a December 3, 2014 email, Jennifer Olson of the CDFW raised one concern regarding the 2014 Technical Memo which is restated below for convenience:

*The existing well (Well #1) is within the Streamside Management Area (SMA) and wetland setback and is likely hydrologically connected to the adjacent creek. The impacts to the stream from Well #1 are not addressed in any of the reports provided. Prior tests included only the new proposed wells (DW-1 – DW-6) and did not assess impacts from the existing well. Further testing should be conducted in order to ensure that the stream adjacent to Well #1 will not be adversely impacted by continued pumping with the addition of the new wells, particularly considering our current historic drought, and the fact that prior testing was conducted six years ago.*

The well referenced in the above email as "Well #1" is identified as PH in the 2014 Technical Memo. Throughout this TM, it will be referred to as Well #1 for consistency with comments from CDFW.

21 W. 4th Street, Eureka, California 95501 707 443-5054 Fax 707 443-0553  
311 S. Main Street, Ukiah, California 95482 707 462-0222 Fax 707 462-0223  
3450 Regional Parkway, Suite B2, Santa Rosa, California 95403 707 525-1222

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The CDFW provided further clarification regarding their concern in a December 19, 2014 email, specifically stating that

*"The issue that we are concerned with is the potential effect on streamflow from the cumulative impact of three additional wells operating in combination with the existing well. Therefore, because neither the December 2008 LACO report nor the September 9, 2014 LACO report explicitly state that the existing well was included in the pumping test, we recommend that some evidence be provided, or that the consultant clarify, that the operation of all four wells simultaneously will not cause a substantial decrease in stream flow during the summer low-flow season. If it can be determined (or if it has already been determined) that the operation of all four wells will have no substantial impact on stream flow, then our concern in that area is resolved.*

This TM will address the concerns presented in the two emails from CDFW, clarifying the potential hydrologic impacts from the proposed groundwater pumping to the on-site stream.

In Table 5 of the 2014 Technical Memo, LACO demonstrated, through hydrological and hydrogeological analysis, that the estimated radii of influence of Well #1 and Wells DW-1, DW-2 and DW-6 at their design production rates are less than their distances to the on-site creek, indicating that the wells would have a less than significant localized impact to the on-site stream. However, this evaluation did not specifically address the potential for a decrease in streamflow during simultaneous operation of the existing well (Well#1) and the three new wells (DW-1, DW-2, and DW-6), nor the potential for localized hydrologic impacts to the onsite stream from pumping Well#1 during dry season conditions following completion of the proposed project.

In order to evaluate potential cumulative hydrologic impacts to the on-site stream under fully developed conditions, we considered the low flow stream discharge rate measured (in the narrow channel on the rock slope just above the beach) in September, 2008 of approximately 5 gallons per minute (gpm) and compared it to the difference in the pre- vs post-development groundwater contribution to the onsite stream base flow between June and September. The comparison indicates that, as noted in the Hydrologic Model, the pre-development to post-development change in groundwater contribution to the onsite stream base flow between June and September (shown in Table 2 and Table 3 of the 2014 Technical Memo as Groundwater Outflow or "Qo") was calculated to be reduced by approximately 0.04 inches. The reduction of 0.04 inches of water over an aquifer of approximately 500,000 square feet over a period of 4 months (153 days) equates to a discharge rate of less than 0.1 gallons per minute during the 153 day period. The 0.1 gallon per minute reduction in groundwater discharge to the stream is a reduction of approximately 2% of the measured 5 gallon per minute stream flow.

As noted in the CDFW emails of December 3, 2014 and December 19, 2014, the 2008 aquifer response test was conducted with six test wells (DW-1 through DW-6) in operation; however, Well #1 was not included in the test. On October 1-2, 2007, LACO Associates performed a well production test for Well #1 as reported in the August 22, 2008 Memorandum titled "Well Production Test Results" (Attachment No. 1) and those results were used in the hydrogeologic evaluation presented in the 2014 Technical Memo. In order to evaluate potential localized hydrologic impacts to the on-site stream from pumping Well #1 under fully developed conditions, we performed additional calculations to estimate the radius of influence of Well #1 when the groundwater level in the aquifer is reduced as a result of dry season pumping of the proposed production wells. As shown in Table 3 in the 2014 Technical Memorandum, Groundwater Withdrawal (Qp) during June through September will cumulatively reduce groundwater storage in the aquifer by approximately 3.1

inches (0.26 foot). To be conservative, we assumed a 25% greater reduction in dry season storage of groundwater resulting in a value of 0.33 feet. Using the same calculation presented in the 2014 Technical Memo and a saturated thickness in Well#1 reduced by 0.33 feet during the dry season to account for pumping in the anticipated wells resulted in an estimated radius of influence of 50 feet (which is about a 10% increase over that reported in the 2014 Technical Memo), or about half the distance to the onsite stream.

In conclusion, within the limits of the data collected and assumptions made, the proposed groundwater pumping under the proposed full developed conditions is not likely have a substantial hydrologic impact to the on-site stream.

P:\6700\6774 Homan - Major subdivision\6774.04 Homan Tentative Major Subdivision Map\08 Geology\Water Supply Study\6774.04 water supply study response tech memo.docx

ATTACHMENT 1

**“Well Production Test Results” Memo**

LA



# LACO ASSOCIATES

ENGINEERS • GEOLOGISTS • ENVIRONMENTAL CONSULTANTS

LEONARD M. OSBORNE • CE 38573  
DAVID N. LINDBERG • PG 5581/CEG 1895  
CHRISTOPHER J. WATT • PG 7586/CEG 2415  
FRANK R. BICKNER • PG 7428  
RONALD C. CHANEY, Ph.D. • CE 29027/GE 00934

August 22, 2008

6774.02

Dr. John Homan  
Post Office Box 1261  
Trinidad, California 95570

Subject: Well Production Test Results  
101 Anderson Lane, Trinidad, California  
Assessor's Parcel Number 515-191-037

LMO \_\_\_\_\_  
DNL \_\_\_\_\_  
✓ C.J.W. \_\_\_\_\_  
GJR \_\_\_\_\_  
MDN \_\_\_\_\_  
DLR \_\_\_\_\_  
GAV \_\_\_\_\_  
Scanned: 8/22/08  
File: \_\_\_\_\_  
Project #: \_\_\_\_\_

Dear Mr. Homan:

The following report contains the results of the well production test for Well #1 conducted on October 1 and 2, 2007, at the above-referenced project site during the extended Humboldt County dry weather testing period. Permission to conduct the production test on the days following the typical closure date (September 30) of the dry weather testing period was verbally granted by David Spinosa of the Humboldt County Division of Environmental Health (HCDEH) during the week of September 26, 2007. The production test was conducted in general accordance with the HCDEH interim policy on Water Production Test Procedures, dated July 1994.

### SITE DESCRIPTION

The project site is located approximately 1/2 mile north-northwest of the city of Trinidad in the NE 1/4 of Section 2, T. 8 N., R. 1 W., Humboldt Baseline and Meridian, of the United States Geological Survey (USGS) Trinidad 7.5 Minute Series Topographic Quadrangle.

The well location on the subject property is sited adjacent to an unnamed creek known locally as "College Co." creek. The well is located approximately 120 feet due east of Stagecoach Road, and approximately 100 feet from the creek thalweg. The nearest neighboring domestic well in service is located a minimum distance of 250 feet due south on a parcel currently owned by Carol Boyce and identified as Assessor's Parcel Number 515-191-013. The total depth of the Well #1 on the Homan parcel was measured to be 13.5 feet and is open-bottomed. The well is constructed of solid 24-inch concrete rings from 0 to 3 feet, and solid 48-inch concrete rings from 3 to 15 feet. In all likelihood the total well depth was originally 15 feet but since construction has been partially filled with sediment. The top of the well casing is 7 feet above

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800-515-5054 • www.lacoassociates.com

ground, and approximately 6 feet in elevation above the stream bed.

Based on the fault trench investigation conducted by our office at the project site, native subgrade underlying the parcel consists of late Pleistocene marine terrace deposits composed predominantly of poorly graded sand and silty sand with minor amounts of rounded fine gravel. The thickness of the terrace deposits overlying Franciscan Formation sandstone and conglomerate bedrock is estimated to be 50 to 70 feet based on nearby coastal bluff exposures. Therefore the well is located entirely within the marine terrace sediments with the local aquifer being open and unconfined.

### TEST METHODS

On October 1, 2007, a Professional Geologist from LACO Associates conducted an extended period well production test using a portable 2-inch diameter stainless steel pump. The pump was set a depth of 12.5 feet below the top of casing (btoc). The static water level prior to pumping was measured at 5.17 feet btoc. Our measuring devices consisted of an electronic water level meter, two graduated 5.5-gallon containers, and a stopwatch.

### RESULTS

A summary of the well production test results are provided in the table below. The well production test field data sheets are included as Attachment 1.

**Table 1: Summary of Test Results**

	Pumping time (hrs:min)	Recovery time (hrs:min)	Initial DTW (feet btoc)	Final DTW (feet btoc)	Water level change (ft)	Total discharge (gallons)	Available production rate (gpm)
Production test	12:00	-	5.17	10.11	-4.94	1,543	1.5
Recovery test	-	11:40	10.11	5.34	+4.77	-	-

### DISCUSSION AND CONCLUSIONS

Pumping was initially conducted at 8 gallons per minute (gpm) to initiate drawdown. The pumping rate slowly decreased as the water level fell and the amount of elevation head the pump was required to pump against increased. Following 90 minutes of pumping and 4.33 feet of drawdown, the pumping rate was decreased to 2 gpm in an attempt to stabilize the water surface level. After a total of five hours of continuous pumping, the pumping rate was further decreased to 1.5 gpm. Pumping continued at this rate for an additional seven hours.

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the time, the water level rose 0.19 feet, indicating the pumping rate to be less than the aquifer recharge rate to the well. Following 12 hours of continuous pumping, the pump was switched off, thereby ending the drawdown portion of the test.

The total discharge during the 12 hours of pumping, based on discharge measurements derived from the pumping rate for a given time interval, was calculated to be approximately 1,543 gallons. The average pumping rate during the 12-hour period of pumping was approximately 2.1 gpm. The stabilized pumping rate (available production rate), as measured during the final seven hours of pumping, was measured to be 1.5 gpm.

Following the drawdown portion of the test and the cessation of pumping, the well recovery test was conducted. The well recovered to approximately 97 percent of the initial static water level following 11 hours and 40 minutes of recharge. The depth to water following the recovery test was measured to be 5.34 feet btoc.

In accordance with HCDEH regulations, the available production rate of 1.5 gpm is adequate to serve three single-family residences. Currently, the well serves two residences with storage provided by a concrete water tank with a capacity of approximately 5,000 gallons based on the tank dimensions.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,  
LACO Associates

  
Giovanni A. Vadurro  
PG 7437, Exp. 05/31/09



GAV:jg

Attachments

P:\6700\6774 Homan - Major subdivision\6774.02 Tentative Map\Well Production Test\Field Data\6774 Well Production test report.doc

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# Attachment 1

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Owner(s) John Homan Assessor Parcel Number (APN) 515-191-037

Site Address 101 Anderson Lane City Trinidad County Humboldt

Date October 1-2, 2007 Measured by Giovanni Vadurro, PG 7437 Well No. Well #1

Distance from pumping well 250 feet Measuring Equipment: Electronic H<sub>2</sub>O level meter, stopwatch, graduated 5.5-gal containers

<b>Time Data</b>	<b>Water Level Data</b>	<b>Discharge Data</b>
Pump on: Date 10/1/07 Time 0810	Static water level 5.17 ft	Measured Q 1.5 gallons per minute
Pump off: Date 10/1/07 Time 2010	Measuring point Top of casing	Depth of Pump 13.5 feet
Duration of test: 23 hrs 40 min	Elev. of measuring point 1.0 ft AGS	Previous Pumping (None)
Pumping: 12 hrs Recover: 11 hrs 40 min	Total Well Depth: 13.5 feet	Duration: N/A

Date	Clock time	Pumping time (min)	Recovery time (min)	Depth to water (ft)	Water level change (ft)	Cum. discharge measurement (gal)	Rate (gpm)	Notes
10/1/07	0810	0	-	5.17	-	-	-	Begin pumping
	0811	1	-	5.25	-0.08	8	8	
	0812	2	-	5.30	-0.05	16	8	
	0813	3	-	5.34	-0.04	24	8	
	0814	4	-	5.41	-0.07	32	8	
	0815	5	-	5.49	-0.08	40	8	
	0816	6	-	5.54	-0.05	48	8	
	0817	7	-	5.60	-0.06	56	8	
	0818	8	-	5.65	-0.05	63	7	
	0819	9	-	5.71	-0.06	70	7	
	0820	10	-	5.77	-0.06	77	7	
	0825	15	-	6.07	-0.30	112	7	
	0830	20	-	6.29	-0.22	147	7	
	0835	25	-	6.59	-0.30	182	7	
	0840	30	-	6.83	-0.24	217	7	
	0845	35	-	7.11	-0.28	252	7	
	0850	40	-	7.37	-0.26	287	7	
	0855	45	-	7.66	-0.29	322	7	
	0910	60	-	8.32	-0.66	397	5	
	0925	75	-	8.95	-0.63	472	5	
	0940	90	-	9.50	-0.55	547	5	
	1010	120	-	9.77	-0.27	607	2	
	1040	150	-	9.85	-0.08	658	1.7	
	1110	180	-	9.98	-0.13	709	1.7	
	1210	240	-	10.19	-0.21	811	1.7	
	1310	300	-	10.30	-0.11	913	1.7	
	1410	360	-	-	-	-	1.5	
	1510	420	-	-	-	-	1.5	
	1600	470	-	10.15	+0.15	1168	1.5	
	1710	540	-	10.12	+0.03	1273	1.5	
	1810	600	-	-	-	-	1.5	
	1910	660	-	10.11	+0.01	1453	1.5	
	2010	720	-	10.11	0	1543	1.5	End pumping
	2011	-	1	10.06	+0.05	-	-	Begin recovery test
	2012	-	2	10.02	+0.04	-	-	
	2013	-	3	10.00	+0.02	-	-	
	2014	-	4	9.99	+0.01	-	-	
	2015	-	5	9.97	+0.02	-	-	
	2016	-	6	9.96	+0.01	-	-	
	2017	-	7	9.96	0	-	-	

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**ATTACHMENT 4**

**Draft Mitigated Negative Declaration**

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# **DRAFT INITIAL STUDY and ENVIRONMENTAL CHECKLIST**

FOR

## **HOMAN MAJOR SUBDIVISION**

**Lead Agency:**

Humboldt County Planning and Building Department

**Lead Agency Contact:**

Trevor Estlow, Senior Planner

Humboldt County Planning and Building Department

3015 H Street

Eureka, California 95501

707-268-3740

**Prepared by:**

**LACO Associates**

**21 W. 4<sup>th</sup> Street**

**Eureka, California 95501**

**(707) 443-5054**

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**V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED ..... 3**

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**APPENDICES**

Appendix A: Tentative Major Subdivision Maps  
Appendix B: Expanded Project Description – Homan Proposed Subdivision

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## I. PROJECT SUMMARY

**Project Title:** Homan Major Subdivision

**Lead Agency:** Humboldt County Planning and Building Department

**Contact:** Trevor Estlow, Senior Planner  
Humboldt County Planning and Building Department  
3015 H Street  
Eureka, California 95501-4484  
707-268-3740

**Location:** The project is located in Humboldt County, in the unincorporated Trinidad area, on the east side of Stagecoach Road and north of Anderson Lane, on the property known as 101 Anderson Lane.

**Coastal Zone:** Yes

**Assessor Parcel Number:** 515-191-37

**Humboldt County General Plan Land Use Designation:** Rural Residential (RR), Trinidad Area Plan (TAP), Density - 2 acre Minimum

**Humboldt County General Plan, Trinidad Area Plan Zoning Designation:** Rural Residential Agriculture (RA), Design Review, Alquist-Priolo Fault Hazard, Manufactured Homes (RA-2-M/G, D))

**Anticipated Permits and Approvals:** Planning Commission (Tentative Major Subdivision Map and CEQA Compliance), Planning Commission (Coastal Development Permit for Subdivision unless appealed to California Coastal Commission), California Department of Forestry and Fire Protection (Timber Harvest Plan and Timber Conversion Plan for conversion to residential use), Humboldt County Public Works Department (improvement plans, grading plans, Encroachment Permits), Humboldt County (Final Map), County of Humboldt Department of Environmental Health (well and septic permits), Humboldt County (Coastal Development Permits for residential development unless appealed to California Coastal Commission).

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## II. PROJECT DESCRIPTION

A Final Map Subdivision to create six (6) parcels ranging in size from approximately 2.2 acres to 6.9 acres (See Appendix A). The existing ±19 acre parcel is developed with one residence. That residence takes access from Anderson Lane along a private road which also serves two adjacent parcels to the north. The proposed project will increase the number of parcels with sole access along the shared driveway from three to seven. In addition, proposed Lot 2 would have frontage on Stagecoach Road and Anderson Lane and Lot 3 would have frontage on Anderson Lane, but both parcels are expected to take access from the private road for convenience and to reduce the number of driveway entrances from public streets. The private road will be improved to meet County and SRA Fire Safe Regulations. Minor grading may be required in association with such improvements. All new development will be served by on-site water and sewage disposal systems. (See Appendix B for an expanded project description)

The property is in the Coastal zone and is subject to regulation pursuant to the Trinidad Area Plan of the Humboldt County Local Coastal Program. All zoning setbacks will be met; however, the applicant will request an exception to the building setbacks established by the Trinidad Area Plan. A stream crosses the southerly portion of the subject site. The site is known to possess wetlands or "other wet areas" both adjacent to, and isolated from the stream. A 100-foot riparian setback is proposed to buffer all wet areas adjacent to the stream, and a 100-foot setback is proposed from the isolated wetland. The California Department of Forestry and Fire Protection (Calfire) designates the site for timber production, although the applicant has indicated that no active commercial forestry which would require a Timber Harvest Plan has occurred on the site for many years. In order to convert the site for residential development, a timberland conversion Timber Harvest Plan will be submitted to the CDF subsequent to approval of the Tentative Map and adoption of CEQA findings by the lead agency (County of Humboldt). Any tree removal needed to accommodate development of subdivision improvements is expected to be addressed by this plan.

Approval of the subdivision is likely to lead to the construction of five new residences on the subject property over a period of several years, within the buildable area established for each lot. The size, location and configuration of such residences is not currently known; however, such residences will be required to conform to the Humboldt County Zoning Ordinance and will be subject to review pursuant to the D (Design Overlay) combining zone. Furthermore, a Coastal Development Permit will be required prior to development. The Zoning Ordinance permits second units in some cases in the Rural Residential Zone, however, the potential for such development is speculative and will not be addressed in this Initial Study pursuant to *Save Round Valley Alliance v County of Inyo* (2007).

## III. PROJECT SETTING AND LOCATION

The subject parcel is in a rural, largely wooded, and hilly area, approximately 1/3 mile north of the City of Trinidad. Surrounding uses to the north, east and south are primarily rural residential parcels, generally between one and five acres in size. Most parcels are developed with a single family residence, with the remainder vacant. A small hotel (cabins, restaurant and bar) and a mobile home park are located along Patricks Point Road to the east of the site. Trinidad State Beach Park is located across Stagecoach Road to the west of the subject site. (See Appendix B for an expanded discussion of the project setting)

**IV. ENVIRONMENTAL EFFECTS**

An environmental checklist follows this section, and addresses all potential adverse effects resulting from the proposed project. No significant adverse effects are expected from any of the proposed activities.

**V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigation Incorporated" as indicated by the checklists on the following pages.

<input checked="" type="checkbox"/>	Aesthetics		Agriculture Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology and Soils
	Green House Gases		Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology and Water Quality
	Land Use and Planning		Mineral Resources		Noise
	Population and Housing		Public Services		Recreation
	Transportation	<input checked="" type="checkbox"/>	Utilities and Service Systems		Mandatory Findings of Significance

**DETERMINATION:**

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

SIGNATURE ON FILE

Signature

May 1, 2015  
Date

Title

SENIOR PLANNER

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I. AESTHETICS. Would the project:	Potentially Significant impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

I. (A-C):

The parcel provides an appealing view of a largely natural wooded hillside from Stagecoach Road, Anderson Lane and adjacent properties. The Trinidad Area Plan (Adopted 9/11/1984) designates all or most of the site as a Coastal Scenic Area. As the requirements of a Coastal Scenic area also apply to properties adjacent to such areas, the entire subject site is subject to such regulation as a Coastal Scenic Area.

The Trinidad Area Plan (TAP) establishes the following requirements in the Coastal Scenic Areas:

TAP 3.40.B.3.c

1. Siding and roofing materials shall not be of reflective materials, excepting glass and corrugated roofing
2. The highest point of a structure shall not exceed 30 feet vertically measured from the highest point of the foundation, nor 40 feet from the lowest point of the foundation.
3. Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.
4. Exterior lighting shall be shielded so that it is not directed beyond the boundaries of the property.
5. New homesites shall be sited and designed to concentrate development on level areas so that disturbance of steeper hillsides is minimized. Where the size and location of existing parcels requires development on hillside sites, new construction or grading shall follow the natural contours of the landscape, fitting the site rather than altering the landform to accommodate buildings designed for level site and concentrating development near existing major vegetation.
6. New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridgeline silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.
7. Timber harvests and activities related to timber management exempt from CDF regulations shall conform to timber harvesting visual standards for Special Treatment Areas.
8. Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Committee for review and approval.

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Consistent with TAP Section 3.40.B.3.c.8, the applicant has requested approval of alternative setbacks to those established by TAP Section 3.40.B.3.c.3. Alternative standards can be considered when they are in conformance and compatible with the goals and objectives of the TAP.

Development of subdivision improvements (roads, driveways and utilities) may require the removal of between 20 and 40 trees larger than twelve inches diameter breast height (dbh) for frontage improvements along Stagecoach Road and Anderson Lane. This includes improvements to the intersection of the private road with Anderson Lane, for installation of a new driveway from Stagecoach Road to serve proposed Lot No. 1 and to accommodate widening of the private road from Anderson Lane to the north property boundary.

Additional tree and vegetation removal is anticipated upon residential development of the proposed lots to accommodate residences, driveways, primary septic leach fields and appurtenant features and to accommodate defensible space clearances for fire protection. In the event that secondary leach fields need to be cleared, additional vegetation and tree removal may be required. The magnitude of vegetation removal related to construction of individual residences and use of secondary leach fields cannot be determined precisely at this time. However, such activities will be subject to a Coastal Development Permit and reviewed for compatibility with the Design Review combining zone standards.

The applicant proposes to maintain a 50 foot development and tree preservation buffer along Stagecoach Road, Anderson Lane and along the easterly property boundary as follows:

- 1) A 50 foot wide tree preservation buffer shall be established and maintained along Stagecoach Road and Anderson Lane and along the easterly property boundary and shall be shown on the face of the Final Map or in an accompanying exhibit. No buildings will be permitted in this buffer. Within the tree preservation buffer, no trees larger than 12 inches dbh will be removed except as required to comply with mandatory conditions of approval, at the direction of a government agency to comply with federal, state or local regulations or to remove trees identified as hazard trees by a registered Professional Forester, certified arborist or similar qualified professional. Any trees removed within the tree preservation buffer which are larger than six inches dbh will be replaced with a similar species, also within the tree preservation buffer, as close to the removed tree as feasible, or as recommended by a qualified professional. A qualified professional will also be consulted to ensure that any tree trimming, limbing or similar maintenance activities are carried out in a manner which protects the health of the individual trees and the overall health of the trees in the buffer area.
- 2) Any trees larger than 12 inches dbh removed from any location on the property will be replaced with new tree plantings of a similar species and on the same lot or as recommended by a qualified professional.
- 3) Concurrent with Phase 1 (Lots 1, 2 and 3) subdivision improvements, which are expected to consist of improvements to the private road as well as any required improvements to Stagecoach Road and Anderson Lane, the applicant will make an initial tree planting of 100 mixed redwood, fir and spruce trees. Such tree plantings shall be distributed on all proposed parcels. The Phase 1 tree plantings are intended to replace trees which may be removed in association with Phase 1 subdivision improvements as well as to pre-plant replacements for trees which may be removed for Phase 2 (Lots 4, 5 and 6) subdivision improvements, which are expected to consist of additional improvements to the private road and installation of shared water lines, and to pre-plant replacements for trees which may be removed for residential construction, or the installation of primary and secondary leach fields on all proposed lots. Pre-planting will provide an opportunity for such trees to become well established and, in some cases, to approach maturity.

removal of existing trees. The quantity of trees to be planted with Phase 1 improvements is calculated as sufficient to replace 40 trees for subdivision improvements and 10 trees per lot for future residential construction.

- 4) All trees planted on the subject site as required by the proposed mitigation shall meet the following standards except as modified by a qualified professional to promote the health and survivability of the existing and new trees:
  - a. Tree species shall be native to the area (generally redwoods, fir and spruce) and present on the subject site or on nearby parcels. Local seed stock will be used if available and suitable pursuant to the advice of a qualified professional.
  - b. New plantings shall be a minimum of one gallon upon planting and free of apparent disease or structural weaknesses.
  - c. New plantings shall be placed in a location which has the appropriate soil type, sunlight and access to water as recommended by a qualified professional.
  - d. All trees planted pursuant to these mitigation measures will be monitored by the applicant for a period of three years. Plantings which fail within three years will be replaced. An annual report of tree plantings and survivorship shall be submitted to the Humboldt County Planning and Building Department until all required trees have reached three years of maturity.

Buildings on Lot 1 and Lot 2 are likely to be partially visible through the tree preservation buffer. The aesthetic quality of the individual residences will be the primary focus of Design Review Permits and will be an important focus of Coastal Development Permits. The subject property is planned and zoned for residential uses.

Subsequent to the approval of the proposed Final Map Subdivision, but prior to tree removal for development, the property owner will be required to secure a Timber Harvest Permit (THP) and Timberland Conversion Permit (TCP) from the California Department of Forestry for conversion of the site to primarily residential uses. The location of all trees onsite has been identified and is shown on an exhibit on the proposed subdivision map. Removal of trees from the subject site would have a potentially significant effect on the visual character of the site, if not properly mitigated.

Proposed Parcel 4 has a coastal view; and overlooks Trinidad Beach State Park; however, site visits indicate that the view does not include Trinidad Beach or any of the trails through the park, which limits the potential impact of development. Furthermore, the development as proposed is characteristic of the area to the north, south and east of the subject site, with single family residences on one to five acre parcels. The proposed design provides opportunities to place building pads, primary and secondary leach fields and driveways in locations which generally minimize the removal of trees larger than 6 inches dbh.

The private road is an existing feature which generally follows the natural topography of the site and is largely obscured from view from adjacent roads. The proposed road widening will not require substantial additional grading to accommodate a roadway which meets County and Fire Safe regulations.

There is no lighting proposed with the subdivision improvements (roads, driveways or utilities). Lighting will be installed during development of the individual lots. Prior to the development of each individual lot a Coastal Development Permit and Special Permit for Design Review will be required. Residential lighting is typical in the area, and there is no indication that onsite uses will differ from those in the neighborhood. However, improperly designed or installed lighting could create nuisance light and glare on the adjacent roadways or residential parcels unless mitigated appropriately.

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There is no evidence that the proposed project or the future residences will substantially negatively impact views from the public roads or from other sensitive viewpoints, such as Collage Cove or Trinidad Head. With the regulations established pursuant to the Trinidad Area Plan and the mitigation described below, the proposed project will not result in a significant adverse impact on any scenic vista or resource; will not result in a substantial degradation to the existing visual character or quality of the site and its surroundings; and will not create a new source of substantial light or glare.

#### **MITIGATION MEASURES**

##### *MITIGATION MEASURE NO. AE-1*

A 50 foot wide tree preservation buffer shall be established and maintained along Stagecoach Road and Anderson Lane and along the easterly property boundary and shall be shown on the face of the Final Map or in an accompanying exhibit. No buildings will be permitted in this buffer. Within the tree preservation buffer, no trees larger than 12 inches dbh will be removed except as required to comply with mandatory conditions of approval, at the direction of a government agency to comply with federal, state or local regulations or to remove trees identified as hazard trees by a registered Professional Forester, certified arborist or similar qualified professional. Any trees removed within the tree preservation buffer which are larger than six inches dbh will be replaced with a similar species, also within the tree preservation buffer, as close to the removed tree as feasible, or as recommended by a qualified professional. A qualified professional will also be consulted to ensure that any tree trimming, limbing or similar maintenance activities are carried out in a manner which protects the health of the individual trees and the overall health of the trees in the buffer area.

##### *MITIGATION MEASURE NO. AE-2*

Any trees larger than twelve inches dbh removed from any location on the property will be replaced with new tree plantings of a similar species and on the same lot or as recommended by a qualified professional.

##### *MITIGATION MEASURE NO. AE-3*

Concurrent with Phase 1 (Lots 1, 2 and 3) subdivision improvements, which are expected to consist of improvements to the private road as well as any required improvements to Stagecoach Road and Anderson Lane, the applicant will make an initial tree planting of 100 mixed redwood, fir and spruce trees. Such tree plantings shall be distributed on all proposed parcels. The Phase 1 tree plantings are intended to replace trees which may be removed in association with Phase 1 subdivision improvements as well as to pre-plant replacements for trees which may be removed for Phase 2 (Lots 4, 5 and 6) subdivision improvements, which are expected to consist of additional improvements to the private road and installation of shared water lines, and to pre-plant replacements for trees which may be removed for residential construction, or the installation of primary and secondary leach fields on all proposed lots. Pre-planting will provide an opportunity for such trees to become well established and, in some cases, to approach maturity prior to the removal of existing trees. The quantity of trees to be planted with Phase 1 improvements is calculated as sufficient to replace 40 trees for subdivision improvements and 10 trees per lot for future residential construction.

##### *MITIGATION MEASURE NO. AE-4*

All trees planted on the subject site as required by Mitigation Measures AE-2 through AE-4 shall meet the following standards except as modified by a qualified professional to promote the health and survivability of the existing and new trees:

- 1) Tree species shall be native to the area and present on the subject site or on nearby parcels. Local seed stock will be used if available and suitable pursuant to the advice of a qualified

- 2) New plantings shall be a minimum of one gallon upon planting and free of apparent disease or structural weaknesses.
- 3) New plantings shall be placed a location which has the appropriate soil type, sunlight and access to water as recommended by a qualified professional.
- 4) All trees planted pursuant to these conditions will be monitored by the applicant for a period of three years. Plantings which fail within three years will be replaced. An annual report of tree plantings and survivorship shall be submitted to the Humboldt County Planning and Building Department until all required trees have reached three years of maturity.

*MITIGATION MEASURE NO. AE-5*

Lighting shall be fully shielded away from nearby residences and public and private roadways to minimize off-site light and glare effects. In addition, no portion of the illuminated fixture or lens shall extend below or beyond the canister or light shield.

**FINDINGS**

The project will have a less than significant adverse effect on a scenic vista; a less than significant effect on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The project will have a potentially significant adverse effect on existing visual character or quality of the site and its surrounding; and will create a potentially significant new source of substantial light or glare which would adversely affect day or nighttime views in the area, however mitigation measures will be incorporated which will be sufficient to reduce the effects below the threshold of significance.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

II. (A-C)

The State Farmland Mapping and Monitoring Program (FMMP) has not yet been extended to Humboldt County; however, the County of Humboldt evaluates soil types as prime or not prime based on the US Natural Resources Conservation Service Soil Survey and makes those determinations available on the Humboldt County WebGIS system. The County has determined that the subject site is not rated as prime agricultural land. Although the property is zoned Rural Residential/Agricultural, the project site has no farmlands, nor lands of a size and soil composition suitable for agricultural production, and no such lands exist on adjacent or nearby properties. The property is partially wooded, portions are steep and rocky, portions are wet, and the site is near the coastal bluffs where moist salt air and winds would be detrimental to most agricultural crops. There are no Williamson Act contracts on the subject or adjacent properties.

(D-E):

The property is largely wooded, with over 600 trees larger than 12 inches dbh. The California Department of Forestry and Fire Protection (CalFire) designates the site for timber production though the applicant has indicated that no commercial timber operations have occurred on the site for many years. The Humboldt County General the Plan, Trinidad Area Plan and the County Zoning Ordinance designate the entire site for rural residential uses. Prior to residential development of the subject site, a Timber Harvest Plan and Timberland Conversion Permit will be submitted to CalFire. Any tree removal needed to accommodate development of subdivision improvements is expected to be addressed by this plan. The conditions of approval of the Timber Harvest Plan will include measures to ensure the orderly and appropriate removal of trees as needed to install subdivision improvements.

Development of subdivision improvements (roads, driveways and utilities) may require the removal of between 20 and 40 trees larger than twelve inches diameter breast height (dbh) for frontage improvements along Stagecoach Road and Anderson Lane. This includes improvements to the intersection of the private road with Anderson Lane, for installation of a new driveway from Stagecoach Road to serve proposed Lot No. 1 and to accommodate widening of the private road from Anderson Lane to the north property boundary.

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Additional tree and vegetation removal is anticipated upon residential development of the proposed lots to accommodate residences, driveways, primary septic leach fields and appurtenant features and to accommodate defensible space clearances for fire protection. In the event that secondary leach fields need to be cleared, additional vegetation and tree removal may be required. The magnitude of vegetation removal related to construction of individual residences and use of secondary leach fields cannot be determined precisely at this time. The proposed design provides opportunities to place building pads, primary and secondary leach fields and driveways in locations which generally minimize the removal of trees larger than 6 1/2 inches dbh. Such activities will be subject to a Coastal Development Permit and reviewed for compatibility with the Design Review combining zone standards.

Mitigation Measure AE-2 includes replacement of all trees larger than 6 inches dbh removed for subdivision improvements, and provides for pre-planting of trees to replace those which may be removed for future driveway, residential and leach field construction. Pre-planting will provide an opportunity for such trees to become well established and, in some cases, to approach maturity prior to the removal of existing trees. Tree removal will only occur as needed, over a period likely to exceed 20 years. No single action to remove a substantial portion of the trees on the subject site is anticipated. As described in more detail in the Aesthetics section, above, the Trinidad Area Plan includes standards which limit tree removal in certain circumstances such as to preserve ridgeline forested views. Overall, the site's character will remain forested after the subdivision is fully developed.

Surrounding parcels to the north, east and south are also zoned for Rural Residential uses and have been subdivided to a similar density as the proposed project. Most adjacent properties have been developed with single family residences. The property to the west across Stagecoach Road is a public park. No active or anticipated agricultural or forestry uses occur on the adjacent properties or would be affected by the proposed project.

#### **MITIGATION MEASURES**

With the following mitigation measures, the project will have a less than significant effect on Agriculture and Forestry resources

Mitigation Measure AE-1 (Tree Preservation Buffer's described above)

Mitigation Measure AE-2 (Replace trees larger than six inches dbh described above)

Mitigation Measure AE-3 (Tree planting with Phase 1 development described above)

Mitigation Measure AE-4 (Tree planting standards described above)

#### **FINDINGS**

The Project would have **No Impact** on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, will not conflict with existing zoning for agricultural use, or a Williamson Act contract, or conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. There will be a Less than Significant Impact in terms of the loss of forest land or conversion of forest land to non-forest use. Finally, there will be a Less than Significant Impact in terms of changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use

<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

III. (A):

The North Coast Unified Air Quality Management District (NCUAQMD) is responsible for monitoring and enforcing local and state air quality standards. Air quality standards are set for emissions that may include, but are not limited to: visible emissions, particulate matter, and fugitive dust. NCUAQMD Rule 104, Section 1.1, "Public Nuisance" prohibits any person from discharging "from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the health, comfort, repose or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property."

(B-C):

With regard to particulate matter, all of Humboldt County has been designated by the California State Air Quality Board as being in "non-attainment" for PM-10 air emissions. PM-10 air emissions include chemical emissions and other inhalable particulate matter with an aerodynamic diameter of less than 10 microns. PM-10 emissions include smoke from wood stoves and airborne salts and other particulate matter naturally generated by ocean surf. Because of, in part, the large number of wood stoves in Humboldt County and because of the generally heavy surf and high winds common to this area, Humboldt County has exceeded the state standard for PM-10 air emissions. Therefore, any use or activity that generates unnecessary airborne particulate matter has the potential to contribute to an ongoing air quality non-attainment. Staff recommends that in order to reduce potential particulate matter impacts, that a mitigation measure be incorporated into the project that requires compliance with NCUAQMD Rule 104, Section 4.0 "Fugitive Dust Emissions." Rule 104, Section 4.1 prohibits any person from "handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne." Rule 104, Section 4.2 requires reasonable precautions to prevent particulate matter from becoming airborne, including, but not limited to:

- 4.2.1 Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.
- 4.2.2 Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.
- 4.2.3 Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.
- 4.2.4 The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
- 4.2.5 The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
- 4.2.6 The paving of roadways and their maintenance in a clean condition.
- 4.2.7 The prompt removal of earth or other track out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

Some PM-10 control measures, such as paving of roadways or application of road oil to reduce dust have the potential to increase potential impacts to other resources by increasing the amount and velocity of runoff from impervious pavement, reducing groundwater recharge and increasing the potential for surface and groundwater contamination from runoff or infiltration of stormwater which has been in contact with asphalt or road oil. As such, a balance of interests is appropriate, particularly where each potential impact can be reduced below the threshold of significance. In this case, to balance air quality and water quality interests for this project the following interpretation of Rule 104 is proposed:

*"For purposes of compliance with Rule 104, all roadways serving three or more parcels shall be paved and maintained in a clean condition. Driveways serving fewer than three parcels may be constructed of compacted gravel, decomposed granite, permeable pavers, or other similar material. Graded and compacted dirt driveways shall not be permitted. Regardless of the number of parcels served, all driveways shall be permanently maintained in good condition to limit the generation of airborne dust."*

(D-E):

Regarding sensitive receptors, the Pacific Ocean is home to a number of marine species and sensitive habitat types that are considered "sensitive receptors." Other sensitive receptors such as schools and hospitals are not present in the project vicinity. Development of the subject property will, as required by regulation, meet all applicable local, state and federal standards for building construction, debris disposal and pollutant control. Potential temporary short-term impacts to the sensitive receptors could result from dust caused by road construction and future residential development of the parcels. These impacts are short-term and less than significant, provided fugitive dust controls are followed pursuant to with NCAQMD Rule 104. Therefore, the project will not significantly expose sensitive receptors to substantial pollutant concentrations.

With regard to objectionable odors, no proposed uses or construction techniques are proposed that will result in odors that could reasonably be considered objectionable by the general public.

The NCUAQMD has advised that, generally, an activity that individually complies with the state and local standards for air quality emissions will not result in a cumulatively considerable increase in the county-wide PM-10 air quality violation. Further, the NCUAQMD has advised that smaller construction projects do not generate particulate matter greater than the local and/or state standard. Therefore, staff concludes that with the mitigation measure listed below, which requires compliance with NCUAQMD standards and regulations that the project will not result in adverse air quality impacts, nor result in a cumulatively considerable increase in the PM-10 non-attainment.

#### **MITIGATION MEASURES**

With the following mitigation measures, the project will have a less than significant effect on Air Quality.

##### *MITIGATION MEASURE NO. AIR-1*

The applicant, at all times, shall comply with Air Quality Rule 104, Section 4.0 Fugitive Dust Emissions to the satisfaction of the NCUAQMD. This will require, but may not be limited to:

- Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.
- The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
- The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
- The paving of roadways and their maintenance in a clean condition.
- The prompt removal of earth or other track out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

For purposes of compliance with Rule 104, all roadways serving three or more parcels shall be paved and maintained in a clean condition. Driveways serving fewer than three parcels may be constructed of compacted gravel, decomposed granite, permeable pavers, or other similar material. Graded and compacted dirt driveways shall not be permitted. Regardless of the number of parcels served, all driveways shall be permanently maintained in good condition to limit the generation of airborne dust.

#### **FINDINGS**

The project will not conflict with or obstruct implementation of the applicable air quality plan; will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, following adoption of appropriate mitigation measures; will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); will not expose sensitive receptors to substantial pollutant concentrations; and will not create objectionable odors affecting a substantial number of people.

<b>IV. BIOLOGICAL RESOURCES. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

IV. (A-F):

Regulatory Context

The Homan property lies within the California Coastal Zone, under primary jurisdiction of the Humboldt County Planning and Building Department. Approved land uses and standards for the property are provided in *The Humboldt County General Plan (adopted 12/10/1984)*, *Trinidad Area Plan of the Humboldt County Local Coastal Program (adopted 9/11/1984)*, in conformance with the policies of the California Coastal Act of 1976.

The California Coastal Act requires that any development within or adjacent to Environmentally Sensitive Habitat Areas (ESHA) within the Coastal Zone be compatible with the continuance of such habitat areas. Section 30107.5 of the Coastal Act defines ESHA as any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Under Section 30240 of the Coastal Act, the Coastal Commission requires that: (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, and that (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.

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The *Trinidad Area Plan* identifies coastal streams and rivers, such as the one which crosses the subject site, as ESHA. Development is required to maintain a protected buffer zone along the creek's riparian corridor. The Plan states, "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 the slope distance from the stream transition line on both sides [of the stream], (3) where necessary, the width of the riparian corridor 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 (Section 3.30.B.5.d)." No development would be allowed within the SMA unless the Commission determines, based on specific factual findings, that such development would not result in significant adverse impacts to fish, wildlife, riparian habitat, or soil stability. Critical habitats for rare or endangered species listed on state or federal lists are also considered ESHA within the County Trinidad Planning Area.

The site is not subject to the provisions of a Habitat Conservation Plan or Natural Community Conservation Plan. The State of California has identified an Area of Special Biological Significance (ASBS) in the Pacific Ocean approximately 0.4 miles south of College Cove (see Appendix B). Diminished water quality in the creek that flows through the Homan property could impact the water quality of the ASBS. As described in greater detail Appendix B, the primary water quality risks associated with the ASBS which may relate to the subject site are impacts from septic systems and stormwater runoff from impervious surfaces. In 2013, the City of Trinidad published a brief summary of a forty year local history of study and policy development with regard to septic systems in the Trinidad-Westhaven community. That history identified septic systems on small lots (less than one acre) and older septic systems which do not meet current standards as primary risk factors. The City of Trinidad (Trever Parker, City Planner, 2014) has indicated that the subject site is north of Mill Creek which is the northerly limit of the City of Trinidad's historic water quality testing program.

The septic systems to be installed on the subject property will meet all current setback and design criteria, including tank design and leach field area and design. For each lot, sufficient area will be identified in consultation with the Department of Environmental Health to accommodate both a primary and 100% replacement leach field to be used if necessary. Soil samples, percolation testing and ground water monitoring on the site identified appropriate locations for septic leach fields (PWA, 2009) and two subsequent analyses (LACO, 2009 and LACO 2014) indicate that appropriately sized and situated primary and secondary leach field areas are available on each lot to comply with current standards and avoid water quality impacts.

Urban runoff from impervious surfaces such as roofs, driveways and patios is often associated with water quality concerns due to decreased percolation and the potential that such runoff may contain road oils, landscaping chemicals and other materials. The minimum lot size within the Homan Major Subdivision is 2.2 acres and the average lot size is 3.1 acres. That permits considerable areas of the site to remain in its natural state, promoting continued percolation. The applicant also proposes to develop the property with Low Impact Development (LID) features which will slow runoff from the site and facilitate percolation. Low Impact Development is a site design strategy that seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID techniques include the use of small scale landscape-based best management practices (BMP's) such as vegetated natural filters and bioretention areas (e.g. vegetated swales and raingardens) to infiltrate storm water runoff. LID also requires preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils.

Habitat and Sensitive Species Potentially Present at the Project Site

Several biological evaluations were conducted at the site. These include a Stream Transition Line and Wetland Delineation (Winzler and Kelly April 2008), Special Status Plant Survey (Winzler and Kelly November 2008), and Terrestrial Vertebrate Survey (Winzler and Kelly November 2008), Site Visit and Biological Resource Study Update (LACO Associates August 2014). All of the evaluations were led by

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senior biologist with expertise in wildlife biology and botany and decades of experience working on the north coast.

The Site Visit and Biological Resource Study Update prepared in August 2013 included a review of topographic maps, aerial photography, and the California Department of Fish and Wildlife (DFW) California Natural Diversity Data Base (CNDDDB) Trinidad Quad (DFW 2013) and an updated site survey for potential sensitive aquatic and terrestrial species occurrence. Site investigation found no evidence of inhabitation by any sensitive species, however, riparian and wetland habitat areas were identified, as well as the presence of habitat for raptor species such as Cooper's hawk and Sharp-shinned hawk. Mitigation measures are proposed to protect the wetland and riparian habitat areas and to protect nesting raptors if any inhabit the site on a seasonal basis. Please refer to the Biological Assessment for the habitat conditions and species composition present at the site.

The California Natural Diversity Database (CNDDDB) was queried (August 2013) for known occurrences of rare, threatened, and endangered species, also referred to as sensitive species, within the Trinidad 7.5' USGS quadrangles. The site was then examined for evidence of the presence of those species or of their specific habitat. No evidence of either sensitive plant or animal species was found on the site; however two potential types of habitat were identified. An unnamed stream crosses a portion of the subject site, traveling east to west along the southerly property boundary, with associated riparian and wetland areas, all of which are valuable both as potential habitat for sensitive species and as a wildlife corridor. This unnamed intermittent stream is colloquially referred to as "College Cove Creek" but is not mapped or named by the County of Humboldt or the U.S. Geological Service (USGS). Aside from the stream, there is one isolated wetland, located on the subject site, but separated from the areas proposed for development by an existing private access road. The site also contains several hundred mature trees which are potential nesting sites for raptors and migratory birds.

The requirements of the Trinidad Area Plan (Section 3.30B5d.), cited above, identify buffers on all perennial and intermittent streams. Buffers effectively protect the sensitive habitat and any listed species that may occur within the stream corridor. DFW biologists were consulted on-site regarding the appropriate location of the stream transition line and the the riparian and wetland area setbacks. All proposed and future improvements on the parcels will comply with setbacks and mitigation measures to be protective of the resource.

The Terrestrial Vertebrate Survey (Winzler and Kelly November 2008), finds that raptor nesting habitat is available in woodlands throughout the project area. While the trees which potentially serve as nesting sites are quite common in the area, there is the potential that tree removal or construction activity would affect individual nesting pairs if any are present. The risk of such disturbance is limited to the raptor nesting season (March-August). Pre-construction and pre-removal surveys conducted by a qualified biologist will be required if construction activities occur during the nesting season to ensure that adequate measures are taken to protect nesting raptors, if any inhabit the site.

The Site Visit and Biological Resource Study Update (LACO Associates August 2014) included a survey for Sonoma tree vole (*Arborimus pomus*) needle resin-duct canopy lodges was conducted in July, 2013. The mature forest tree canopies found on the property were examined for lodges, as well as the forest floor below for windblown lodges. No vole tree lodges were located in the trees or on the ground. A records search from U.C. Berkeley Museum of Vertebrate Zoology (MVZ) and Humboldt State University T. E. Lawlor Mammal Collection (HSU) of known Sonoma tree vole specimens revealed no Sonoma tree vole collection location closer to the Humboldt coast than Jolly Giant Creek (7.5 kilometers from the coast).

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were present, it would be reasonably assumed that remnant tree lodges would be found windblown at such a near coastal location as the Project Site (0.3 kilometers from the coast). The survey concluded that Sonoma tree vole surveys do not appear to be warranted pending further comment by DFW.

The Site Visit and Biological Resource Study Update (LACO Associates August 2014) also includes a discussion of the potential presence of white-footed vole (*Arborimus albipes*). Based on the location of previously identified white-footed vole findings, the habitat preference appears to be near small, forested streams with dense understory. The Project Site stream habitat is very similar to that described for the white-footed vole. The area of the site which may provide such habitat is within the identified Stream Transition Line and riparian and wetland buffer area.

While the proposed design (Phased Tentative Map Homan Major Subdivision Map Set dated 9/18/14) provides opportunities to place building pads, primary and secondary leach fields and driveways in locations which generally minimize the removal of trees larger than 12 inches dbh, residential construction for one or more of the proposed lots may require approval of a Major Vegetation Removal permit by Humboldt County. According to §313-64 of the Humboldt County Code (HCC), the removal of trees 12" dbh or larger and the removal of vegetation (grasses, shrubbery, small trees, etc.) in an area 6,000 sf or larger constitutes Major Vegetation Removal and is subject to County permit review. If tree removal for residential construction leads to commercial sale of timber, a Timber Harvest Plan prepared by a Registered Professional Forester would also be required, subject to review by the California Department of Forestry and Fire Protection.

In accordance with ESHA requirements for the Trinidad Planning Area, a 100-foot riparian buffer shall be preserved on either side of the on-site stream and a 100' buffer shall be preserved around the isolated wetland. Based on the field assessment and knowledge of sensitive species presented in the technical studies, the 100-foot buffer will adequately protect habitat values of the stream and riparian corridor, thus avoiding either a direct or indirect significant impact on any sensitive plant or animal species that may occur within that area. As shown on the Site Plan, the developable portions of the subdivided parcels would not encroach into the buffer. Further protection of nesting raptors will be provided through pre-construction and pre-removal surveys if construction or tree removal is proposed during the nesting season.

#### **MITIGATION MEASURES**

With the following mitigation measures, the project will have a less than significant effect on Biological Resources.

Mitigation Measure AE-1 (Tree Preservation Buffer's described above)

Mitigation Measure AE-2 (Replace trees larger than six inches dbh described above)

Mitigation Measure AE-3 (Tree planting with Phase 1 development described above)

Mitigation Measure AE-4 (Tree planting standards described above)

#### **MITIGATION MEASURE NO. BIO-1**

The Stream Transition Line and a Riparian Buffer Area set 100 feet from the Stream Transition line shall be shown on the recorded development plan, on file at the Humboldt County Planning Department. A 100 foot wetland protection buffer shall also be shown on the recorded development plan. No residential development, including buildings, driveways, and primary or secondary leach fields shall be permitted or developed within the Riparian or wetland protection buffer. Improvements to Anderson Lane and to the existing private road may occur within the 100 foot wetland buffer pursuant to Humboldt County Fire Safe Regulations and other road improvement standards.

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*MITIGATION MEASURE NO. BIO-2*

For any project-related tree removal or construction activities proposed during the raptor nesting season (March 1 to August 15), a pre-construction survey of the project site for nesting raptors and other migratory birds shall be conducted by a qualified biologist and provided to the California Department of Fish and Wildlife and the Humboldt County Planning Division for concurrence. The active bird nest survey shall be conducted no more than 15 days prior to construction and/or tree removal. If nesting raptors or other migratory birds are found during the survey, either: (1) the proposed tree removal and construction activities shall be delayed until after the nesting season; (2) a 500-foot buffer shall be established between the nest and any proposed tree removal and construction activities and maintained until August 15 or until a subsequent study verifies that the nest is no longer in use; or (3) identify alternative options for proceeding in conjunction with California Department of Fish and Wildlife and the Humboldt County Planning Division.

*MITIGATION MEASURE NO. BIO-3*

The developer/applicant shall incorporate Low Impact Development features into the project design by using landscape-based Best Management Practices (BMP's) sized to replicate the pre-project water balance (defined as the volume of rainfall that ends up as runoff) for the smallest storms up to the 85<sup>th</sup> percentile storm event (or the smallest storm event that generates runoff, whichever is larger).

LID features meeting such performance standards shall be incorporated into the subdivision improvement plans for each phase of the proposed Major Subdivision and shall be sufficient to address all proposed on-site impervious surfaces to be constructed with that phase including improvements to the access road and installation of new driveways. To the extent additional road widening is required along Stagecoach Road and/or Anderson Lane, shoulder improvements to accompany such widening will be accepted as sufficient performance with regard to this requirement.

The requirement for LID features meeting the above standards to be incorporated into future development plans which create impervious surfaces (e.g. driveways, roofs, patios) shall be identified as a note on the face of the Final Map and noted on the Development Plan. The requirements for LID features and associated BMP's shall be incorporated into the review of Coastal Development Permits, Building Permits and other development approvals subsequent to the proposed division of land.

**FINDINGS**

The project will not conflict with any local policies or ordinances protecting biological resources, and will not Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species, have a substantial adverse effect on any riparian habitat or other sensitive natural community, have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means and will not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or impede the use of native wildlife nursery sites, provided appropriate mitigation measures are implemented.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

V. (A-D):

Native Americans are known to have settled along the Humboldt County coast, in the general vicinity of the project area. Subsequently, non-Native Americans settled in these areas prior to the establishment of the coastal cities of Trinidad, Eureka, and Arcata. Therefore, paleontological, archaeological, historical or unique ethnic or sacred resources are known to occur throughout the North Coast region. On July 7, 2008, the North Coastal Information Center (NCIC), California Historical Resources Information System, responded to a records search request from Humboldt County with regard to a Coastal Development Permit (CDP) for the development of test wells on the subject site. The NCIC response recommended conditional approval and noted that "while record search indicates no known recorded sites on project area – the surrounding area have findings. Therefore there is a moderately [sic] likelihood of cultural resource finding."

Additionally, a Fault Rupture Hazard Evaluation, Soils Report and Wetlands Delineation each study required considerable trenching, totaling in excess of 1,600 linear feet, and excavations ranging from one foot to 21 feet in depth, throughout the site. No evidence of paleontological, archaeological, historical, ethnic or religious resources was found during this process. Express Archaeological Solutions prepared a cultural resource inventory for the site (Express Archaeological Solutions, 2010). This inventory consisted of a records search, consultation with the Yurok tribe, and a site survey. No cultural resources or isolated artifacts were found during the site survey, the records search, or in consultation with tribal representatives. Additionally, the applicant invited representatives of the Yurok Tribe to visit the site and provide input on the project. In a letter dated October 4th, 2013, the Yurok Tribe noted that the applicant had committed to keep the Yurok Tribe informed of any changes proposed to the project and to ensure that a Yurok cultural monitor would be present during initial ground disturbance for construction. The Tribe also stated that they did not have any concerns with the project proceeding as planned. Given the lack of known historical resources at the site and the nature of the proposed project it is unlikely that the proposed subdivision will cause a significant adverse change in any historical or archaeological resources. However, the potential for unrecorded and previously undetected cultural resources in the area that will be affected by the elements of this project is considered very low but not nonexistent. Therefore, due to the proximity to known cultural resource sites, should historic fossils be discovered, as required by State law all construction activity will cease and a qualified Archaeologist will be retained to determine the significance of the discovery and the process to avoid, reduce or compensate for the impact. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted. Staff recommends that a mitigation measure be incorporated to require compliance with state law.

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## **MITIGATION MEASURES**

With the following mitigation measures, the project will have a less than significant effect on Cultural Resources.

### *MITIGATION MEASURE NO. CUL-1*

If potential archaeological or paleontological resources are encountered during project subsurface construction activities, all work within 50 feet per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)) and 36 CFR § 800.13 (a-b), shall stop. Work near the archaeological finds shall not resume until a qualified archaeologist, funded by the applicant and who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action. The applicant shall be responsible for implementing the mitigation prior to construction activities being re-started at the discovery site.

### *MITIGATION MEASURE NO. CUL-2*

In accordance with California Health and Safety Code Section 7050.5 and California Public Resources Code Sections 5097.94 and 5097.98, if human remains are uncovered during project construction work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains. The Humboldt County Coroner shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

### *MITIGATION MEASURE NO. CUL-3*

The developer/applicant shall retain a cultural monitor designated and accepted by the Yurok Tribe to be present during the initial ground disturbance or excavation for any construction activity on the subject site. If artifacts or evidence of historical or archaeological settlement, activity, or burials are discovered during construction monitoring, then appropriate actions shall be taken as described in Mitigation Measures CUL-1 and CUL-2.

## **FINDINGS**

The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5; or of an archaeological resource pursuant to §15064.5; will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and will not disturb any human remains, including those interred outside of formal cemeteries if appropriate mitigation measures are implemented.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

VI. (A-E):

The project is located near a known fault (Trinidad Fault) delineated on the Alquist-Priolo Earthquake Fault Zoning Map. LACO Associates was retained to conduct an Alquist-Priolo Fault Investigation (2008) and to prepare an R-1 Engineering Geologic/Foundation and Soils Report (2008) for the entire subject site. LACO Associates prepared an addendum to the R-1 Soils Report in 2009. Pacific Watershed Associates (PWA) was retained to prepare an Onsite Wastewater Evaluation (2009). LACO Associates prepared a Sewage Disposal System Design Addendum (2009) to address the potential for second units to be developed on the subject site. LACO Associates prepared an additional Sewage Disposal System Design Addendum (2014) to address changes in the project layout.

Nearly the entire property is located within a State of California Alquist-Priolo Earthquake Fault Zone as delineated by the State of California under the Alquist-Priolo Earthquake Fault Zone Act (A-P Act) of 1972 (California Public Resources Code, Chapter 7.5, Division 2). The intent of the A-P Act is to mitigate the hazard of surface fault rupture, and mandates specific, detailed geologic studies to demonstrate the presence or absence of active faults for certain projects within Earthquake Fault Zones. Subdivision of land within an Earthquake Fault Zone is subject to the conditions of the A-P Act; therefore, the purpose of this investigation is to assess the potential for surface fault rupture at the site. The site is included in an Earthquake Fault Zone based on its proximity to a reportedly active trace of the Trinidad fault and is therefore subject to the Fault Zoning Act (California Division of Mines and Geology 1997). The Alquist-Priolo Fault Investigation included the excavation of ten separate trench segments to depths of 10

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cumulative length of approximately 1,600 feet across the areas encompassing the anticipated building sites. Four trench segments were specifically located to target the mapped trace of the Trinidad Fault. Evidence indicated that the Trinidad Fault may not be accurately located on the Alquist-Priolo maps where it is shown as crossing the subject site. However, the report does describe a secondary zone of previously unmapped faults across portions of the subject site. The report recommends that a considerable portion of the property be designated as exclusion zones where new buildings for human habitation should be prohibited to reduce the risk from surface fault rupture. As shown on Sheet 3 of 6 of the proposed Tentative Subdivision Map, areas were placed within the exclusion zones if they were in the vicinity of potentially active faults or if they were not cleared for development through trench investigations.

The purpose of the R-1 Engineering Geologic/Foundations and Soils report was to characterize the subgrade soils, identify potential geologic hazards, and develop recommendations for foundation support and earthwork. The report includes an assessment of potential earthquake-related geologic and geotechnical hazards including surface fault rupture, liquefaction, differential settlement and site instability. Other geologic concerns including landslides, flooding, and the shrink-swell potential of on-site soils are also addressed. The report also presents seismic design parameters per the 2007 California Building Code, and a discussion of appropriate foundation design options. The R-1 report also includes a variety of recommendations regarding foundation design, slope design, grading, compaction, drainage, and related project elements. An addendum to the R-1 report was prepared on April 14, 2009.

Finally, the Onsite Wastewater Evaluation determined the suitability of the site, and the individual proposed parcels, for the use and location of individual septic systems and leach fields. The study considered the soil characteristics on site, including percolation rates, topography and proximity to wells, water features, property lines, and other constraints. The report includes recommendation for septic system design (including gravity vs. pressure systems), and suggests locations for leach fields and reserve leach fields which comply with regulatory and recommended setbacks. Given appropriate design and location, the report concludes that each proposed parcel can be adequately served by individual septic systems. An addendum to the Onsite Wastewater Evaluation prepared by Pacific Watershed Associates has been prepared by LACO Associates (2009) and has been submitted to the County of Humboldt under separate cover. A subsequent update (2014) to the LACO Associates report addressing the revised project layout has also been submitted to the County of Humboldt for review. The addendum addresses the potential for each lot to accommodate on-site wastewater systems sufficient to support both a primary and a secondary residence as permitted by the Humboldt County Zoning Ordinance. With the exception of Lot 6 (the existing residence), the addendum concludes that all of the lots have the physical characteristics necessary to accommodate the wastewater generated by two units. A Mitigation Measure is proposed to prohibit the construction of a second unit on Lot 6 unless a subsequent study successfully demonstrates that a specific proposed on-site septic system will function appropriately. Additional fault investigations would also be necessary.

#### Regional Seismicity

This project site is located within California's Northern Coast Ranges Geomorphic Province (California Geologic Survey, 2002), a seismically active region in which large earthquakes are expected to occur during the economic life span (50-years) of the development.

North of the Mendocino Triple Junction (located off-shore of the town of Petrolia, approximately 50 miles south of the subject site), the regional tectonic framework is controlled by the Cascadia subduction zone (CSZ) wherein oceanic crust of the Juan de Fuca/Gorda plate is being actively subducted beneath the leading edge of the North American plate. The CSZ in its entirety extends from the Mendocino triple junction to British Columbia. Plate convergence along the Gorda segment of the CSZ is occurring at a rate of approximately 30 to 40 millimeters per year (mm/yr) (Heaton & Kanamori, 1984). Rupture along the entire CSZ boundary may produce an earthquake with a maximum moment magnitude ( $M_w$ ) of 9.0 or greater (Satake et al., 2003).

The Trinidad fault has been recognized by the State of California as an active fault. The Trinidad fault is a northwest-striking, northeast-dipping, low-angle thrust fault. The upper-bound earthquake considered likely to occur on the Trinidad fault has an estimated maximum moment magnitude ( $M_0$ ) of 7.3 (ICBO-CDMG, 1998). Peak ground accelerations (PGA) of approximately 0.6 to 0.7g (60 to 70 percent of the gravitational acceleration), or more, may be expected to occur on this site as a result of the regional design basis earthquake (Petersen et al, 1999; CGS Probabilistic Seismic Hazards Mapping Ground Motion, 2008).

- Based on the record of historical earthquakes (~150 years), faults within the plate boundary zone and internally deforming Gorda Plate have produced numerous small-magnitude and several moderate to large (i.e.  $M > 6$ ) earthquakes affecting the local area. Several active regional seismic sources in addition to the CSZ and Trinidad fault are proximal to the project site and have the potential to produce strong ground motions. These seismic sources include the following:
  - The northern segment of the San Andreas transform fault that represents the boundary between the stable North American plate and the northwest-migrating Pacific plate.
  - The Mendocino fault, an offshore, high-angle, east-west-trending, right-lateral strike-slip fault that forms the boundary between the Gorda and Pacific plates.
  - Faults within the internally-deforming Gorda plate consisting of high-angle, northeast-trending, left-lateral, strike-slip faults.

#### Local Seismicity

The reported trace of the Trinidad fault projects through the subject property and is mapped along the west-southwest facing toe slope of the former sea stack, as depicted on the Official Map of the State of California Special Studies Zones (CDMG, 1983; CDMG, 2000). A secondary zone of previously unmapped northeast dipping thrust faults were identified during the Fault Investigation in the trench exposures at the project site. The zone of observed faulting is present near the western boundary of the Alquist-Priolo earthquake fault hazard zone.

#### Conclusions (Excerpted from the LACO Fault Investigation)

1. Evidence of faulting was observed at the west end of Trench #3 near the westerly limits of the project site, coincident with the western boundary of the Alquist-Priolo Fault Hazard Zone. Fault offset was determined to predate the latest Pleistocene-aged eolian silt cap, as well as the youngest marine terrace subunit. The observed fault offset is pre-Holocene and is therefore by definition not active. However, given that this fault trace joins the main fault trace that is zoned as being active by the State 300-feet southeast of Trench #3, as well as the presence of a diffuse topographic scarp that is coincident with the cluster of observed faults, it would be prudent to locate any future occupied structures in a manner that avoids these faults.

2. The location of the Trinidad fault through the project site, as mapped by the State, appears to be highly speculative. We found no evidence that the topographic lineament at the base of the sea stack traversing the project site is a fault. The geomorphic expression associated with the topographic lineament is the product of slope derived colluvium overlying late Pleistocene marine sediments, or marine sediments in depositional contact with a steeply dipping bedrock free-face that represents the seaward edge of a former sea stack, as observed in Trench #5 and #5A. The fault trace is clearly not present where it is projected to cross Trench #1A, #4, #5, and #5A, as depicted by the State map.
3. Based on our field mapping, aerial photographic analysis and site topography, it appears that the Trinidad fault and a subsidiary fault segment are located near the western boundary of the Alquist-Priolo Fault Hazard Zone. The fault zone and associated scarp appear to traverse the project site near the southwestern property boundary, possibly coinciding with, and modified by, the lateral margin of an inset stream terrace. A subtle fault scarp is evident near the west end of Trench #3, and on the west side of Stagecoach Road where the main fault zone is projected to cross the road. The fault zone location is further evidenced by the presence of a broad anticlinal fold within the hanging wall that also projects across Stagecoach Road.
4. In conclusion, within those areas where an absence of active faulting has been demonstrated, the potential for surface fault rupture and surface folding to affect any proposed developments not located within the exclusion area for occupied structures is considered low. It should be noted that although the potential is low, surface fault rupture can occur along any number of weak planes in the subsurface including pre-existing fractures, bedding planes, formerly inactive faults, and previously unfaulted ground.

#### **Specific Geologic Risk Factors:**

##### Surface Fault Rupture:

An onland segment of the Trinidad fault reportedly projects through the subject property as depicted on the Official Map of the State of California Special Studies Zones (CDMG, 1983; CDMG, 2000). Also reportedly present is a southwest dipping backthrust, located near the easterly property boundary. A secondary zone of previously unmapped northeast dipping thrust faults were identified in the Fault Investigation. Each of the potential and identified faults have the potential to create a surface fault rupture.

##### Strong Seismic Ground Shaking:

Based on the proximity to the identified and potential faults, the site is subject to extreme ground shaking in the event of a surface-rupturing earthquake on the Trinidad fault. All structures on the site should be engineered in such a manner as to withstand the strong ground shaking potential associated with the near-source conditions.

##### Seismic-Related Ground Failure, Including Liquefaction

Liquefaction is the loss of soil strength, resulting in fluid mobility through the soil. Liquefaction typically occurs when uniformly-sized, loose, saturated sands or silts are subjected to repeated shaking in areas where the groundwater is less than 50-feet bgs. In addition to the necessary soil and groundwater conditions, the ground acceleration must be high enough, and the duration of the shaking must be sufficient, for liquefaction to occur.

Based on published planning maps for Humboldt County (CDMG, 1995), the site is not located in an area of liquefaction potential. The Engineering Geologic/Foundation and Soils Report found medium dense silty sands and poorly graded sands with silt and gravel. Based on the age and density of the native granular soils encountered at the site, the presence of bedrock at a depth of less than about 30-feet below the site, and the thin zone of saturation the report concludes that there is a very low probability of liquefaction to occur at this site.

#### Landslides

The subject parcel contains steep slopes in those areas underlain by resistant bedrock. Gradients of up to 60-percent are present along the west and south facing slopes flanking the former bedrock sea stack in the center of Lot 4. Elsewhere at the project site, slope gradients are typically gentle, ranging from five to ten-percent. The Humboldt County General Plan Geologic Map, North Sheet (2004) indicates the general area in the vicinity of the subject parcel to have a high potential for slope instability due to the proximity of unstable coastal bluffs along the coastline. The subject parcel, however, is located a minimum distance of 750-feet east from the nearest coastal bluff.

Currently, the steep slopes flanking the former sea stack at the site are heavily vegetated with mature second growth Redwood, spruce, and fir trees. In plain view, the slopes are generally planar to convex. The Engineering Geologic/Foundation and Soils investigation did not identify any evidence of instability that would affect or be affected by the proposed developments. However, grading or development of Lot 4 is of particular concern due to the steep slopes which border the site. A geologist should be consulted during the design of grading plans, driveways, and buildings on Lot 4. Habitable structures on Lot 4 may also be at risk from the slope instability if set too close to the grade break of steep slopes. To protect such residences, a Mitigation Measure is proposed to require a minimum setback of 20 feet from the grade break of a descending slope in excess of 50%.

County standards require that road improvements be constructed to accommodate increased vehicular use resulting from a subdivision. The existing driveway which currently serves three residences will require widening to provide access to two of the proposed parcels. The existing graded road bed has sufficient width to permit widening of the private road with minimal grading.

#### Unstable Soils

Trench backfill was not placed as structural fill or adequately compacted for structure support. Therefore, foundation and/or appurtenant structures traversing the trench alignments may be subject to differential settlement if not mitigated.

The Geologic/Foundation and Soils Report identified soft soil conditions in the upper 2-feet of the soil profile, consisting of native topsoil. Below about 2-feet, soils appeared suitably dense to accommodate most foundation types. It is anticipated that future residences will be supported by foundation systems consisting of continuous perimeter spread footings and internal isolated spread footings in combination with concrete slab-on-grades. Foundation systems of this type are acceptable for site conditions, provided that all foundation elements are supported on the medium dense granular soils beginning at 2.5-feet below existing grade.

### Septic Suitability:

All of the subject sites are proposed to be served by individual septic systems. The On-site Wastewater Evaluation (PWA, 2009) found that soils on the lower elevations of the site generally provide adequate percolation rates and filtration of effluent. Soils on the upper lots (Lots 4, 5 and 6) are rockier and more constrained by site topography. In all cases, there are substantial practical and regulatory constraints for the location of septic tanks and leach fields. Setbacks are required from property boundaries, existing and future wells, waterways and non-engineered grading and slope fill (Engineered fill and non-engineered trench backfill is not subject to set-backs.). The Wastewater evaluation includes a map demonstrating that all mandatory setbacks can be met on each proposed lot, with sufficient area for both a primary and secondary leach field. In some cases, the location or size of the leach fields are such that the systems will require pressurization through elevation change or pumps to function properly.

All of the proposed lot configurations have been designed to accommodate the mandatory constraints and to provide for the required setbacks from on-site wells, property lines, building areas and Streamside Management Areas and wetlands.

### Soil Erosion

The site topography is generally level adjacent to Stagecoach Road, rising steeply to the upper portion of the site. Existing impervious surfaces are limited, consisting primarily of a single family residence, and a private road serving the house and neighboring parcels. The private road climbs at a relatively steep angle ranging from approximately 7% to 19%, along the edge of a bedrock outcropping, with a steep, vegetated cut slope on the uphill side of roadway. The existing paved surface of the private road will be widened along its entire length to meet Firesafe standards. The existing road level area containing the road is generally wide enough to accommodate a Category 3 road (16 feet of pavement with two foot bladed shoulders) with minimal additional grading or excavation. While development will increase the area of impervious surfaces on the subject site, the large lot sizes (minimum 2.2 acres) are anticipated to provide adequate area to manage the increased runoff without through landscape based Low Impact Development (LID) techniques rather than larger scale stormwater detention methods. Stormwater is anticipated to continue to sheet flow along the hillside and access driveway as is currently the case. No evidence of existing erosion was identified on the subject site under current conditions.

Mitigation measures are proposed to require appropriate management of drainage from the impervious surfaces of the site. Such measures include grading to direct drainage away from the structures, and the positive control of roof-generated storm drainage. Such drainage will be directed through gutters and downspouts to tightlines which will convey runoff to a suitable outlet point which will be armored against erosion. All runoff from impervious surfaces will be managed through Low Impact Development Techniques (as described in the Biology Section. In addition to the prevention of erosion, such measures will have the added benefit of encouraging groundwater recharge.

### Expansive Soils

The Engineering Soils Report (LACO, 2008) found that the subsurface soils at foundation load bearing depths consist predominantly of medium dense silty sand grading downward into poorly graded sand with silt and gravel. Particle size analysis of selected samples indicate a clay content of less than 16-percent for soils at or below anticipated foundation load bearing depths. This indicated that there is a low hazard to the structure associated with potential swelling or shrinkage of these soils beneath a slab-on-grade with thickened edge foundation.

All lot configurations have been carefully designed to work within the geological, seismic and soils constraints identified above and to provide required setbacks from (and between) property lines, fault lines, building pads, existing and proposed wells, existing and proposed septic systems and leach fields, Streamside Management Areas and wetlands.

With the following mitigation measures, the project will have a less than significant effect on Geology and Soils resources.

#### **MITIGATION MEASURES**

With the following mitigation measures, the project will have a less than significant effect related to Geology and Soils.

*MITIGATION MEASURE NO. BIO-3 (Low Impact Development Techniques as described above).*

#### *MITIGATION MEASURE NO. GEO-1*

All proposed occupied structures shall be located outside of the Exclusion Area identified in the Alquist-Priolo Fault Investigation. Note that subsequent Fault Investigations conducted pursuant to the Alquist-Priolo Act may reduce the exclusion areas. An occupied structure is defined by the Alquist-Priolo Act as "any structure used or intended for supporting or sheltering any use or occupancy, which is expected to have a human occupancy rate of more than 2,000 person-hours per year".

The angle points of the Exclusion Area shall be staked in the field prior to the recording of the Final Map such that they are clearly defined and recognizable to any future owner(s). Intermediate points shall be staked where inter-visibility between angle points does not exist. The Exclusion Area shall be clearly depicted on the Final Subdivision Map in an accompanying exhibit. Coordinates of the angle points are to be determined and located in relation to the monumented property corners recovered during the boundary survey.

#### *MITIGATION MEASURE NO. GEO-2*

A site-specific slope stability investigation shall be performed by a qualified Professional Geologist prior to siting of any occupied structures on Lot 4 due to the steep and potentially unstable slopes that may be construed as buildable due to their location outside the Exclusion Area. A minimum setback of 20 feet from the grade break of a descending slope in excess of 50% shall be maintained for all occupied structures.

#### *MITIGATION MEASURE NO. GEO-3*

Prior to issuing a building permit or related approval for a structure which with a foundation which will cross the uncompacted backfill of any exploratory trench or utility trench, or where the trench bottom is within a 2 horizontal to 1 vertical plane, projected outward and downward from any structural element, the Humboldt County Building Division shall require a submittal from a licensed Professional Engineer or other qualified professional which assesses and limits the potential for structural settlement. Typical methods to assess and limit structural settlement may include the following:

1. Reexcavation and replacement of backfill with an engineered, compacted fill.
2. Appropriately engineered foundation to mitigate the potential for settlement.
3. Installation of concrete slurry in the portions of the trench which intersect the 2 horizontal to 1 vertical plane beneath the structure

The Humboldt County Building Official may waive the requirement for an assessment by a Professional Engineer where a narrow trench (generally less than 18 inches in width) crosses a footing at or near a right angle.

*MITIGATION MEASURE NO. GEO-4*

All permanent construction on the subject site shall be designed and constructed to State Title 24 standards for Seismic Zone 4.

*MITIGATION MEASURE NO. GEO-5*

As required by the Regional Water Quality Control Board (RWQCB), a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and approved prior to the start of any construction which will disturb more than one acre and will occur during wet weather conditions or for which a SWPPP is otherwise required pursuant to RWQCB regulations. Prior to the start of construction which will occur in wet weather and for which a SWPPP is not required, an Erosion Control Plan (ECP) shall be prepared and submitted to the Humboldt County Building Division for review and approval.

*MITIGATION MEASURE NO. GEO-6*

New cut slopes into bedrock, shall have a maximum gradient of 1:1 (horizontal to vertical) similar to the current cut slope geometry. New cut slopes into the marine sands or colluvial deposits shall have a maximum gradient of 1.5:1 (horizontal to vertical). Steeper cuts may be feasible if site specific stability analysis is performed by a qualified licensed engineer.

New engineered fill slopes shall be constructed on an adequately prepared surface that has been stripped of deleterious material, and benched to provide to a stable level surface on which to place the fill. The finished fill slope shall have a maximum gradient of 2:1 (horizontal to vertical) unless special design considerations such as reinforced earth or cantilevered concrete retaining structures are recommended and designed by a qualified licensed engineer.

*MITIGATION MEASURE NO. GEO-7*

All structural fills shall be constructed as controlled and compacted engineered fills. Structural engineered fills shall be free of organics and composed of sand or gravel. All existing soils with a high organic content derived from stripping of the site, are suitable for reuse as landscape fills only. Only granular fill shall be used for supporting roadways or building foundations.

All structural fill material shall be well graded, imported granular material such as crushed quarry rock or river-run gravels (100-percent passing 3-inch sieve). Native soils on the site may not be suitable for use as structural fill, but may be usable if they are moisture conditioned to optimum moisture content and analyzed by a qualified materials testing laboratory prior to use. Sufficient testing and inspection shall be performed to monitor the suitability of fill materials, and assure compliance with the recommended compaction standards.

*MITIGATION MEASURE NO. GEO-8*

All topsoil shall be removed from areas that will support slab-on-grade foundations. Where excessive amounts of unsuitable soft soils or woody debris are encountered the unsuitable material shall be over-excavated and replaced with suitable engineered fill, placed and compacted pursuant to adopted standards. Alternatively, footings may be built on concrete slurry backfilled footing trenches, excavated to the bearing soil depth. Other potentially-acceptable methods for foundation support include drilled cast-in-place piers or helical piers. Any such alternative approach shall be designed and approved by a qualified, licensed engineer.

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*MITIGATION MEASURE NO. GEO-9*

The site shall be graded to provide positive drainage away from the foundation elements of all structures. A minimum gradient of one percent shall be maintained for all hardscaped areas. A three percent gradient shall be maintained for landscaped areas within 10-feet of a structure. The grading or landscaping design and construction shall be such that no water is allowed to pond anywhere on the site, except as described in an approved BMP as a component of a Low Impact Development strategy, nor to migrate beneath any structures. All roof storm drainage shall be controlled with the installation of gutters and downspouts. Downspouts shall be connected to tightlines to convey roof storm runoff away from a structure to a suitable outlet point. All outlet points should be armored with rock to act as energy dissipaters and control soil erosion. Runoff from hardscaped areas, including patios, and other impermeable surfaces shall also be contained, controlled and collected, and tight-lined to a suitable outlet point consisting of a drywell and/or gravel infiltration gallery or other infiltration system as specified in an approved BMP and as a component of a Low Impact Development strategy.

*MITIGATION MEASURE NO. GEO-10*

The septic system for Lots 4, 5, and 6 shall incorporate shallow Low-Pressurized Pipe (LPP) distribution systems to accommodate subsurface soil conditions, setbacks, and topographical constraints.

*MITIGATION MEASURE NO. GEO-11*

Septic Systems and leach fields shall be designed and located in conformance with the standards of the Humboldt County Department of Environmental Health. Such standards include, but are not limited to the following:

- Leachfields must be setback 100 feet or more from any existing and/or future wells, perennial springs, ponds, watercourses and outside of any designated Stream Management Areas.
- All leachfields must maintain a minimum 50 foot setback from all existing and proposed property lines.

**FINDINGS**

The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving i) Rupture of a known earthquake fault, ii) Strong seismic ground shaking, iii) Seismic related ground failure, including liquefaction, or landslides, provided appropriate mitigation measures are applied. The project will not result in substantial soil erosion or the loss of topsoil. The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project provided appropriate mitigation measures are applied. The project will not be located on expansive soils. The project will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater provided appropriate mitigation measures are applied.

<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

VII. A-B) There is currently no adopted plan or policy for the County of Humboldt specifically related to greenhouse gas emissions. The GHG emissions will not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. A less than significant impact would occur.

The private road, Stagecoach Road and Anderson Road will all be widened to comply with the Department of Public Works Subdivision Requirements and SRA requirements. Construction of the road will require the use of heavy equipment which emit greenhouse gasses, such as a backhoe, bulldozer, grader, and potentially large trucks. Creating building pads and leach fields will also require the use of heavy equipment. All equipment operating on site will meet current standards for emissions and be maintained in good condition. The emissions from construction will be minimal due to the short time period and overall distance of the road improvement effort, and the relatively small size of the subdivision (5 primary building sites and leach fields). In addition to the relatively small size of the project, trees will be planted on site to replace trees that are removed for site and road development. Overall, the construction effort will have a less than significant impact

Household contributions to GHG are estimated to be about 22.7 tons of CO2 per year per household according to a Rocky Mountain Institute study (Humboldt County, 2012). The total number of households in unincorporated Humboldt County is projected to be 30,754 by 2015. This project is expected to accommodate five new residences. This is much less than 1% of the households in the County, and therefore the project is expected to have a less than significant impact to GHG emissions county wide.

**MITIGATION MEASURES**

No mitigation required.

**FINDINGS**

The project will have a Less than Significant Impact to greenhouse gasses (GHG) during the construction of the proposed access road, the drilling of the test and production wells, and tree falling to clear building sites and the leach field areas. The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

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<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

VIII. A-H). The project site is a residential subdivision and will not routinely be used to transport, use, or dispose of hazardous materials. The site is not located within and airport land use plan, and there are no private airstrips in the vicinity of the site. The Department finds no evidence that the creation of five additional residential lots will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan.

According to the Fire Hazard map, the parcel is located in a moderate fire hazard area and the project is located within the State Responsibility Area (SRA) for fire protection. The existing site includes areas of substantial vegetation, presenting a risk of wildfire if not properly maintained.

Fire service to the area is provided by CalFire and the site is located within the County Service Area # 4 Fire District. The nearest Fire Station is the CalFire Trinidad station on Patrick's Point Road, approximately 0.8 miles from the subject site, with a modeled response time of three minutes (pursuant to the Humboldt County Master Fire Protection Plan). The CalFire Trinidad Station and Dispatch Center are open year round. The objective for CalFire is to successfully contain 95 percent of wildfires within the State Responsibility Area and Direct Protection Area at 10 acres or less. Additional protection is available from the Trinidad Volunteer Fire Department through a mutual aid agreement with CalFire. The Trinidad Fire Station is located approximately 1.6 miles from the site.

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New development on the subject site will be subject to the Humboldt County Fire Safe Regulations. Such regulations are intended to reduce the potential for wildland fires to spread through areas where residences are intermixed with wildlands. The Regulations include, but are not limited to the following:

- Minimum width for roadways serving nine or more parcels is 18-20 feet
- Minimum width for roadways serving three to eight parcels is 16 feet with the conveyance of second unit rights
- Minimum width for roadways serving two parcels is 12 feet with the conveyance of second unit rights
- Mandatory street sign and house numbering standards
- Minimum 2,500 gallon emergency water supply for each residence
- Minimum 30 foot setback for all parcels greater than one acre
- Guaranteed maintenance of required facilities through the use of County Service Areas, maintenance associations, and other means.

As proposed, the project complies with the requirements of the Fire Safe Regulations. The access road to Lots 4, 5 and 6 will be widened to meet the SRA requirements, including any exceptions granted by Calfire and the Department of Public Works. As shown on the Tentative Map, the project design includes an emergency vehicle turnaround between Lots 4 and Lot 5 to meet Fire Safe Regulations and the standards of the California Department of Forestry. Two foot wide graveled shoulders are proposed for the majority of the access road. However, the applicant is seeking an exemption for the shoulder width requirement in order to avoid removal of substantial trees located along the roadway

The tentative map demonstrates buildable areas on each lot while providing a 30 foot minimum setback from property lines. A property owners association is proposed to be created with Phase 2 of the subdivision to ensure continued maintenance of the access road.

Based on continued compliance with the Humboldt County Fire Safe Regulations the potential hazard from wildland fires is less than significant.

#### **MITIGATION MEASURES**

No mitigation required.

#### **FINDINGS**

The project will not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; will not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project will create a less than significant hazard through the exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

IX. A-J)

Flooding

The subject site is not located within a 100-year flood hazard area as shown on the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) and no development is proposed to within 100 feet of the on-site stream. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The lowest portions of the site are at ±160' elevation.

Groundwater Supply and Groundwater Recharge:

Domestic water supply to all six lots sites will be provided by individual domestic wells as follows: Each of the wells has been developed as described for testing purposes, and is available for domestic use. Well No. 1, located on proposed Lot No. 1 will serve proposed Lot 1, and Lot 5. Well No. 2 on proposed Lot No. 1 will serve proposed Lot 2 through an easement. Well No. 6 is located on proposed Lot 3 and will serve only that lot. The existing residence on proposed Lot No. 6 will continue to be served by an existing well (PH) on proposed Lot No. 2.

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The applicant has submitted a report prepared by LACO Associates titled Aquifer Test Results for Domestic Wells DW-1 through DW-6. The report contains the results of the aquifer testing conducted at the subject parcel during the Humboldt County dry-weather testing period in 2008. Six drawdown production tests were conducted simultaneously on six water wells between September 30 and October 1, 2008. A subsequent single well test was performed for DW-1 on October 5 and 6, 2008. The production tests were conducted in accordance with Humboldt County Division of Environmental Health policies. The purpose of the test was to provide information on the following: 1) individual well performance including the available production rate of each individual water well; 2) determine the aquifer response to groundwater withdrawal; 3) monitor effects pumping may have on water-level changes in a neighboring well located on APN 515-191-013; 4) monitor potential water-level changes within the stream which runs across proposed Lot No. 5 and 5) quantify the available production rate of the individual water wells to assess each well's capacity to supply future individual residences at the subject property with the minimum required water supply of 0.5 gallons per minute (gpm). The pumping tests were performed by simultaneously pumping each well at a high rate to initiate rapid drawdown of the water surface to the approximate base of the saturated zone within the unconfined aquifer. The pumping rate was then decreased until no additional drawdown occurred. This established the pumping rate available at each well without causing sustained drawdown of the aquifer.

The report concludes that sufficient water is available to supply a minimum of 21 dwelling units and a maximum of 27 dwelling units without causing sustained reduction in the local aquifer. Testing indicated that drawdown of on-site monitoring wells ranged from 0.1-feet to 0.14 feet. Drawdown in creekside observation wells was a maximum of 0.01 feet. No drawdown was observed in the neighboring well. LACO Associates checked the depth to groundwater on August 16, 2014. The results of that testing were generally consistent with the results from 2008 and did not show a reduction in available groundwater.

#### Drainage and Erosion

The predominant source of runoff on the property consists of precipitation that falls on the site. Although the on-site stream drains additional areas upstream of the property, the creek does not contribute additional run-on to the site outside of its banks. Drainage of the lower portions of the site generally flows west toward Stagecoach Drive and south toward the on-site stream. Drainage from the upper portions of the site generally flows southward until it is intercepted by Anderson Lane or westward until it is intercepted by the existing private road. Portions of the drainage reaching the private road appear to continue across the driveway, flowing westerly onto the lower portions of the site. The remainder of the drainage from upper portions of the site follows the driveway to Anderson Lane, and into the wetland area of the site southeast of Anderson Lane. A small area of the upper portion of the site drains northeasterly to neighboring parcels.

Existing impervious surfaces are limited, consisting primarily of a single family residence, and a private road serving the house and neighboring parcels. The driveway is approximately 1,300 feet in length and 12 to 15 feet in width and climbs at a relatively steep angle, along the edge of a bedrock outcropping, with a steep, vegetated cut slope on the uphill side of roadway. The existing private road will be widened to meet fire-safe standards except as requested modifications to shoulder widths and maximum grade are approved. While development will increase the area of impervious surfaces on the subject site, the large lot sizes ranging in size from 2.2 acres to 6.9 acres (average size of 3.1 acres) are anticipated to provide adequate area to manage the increased runoff without stormwater detention methods. Stormwater is anticipated to continue to sheet flow along the hillside and access driveway as is currently the case. No evidence of existing erosion was identified on the subject site under current conditions.

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The applicant also proposes to develop the property with Low Impact Development (LID) features which will slow runoff from the site and facilitate percolation as described in more detail in the Biological Resources section, above.

The project site is subject to the regulations of the Federal Water Pollution Control Act, also referred to as the Clean Water Act (CWA), as amended to establish that the discharge of pollutants to waters of the United States was effectively prohibited unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. Under the federal regulations, two options are allowed for permitting storm water discharges, individual and general permits. In California, the State Water Resources Control Board (SWRCB) elected to adopt general permits for municipalities, industrial facilities, and construction activities. In addition to NPDES permit requirements, the nine Regional Water Quality Control Boards (RWQCBs) in California have developed basin plans for protecting water quality in regional drainage basins. For the subject property, construction activities associated with the proposed residential developments may require compliance with the general permit for small construction activities. Small construction activities are defined as clearing, grading, or excavating activities that result in land disturbance between 1 and 5 acres; or activities that result in soil disturbances of less than one acre but are part of a larger common plan of development that encompasses one or more acres of soil disturbance. Compliance with the general permit during construction activities requires the following:

- Developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) for preventing pollutants from contacting with storm water and controlling erosion during construction activities,
- Eliminating or reducing non-storm water discharges to storm sewer systems or other waters of the nation, and
- Conducting BMP inspections.

The monitoring and reporting requirements for the general permit also include sampling and analysis requirements for direct discharges of sediment to waters impaired due to sediment and for pollutants that are not visually detectable in runoff that could cause or contribute to an exceedance of water quality objectives. Implementation of the three items listed above, reduces potential impacts on water quality standards or waste discharge requirements to less than a significant impact.

#### Water Quality Standards:

All of the subject sites are proposed to be served by individual septic systems and on site wells. There are substantial practical and regulatory constraints for the location of wells, septic tanks and leach fields. Leach field setbacks are required from property boundaries, existing and future wells, waterways and non-engineered grading and slope fill. (Engineered fill and non-engineered trench backfill is not subject to setbacks.). The Onsite Wastewater Evaluation prepared for the project by Pacific Watershed Associates, and amended by LACO Associates includes a map demonstrating that all mandatory setbacks can be met on each proposed lot, with sufficient area for both a primary and secondary leach field. With the exception of Lot 6 (the existing residence), the addendum concludes that all of the lots have the physical characteristics necessary to accommodate the wastewater generated by two units. All proposed on-site wells and septic systems will be installed and operated pursuant to Humboldt County Department of Environmental Health regulations.

As described in more detail in the Biological Resources section, above, the State of California has established an Area of Special Biological Significance (ASBS) that encompasses an area just south of College Cove and a portion of Trinidad Bay. Diminished water quality in the stream that flows through the subject property has the potential to impact the water quality of the ASBS. Based on the

City of Trinidad and others of water quality impacts in the Trinidad watershed, such water quality effects can be avoided through compliance with current regulations with regard to the siting and design of septic systems and the use of Low Impact Development strategies to slow runoff from impervious surfaces and promote on-site infiltration.

### **MITIGATION MEASURES**

*MITIGATION MEASURE NO. BIO-1 (Streamside Management Area and Wetland Setbacks as described above)*

*MITIGATION MEASURE NO. BIO-3 (Low Impact Development Techniques as described above)*

*MITIGATION MEASURE NO. GEO-5 (SWPPP or Erosion Control Plan requirements as described above)*

*MITIGATION MEASURE NO. GEO-11 (Development standards for septic systems as described above)*

### **FINDINGS**

The project will not place housing within a 100-year flood hazard areas as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map, will not place within a 100-year flood hazard area structures which would impede or redirect flood flows, will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam or inundation by seiche, tsunami, or mudflow. The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; nor substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality. The project will not violate water quality standards, waste discharge requirements or otherwise substantially degrade water quality, provided appropriate mitigation measures are applied.

<b>X. LAND USE AND PLANNING. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

X. A-C). The subject parcel has a General Plan designation of Rural Residential (RR) and is included in the area guided by the Trinidad Area Plan (TAP). The residential density established by the General Plan requires an average minimum lot size of two acres. The site is zoned for Rural Residential Agriculture (RA) with a 2-acre minimum parcel size, with combined zonings Design Review (D), Alquist-Priolo Fault Hazard (G), and Manufactured Homes (M). Most parcels in the vicinity are developed with a single family residence. A small hotel (cabins, restaurant and bar) and a mobile home park are located along Patricks Point Road to the east of the site. Trinidad State Beach Park is located across Stagecoach Road to the west of the subject site. Public facilities and general commercial uses are available in the City of Trinidad, to the south of the subject site. Excepting the parcels which comprise the State Park, the average parcel size within ¼ mile of the subject site is approximately 2.5 acres with a minimum parcel size in that area of 0.1 acres and a maximum (excluding the subject site) of 13.0 acres.

The applicant proposes to subdivide the 19 acre property into six parcels ranging in size from 2.2 acres to 6.9 acres. The lot sizes and single family residential use of the proposed parcels is consistent with §3.21 Rural Developments Subdivision Requirements 30250(a) of The Humboldt County General Plan, Trinidad Area Plan of the Humboldt County Local Coastal Program (LCP). Additionally, as required by the LCP, at least 50 percent of the surrounding parcels in similar land use categories must be developed in order for the proposed subdivision to be consistent with current levels of development. Approximately 70% of surrounding parcels have been developed.

As described in greater detail in the Aesthetics section, above, the Trinidad Area Plan designates all or most of the site as a Coastal Scenic Area. As the requirements of a Coastal Scenic area also apply to properties adjacent to such areas, the entire subject site is subject to such regulation as a Coastal Scenic Area. The applicant has requested modified setback standards as described in the TAP. Individual Coastal Development Permits for future residential development will address specific TAP requirements regarding tree preservation, limits to grading and protection of ridgeline views.

Based on the above, staff concludes that the project is consistent with the Trinidad Area Local Coastal Plan and the Humboldt County Code and that there are no adverse impacts or conflicts between the proposed project and the existing general plan land use and zoning designations.

**MITIGATION MEASURES**

No mitigation required.

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**FINDINGS**

The project will not physically divide an established community; will not significantly conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and will not conflict with any applicable habitat conservation plan or natural community conservation plan.

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XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

The project area does not contain mineral resources that are of value locally, to the region, or to residents. The project area is not identified as a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore the Proposed Project would not interfere with materials extraction or otherwise cause a short-term or long-term decrease in the availability of mineral resources.

**MITIGATION MEASURES**

No mitigation required.

**FINDINGS**

The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

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<b>XII. NOISE. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

XII. (A-F) The site is located approximately 1/3 mile north of the City of Trinidad, on the east side of Stagecoach Road and north of Anderson Lane. This area varies from moderately forested to densely vegetated and consists of rural residential housing with an adjacent state park and minor amount of commercial development (hotel, restaurant and bar). The lot sizes within ¼ mile of the subject site range from 0.1 acres to 19.0 acres with an average of approximately 2.5 acres. None of the adjacent uses are anticipated to generate excessive noise which would impact future residents of the proposed development. While the adjacent uses include a park, which may be particularly sensitive to noise, there is no evidence that the project will generate noise in excess of that typical for rural residential single family uses. Therefore, the proposed project will not result in a substantial permanent increase of ambient noise levels.

Construction activities may include the use of heavy equipment potentially including excavators, backhoes and heavy trucks and other equipment that are known to produce substantial noise. Construction activities could cause short-term deterioration of ambient noise levels in the immediate vicinity of the project. There are no special soil or site conditions on site which are anticipated to require pile driving or other ground-borne vibration generators to be used in constructing the project. Increases in construction related noise above ambient levels will be short-term and temporary. All construction activities on the subject site will be required to conform to County standards which limit noise generating activities to daytime hours, with greater restrictions on Saturdays and Sundays. The Department finds no evidence that the creation of the new parcels will be inconsistent with the planned build-out of the area or result in a significant adverse noise impact.

The proposed project is approximately 5.5 miles north of the nearest airport or airstrip (the Arcata/Eureka Airport) and is not within an airport land use plan.

**MITIGATION MEASURES**

No mitigation required.

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**FINDINGS**

The project will not result in a substantial exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; will not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; will not permanently increase in ambient noise levels in the project vicinity above levels existing without the project. The project is located within an airport land use plan but will result in a less than significant noise impact for people residing or working in the project area in terms of the nearby public airport. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for a project within the vicinity of a private airstrip, the project will not expose people residing or working in the project area to excessive noise levels.

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<b>XIII. POPULATION AND HOUSING. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

XIII. (A-C). The proposed project will create five additional lots for residential development. All six of the resulting parcels will include one single-family residence, at a location and density supported by the Trinidad Area Plan component of the Humboldt County General Plan. Secondary units may also be constructed on each of the proposed parcels in conformance with the Humboldt County Zoning Ordinance, however, the locations of such secondary units or the number of such units which may be developed is speculative and is beyond the scope of this Initial Study. The County's Housing Element also supports the development of single-family residential uses which are compatible with the land use designation and zoning district. The Humboldt County General Plan, Local Coastal Plan and Zoning Ordinance have anticipated the eventual development of Rural Residential uses on the subject site since 1985 or earlier. The proposed subdivision will not result in displacing existing housing or result in the displacement of people. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

**MITIGATION MEASURES**

No mitigation required.

**FINDINGS**

The project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

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<b>XIV. PUBLIC SERVICES.</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

XIV. (A-E). Residential development at the proposed density has been anticipated on the subject site since 1985 or earlier. There is no indication that the proposed subdivision will result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The subject site will continue to receive services as follows:

- Fire Protection: California Department of Forestry and Fire Protection (CalFire), Trinidad Station
- Police Service: Humboldt County Sheriff
- Schools: Trinidad Union School District
- Parks: Humboldt County and State of California

Referral comments and requirements for improvements pursuant to the Humboldt County Subdivision Ordinance and Fire Safe standards will ensure that the project's impacts to fire and police protection, schools, parks and other public facilities are minimized.

**MITIGATION MEASURES**

No mitigation required.

**FINDINGS**

The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, other public facilities.

<b>XV. RECREATION. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

XV. (A-B) The subject property is zoned and planned for residential uses. There is no indication that the proposed subdivision will result in substantial adverse physical impacts associated with the provision of recreational services. The proposed development is not expected to result in a significant increase in the use of the existing neighborhood or regional parks. The proposed project does not include new recreational construction or expansion of existing recreational facilities. The Department finds no evidence that the project will require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

**MITIGATION MEASURES**

No mitigation required.

**FINDINGS**

The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

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<b>XVI. TRANSPORTATION / TRAFFIC. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestions management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

XVI. A-F) The subject site has access to existing County roads on Stagecoach Road, Anderson Lane and Patrick's Point Road via Anderson Lane. Anderson Lane is a low volume local road between Stagecoach Road and Patrick's Point Road providing primary access to fewer than ten residences. Stagecoach Road and Patrick's Point Road provide local access to the City of Trinidad and the entrance to Highway 101 to the south and to recreational, rural residential and visitor serving commercial uses to the north. Both Stagecoach Road and Patrick's Point Road are two-lane highways with rolling terrain and low truck traffic. The Highway Capacity Manual (HCM 2010) indicates that such facilities have a capacity of approximately 3,000 vehicles per hour.

The Institute of Traffic Engineers (ITE) Trip Generation Manual (9th ed) reports an average trip generation for single family detached housing of 9.52 trips per residence per day, with 0.75 trips per residence occurring during the AM Peak and 1.00 trips per residence occurring in the PM Peak. At those generation rates, the five additional residences anticipated to be developed on the subject site as a result of the proposed project would generate a total of 47.6 trips per day, of which 3.75 trips would occur during the AM peak and 5.0 trips would occur during the PM peak. The Humboldt County Subdivision Ordinance (Appendix A) projects 5 average daily trips (ADT) per rural residence and 8 ADT per urban residence, which yields a similar estimate that 25 to 40 daily trips would be generated by the proposed project.

The Trinidad Rancheria Transportation Indian Reservation Roads (IRR) inventory was updated in 2006 and includes traffic counts for Stagecoach Road and Patrick's Point Road, north of the City of Trinidad. At that time, 24-hour counts conducted from April 19, 2006 to April 20, 2006 yielded a total of 1,736 ADT for Patrick's Point Road with 300 trips in the peak hour of travel (3:30 PM to 4:30 PM) and a total of 493 ADT for Stagecoach Drive with 140 trips in the peak hour of travel.

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Table Traffic-1 and Table Traffic-2 show estimated current and future trips, assuming a 2% annual growth in traffic and a 50% division of project trips between Patrick's Point Road and Stagecoach Road.

Table Traffic-1

Patrick's Point Road					
	Year	Average Daily Trips (ADT)	Peak Hour Trips (PM)	Peak Hour Plus Project (PM)	Peak Hour Proportion of Capacity
Traffic Counts	2006	1736	300	N/A	10%
Current	2014	2034	351	354	12%
Future	2034	3022	522	525	17%

Table Traffic-2

Stagecoach Road					
	Year	Average Daily Trips (ADT)	Peak Hour Trips (PM)	Peak Hour Plus Project (PM)	Peak Hour Proportion of Capacity
Traffic Counts	2006	493	100	N/A	3%
Current	2014	578	117	120	4%
Future	2034	858	174	177	6%

Assuming a capacity of 3,000 trips per hour as described in the Highway Capacity Manual, both Patrick's Point Road and Stagecoach Road will continue to operate well within their capacity during the peak hour of travel.

The applicant has identified a single driveway location on Stagecoach Road which will provide access to Lot 1. The driveway location was selected to minimize vegetation and tree removal while providing adequate visibility. No back-in entrances to public roads are accommodated by the project design.

Proposed Lots 2, 3, 4, and 5 will take access to Anderson Lane via the existing private road which currently serves the residence on proposed lot 6 and neighboring properties. Improving the existing intersection between the private road and Anderson Lane to meet the State and County Fire Safe regulations will improve visibility, access and traffic safety at that intersection.

A portion of the traffic generated by the project will be directed to the intersection of Main Street and Patrick's Point Road (north) and Trinidad Scenic Drive (south) approximately 0.5 miles south of the subject site, within the City of Trinidad. Trinidad Scenic Drive provides primary access to the Cher-Ae Heights Casino, south of the City of Trinidad. The southbound Highway 101 off-ramp and on-ramp intersect Main Street approximately 80 feet (centerline to centerline) north of the Patrick's Point Road/Trinidad Scenic Drive intersection with Main Street. The proximity of the two intersections may be difficult to navigate and may encourage nonstandard turning movements. The City of Trinidad was contacted to request information regarding the intersection. On September 19, 2014, the Trinidad City Planner (Trevor Parker, Pers. Comm, September, 2014) indicated that the City of Trinidad has no current information. While improvements to this intersection may be appropriate to better manage traffic flows, the justification for such improvements is unaffected by the proposed addition of fewer than 50 daily trips and a maximum of 5 peak hour trips which are likely to occur as a result of the proposed project.

The private access road to the existing residence and three of the proposed parcels will be widened to meet fire safety standards. The road will be improved to provide access to responding emergency vehicles and provide adequate space for other vehicles to pull over to allow emergency vehicles through.

The nearest airport is the Arcata/Eureka Airport, approximately 5.5 miles south of the subject site. Proposed access is to existing County roads with no change to design, or design related hazards. On-site parking will be required pursuant to County of Humboldt standards for single family residences. As the project is a large lot, rural residential development, no alternative transportation policies apply.

#### **MITIGATION MEASURES**

No mitigation required.

#### **FINDINGS**

The project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit; will not Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; The project will not result in a change in air traffic patterns, or substantially increase hazards due to a design feature; will not result in inadequate emergency access; and will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

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<b>XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION**

XVII. (A-G) The newly created parcels will be served by on-site sewage disposal systems. An on-site septic wastewater disposal feasibility investigation has been conducted by Pacific Watershed Associates for the subject property. The subsurface investigation found that soils on site provide adequate percolation rates and filtration of effluent. As described in the Geology and Soils Section and the Hydrology and Water Quality Section above, some parcels on the site are sufficiently constrained by soil type, or size and location of leach fields as to require the use of a pressurized leach field system. Proposed Parcel 6 is currently developed with an on-site sewage disposal system. As the project will rely on individual septic systems, the project will not affect any wastewater treatment service providers.

The proposed project will increase the impermeable surfaces of the subject site through the construction of driveways, the widening of the on-site private drive, and the construction of single family residences; however, as all of the sites are a minimum of two acres, the ratio of impermeable surfaces will remain low. The R-1 Soils Report prepared for the project identifies on site soils on site as well drained and pervious, indicating that pre-project runoff can be accommodated on site with the use of Low Impact Development features as proposed without requiring the construction of new private or public storm drainage facilities.

Sufficient water supplies are available to serve the proposed development as described in the LACO Aquifer Test Results for Domestic Wells Report (2008), described in detail in the Hydrology section, above. No new water rights or authorizations are required to serve the site with domestic wells, and the report indicates that such wells can operate without detriment to the local aquifer or neighboring wells.

The solid waste provider is the Humboldt Waste Management Authority (HWMA). The HWMA has formulated a joint powers agreement with the County and most of the incorporated cities within the County for the disposal of waste. HWMA manages the transport of the solid waste for disposal at either the Anderson Landfill in Shasta County or the Dry Creek Landfill in Medford, Oregon. Neither of these landfills is

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approaching capacity. The amount of solid waste generated by project will not significantly contribute to the waste stream volumes transferred out of the County the project will not cumulatively result in amounts of waste that exceed the capacity of either landfill. Therefore, staff believes that, following construction, the project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.

Construction waste presents additional challenges if not managed properly. Poorly managed or maintained job sites have the potential to contribute to erosion, water quality degradation and dispersal of waste to other parcels during rain or high wind conditions.

**MITIGATION MEASURES**

*MITIGATION MEASURE NO. UTIL-1*

The applicant shall assure that no construction materials, debris, or waste will be placed or stored where it may be subject to precipitation erosion and dispersion.

*MITIGATION MEASURE NO. UTIL-2*

Future residential uses shall comply with all applicable regulations for solid waste disposal and temporary storage to the satisfaction of the Humboldt Waste Management Authority (HWMA), California Coastal Commission, and Humboldt County Health Department.

**FINDINGS**

The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. There are sufficient water supplies available to serve the project from existing entitlements and resources and new or expanded entitlements are not needed. The project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and will comply with federal, state, and local statutes and regulations related to solid waste provided appropriate mitigation measure are applied.

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<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION**

XVIII. (A and C):

Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no evidence to indicate the proposed project:

- Will have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, threaten to eliminate a plant or animal community or eliminate important examples of the major periods of California history or pre-history;
- Will have the potential to achieve short-term to the disadvantage of long-term environmental goals;
- Will have impacts that are individually limited but cumulatively considerable; or
- Will have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

**FINDINGS**

The project as mitigated will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

XVIII. (B) MANDATORY FINDINGS OF SIGNIFICANCE: LESS THAN SIGNIFICANT IMPACT

**DISCUSSION**

The subject site has been planned and zoned for development at or greater than the proposed intensity since 1985 or earlier. A review of recent and anticipated project activity on 88 parcels in the vicinity of the subject property was conducted by Humboldt County Staff in December, 2013. The results of that review indicated that the following are anticipated or have occurred within the previous five years:

- 1) Single family residence on APN 515-231-011
- 2) Single family residence and secondary dwelling unit on APN 515-231-010

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3) Guest house on APN 515-211-008

Of the 88 parcels, approximately 20 are currently vacant, though the County is not aware of development plans on the remainder of the vacant parcels. All development in the vicinity will be subject to the density and other requirements of the Trinidad Area Plan. The cumulative effects of a the proposed 6-Lot subdivision with the recent and anticipated development of two single family residences, a secondary dwelling unit and a guest house are not expected to be considerable.

**MITIGATION MEASURES**

No mitigation required.

**FINDINGS**

The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).

XIX. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

The following table lists the required mitigation measures, including the method of verification, monitoring schedule, and the responsible party.

X. EARLIER ANALYSES

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 16063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- a) Earlier analyses used. Identify earlier analyses and state where they are available for review.  
The Humboldt County General Plan and Trinidad Area Plan and their respective CEQA reviews set the context for consideration of the project and its impacts and established appropriate development types and densities and are on file with HCPD. However, this is an independent Initial Study of site and development specific impacts and is not tiered from either document.
- b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects are addressed by mitigation measure based on a the earlier analysis.
- c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

**VI. REFERENCES**

Source/Reference List: The following documents were used in the preparation of this Initial Study. The documents are available for review at the Humboldt County Community Development Department during regular business hours.

California Coastal Act of 1976, California Public Resources Code Division 20 Section 3000 et Seq.  
County of Humboldt, Departments of Community Development Services and Public Works. (June 2002).  
Grading, Erosion Control, Geologic Hazards, Streamside Management Areas, and Related

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- Revisions. Eureka: County of Humboldt, Departments of Community Development Services and Public Works.
- County of Humboldt. (September 1984). "Trinidad Area Plan of the Humboldt County Local Coastal Program," Humboldt County General Plan, Volume 2. Eureka: Humboldt County Planning Department.
- County of Humboldt WebGIS (August, 2014).  
<http://gis.co.humboldt.ca.us/Freeance/Client/PublicAccess1/index.html?appconfig=podgis4>
- LACO Associates (August, 2013) "Site Visit and Biological Resources Study Update, Homan Major Subdivision, 101 Andersen Lane, Trinidad, California, Assessor's Parcel Number 515-191-037"
- Winzler & Kelly Consulting Engineers (November, 2008). Terrestrial Vertebrate Survey for the Proposed Homan Development Project, Humboldt County, California
- Winzler & Kelly Consulting Engineers (November, 2008). Homan Proposed Development Plan APN #515-191-037 Special Status Plant Survey Results
- Winzler & Kelly, Consulting Engineers (April, 2008). Stream Transition Line and Wetland Delineation on Assessor's Parcel #515-191-018 [sic] 10 Anderson Lane, Trinidad, Humboldt County, California
- LACO Associates Consulting Engineers (December, 2008). Alquist-Priolo Fault Investigation, Proposed Major Subdivision, 101 Anderson Lane, Trinidad, Humboldt County, California, Assessor's Parcel Number 515-191-037.
- LACO Associates Consulting Engineers (December, 2008). R-1 Engineering Geologic/Foundation and Soils Report, Proposed Major Subdivision, 101 Anderson Lane, Trinidad, Humboldt County, California, Assessor's Parcel Number 515-191-037.
- LACO Associates Consulting Engineers (December 2008). Aquifer Test Results for Domestic Wells DW-1 through DW-6, Proposed Major Subdivision, 101 Anderson Lane, Trinidad, Humboldt County, California, Assessor's Parcel Number 515-191-037
- North Coast Unified Air Quality Management District, Rules and Regulations, Rule 104, Section 4. Eureka, CA.  
<http://www.ncuaqmd.org/files/rules/reg%201/Rule%20104.pdf>
- Pacific Watershed Associates, (February, 2009). Onsite Wastewater Evaluation For The Subdivision of A.P. No.: 515-191-037 Located at 101 Anderson Lane, Trinidad, California.
- LACO Associates Consulting Engineers (June, 2009). Addendum to Pacific Watershed Associates Onsite wastewater Evaluation For The Subdivision of A.P. No.: 515-191-037 Located at 101 Anderson Lane, Trinidad, California.
- California Department of Fish and Wildlife (April 2013). California Natural Diversity Database (CNDDDB). Trinidad Quad. Sacramento, CA
- Express Archaeological Solutions (December 2010). A Cultural Resource Inventory for the Proposed Site of the Planned Homan Subdivision near Trinidad, Humboldt County, CA.
- Yurok Tribe Heritage Preservation Office (October 2013). Letter to Mr. Homan from the Yurok Tribe regarding potential cultural resources on Mr. Homan's Trinidad property.
- Save the Round Valley Alliance vs County of Inyo, 2007. SAVE ROUND VALLEY ALLIANCE, Plaintiff and Appellant, v. COUNTY OF INYO et al., Defendants and Respondents; JIM WALTERS, Real Party in Interest and Respondent.
- 157 Cal. App. 4th 1437; 70 Cal. Rptr. 3d 59; 2007 Cal. App. (December 17, 2007)
- Express Archaeological Solutions, 2010. A Cultural Resource Inventory for the Proposed Site of the Planned Homan Subdivision near Trinidad, Humboldt County, CA.
- Heaton, T. H., and Kanamori, H., 1984, Seismic potential associated with subduction in the northwestern United States: Seismological Society of America Bulletin, v. 74, p. 933-941
- Satake, K., Wang, K., Atwater, B.F., 2003. Fault slip and seismic moment of the 1700 Cascadia earthquake inferred from Japanese tsunami descriptions. Journal of Geophysical Research 108 (B11), 2535 (10.1029/2003JB002521).

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International Conference of Building Officials – California Division of Mines and Geology, (ICBO-CDMG) 1998. Maps of Known Active Faults Near Source Zones in California and Adjacent Portions of Nevada

Petersen, M. D., D. Beeby, W. Bryant, C. Cao, C. Cramer, J. Davis, M. Reichle, G. Saucedo, S. Tan, G. Taylor, T. Topozada, J. Treiman, and C. Wills, 1999. Seismic Shaking Hazard Maps of California. Division of Mines and Geology, Map Sheet 48.

California Geologic Survey, 2008. Probabilistic Seismic Hazards Mapping Ground Motion Page <http://www.conservation.ca.gov/cgs/rghm/psha/index.htm>

California Division of Mines and Geology, 1983. State of California Special Studies Zones, Trinidad 7.5' Quadrangle, Humboldt County, California

California Division of Mines and Geology, 2000. Digital Images of Official Maps of Alquist-Priolo Earthquake Fault Zones of California, Northern and Eastern Region.

California Division of Mines and Geology, 1995. Planning Scenario in Humboldt and Del Norte Counties, California, for a Great Earthquake on the Cascadia Subduction Zone, Special Publication 115.

Humboldt County, 2004. General Plan Geologic Map, North Sheet.

Humboldt County, 2012. Humboldt County General Plan Update Draft Environmental Impact Report. State Clearing House # 2007012089

Institute of Traffic Engineers (ITE), Trip Generation Manual, 9th Edition, (2012)

Transportation Research Board, Highway Capacity Manual, 5th Edition (2010)

Trinidad Rancheria Transportation IRR System Inventory Update, June, 2006

## ATTACHMENT 5

### Referral Agency Comments and Recommendation

All referral agencies that the proposed project was sent to for review and comment are listed below. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection	✓	Conditional Approval	✓	
County Public Works, the Land Use Division	✓	Conditional Approval	As Attachment 1, Exhibit "A"	
County Public Works, the Land Use Division	✓	Comments	✓	
County Division of Environmental Health	✓	Approval	✓	
Trinidad Volunteer Fire Department		No Response		
California Coastal Commission	✓	Comments	✓	
California Department of Forestry and Fire Protection (Calfire)	✓	Comments	✓	
California Department of Fish and Game	✓	Conditional Approval	✓	
Regional Water Quality Control Board		No response		
North Coast Air Quality Management District	✓	Approval		✓
Northwest Information Center	✓	Conditional Approval		✓
Bear River Band		No response		
City of Trinidad		No response		
PG&E	✓	Approval		✓
Yurok Tribe	✓	Conditional Approval		✓
Army Corps of Engineers	✓	Comments		✓
Giblin Associates	✓	Conditional Approval	✓	

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DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

PUBLIC WORKS BUILDING  
SECOND & L ST EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST, EUREKA  
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7852  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

DATE: 11/14/2014

RE: HOMAN, APN 515-191-037, FMS-08-02, CDP-08-025

**The Department of Public Works does not support the subdivision of parcels which use County or private roads to access their parcels until the road is improved to the County's minimum standards.**

The subject property is served by an unnamed access road off of Anderson Lane. In general, Anderson Lane is approximately 17 to 18 feet wide with few shoulders and no pedestrian improvements. The road does not have any centerline striping. The ADT on Anderson Lane at PM 0.30 (near Patrick's Point Drive) is approximately 288 based upon counts made by the Department in April, 2009. AASHTO classifies roads with an ADT of less than 400 as "very low volume roads".



*Above: Anderson Lane*

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In general, Stagecoach Road is 18 to 23 feet wide with few shoulders and no pedestrian improvements. The road does not have any centerline striping. The ADT on Stagecoach Road at PM 2.41 (near the Trinidad city limits) is approximately 453 based upon counts made by the Department in April, 2009. Near the Trinidad city limits a storm damage site has reduced the width of the road to 12 to 14 feet for approximately 100 feet. Except at the storm damage site, Stagecoach Road meets the minimum width requirements for a Category 4 road.



*Above: Stagecoach Road*

**PRELIMINARY SUBDIVISION REPORT:** A *preliminary report* was submitted in lieu of a *preliminary subdivision report* as specified in County Code Section 323-6(c).

**UNNAMED ACCESS ROAD:** The turnaround location shown on the Tentative Map is generally acceptable to the Department, subject to approval from Cal Fire.

**UNNAMED ACCESS ROAD RIGHT OF WAY:** The Tentative Map proposes a 25 foot right of way width as opposed to the 50 foot right of way requirement for Category 4 road per the Subdivision Ordinance. [reference: County Code 324-1(b) ]

**SECONDARY UNIT:** The applicant has indicated that a second unit is requested on lot 2 and lot 3. The conditions of approval for the UNNAMED ACCESS ROAD reflect this request. Note on 11/14/14 applicant met with Department staff and requested a second unit on lot 3.

**NON-COUNTY MAINTAINED ROAD NOTE:** The project will be taking access from an existing non-county maintained road. If a road maintenance association exists, this Department recommends that the applicant secure an agreement for annexation prior to the project being presented to the Planning Commission. If an agreement for annexation cannot be reached, then the issue of road maintenance should be discussed/addressed at the Planning Commission meeting.

**DRIVEWAYS:** The Tentative Map proposes driveways to lots 2 and 3 that do not intersect the road at a 90° angle. Driveways must be reconfigured to comply with County Code sections 313-109.1.3.2.5 and 411-51 (b)(3)]

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**EXCEPTION REQUESTS:** The exception request dated 9/2/2014 refers to the Department's conditions of approval dated 08/13/2009. These conditions have been superseded by conditions of approval dated 11/14/2014. Applicant should review the current conditions of approval and update the exception request accordingly.

//END//

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3



NOV 11 2014

HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7544



RECEIVED

10/22/2014

14/15-020E

OCT 24 2014

HUMBOLDT COUNTY DIVISION  
OF ENVIRONMENTAL HEALTH

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, California Coastal Commission, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Yurok Tribe, City of Trinidad, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Pacific Gas and Electric, Trinidad Fire Protection District

**Applicant Name** John and Katrin Homan **Key Parcel Number** 515-191-037-000

**Application (APPS#)** 9501 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** FMS08-002  
CDP08-025

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

**Return Response No Later Than 11/6/2014**

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

**We have reviewed the above application and recommend the following (please check one):**

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: \_\_\_\_\_

DATE: 11/10/14

PRINT NAME: DAVID SPINOSA

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## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FACSIMILE (707) 826-8960



November 13, 2014

Trevor Estlow, Senior Planner  
Humboldt County Planning and Building Dept.  
3015 H Street  
Eureka, CA 95501

RE: Comments on CDP 08-025 (Homen) to subdivide an existing 19-acre developed lot into six separate parcels ranging from 2.2 acres to 6.9 acres in size, Stagecoach Road/Anderson Lane (APN 515-191-037).

Dear Trevor:

We received the subject referral on October 24, 2014 and offer the following comments. In your analysis of the proposed development's consistency with the certified Trinidad Area Plan (TAP) and coastal zoning regulations (CZR), please consider the following:

1. Visual Resources.

- a. The County analysis should consider the potential impacts of the future development of the subdivided lots at maximum build-out, including the potential effects on public visual resources (from public vantage points adjacent to the area, from College Cove/Elk Head and other public parklands, and from Highway 101 and other public roads, beaches, and vista points) potentially resulting from the future development of primary and secondary residences, roads and utility infrastructure, and major vegetation (tree) removal on all proposed lots (considering tree removal for structures, mandated fire-safe clearances, primary and secondary residences and leachfields, utilities and driveways, road improvements, etc.).
- b. The County must find the project consistent with Section 30251 of the Coastal Act (TAP Section 3.40).
- c. The subject site falls within an area designated as "Coastal Scenic" in the TAP. As such, the County analysis should discuss the proposal's consistency with the visual resources protection policies of the TAP pertaining to site design (3.40-B-3-c-1-through-7).
- d. The information provided with the referral (LACO project description) notes that modified setbacks are proposed. If the project as proposed cannot satisfy the prescriptive standards of TAP Section 3.40-B-3-c-1-through-7 (including 3, which relates to setbacks from property lines and public roads), then the number of proposed lots should be reduced such that the prescriptive standards can be met. It is not appropriate to apply 3.40-B-3-d (referral of the project which cannot satisfy the prescriptive standards to the Design Committee for review and approval pursuant to TAP 3.40-B-5) to cases where project alternatives are available that would be able to meet the prescriptive standards cited at

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Section 3.40-B-3-d applies to cases where an existing lot is constrained such that it cannot be developed for its planned use consistent with the TAP standards without certain modifications. The subject lot already is developed with a residence consistent with its existing TAP designation (rural residential development), and for the County to deny the proposed 6-lot subdivision of the property based on inconsistencies with TAP 3.40-B-3-c(3) or other LCP policies would not result in any unconstitutional taking of the property (lot subdivision is not inherently a principally permitted use).

2. Wetlands and ESHA. The County should require updated delineation and mapping of wetland and ESHA resources on the project site if the basis of the wetlands/ESHA mapping is more than five years old. The delineation must identify all coastal wetlands, as defined in the LCP and the Coastal Act (i.e., wetland delineation based on the presence of any single wetland parameter – hydric soils, wetland hydrology, or a predominance of hydrophytic vegetation).
3. Riparian corridor protection. TAP Section 3.30-B-5-e prohibits new development within riparian corridors except for certain allowable uses, listed in sub-policies (1) through (9), and in those cases only where there is no less environmentally damaging feasible alternative and where the best mitigation measures feasible have been provided to minimize adverse environmental effects. The County must require accurate delineation of riparian corridors to ensure consistency with this policy. Proposed wells, tree removal, road construction, and other permissible uses within riparian corridors per the cited policy should not be permitted if there are any feasible alternatives (e.g., reduction in the proposed number of lots).
4. Wetland buffer areas and setbacks. TAP Section 3.30-B-3 restricts development in Wetland Buffer Areas (as defined in the policy) and requires that any such development permitted in these areas shall not degrade the adjacent coastal wetlands or detract from their natural resources values. The policy also requires that setbacks from coastal wetlands in rural areas shall be between 100 and 200 feet, and the prescribed setback shall be based on a site-specific analysis of the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on wetland habitat values. The policy requires that the precise width of the setback shall be sufficient to prevent significant effects to the wetland. The project proposes a 100-foot setback from a coastal wetland, with provision that required improvements to Anderson Lane and the private road be permitted within that setback (i.e., development less than 100 feet from the delineated wetlands). All setback distances shall be consistent with TAP Section 3.30-B-3-d, and the County findings should include an analysis of appropriate setbacks to ensure no significant impacts to the wetland(s) based on the maximum development potential of the subdivision project. In addition, if the project as proposed cannot satisfy the prescriptive standards of TAP Section 3.30-B-3-d, then the number of proposed lots should be reduced such that the prescriptive standards can be met. It is not appropriate to apply 3.30-B-3-e (setback reduction) to the proposed subdivision project, since that policy is applied only in situations when the prescribed buffer would prohibit development of the site for the principal use for which it is designated. The subject property already is developed for the principal use for which it is designated (rural residential development), and the proposed lot subdivision is not a principally permitted use.

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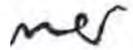
5. Water supply. The 2008 well data used to provide evidence of adequate groundwater capacity for domestic water servicing of the proposed development is outdated. It is noted that LACO checked the depth to groundwater on August 16, 2014 to verify continued groundwater availability, and the results of that testing "were generally consistent with the results from 2008..." However, given the prolonged drought suffered by the County over the past approximately five years and the numerous capacity/supply issues that existing wells in the Trinidad region (and elsewhere in the County) have recently experienced (which have necessitated the issuance of emergency permits for the drilling of additional deeper wells), the County should require the completion of comprehensive updated water supply testing for the proposed maximum subdivision build-out. The County also should require a cumulative impacts analysis to examine the potential impacts of the maximum potential development scenario on the groundwater aquifer as it relates to surrounding wetlands, streams, and other water resources in the area. This type of analysis is necessary for the County to determine project consistency with TAP Section 3.30-B-3.

Thank you for the opportunity to provide comments on the proposed application. If you have any questions, please contact me at (707) 826-8950.

Sincerely,



SIGNATURE ON FILE



Melissa B. Kraemer  
Supervising Planner

Cc: Planning Commission Clerk, Humboldt County Planning and Building Dept.

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit  
 118 Fortuna Blvd.  
 Fortuna, CA 95540  
 Website: www.fire.ca.gov  
 (707) 726-1272



Ref: 7100 Planning  
 Date: April 22, 2015

Kevin Hamblin, Director  
 County of Humboldt, Planning Division  
 3015 H Street  
 Eureka, CA 95501

<u>Applicant</u>	<u>APN:</u>	<u>Area:</u>	<u>Attention:</u>
HOMAN	515-191-037-000	Trinidad Area	Trevor Estlow

Project: Final Map Subdivision, Coastal Development Permit

Mr. Hamblin,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

### FIRE SAFE

#### General

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

#### Local Responsibility Areas

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

#### State Responsibility Areas

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water s

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- c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
- During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.
  - During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
  - There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
  - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

### RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the timber. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining permits.

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4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By  
Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For Tom Hein, Unit Chief

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## Estlow, Trevor

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**From:** Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>  
**Sent:** Friday, December 19, 2014 3:48 PM  
**To:** Estlow, Trevor  
**Subject:** RE: APPS# 9501 Homan Subdivision

Good afternoon Trevor,

Thank you for referring the Homan Final Map Subdivision and Coastal Development Permit ('Project': FMS08-002, CDP08-025) to the California Department of Fish and Wildlife (CDFW) for review and comment. After some clarification from Dr. Homan and consultation with other CDFW staff, (including staff who have visited the site previously and our staff hydrologist), I wanted to clarify the first recommendation from my December 3<sup>rd</sup> email (copied below this email).

The issue that we are concerned with is the potential effect on streamflow from the cumulative impact of three additional wells operating in combination with the existing well. Therefore, because neither the December 2008 LACO report nor the September 9, 2014 LACO report explicitly state that the existing well was included in the pumping test, we recommend that some evidence be provided, or that the consultant clarify, that the operation of all four wells simultaneously will not cause a substantial decrease in stream flow during the summer low-flow season. If it can be determined (or if it has already been determined) that the operation of all four wells will have **no substantial impact** on stream flow, then our concern in that area is resolved. Our team, including our hydrologist, was unable to discern this information from the LACO reports provided, which is why we recommended an additional pump test. If it is determined that the operation of all four wells simultaneously **will** cause a substantial impact or observed drawdown to the stream, then the applicant should install sufficient water storage in order to mitigate these impacts during the summer low-flow season.

We appreciate the communication and clarification from Dr. and Mrs. Homan, and their willingness to incorporate measures to protect fish and wildlife habitat into their project. I am available for further consultation or to clarify these points as needed, and can be reached at (707) 445-5387. Thank you for the opportunity to comment on this project.

Sincerely,  
Jennifer Olson

Jennifer Olson  
Environmental Scientist – Coastal Conservation Planning  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501  
(707) 445-5387  
[jennifer.olson@wildlife.ca.gov](mailto:jennifer.olson@wildlife.ca.gov)

**From:** <mailto:Jennifer.Olson@wildlife.ca.gov>  
**Sent:** Wednesday, December 03, 2014 11:16 AM  
**To:** Estlow, Trevor  
**Subject:** APPS# 9501 Homan Subdivision

Good Morning Trevor,

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Thank you for referring the Homan Final Map Subdivision and Coastal Development Permit ('Project': FMS08-002, CDP08-025) to the California Department of Fish and Wildlife (CDFW) for review and comment. The Project proposes to create six parcels ranging from 2.2 acres to 6.9 acres, which will entail new well development, installation of septic systems, and vegetation removal.

We offer the following comments and recommendations on this project in our role as a trustee and responsible agency under the California Environmental Quality Act (CEQA; California Public Resource Code § 21000 *et seq.*). These are informal comments intended to assist the Lead Agency in making informed decisions early on (pre-consultation). We recommend these comments be added as conditions of approval for the Project.

1. The existing well (Well #1) is within the Streamside Management Area (SMA) and wetland setback and is likely hydrologically connected to the adjacent creek. The impacts to the stream from Well #1 are not addressed in any of the reports provided. Prior tests included only the new proposed wells (DW-1 – DW-6) and did not assess impacts from the existing well. Further testing should be conducted in order to ensure that the stream adjacent to Well #1 will not be adversely impacted by continued pumping with the addition of the new wells, particularly considering our current historic drought, and the fact that prior testing was conducted six years ago.
2. All vegetation/tree removal and subsequent maintenance must be conducted outside of the bird nesting season (generally March 1 – August 15<sup>th</sup>) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 *et seq.*). If hazard trees must be removed within the breeding season, the Permittee shall consult with CDFW prior to removal in order to assess the potential for take of active bird nests.
3. CDFW supports the use of Low Impact Development (LID) Strategies, as briefly mentioned in the LACO report, for water quality retention/treatment. LID is a cost effective and useful best management practice, and examples are readily available at: <http://srcity.org/departments/utilities/stormwatercreeks/swpermit/Pages/swLIDtechManual.aspx>, among others, including the City of Eureka: <http://www.ci.eureka.ca.gov/depts/pw/stormwater.asp>. Delineated wetlands should not be used as primary stormwater facilities. The project should be designed to include LID retention/treatment features and all stormwater should be routed through these features. Native plants should be used within the LID. CDFW can assist with species selection for the LID features.

We appreciate the opportunity to comment on this Project. Please contact me at 707-445-5387 if you have any questions.

Sincerely,  
Jennifer Olson

Jennifer Olson  
Environmental Scientist – Coastal Conservation Planning  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501  
(707) 445-5387  
[jennifer.olson@wildlife.ca.gov](mailto:jennifer.olson@wildlife.ca.gov)

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**GIBLIN  
ASSOCIATES**  
CONSULTING  
GEOTECHNICAL  
ENGINEERS

POST OFFICE BOX 6172 SANTA ROSA, CA 95406  
TELEPHONE (707) 528-3078 FACSIMILE (707) 528-2837

January 20, 2009

Job No. 1306.26.3

County of Humboldt  
Community Development Services, Planning Division  
3015 H Street  
Eureka, CA 95501  
Attention: Trevor Estlow – Senior Planner

**Review of Alquist-Priolo Fault  
Investigation - Final Report**  
Proposed Subdivision of APN 515-151-037  
101 Anderson Lane  
Humboldt County, California

This letter provides our recommendation that Humboldt County accept the report titled *Alquist-Priolo Fault Investigation, Proposed Major Subdivision, 101 Andersen Lane, Trinidad, Humboldt County, California (Assessor's Parcel No. 515-191-037)*. The report is dated December 2008 and was prepared by LACO Associates of Eureka, California for Dr. John Homan in order to satisfy the requirements of the Alquist-Priolo Earthquake Fault Zone Act. In our previous review letter performed for the Draft report we requested that a copy of the final report be provided to us so that we could confirm that our comments were incorporated into the final report. We have reviewed the final report and conclude that they have been. It is our opinion that the final report adequately meets the geologic reporting requirements of the Alquist-Priolo Earthquake Fault Zone Act.

We trust this provides the information needed at this time. If you have questions or if we can be of further service, please do not hesitate to contact us.

Yours very truly,  
GIBLIN ASSOCIATES

SIGNATURE ON FILE

Michael S. Malone  
Engineering Geologist No. 1437

MSM:nay/NN/HD/geologic/msm/Job No. 1306.26.3  
Copies Submitted: 3



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LACO Associates - Attention: Giovanni A. Vadorro/21 West 4<sup>th</sup> Street #1

**ATTACHMENT D**

**Planning Commission Supplemental Information Items #1, #2, #3 and #4**

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**SUPPLEMENTAL INFORMATION  
No. 1**

For Planning Commission Agenda of:  
July 16, 2015

Re:	Applicant	John and Katrin Homan
	Case Number	FMS-08-002, CDP-08-025
	Assessor Parcel Number	515-191-037

Attached is an email received from Friends of College Cove. Five concerns were listed and are addressed in the staff report, however, a brief explanation is listed below by item number.

- 1) Parcels along Stagecoach Road (Lot 1 and Lot 2) will maintain a minimum setback of 50 feet. Individual building sites may be located further from the road. This reduction from the 89 foot average is allowed pursuant to Section 3.40 B.3.d of the Trinidad Area Plan. Further explanation is provided on pages 38 – 40 of the staff report.
- 2) Wetlands and environmentally sensitive areas were identified to the satisfaction of both the California Coastal Commission and the California Department of Fish and Wildlife.
- 3) The tentative map accurately depicts the riparian corridor and maintains a 100 foot setback for all development.
- 4) All development maintains setbacks prescribed in the Trinidad Area Plan. Further explanation is provided in the staff report within the Biological Resources section on page 37.
- 5) Additional well testing was done to the satisfaction of the California Department of Fish and Wildlife. Please see email from Jennifer Olson on page 147 of the staff report.

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## Estlow, Trevor

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**From:** Robert Vogel <robert@peakdemocracy.com>  
**Sent:** Wednesday, July 08, 2015 9:52 AM  
**To:** Estlow, Trevor  
**Subject:** Friends of College Cove letter to the Planning Commission

To: Humboldt County Planning Commission  
Re: Homan Subdivision  
From: Friends of College Cove

July 8, 2015

In February 2010, Dr. John Homan submitted an application to the Humboldt County Planning Commission to subdivide his 19 acre parcel into 9 lots, some as small as 1.1 acres. Five of those lots would be across Stagecoach Rd from College Cove; the other four would be along a ridge visible for miles from Trinidad Head south to the Arcata Airport. After being subject to public outcry against the development, the application was withdrawn in June 2010.

On Thursday, July 16, 2015, Dr. Homan intends to submit a modified application to subdivide his parcel into 6 lots. While Friends of College Cove appreciates the modifications Dr. Homan has made in response to the concerns expressed by the public in 2010, we still have these concerns today:

- 1) The Trinidad Area Plan requires homes in that parcel to be built 89-137 feet away from Stagecoach Road and other property boundaries. Dr. Homan is asking the County to slash that setback requirement down to 30-50 feet - about one third that required by the Trinidad Area Plan. Not only would this violate the Trinidad Area Plan, but it would significantly impair the natural visual character of the area around College Cove.
- 2) The parcel contains wetlands and other environmentally sensitive areas around College Cove Creek. Dr. Homan used an obsolete method (the 'three parameter definition') for determining the setback requirements from those areas. Dr. Homan must recalculate those requirements using the current 'one parameter definition', which would better protect the wetlands.
- 3) The Trinidad Area Plan requires Dr. Homan to provide an accurate map of the riparian corridor around College Cove Creek, and precludes any development in the corridor which could be avoided by reducing the number of parcels in the subdivision. The application does not comply with that requirement.
- 4) The Trinidad Area Plan requires development to be set back at least 100 feet from wetlands, and Dr. Homan's application does not meet that requirement.
- 5) The application relies on testing done in 2008 to determine the adequacy of groundwater capacity for domestic service. Given numerous issues experienced by wells in the Trinidad area recently, Dr. Homan should be required to perform a comprehensive updated water supply test.

Dr. Homan justifies his requests for exemptions from the Trinidad Area Plan by explaining that without those exemptions, he would not be able to subdivide into six parcels. For example, Dr. Homan admits that 2-acre lots would not be able to comply with the setback requirements set by TAP Section 3.40-B-3-c-3, and proposes an exemption by appealing to TAP Section 3.40-B-3-d which refers the project to a Design Committee for review when it cannot satisfy, e.g., 3.40-B-3-c-3.

An appeal to 3.40-B-3-d would be appropriate in the case of a property owner unable to build on an existing 2 acre lot: such a project would be a principally permitted use in this rural residential development zone.

However, Dr. Homan's project is not an application to build on an existing 2 acre lot. It is an application to subdivide a 19 acre lot, which is not a principally permitted use. Dr. Homan has no legal right to subdivide - and his inability to subdivide into 2 acre parcels is no justification for appealing to 3.40-B-3-c-d.

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We believe that Dr. Homan, like the rest of us, has an obligation to follow the law. We hope and trust that the Planning Commission agrees with us.

Sincerely  
Friends of College Cove

Robert Vogel  
CEO  
Peak Democracy, Inc.

866 535 8894  
866 506 4598 fax



[www.peakdemocracy.com](http://www.peakdemocracy.com)

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**SUPPLEMENTAL INFORMATION  
No. 2**

For Planning Commission Agenda of:  
July 16, 2015

Re:	Applicant	John and Katrin Homan
	Case Number	FMS-08-002, CDP-08-025
	Assessor Parcel Number	515-191-037

Attached are emailed comments on the proposed project.

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## Estlow, Trevor

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**From:** Sidney Dominitz <dominitzs Sidney@gmail.com>  
**Sent:** Tuesday, July 14, 2015 12:01 PM  
**To:** Estlow, Trevor

Dear Mr. Estlow,

Why is this project up before the Planning Commission again despite the same problems that caused its withdrawal: destruction of many trees, violating Coastal Commission standards and positioning homes in violation of the setback requirements of the Trinidad Area Plan, among others.

If the County approved this application, it would be violating CEQA and the Coastal Act.

I know that the County wants to approve more house-building, but this is absolutely not the way to go about it. I live only yards from the proposed site and I am horrified at the madcap idea. Please reject this proposal again.

Thank you.

Sidney Dominitz  
267 Stagecoach Rd.  
Trinidad, Ca 95570

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## Estlow, Trevor

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**From:** ethan fleener <fleenmachine1@hotmail.com>  
**Sent:** Tuesday, July 14, 2015 12:20 PM  
**To:** Estlow, Trevor  
**Cc:** info@friendsofcollegecove.org  
**Subject:** Stop!

I grew up in Big Lagoon. My folks still live there and own a house in Patrick's point aswell. We have all spent alot of amazing times at college cove and all along the coast. The thought of a SUBDIVISION at the bluffs of college cove make me sick! Don't do it! Pick another spot, like Euraka or elsewhere!

Sent from my MetroPCS 4G Android device

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**Estlow, Trevor**

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**From:** ethan fleener <fleenmachine1@hotmail.com>  
**Sent:** Tuesday, July 14, 2015 12:21 PM  
**To:** Estlow, Trevor  
**Cc:** info@friendsofcollegecove.org

Don't do it! Sincerely Ethan Fleener  
(916) 370-5063

Sent from my MetroPCS 4G Android device

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**Estlow, Trevor**

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**From:** meditor@sierracountyprospect.com  
**Sent:** Tuesday, July 14, 2015 12:21 PM  
**To:** Estlow, Trevor  
**Cc:** info@friendsofcollegecove.org  
**Subject:** No place for a subdivision

Please add my voice to those who think a large project on that part of the coast is a regrettable idea. Too much would be lost simply so someone could make money off cheap land. Please don't approve the Homan subdivision.

Laurenc L. DeVita MA  
[www.sierracountyprospect.org](http://www.sierracountyprospect.org)  
(530) 448 9092

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## Estlow, Trevor

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**From:** Steve Benavides <steve@sghcpa.com>  
**Sent:** Tuesday, July 14, 2015 1:39 PM  
**To:** Estlow, Trevor  
**Subject:** Homan Lot Subdivision-Trinidad California

Dear Mr. Estlow:

Re: Homan Subdivision

I have been following the planning process involving the Homan subdivision in Trinidad for over eight years. I will admit from the beginning of my interest in purchasing one of the lots Mr. Homan is producing with a view to building a retirement residence for my wife and I. I will be terminating my professional practice soon and relocating to northern California and I have been in love with the Trinidad area for more than four decades.

I have been following this process since 2010. I have walked the property and am impressed with the thought given by Mr. Homan to the layout to ensure that the design is harmonious with the existing topography and flora. I think Mr. Holman has exceeded your recommendations at every stage of the process to ensure that his development is one of the finest Trinidad has ever seen. Unfortunately, this is the first such development in many, many years and it has attracted some critics.

For some reason I have been put on a mailing list of a group called The Friends of College Cove. This group appears to be composed of people holding considerable animus and ill feeling towards this particular subdivision project. In a communication I received this morning they are insisting that the project should be rejected for a number of reasons, many of which I know not to be factually accurate. This is what they sent out this morning regarding that project:

- Destroy about 60% of trees along a ridgeline visible from Trinidad Head and other shoreline points.
- Destroy many large trees, and violate Coastal Commission standards for dense coastal forests along Stagecoach Road.
- Destroy trees on the steep eastern slope of the sea stack - trees whose root systems stabilize the slope and protect against landslides.
- Position homes that violate the setback requirements of the Trinidad Area Plan.

Their first point is ridiculous and completely untrue. The second point I know to be invalid because Mr. Homan's design has been specifically modified to save all the large trees on the property even those which would impinge a view. I doubt that a serious review of their assertions would not result in credible evidence supporting this harsh view and it appears that this group is simply blindly rejecting any efforts regarding increasing the density of housing footprints in Trinidad. They do this despite the fact that the general plan allows two-acre lots for this area and rather than trying to get the maximum number of lots, the Homan subdivision produces lots that are only in accord with the topography and trees currently existing on the property. They are publishing factually inaccurate information and they should be called out publicly for the falsehoods they are perpetrating about this project. Nowhere in any of their communications over the years and they specifically identify the regulation that is being violated. They simply paint with a broad brush and unsupported innuendo.

I only wish my business allowed me to be there on Thursday so I could ask The Friends of College Cove to defend their assertions. Other than their vile words and threats of ominous environmental injury

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seems to me have been justified or well explained by their diatribe, it appears that they are simply taking the side that they do not want this project in their backyard. Here in Southern California we call them NIMBY's.

I Hope the Planning Commission reacts favorably and recognizes that the Homan subdivision has incorporated all of their concerns and met all of the appropriate governmental guidelines and the application should be allowed to proceed to completion.

Thank you very much for your time. Please feel free to call me to verify the veracity of this letter and its sender.

Sincerely,

Stephen G Benavides  
1910 East Warner Ave., #2 F  
Santa Ana, California 92705  
949-474-7427 x1

This message was DICTATED to voice recognition software and not Read. Errors in spelling or grammar are not intended to offend and are sometimes pretty funny... I use Dragon, Naturally Speaking V 12.5.

Stephen G. Benavides  
949-474-7427  
949-474-1501 (fax)  
[steve@sgbcpa.com](mailto:steve@sgbcpa.com)

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## Estlow, Trevor

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**From:** Homan, Joseph <Joseph.Homan@samcstl.org>  
**Sent:** Tuesday, July 14, 2015 5:02 PM  
**To:** Estlow, Trevor  
**Subject:** HOMAN PROJECT

To the Planning Commission:

My name is Joseph Peter Homan MD. I am the older brother of John Homan. I, like John, was born and raised in California. I moved to St. Louis 21 years ago for 2 years of specialized studies in "Environmental and Occupational Medicine". This is what I am Board Certified in. I received my Masters of Public Health from St. Louis University in 1996. As luck would have it one thing lead to another and we ended up staying all these years for job opportunities and then for my daughters to graduate. BOTH my daughters are raised and out of the nest. My oldest, Regina, has her BS and is working and living in Houston, married to an Engineer. My youngest, Rebecca Anne Homan, is currently entering her senior year at USC in Los Angeles. She is getting a BA in International Relations and BS in ENVIRONMENTAL STUDIES. Both in 4 years. And she is on the Dean's List. I have kept my California License current all these years—at great expense—with the sole purpose of moving back to California. I am hoping to move back to live close to my brother John, and still practice medicine, at a less hectic pace. I have done thousands of hours of Urgent Care Medicine over the years and plan to practice as long as the good Lord lets me.

I've seen the information forwarded all over the country by the unnamed individuals who call themselves "The Friends of College Cove. They present NO compelling argument why our project should not be approved and their criticisms are greatly exaggerated, have no foundation correlating with the engineering reports and they should be asked to prove assertions. I doubt they will be able to. I find that now there are those who move in from other states and then try to close the door behind them. Other than their attitude I am not sure what they have to offer the community. I bring my skill set and the need to build a house, translating into jobs and tax basis. I can see you are getting bombarded with misinformation and deceptions. You can verify everything I have said here by checking the California Medical Board, St. Louis University, and through USC or ACOEM. Or simply call my cell phone (314) 835-7875. I really hope you take a thorough and fair look at what we have done up there rather than listen to a few self-righteous NIMBY's who seem to care about nothing but themselves. And yes—many of my patients have my cell number so please identify yourself when you call. I almost always have my cell phone close by. I just wish I could be there myself Thursday but the patient load never lets up. I have faith the Planning Commission will be able to see through the selfish and deceptive motives of those who are fighting the Homan Project.

Sincerely

Joseph Homan MD MPH

American College of Occupational and Environmental Medicine ACOEM (847) 818-1800  
Medical Board of California—see web site or call to verify.

USC—my daughter will sign release when she is back in the country. She is currently working in Rwanda

**DISCLAIMER:** The information contained in this transmission may contain privileged and confidential information, including patient information protected by federal and state privacy laws. It is intended only for use by the intended recipient. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. The partaking of any action in reliance upon this information by persons or entities other than the intended recipient is illegal and a violation of the regulatory guidance in the Health Insurance Portability and Accountability Act (HIPAA). If you received this in error, please contact the sender immediately and delete the material from a

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**Estlow, Trevor**

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**From:** Green, Matthew N. <GREENM@cua.edu>  
**Sent:** Wednesday, July 15, 2015 4:35 AM  
**To:** Estlow, Trevor  
**Cc:** info@friendsofcollegecove.org  
**Subject:** development near College Cove

Dear Mr. Estlow,

I understand that the Homan subdivision project is again being proposed across the street from College Cove. While I do not oppose development in Trinidad per se, having grown up on Stagecoach Road I am especially sensitive to development that harms the esthetic and natural beauty of the area. Unfortunately, I understand that the proposal destroys an excessive number of trees which both maintain the natural beauty of Stagecoach Road and help protect the area from potential landslides. I therefore strongly oppose the proposed development and encourage its withdrawal.

Sincerely,

Matthew Green

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**SUPPLEMENTAL INFORMATION  
No. 3**

For Planning Commission Agenda of:  
July 16, 2015

Re:	Applicant	John and Katrin Homan
	Case Number	FMS-08-002, CDP-08-025
	Assessor Parcel Number	515-191-037

Attached are two comment letters regarding the proposed project.

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July 15, 2015

TO: Humboldt County Planning Commission

RE: Homan Major Subdivision. APN 515-191-037-000

My name is Carol Boyd. I live on the corner of Stagecoach Road and Anderson Lane. My parcel is adjacent to the proposed division of lands. Water from College Cove Creek serves both parcels.

**Are we creating another Shelter Cove?**

Section 3.40d in the Trinidad Area Plan states that "Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Review Committee for review and approval."

The Trinidad Area Plan is a well thought out plan to protect resources while allowing for development. However, when things get difficult for the developer there is an out in Section 3.40d. This section gives the Design Review Committee authority to shape the project. What needs to be understood is that the Design Review Committee consists of one person, the project planner. It is a committee of one. A true committee where discussions and analysis are held to bring the developer and the community together, does not exist.

As a result, development standards are deferred to those who purchase parcels from land divisions. Often, what Planning puts on paper fails when a CDP for a home is submitted. This burdens the community.

As a self-appointed Ad Hoc member of the Design and Review Committee, I would like to make the following comment:

This project **lacks** the evidence to support the finding that the proposed subdivision is in conformance with all applicable policies and standards in Chapters 2-4 of the Framework Plan (FP) and Trinidad Area Plan (TAP).

**3.30 NATURAL RESOURCE PROTECTION POLICIES AND STANDARDS**

\*\*\* 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

**B. DEVELOPMENT POLICIES**

**3.30 B. 3. Wetland Buffer (Amended by Res. No. 82-100, 7/27/82)**

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The proposed land division fails to identify all the known creeks, wetlands, and areas of biological significance that will be impacted by the project. This includes off-site degradation of the State Park. There are 8 existing shallow ground water wells serving 9 homes within a 1.4 mile of the project site. As long as there is water, these wells will be productive. Additional wells may significantly change the availability of water to current homeowners.

Additionally, on-site wetlands, 2 creeks that flow into College Cove, and adjacent off-site wetlands will be impacted. LACO mentions "aquifer" several times yet provides no information about the extent or the amount of drawdown from the wells currently in use. On-site wetlands have not been adequately delineated to protect the habitat values of the creek and adjoining wetland.

In the wake of the 5 year on-going drought, the Regional Water Board has developed a work plan that aligns its current groundwater protection efforts (whether implemented at the local, regional, or State level), with an effective groundwater management program. This plan generally requires five key elements to be in place: thresholds, monitoring/assessment, governance/management, funding, and enforcement. Due to the extreme on- going drought, the Regional Water Board is also requiring Diversion Permits for water taken from wells that serve individual parcels which are in proximity to creeks.

In September of 2007 the applicant installed an emergency well due to water shortage in his well that draws from College Cove Creek. To assure my water would not be depleted, and his project could go forward, in September of 2008 he agreed to, and signed a monitoring plan developed by my hydrologist, in collaboration with LACO. This plan was never put into place.

By his own actions the applicant has shown that lack of water is a potential deterrent to his development.

#### Visual Resources

§3.40(B) (1) of Trinidad Area Plan states "No development shall be approved that is not compatible with the physical scale of development as designated in the zoning for the subject parcel".

§3.40(B) (3)c states "All permitted development shall be subject to the following standards for siting design except for structures integral to agricultural land use and timberland management subject to CDF requirements for special treatment areas."

- Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 30 feet from a property line.
- In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.
- New development on ridgelines shall be sited adjacent to existing major vegetation, prohibiting removal of tree masses which destroy the ridge

silhouette, and limiting the height of structures so that they maintain present ridgeline silhouettes.

§3.40(B)(5) states, Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Assistance Committee for review and approval.

The proposed land division does not meet all of the above Visual Resources criteria including the setback requirement. The proposed development will be inside the view from the closest publicly traveled road (Stagecoach) and will be visible from College Cove State Park.

These factors create visual disturbance to the neighborhood.

The proposed land division is not in conformance and compatible with the goals and objectives of Section 3.40d of the Area Plan. Therefore this proposed land division should be returned to Planning and the above issues addressed.

Sincerely,

SIGNATURE ON FILE

Carol Boyd

Box 744, Trinidad CA. 95570

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PO Box 739 Arcata, CA 95518  
707-83-HYDRO



February 19, 2010

RE: Proposed <sup>HOMAN</sup> Major Subdivision, 101 Anderson Lane, Trinidad, CA

To whom it may concern:

I am writing in reference to the Proposed Major Subdivision at 101 Anderson Lane in Trinidad, CA. In July 2008 I was asked to review the proposed project and provide analysis of how the proposed development would impact water resources in the project area.

I have 12 years of experience working as a hydrologist for federal, state, and local governments, as well as consulting firms and private landowners. I earned a Masters degree from Humboldt State University in Hydrology and Watershed Management and am a member of the American Institute of Hydrology's national certification program for hydrologists.

After initial review of the project, I collaborated with members of Friends of College Cove, John Homan (landowner and project developer), and the staff at LACO Associates. We drafted an agreement signed by Carol Boyd (project adjacent landowner) and John Homan (developer) that was accepted and made part of the public record by Trevor Estlow, Humboldt County Senior Planner (Figure 1). This agreement outlined monitoring protocols that would establish baseline data for water levels in College Cove Creek as well as continuous monitoring to observe any effects that development activities may have on long term stream and groundwater levels in the project area.

Specifics of the monitoring protocol were agreed to by myself and Chris Watt, Geo-environmental Services Director at LACO in October of 2008. We agreed that water depth in College Cove Creek would be measured at a minimum of three locations (above, within, and below the project area) at least once a month and bimonthly during the dry season (June, July, August, and September) on a continual basis effective at the time of the agreement. This protocol would establish a baseline for water levels before development took place. Continued monitoring would provide some indication if water use related to the development was impacting the stream environment and groundwater levels. A conversation with Mr. Watt in February of 2010 revealed that the monitoring specified in condition 1.a. (Figure 1) had been completed and reported, but there had been no monitoring or measurements to satisfy condition 1.b. (Figure 1) in the past 15 months. Lack of critical pre-development data and baselines will make it impossible to determine the effects of development and water use on stream water levels and associated

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hydrologic and ecological function of the creek. It will also make it impossible to satisfy the negotiated agreement. Pre-development baseline data needs to be measured for at least two summer seasons in order to be meaningful.

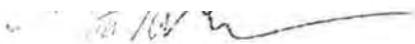
The Aquifer Test Results for Domestic Wells DW-1 Through DW-6 prepared by LACO Associates demonstrates that there is currently enough production from these wells to support the dwellings proposed for development. The testing does not insure future conditions or production. Several wells in the immediate area have ceased production in recent years. Establishment of baseline stream levels and long term monitoring of stream levels above, within, and below the project area at a minimum of once monthly during the dry season, is the only way to insure that development related withdrawals are not adversely impacting local water levels and stream health.

Review of project related documents has revealed a discrepancy in the presented stream channel classification of College Cove Creek in the vicinity of the project area. The report titled "Stream Transition Line and Wetland Delineation on Assessor's Parcel #515-191-018" prepared by Winzler & Kelly states: "the creek itself is an apparent seasonal drainage (Class III)". The Draft Mitigated Negative Declaration also refers to the creek as an intermittent Class III drainage.

I made several direct observations of the creek during periods of low flow. In August and September 2008 and 2009 the creek was observed to be flowing and stream habitat units were not isolated. I also observed amphibians and aquatic organisms. Based on these direct observations, College Cove Creek would be correctly classified as a perennial Class II stream in the vicinity of the project area. By definition, Class II streams provide habitat for non-fish aquatic species including amphibians and macro invertebrates, regardless of whether the stream is intermittent or perennial. Class III streams contain no habitat for aquatic species, are usually seasonal, and are generally considered conduits for sediment delivery to Class I and II streams.

The differences in hydrologic and ecological function between a Class II perennial stream and a Class III intermittent stream are substantial. College Cove Creek is clearly a Class II perennial stream in the vicinity of the project area and this distinction should be carefully considered in the planning process and in sizing of the Streamside Management Area buffer. Considering the expansive nature of the riparian corridor on this stream and the adjacent wetland areas, a 150' buffer would be appropriate to preserve the hydrologic and ecological function of the Streamside Management Area.

SIGNATURE ON FILE



**CASE No. CDP-07-64; FILE No. 515-191-37, JOHN & KATRIN HOMAN, Trinidad area (101 Anderson Ln.): A Coastal Development Permit for the exploratory drilling, testing, and installation of water wells to serve a potential subdivision of the property.**



John and Katrin Homan agree to following conditions:

1. An aquifer study that includes:
  - a. Monitoring of stream discharge above and below the predicted zone of influence of any wells on the Homan property prior to and during full load testing of those wells. Specific protocol to be determined collaboratively and in joint agreement with Peter Manka of Cascadia Hydrological and LACO Associates.
  - b. Continuous monitoring of stream discharge above and below the determined zone of influence of any wells on the Homan property. Specific protocol to be determined collaboratively and in joint agreement with Peter Manka of Cascadia Hydrological and LACO Associates.

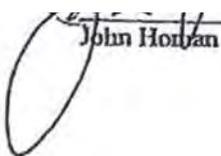
~~2. John and Katrin Homan to install a new well on Ms. Boyd's property:~~

- a. Well to be installed upon approval of a tentative subdivision map, but prior to completion and recording of any subdivision.
- b. Ms. Boyd understands that construction of the new well is subject to approval and permitting by Humboldt County.
- b. Well construction and depth to be comparable to any new wells on the Homan property.
- c. Well to be constructed in accordance with current codes and standards for a single family dwelling.
- d. Pump and plumbing to connect the well to the existing holding tank will be provided by John and Katrin Homan.

3. All costs to be incurred by John and Katrin Homan including well permitting fees.

In return, Ms. Boyd agrees not to appeal the well drilling permit to the Humboldt County Board of Supervisors.

SIGNATURE ON FILE

  
 John Homan  
 Date 9/5/08

Carol Boyd  
 Date

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**SUPPLEMENTAL INFORMATION  
No. 4**

For Planning Commission Agenda of:  
July 16, 2015

Re: Applicant John and Katrin Homan  
Case Number FMS-08-002, CDP-08-025  
Assessor Parcel Number 515-191-037

Attached is information submitted at the public hearing.

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## Cover Page to Friends of College Cove Testimony

July 16, 2015

The attached testimony, submitted May 26, 2010 in opposition to the Homan Subdivision application at that time is hereby included in our testimony in opposition to the application before the Humboldt County Planning Commission on July 16, 2015. The issues raised in the 2010 testimony remain our concerns today against the current application.

**NOTE**

Attached testimony is not included here because similar contentions are included in Exhibit 17 (supplemental appeal contentions)

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August 29, 2014

6744.04

Humboldt County Planning & Building Department  
3015 H Street  
Eureka, California 95501

Attention: Trevor Estlow, Project Planner

Subject: Homan Tentative Major Subdivision Setbacks

Dear Mr. Estlow:

Please accept this submittal as a request for action by the Humboldt County Design Assistance Committee to review and consider alternative building setbacks for the Homan Tentative Major Subdivision to be located at 101 Anderson Lane (APN 515-191-037), north of the City of Trinidad.

The Trinidad Area Plan (TAP) designates the subject site for Rural Residential (RR) uses and the site is located in the RA-2-M/G,D (Rural Residential – 2 Acre Minimum) zone with Manufactured Home (M), Alquist-Prilo (G), and Design Review (D) overlay zones. The applicant proposes to divide a 19+/- acre parcel into six parcels, each of which meets the 2-acre minimum.

Building setbacks from property lines on the existing and proposed lots are set by the Humboldt County Zoning Ordinance, Humboldt County Fire Safe Regulations, and the Trinidad Area Plan (Appendix 1). The Zoning Ordinance establishes the following setbacks:

Setback	Distance
Front Yard	20 Feet
Rear Yard	10 Feet
Side Yard (Interior)	5 Feet
Side Yard (Exterior)	20 Feet

Fire Safe Regulations (Section 3115-2(a)) require a building setback of 30 feet from all property lines, except that one half of adjacent rights-of-way may be included in such setbacks.

Section 3.40.B.3.c(3) of the Trinidad Area Plan establishes building setbacks as follows:

*Setbacks from property lines and public roads shall be no less than 50 feet from a public road, nor 230 feet from a property line. In areas significantly developed, 50% or greater, where setbacks shall be the average of the setbacks of existing structures.*

This section is open to considerable inconsistency in interpretation including the following:

- 1) It is not clear which parcels or geographic area should be included when determining whether an area is more than 50 percent developed.

- 2) For areas less than 50 percent developed, it seems likely that the 230 foot setback from property lines is a typographical error.
- 3) For areas greater than 50 percent developed, it is not clear whether separate average setbacks should be calculated for front yard, rear yard, side (interior), and side (exterior) to reflect the requirements of the Zoning Ordinance or whether a single setback should be established.
- 4) When establishing average setbacks, it is not clear whether the setback is set by the minimum distance between any structure and any property line or whether the average of all buildings to all property lines should be included.

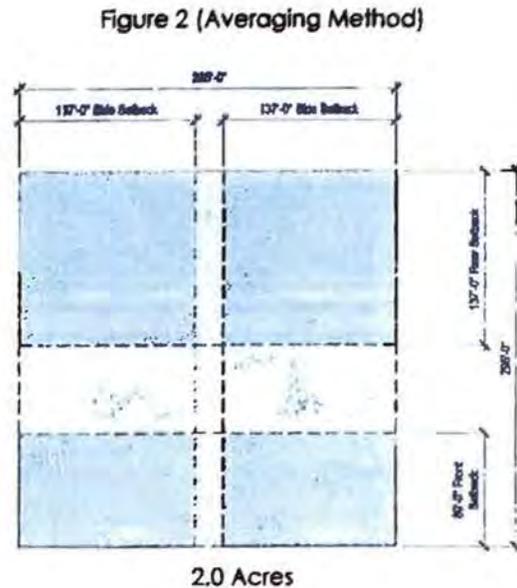
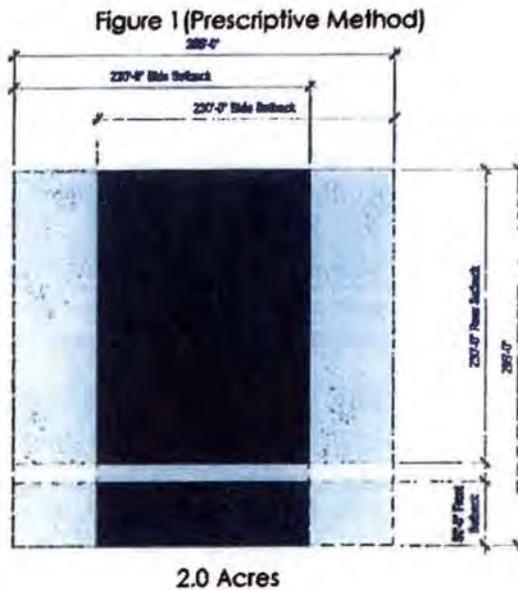
County staff has attempted to resolve these uncertainties for the subject parcel. At the applicant's request, on August 11, 2014, Project Planner Trevor Estlow provided an analysis with the following features:

- 1) Parcels in the area were defined as all parcels with contiguous connection to the subject parcel and within the RA-2 zone. Using that set of parcels, staff determined that more than 50 percent of the parcels in the area are developed.
- 2) The distances from one main building on each parcel to the front, rear, and two side property lines were calculated.
- 3) The existing residence on the subject site was included in the calculations.

Separate front, rear, and side yard setbacks were calculated based on the average distances to property lines. Using County staff's methodology, each of the six lots of the Homan Tentative Major Subdivision would have setbacks as follows:

Setback	Distance
Front Yard	89 Feet
Rear Yard	149 Feet
Side Yard (Interior)	137 feet
Side Yard (Exterior)	137 Feet

Setbacks established by either of the methods described in the TAP lead to results which are internally inconsistent. The TAP designates the subject site for rural residential development with a two-acre minimum parcel size. However, a two acre parcel is not large enough to accommodate the prescriptive setback standards in TAP Section 3.40.B.3.c(3) rendering such parcels un-buildable. Using the average setback methodology suggested by County staff, a two acre parcel with no constraints would have a maximum buildable area of approximately 1,197 square feet (21 feet X 57 feet). (See Figures 1 and 2)



When combined with other factors such as slopes, seismic safety, septic locations, flexibility to limit tree removal, lot configuration, and driveway locations, such restrictions cannot reasonably be satisfied on lots which otherwise meet the requirements of the Trinidad Area Plan, and Zoning and Subdivision Ordinances. In practice, the minimum lot size likely to provide a usable buildable area would be three to five acres depending on the setback methodology.

Trinidad Area Plan Section §3.40(B)(5) states:

*Proposed development which cannot satisfy these prescriptive standards but is in conformance and compatible with the goals and objectives of this section and the Area Plan, may be submitted to the Design Assistance Committee for review and approval.*

The Trinidad Area Plan includes a variety of findings to help the Design Assistance Committee determine whether a project is compatible with its goals and objectives. To assist the Committee in making those findings, the applicant notes that the proposed subdivision design includes features which will protect the aesthetics of the area and will preserve attractive coastal views including the following:

- 1) All access will be provided via one existing driveway on Anderson Lane and one new driveway on Stagecoach Road.
- 2) Only three of the six lots have frontage on public streets.
- 3) A 50-foot tree preservation buffer and setback is proposed along Stagecoach Road, Anderson Lane, and the easterly property boundary to preserve the existing wooded appearance of the parcel.
- 4) Substantial areas of the subject site, including the entire frontages of Stagecoach Road and Anderson Lane, are not available for development due to seismic safety regulations.
- 5) Development on the site is not likely to be visible from the coast. Views from the coast in the vicinity of the subject site are obstructed by natural topography. The hillside on the site may be visible from more distant coastal areas such as the top of Trinidad Head or coastal beach areas to the south. The nearest such location is Trinidad Head at approximately one mile south of the subject site. Most viewers would not be expected to distinguish features such as setbacks between houses on a wooded site at that distance.

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- 6) All trees to be removed as a result of the development are proposed to be replaced. Where feasible, such replacement plantings will be within the tree preservation buffers or in other, non-buildable areas along the periphery of the development.
- 7) No new building is proposed on Lot 6.
- 8) The reduced setbacks provide flexibility to permit development on naturally occurring knolls, reducing potential grading.
- 9) Limitations on lighting are incorporated into the CEQA Initial Study and are expected to be adopted as conditions of approval.
- 10) New utilities will be underground. Appropriate easements are shown on the Tentative Map to permit existing overhead utilities to be relocated underground.
- 11) No off-premise signs are proposed or anticipated.

With those features in place, the applicant requests approval of modified setbacks for the Homan Tentative Major Subdivision Map as follows:

Setback	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
Front Yard	50 Feet (Stagecoach)	50 Feet (Stagecoach)	50 Feet (Anderson)	30 Feet (Existing Private Drive)	30 Feet (Existing Private Drive)	30 Feet (Existing Private Drive)
Rear Yard	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet
Side Yard (Interior)	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet	30 Feet
Side Yard (Exterior)	N/A	50 Feet (Anderson)	N/A	N/A	N/A	N/A

The requested setbacks shown above meet or exceed the minimum requirements of the Zoning Ordinance and Fire Safe Regulations and reflect the proposed tree preservation buffers along Stagecoach Road and Anderson Lane.

Please provide a written response for consideration during the review process for the Homan Tentative Major Subdivision Map. We would be happy to meet with staff and with the Humboldt County Design Assistance Committee to discuss our request.

Sincerely,  
 LACO Associates

SIGNATURE ON FILE

Randy Rouda, AICP  
 Senior Planner

CC: Dr. John Homan, Property Owner  
 Michael D. Nelson, LACO, Principal

RSR:gg

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**ATTACHMENT E**

**Section 3.40 of the Trinidad Area Plan**

**EXHIBIT NO. 13**

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**ATTACHMENT F**

**Email from Coastal Commission dated August 28, 2015**

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## Estlow, Trevor

---

**From:** Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>  
**Sent:** Friday, August 28, 2015 8:52 AM  
**To:** Estlow, Trevor  
**Cc:** Werner, Steve  
**Subject:** follow up comments on CDP 08-025 (Homan)

Dear Trevor,

Thanks for sending over a referral for the appeal to the Board of Supervisors of the Homan CDP. It is our understanding that the Board of Supervisors will be considering the appeal at an upcoming hearing, and the Board may uphold or deny the appeal. It also is our understanding that the Board may choose to deny the appeal but impose certain modifications to the approved project or additional permit conditions beyond those or different from those included in the Planning Commission's approval.

We provided comments on the Homan CDP referral in a letter to you dated November 13, 2014. It is our understanding that the majority of issues raised in the letter have since been addressed. We offer the following additional comments related to the protection of visual resources in this designated Coastal Scenic Area (CSA) and recommend that the Board impose certain modifications to the project approval to ensure its consistency with the Trinidad Area Plan (TAP). Including such additional modifications on the approval could help avoid the Coastal Commission's finding (if the project is appealed to the Commission) that the County's approval of the Homan CDP raises a substantial issue with respect to consistency of the project with the visual resources protection policies of the TAP.

In our review of the project approved by the Planning Commission, we note that there are some conditions of approval included on the permit related to the protection of visual resources, such as required notes to be placed on the Development Plan requiring tree retention within the 50-foot buffer strip along Stagecoach Road and Anderson Lane. We agree that conditions requiring notes of this sort to be placed on the required Development Plan for the subdivision are important to include as conditions of approval of this subdivision CDP because they ensure that developers and future owners of the resultant lots understand the lot constraints and restrictions imposed by the subdivision CDP on the future development of the lots.

However, because the CSA policies in the TAP require that development in CSAs be subordinate to the character of the surrounding area (which in this case is forested within minimum visibility of houses from public vantage points such as roads, parks, and Trinidad Head), we recommend that the Board consider adding additional conditions to the approved CDP that would ensure that future development on the resultant lots would indeed be subordinate to the character of the area. Although the Applicant proposed as part of the approved project to plant 100 trees on all of the lots to mitigate for the tree removal associated with the subdivision improvements (and this tree planting is required as a condition of CDP approval), there don't appear to be any conditions on the permit protecting the planted trees into the future (or, for example, requiring the retention of a minimum density of trees on some of the lots). Such a condition may be appropriate since the County made findings in the staff report that the planted trees would help mitigate the visual impacts of the necessary tree removal for the subdivision improvements.

In addition, as Lots 4 and 5 are higher in elevation than the surrounding area, the lots are likely visible from public vantage points, such as Trinidad Head and other public park and recreation areas. Currently views from public vantage points, such as Trinidad Head, to the subject site show an undeveloped forested ridge with no visible structures or logged areas. If, when Lots 4 & 5 are developed for residential uses in the future, tree removal and house development would result in the site being visible from Trinidad Head, such development would not be subordinate to the character of the area and would be inconsistent with the CSA policies of the Trinidad Area Plan. Therefore, we recommend adding the following conditions to the approved subdivision CDP to ensure that the resultant lots can be developed in

**EXHIBIT NO. 13**  
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with the CSA policies. Some additional protective measures to consider include, but are not necessarily limited to, imposing a requirement for additional notes to be placed on the Development Plan related to (1) required tree retention and appropriate vegetation planting on Lots 4 & 5 for vegetative screening of future structures on those lots, (2) additional height restrictions for future structures to be developed on the upper lots (Lots 4 & 5), (3) restrictions on the colors and design of the future structures on the upper lots, such as the use of dark earth tones and minimal glazing on all future structures, and (4) a requirement for the upper lots to undertake a visual resources impact evaluation as part of the design review process of the CDP application for all proposed structures associated with future residential development on the lots that at a minimum involves the erection of story poles. Story poles would create an accurate silhouette of the proposed project and give a good indication of the size, scale, and massing of the future residential development on the lots to ensure that it would be developed subordinate to the character of the area as viewed from public vantage points including Trinidad Head.

Thanks for considering these comments. If you have any questions, please let me know.

*Melissa B. Kraemer*

North Coast District Office  
1385 8<sup>th</sup> Street, Ste. 130  
Arcata CA 95521  
(707) 826-8950 ext. 5



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## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
385 EIGHTH STREET, SUITE 130  
RCATA, CA 95521  
PHONE (707) 826-8950 FAX (707) 826-8960

OCT 30 2015



CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Robert Vogel

Mailing Address: Pobox 516

City: Trinidad CA

Zip Code: 95570

Phone: 925-788-4116

SECTION II. Decision Being Appealed

- Name of local/port government: Humboldt County
- Brief description of development being appealed:  
Major subdivision of a 19-acre parcel north of Trinidad into 6 parcels
- Development's location (street address, assessor's parcel no., cross street, etc.):  
Assessor Parcel Number 515-191-037, 101 Anderson Lane, Trinidad
- Description of decision being appealed (check one.):
  - Approval; no special conditions
  - Approval with special conditions:
  - Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

**EXHIBIT NO. 14**

APPEAL NO. A-1-HUM-15-0065

John &amp; Katrin Homan

**APPEAL BY ROBERT VOGEL**

Page 1 of 6

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: Oct 6, 2015

7. Local government's file number (if any): FM5-08-002, CDP08-025

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

John and Katrin Homan  
PO Box 1261  
Trinidad CA 95570

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Sec Attached

(2)

(3)

(4)

**EXHIBIT NO. 14**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY ROBERT VOGEL**

Page 2 of 6

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

*See Attached*

**EXHIBIT NO. 14**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY ROBERT VOGEL**

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**EXHIBIT NO. 14**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY ROBERT VOGEL**

Page 5 of 6

**Attachment to Appeal**

**Section III. b.**

- (1) Peter E. Martin, A Law Corporation, 917 Third Street, Eureka CA 95501
- (2) Carol Boyd, POBox 744, Trinidad, CA 95570
- (3) John Webb and Victoria Mayes-Webb, 763 Stagecoach Road, Trinidad, CA 95570
- (4) Charles Netzow, 1337 Stagecoach Road, Trinidad, CA 95570
- (5) Jim & Virginia Waters, POBox 631, Trinidad, CA 95570
- (6) Kate Greene, 1480 Stagecoach Road, Trinidad, CA 95570
- (7) Simona Carini, POBox 516, Trinidad, CA 95570
- (8) Tom Lindquist 980 Westhaven Dr S, Trinidad, CA 95570

**Section IV.**

The County approved a major subdivision that includes the creation of two new parcels that are on a ridgeline that is visible from many public viewpoints including from viewing benches on Trinidad Head.

Section 3.40 of the Trinidad Area Plan specifically incorporates Coastal Act section 30251 into its provisions. Section 30251 provides in part:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas..."

Section 3.40 B. 3 of the Trinidad Area Plan provides:

"In Coastal Scenic Areas as designated on the Area Plan maps, and applied to portions of parcels immediately adjacent to and visible from the designated area, it is the intent of these regulations that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas."

The County findings make clear that the County did not think that the proposed development was consistent with the prescriptive standards of the Trinidad Area Plan, including the requirements of Coastal Act section 30251. Nevertheless the County approved the development finding that it was "in conformance and compatible with the goals and objectives" of the Plan.

The County findings assert that the development was being conditioned to ensure that it would be "subordinate to the character of the surrounding area" (Condition #7.A(10)) but provide no reasoning or discussion to support that assertion. In fact, the condition adopted does not ensure that the development is subordinate to the character of the surrounding area, because its requirements were not designed with any public viewpoints in mind and because it contains a significant exception.

Further there are no findings whatsoever with respect to the final requirement of section 3.40 B. 3, that the development be subordinate to the scenic use and enjoyment of public recreational lands within these areas. The findings do not reveal any analysis of the visual impacts of the proposed development from the public viewpoints on Trinidad Head, and do not provide any protection of the views from those critical viewpoints. Thus there is no protection of the "scenic use and enjoyment" of the visitors enjoying the views from those viewing locations on the Head. As noted above, the requirement that was imposed by Condition #7.A(10) is arbitrary and pseudo-specific in nature, imposed without any analysis of the views to be protected and the measures necessary to protect those specific viewpoints.

Finally, the County findings never considered the specific requirements of Coastal Act section 30251. The County never considered the "scenic and visual qualities" of the Trinidad Area, and specifically of the views to and along the coast from public viewpoints to the area where the subdivision was approved. Because it did not consider the visual landscape it did not site and design the subdivision's approved lots to ensure the protection of "views to and along the ocean and scenic coastal areas".

As approved by the County the subdivision will create gaps in the existing forested ridgeline in the coastal zone that are contrary to the requirements of the certified local coastal program. Because this is a subdivision, these intrusions upon the scenic and visual qualities of the Trinidad coast are completely preventable. The subdivision could have been approved in a different manner by the County to ensure protection of these visual qualities; but it chose not to consider *any* alternative configuration of the proposed lots. There is no right to a subdivision and there is no need to approve this particular configuration of lots simply because the County found that despite the fact that the subdivision was not consistent with the standards of the Trinidad Area Plan it was in conformance with and compatible with the goals and objectives of the Plan. That is an override of specific coastal resource protections without any purpose. An alternative exists that will protect the views and the Commission should impose it.

**EXHIBIT NO. 14**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY ROBERT VOGEL**

Page 6 of 6

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521

PHONE (707) 826-8950 FAX (707) 826-8960

OCT 30 2015

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT



### APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

#### SECTION I. Appellant(s)

Name: Friends of College Cove

Mailing Address: P.O. Box 516

City: Trinidad CA

Zip Code: 95570

Phone: 707-268-0445

#### SECTION II. Decision Being Appealed

1. Name of local/port government:

Humboldt County

2. Brief description of development being appealed:

Major subdivision of a 19-acre parcel north of Trinidad into 6 parcels

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Assessor Parcel Number 515-191-037, 101 Anderson Lane, Trinidad

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

#### TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

#### **EXHIBIT NO. 15**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY FRIENDS OF COLLEGE COVE**

Page 1 of 6

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: Oct 6, 2015

7. Local government's file number (if any): FMS-08-002, CDP-08-025

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

John and Katrin Homan  
PO Box 1261  
Trinidad CA 95570

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) sec Attached

(2)

(3)

(4)

**EXHIBIT NO. 15**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY FRIENDS OF COLLEGE COVE**

Page 2 of 6

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attached

**EXHIBIT NO. 15**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

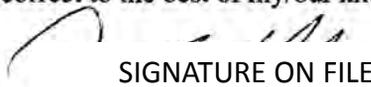
**APPEAL BY FRIENDS OF COLLEGE COVE**

Page 3 of 6

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
SIGNATURE ON FILE

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: 10/30/2015

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize

Ralph Faust

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
SIGNATURE ON FILE

\_\_\_\_\_  
Signature of Appellant(s)

Date: 10/30/2015

**EXHIBIT NO. 15**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY FRIENDS OF COLLEGE COVE**

Page 4 of 6

**EXHIBIT NO. 15**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY FRIENDS OF COLLEGE COVE**

Page 5 of 6

## Attachment to Appeal

### Section III. b.

- (1) Peter E. Martin, A Law Corporation, 917 Third Street, Eureka CA 95501
- (2) Carol Boyd, POBox 744, Trinidad, CA 95570
- (3) John Webb and Victoria Mayes-Webb, 763 Stagecoach Road, Trinidad, CA 95570
- (4) Charles Netzow, 1337 Stagecoach Road, Trinidad, CA 95570
- (5) Jim & Virginia Waters, POBox 631, Trinidad, CA 95570
- (6) Kate Greene, 1480 Stagecoach Road, Trinidad, CA 95570
- (7) Simona Carini, POBox 516, Trinidad, CA 95570
- (8) Tom Lindquist 980 Westhaven Dr S, Trinidad, CA 95570

### Section IV.

The County approved a major subdivision that includes the creation of two new parcels that are on a ridgeline that is visible from many public viewpoints including from viewing benches on Trinidad Head.

Section 3.40 of the Trinidad Area Plan specifically incorporates Coastal Act section 30251 into its provisions. Section 30251 provides in part:

*"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas..."*

Section 3.40 B. 3 of the Trinidad Area Plan provides:

*"In Coastal Scenic Areas as designated on the Area Plan maps, and applied to portions of parcels immediately adjacent to and visible from the designated area, it is the intent of these regulations that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas."*

The County findings make clear that the County did not think that the proposed development was consistent with the prescriptive standards of the Trinidad Area Plan, including the requirements of Coastal Act section 30251. Nevertheless the County approved the development finding that it was "in conformance and compatible with the goals and objectives" of the Plan.

The County findings assert that the development was being conditioned to ensure that it would be “subordinate to the character of the surrounding area” (Condition #7.A(10)) but provide no reasoning or discussion to support that assertion. In fact, the condition adopted does not ensure that the development is subordinate to the character of the surrounding area, because its requirements were not designed with any public viewpoints in mind and because it contains a significant exception.

Further there are no findings whatsoever with respect to the final requirement of section 3.40 B. 3, that the development be subordinate to the scenic use and enjoyment of public recreational lands within these areas. The findings do not reveal any analysis of the visual impacts of the proposed development from the public viewpoints on Trinidad Head, and do not provide any protection of the views from those critical viewpoints. Thus there is no protection of the “scenic use and enjoyment” of the visitors enjoying the views from those viewing locations on the Head. As noted above, the requirement that was imposed by Condition #7.A(10) is arbitrary and pseudo-specific in nature, imposed without any analysis of the views to be protected and the measures necessary to protect those specific viewpoints.

Finally, the County findings never considered the specific requirements of Coastal Act section 30251. The County never considered the “scenic and visual qualities” of the Trinidad Area, and specifically of the views to and along the coast from public viewpoints to the area where the subdivision was approved. Because it did not consider the visual landscape it did not site and design the subdivision’s approved lots to ensure the protection of “views to and along the ocean and scenic coastal areas”.

As approved by the County the subdivision will create gaps in the existing forested ridgeline in the coastal zone that are contrary to the requirements of the certified local coastal program. Because this is a subdivision, these intrusions upon the scenic and visual qualities of the Trinidad coast are completely preventable. The subdivision could have been approved in a different manner by the County to ensure protection of these visual qualities; but it chose not to consider *any* alternative configuration of the proposed lots. There is no right to a subdivision and there is no need to approve this particular configuration of lots simply because the County found that despite the fact that the subdivision was not consistent with the standards of the Trinidad Area Plan it was in conformance with and compatible with the goals and objectives of the Plan. That is an override of specific coastal resource protections without any purpose. An alternative exists that will protect the views and the Commission should impose it.

**EXHIBIT NO. 15**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY FRIENDS OF COLLEGE COVE**

Page 6 of 6

RECEIVED

CALIFORNIA COASTAL COMMISSION  
NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950 FAX (707) 826-8980

OCT 30 2015

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

COPY

SECTION I. Appellant(s)

Name: Carol Boyd  
Mailing Address: PO Box 744  
City: Trinidad Zip Code: 95570 Phone: 707.677.3060

SECTION II. Decision Being Appealed

- Name of local/port government:  
Humboldt County Board of Supervisors
- Brief description of development being appealed:  
Applicant wishes to subdivide an existing 19-acre developed lot into six parcels ranging from 2.2 acres to 6.9 acres in size.
- Development's location (street address, assessor's parcel no., cross street, etc.):  
101 Anderson Lane, Trinidad CA 95570  
APO: 515-191-037  
Stagecoach Road / Anderson Lane
- Description of decision being appealed (check one.):  
 Approval; no special conditions  
 Approval with special conditions:  
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_  
DISTRICT: \_\_\_\_\_

**EXHIBIT NO. 16**  
APPEAL NO. A-1-HUM-15-0065  
John & Katrin Homan  
**APPEAL BY CAROL BOYD**  
Page 1 of 14

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 10.06.2015

7. Local government's file number (if any): Application # 5035  
Case #: FMS -08-02 / CDP -08-25 / SP -08-94

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

John & Katrin Homan  
PO Box 1261  
Trinidad CA 95570

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Robert Vogel  
PO Box 516  
Trinidad, CA 95570
- (2) County of Humboldt Planning & Building Dept,  
3015 H Street  
Eureka, CA 95501  
Attn. Kevin Hamblin, Steve Werner, Trevor Estlow
- (3) LACO Associates  
21 W. 4th St.  
Eureka, CA 95501
- (4) Attn. Randy Rouda  
Dept. of Public Works, County of Humboldt  
1106 2nd St.  
Eureka, CA 95501 - 4  
Attn. Robert Bronka

|                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>EXHIBIT NO. 16</b><br/>APPEAL NO. A-1-HUM-15-0065<br/>John &amp; Katrin Homan<br/><b>APPEAL BY CAROL BOYD</b><br/>Page 2 of 14</p> |
|------------------------------------------------------------------------------------------------------------------------------------------|

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

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- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

(Please see attachment)

Areas of Appeal

1. Wetland Delineation & Wetland Buffers
2. Off Site Impacts & Cumulative Effects
3. Tree Mitigation
4. Planned Improvements to the Private Road & Anderson Lane

**EXHIBIT NO. 16**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY CAROL BOYD**

Page 3 of 14



# 1. Wetland Delineation and Wetland B

## 3.3 NATURAL RESOURCE PROTECTION POLICIES AND STANDARDS

### 3.3B. 3. Wetland Buffer (Amended by Res. No. 82-100, 7/27/82)

*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.*

The Stream Transition Line and Wetland Delineation submitted by the applicant was written in 2008. 5 wetlands were identified. This wetland delineation report is more than 7 years old, and the methodology used does not meet the Coastal Act's requirements for determination of wetlands. A current Wetland Delineation Study would give a more accurate identification and location of the blue line creek and all identifiable wetlands. This will allow setbacks on the map to represent what is on the ground. This is currently not the case.

This raises substantial issues since the extent of on-site wetlands was not adequately defined. Additionally, the lack of an updated delineation and mapping of wetlands and ESHA, makes it impossible to adequately address the impacts to off-site wetland and stream resources.

From the Technical Memorandum, Biological Resources Study update, dated August 14, 2013, LACO states:

*"All wetlands, regardless of the number of parameters, are located between the creek and the STL, therefore the 100-foot setback from the STL is adequate in protecting these wetlands. A jurisdictional agency concerned about the proper delineation method used, may conduct a site visit to determine wetland protection."*

The development is using the STL (Stream Transition Line) as the point in defining the wetland edge and therefore, the beginning point of the wetland buffer. This potentially allows unpermitted uses in wetlands and fails to establish adequate wetland buffers. This is inconsistent with LCP wetland policies, and raises a substantial issue with respect to the accuracy of the wetland delineation, wetland mapping, and the methodology used with the LCP policies regarding the protection of wetlands.

If the jurisdictional agency concerned with the proper delineation methods and needs to conduct a site visit to determine wetland protection, all wetland delineations, state wide would be left to the lead agency to conduct, rather than the developer. Additionally, I can find nothing in the approved CDP, where the jurisdictional agency conducted a site visit to determine the validity of a 7 year old Delineation report.

The applicant refuses to provide a current wetland study that identifies coastal wetlands according to methodology required under the LCP and Coastal Act. This is a substantial issue that goes well beyond this specific project. It sets a precedent that significantly undermines a

core part of the Coastal Act. If LACO refuses to identify coastal wetlands using required methodology, and insisted on using outdated information that even the author had declared expired, coastal wetlands all over California would soon be unidentified and unprotected.

CCR 13577(b) (in part)

*Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate.*

*Based on these definitions, wetlands under the Coastal Act may only display one of the wetland parameters typically used to define wetland areas, unlike the U.S. Army Corps of Engineers, which uses a three parameter definition under its federal authorities.*

## **2. 30231-Off Site Impacts and Cumulative Impacts**

30105.5

*Cumulatively or cumulative effect means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*

30240.

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.*

Failure to adequately address off site impacts and cumulative impacts to College Cove Creek and associated off site wetlands is inconsistent with TAP and the Coastal Act. This raises substantial issues.

The Coastal Act sets high standards for the protection of Environmentally Sensitive Habitat Areas (ESHA), including various types of wetlands, riparian areas, coastal prairies, woodlands and forests, and other natural resources in the coastal zone. This is not limited to the development on the project site, off site impacts are a crucial part of the project. Off site impacts are often ignored in this project.

### **EXHIBIT NO. 16**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY CAROL BOYD**

Page 6 of 14

The development has frontage on two county roads, Anderson Lane and Stagecoach Road. On the western side, separated by Stagecoach Road is Trinidad State Park, which consists of College Cove Beach and Elk Head. College Cove Beach is a short hike through the woods, across open bluffs, and past seasonal wildflowers down to the beach. On the high bluffs above the beach there is an open meadow with scattered stands of alders. This called Elk Head.

Running through the subject property is a creek, know to area residents as College Cove Creek. It flows through the subject property as a blue line creek. It flows through Trinidad State Park and gives life to the state beach.

Trinidad is one of the most pristine and spectacular segments of the Northcoast and has been established as a California Coastal Gateway Monument. It is a unique and fragile environment.

LACO and Dr. Homan do not want to draw attention to the fact that the subject parcel shares the same ESHA, as Trinidad State Park, only separated by 18 feet of asphalt.

**EXHIBIT NO. 16**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY CAROL BOYD**

Page 7 of 14

### **3. Tree Mitigation**

The applicant's tree mitigation plan is premature, inadequate, and is being improperly implemented.

The plan is premature because a Wetland Delineation Study and map have not been done according to Coastal Act requirements. Therefore, buffers for wetlands and riparian corridors are not known. In one example of the result, it is also not known exactly where the lower portion of the applicant's private road can be built. It follows that it cannot be known how many trees will be taken for development in this area, and how many will need to be mitigated.

Among other deficiencies, the plan provides no scientific or other rationale for its mitigation ratio of one plant in a 1-gallon pot per each mature tree felled, plus 10 per lot. The "Local Coastal Program Update Guide, Part I- Section 4. Environmentally Sensitive Habitats" (p.10) recommends a 10:1 ratio for native tree replacement based on current scientific literature.

Exactly where the trees will be planted is also not specified, except in general terms, ". . .with plantings (to be) distributed on all proposed parcels" plus other non-specific descriptions.

There is no guarantee that any of the planted trees will be alive after 3 years, or that they will be preserved into the future.

The current plan is inadequate in other ways, but most importantly, no matter what it says, it has failed on the ground. The applicant stated that he "will make an initial tree planting of 100 mixed redwood, fir, and spruce trees. . . with plantings distributed on all parcels." But what I see, visible from the street, are approximately 32 trees (or 32% of the promised 100) all planted on one lot. None of them are redwood, fir, or spruce, all of them were planted too close together in a place where they would have little chance of surviving, during a summer characterized by heat and sun, with very little fog or mist, and no rain. Virtually none of these plantings appear to have survived, and none appear to have been replaced. (See attached letter from David Fix.)

If this is the tree mitigation plan in action, this large parcel will suffer substantial and likely irredeemable negative impacts. The historic, visual character of this important Coastal Scenic Area will be seriously damaged, in the place most visited by tourists and local people.

Explicit visual standards were set by the Coastal Commission for the Stagecoach Road Corridor. Those standards are specified in a Coastal Commission staff report evaluating an application for

a project at 1228 Stagecoach Road. The Consistency Analysis on page 6 of Application 1-07-014 to the Coastal Commission states:

*"The character of the area is largely defined by the dense, coastal forest and coastal scrub vegetation along the east and west sides of the road corridor, including along roadside berms and shallow road cuts, which align both the east and west sides of Stagecoach Road for virtually explicit visual standards were set by the Coastal Commission for the Stagecoach Road Corridor development is actually visible from Stagecoach Road with the exception of occasional rooftops and some property-line fencing. This dense vegetation is the dominant characteristic of the area.*

The tree mitigation plan is substantially inconsistent with the following requirements of TAP:

### **3.4 Visual Resource Protection**

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along . . . scenic coastal areas, . . . to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

30253 (5). *New development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

A. PLANNED USES . . . *in terms of visual resources. . . new development. . . may be appealed to the State Coastal Commission if the development . . . fails to protect public views from any public road or from a recreational area to and along the coast.*

#### **B. DEVELOPMENT POLICIES**

##### **3.40 B. 3 Coastal Scenic Areas:**

*In Coastal Scenic Areas as designated on the Area Plan Maps, and applied to portions of parcels immediately adjacent to and visible from the designated area, it is the intent of these regulations that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas. . .*

Anderson is a short, public lane connecting two designated Coastal Scenic areas to Trinidad State Park and College Cove Beach. It has the same "character" as Stagecoach Road. Relevant portions of the subject parcel are visible from Stagecoach Road. The tree mitigation area described is eligible for Visual Resource Protection.

#### **EXHIBIT NO. 16**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**APPEAL BY CAROL BOYD**

Page 9 of 14

**EXHIBIT NO. 16**

APPEAL NO. A-1-HUM-15-0065

John &amp; Katrin Homan

**APPEAL BY CAROL BOYD**

Page 10 of 14

**Subdivision info**

David Fix &lt;aldermuse@gmail.com&gt;

Sun, Oct 25, 2015 at 8:37 PM

To: Carol Boyd &lt;carolboyd100@gmail.com&gt;

Carol,

This is in response to your concern:

On 24 Oct 2015, in the company of Carol Boyd, I looked at an under-planting on what she has described to me as Proposed Homan Subdivision, Assessor's Parcel Number 515-191-037, located at 101 Anderson Lane, Trinidad, California. The visit took place in mid-afternoon under overcast skies and lasted thirty minutes. The planting is visible from Anderson Lane, and the planted trees can be discerned readily with Swarovski 10x42 binoculars from the roadway.

I was asked to comment and share impressions of this site because I worked as a silvicultural technician, timber stand examiner, timber cruiser, tree planter, and tree planting contract inspector during employment in the period 1978-1988 with the USDA Forest Service in Washington and Oregon. I have measured the height, diameter, log length, product, defect, and disease in thousands of conifers of many species, and personally have planted more than forty thousand seedling trees.

There are 30+ (I counted 32) Vexar or similar semi-rigid plastic tubes on the site. These tubes are widely used in reforestation, chiefly to discourage browsing of the apical meristem by ungulates. They are appropriate for the site. No live or apparently live trees were noted persisting in the protective tubing. Deciduous trees of an undistinguished species, and which appeared dead, were visible in some of the tubes, along with minimal grass and/or herbaceous vegetation.

Two living pines, un-tubed, and which appeared to have two short needles per fascicle and therefore were likely shore pines (*Pinus contorta*), were noted near the northeast edge of the planted area. Although it is a native tree and is commonly found in coastal Humboldt County, shore pine is not indigenous to a site such as the described portion of this parcel; it is a distinctly shade-intolerant "pioneer" species, and cannot live long beneath the existing canopy of regrowth Sitka spruce (*Picea sitchensis*), Douglas-fir (*Pseudotsuga menziesii*), and grand fir (*Abies grandis*). No mature shore pine occurs at the site; these two trees are suspected to have been planted.

The canopy as it presently exists is sufficiently closed to retard or prevent the reproduction and reasonable growth of any trees planted or intended to be planted beneath, with the exception of grand fir, which would do especially well here. Many pole-sized or "small-saw" -sized grand firs stand both on the parcel and in the vicinity. The general Trinidad-Westhaven area is notable for supporting regrowth forest stands containing quite a lot of vigorous grand fir (pers. obs.).

As a silvicultural tech, I have to say I am puzzled by the purpose of the under-planting. While I can envision a planting scheme in which replacement trees are planted to mitigate or make up for future planned loss of the overstory trees, which are marketable, I am at a loss to why deciduous trees and (evidently) shore pine has been installed. No deciduous tree is going to do anything significant here in terms of growth, both because the existing overstory throws excessive shade and because any deciduous tree species is going to be overtopped in short order by volunteer grand firs and possibly other species which are more fully suited to complete at the site. The spacing of the planting of the 30-some tubed trees averages perhaps 2 meters, in some places seemingly less, and therefore if the planted trees had persisted, many would die, either as a direct result of failure in the competition for sunlight--and, possibly, water--as well as in the course whatever thinning might be pursued.

A Northern Pygmy-Owl (*Glaucidium gnoma*) was immediately west of the site during the visit. This species is an obligate cavity-nester, requiring larger dead, damaged, or diseased trees, or those which bear woodpecker

been installed. No deciduous tree is going to do anything significant here in terms of growth, both because the existing overstory throws excessive shade and because any deciduous tree species is going to be overtopped in short order by volunteer grand firs and possibly other species which are more fully suited to compete at the site. The spacing of the planting of the 30-some tubed trees averages perhaps 2 meters, in some places seemingly less, and therefore if the planted trees had persisted, many would die, either as a direct result of failure in the competition for sunlight--and, possibly, water--as well as in the course whatever thinning might be pursued.

A Northern Pygmy-Owl (*Glaucidium gnoma*) was immediately west of the site during the visit. This species is an obligate cavity-nester, requiring larger dead, damaged, or diseased trees, or those which bear woodpecker holes, in order to breed. Retention of "live culls" and deformed larger trees with limited or no market value plays a strong role in conserving this non-Threatened yet uncommon raptor.

This account was written 25 Oct 2015.

Sincerely,

David Fix  
P.O. Box 4331  
Arcata, CA 95518  
(707) 825-1195  
aldermuse@gmail.com

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#### **4. Planned Improvements to the Private Road and Anderson Lane**

I am appealing the plan to widen the lower portion of the applicant's private road into the wetland buffer and riparian setback. I am also appealing any widening or improvements to Anderson Lane that impinge on wetlands, wetland buffers, stream setbacks, or that damage or kill trees.

The plan to widen the private road states in part:

*(There is) a small isolated wetland south of the intersection of the private road and Anderson Lane. . . The area within the stream transition line is considered to be an Environmentally Sensitive Habitat Area (ESHA) with a 100-foot setback. All proposed development is 100 feet or more from the stream transition line. The isolated wetland is separated from potential development by the existing private road. The applicants have requested approval of a 100-foot building setback from the isolated wetland, with provision that required improvements to Anderson Lane and the private road would be permitted within that setback.*

The applicant confirms the wetland at the Anderson Lane intersection, but instead of a 100-foot wetland setback, asks for a "100-foot *building* setback" into which the private road would be expanded, and into which the county would be entitled to intrude for improvements to Anderson Lane. These improvements are mandated only because of the widening of the private road. The applicant offers no justification for building into what is either a wetland or a wetland buffer.

A less damaging and feasible alternative to building the private road west into the wetland/buffer would be not to widen the road at all. Another alternative would be to widen the private road entirely to the east.

There are also less damaging and feasible alternatives to improving Anderson Lane than by paving and packing fill directly into a wetland/wetland buffer, and blading several feet into the wetland itself. One alternative is not to widen Anderson Lane at all. Another is to move the entire intersection of the private road with Anderson Lane to the east, far enough that the wetland or wetland buffer is not disrupted.

A compromise alternative might be considered. It would cause less damage and could include the following elements:

1. *No development in the wetland/wetland buffer west of the private drive.*
2. *Rock fill from the existing road edge of Anderson Lane to the bottom edge of the tree lined bank, from the east side of the private drive to the eastern property line, with no paving or blading.*
3. *Pave or fill as planned into the College Creek setback on the south side of Anderson Lane, on the applicant's unmapped, discontinuous section of land, with no blading.*

Whatever is decided, the existing plans to widen the private drive and Anderson Lane are not consistent with the following Local Coastal Plan/Trinidad Area Plan requirements:

#### **3.30 NATURAL RESOURCE PROTECTIONS POLICIES AND STANDARDS**

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30240. a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas and shall be compatible with the continuance of such habitat areas.

3.30 B.3. Wetland Buffer. (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 wetland 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 principal use for which it is designed. . .

### 3.4 VISUAL RESOURCE PROTECTIONS

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along. . . scenic coastal areas. . . to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual qualities in visually degraded areas.

30253 (5). New development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

A. PLANNED USES . . . in terms of visual resources. . . new development. . . may be appealed to the State Coastal Commission if the development...fails to protect public views from any . . . road or from a recreational area to and along the coast.

#### B. DEVELOPMENT POLICIES

##### 3.40 B. 3 Coastal Scenic Areas

In Coastal Scenic Areas as designated on the Area Plan Maps, and applied to portions of parcels immediately adjacent to and visible from the designated area, it is the intent of these regulations that all development be subordinate to the character of the designated area, and to the scenic use and enjoyment of public recreational lands within these areas

#### Comments

Among other concerns, one of my biggest is that county mandated improvements on Anderson Lane adjacent to the land division, will cause substantial damage to its visual beauty and biological resources.

The proposed improvements may not only compromise the wetland and College Cove Creek, into which it presumably drains, but may also damage or destroy one of the premier trees in the whole area. That would be an immense Sitka Spruce that grows close to Anderson Lane, either in or next to the wetland, just west of the intersection of the private drive and Anderson lane. T is estimate to be 148 feet high, 166 inches in circumference, and app

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well over the public road, creating a bower. The tree dominates the view shed. It grows in an open circle of numerous other very large, old spruce that are rooted around or inside the wetland. The tree is visible from the Stagecoach Lane Coastal Scenic Area, and exemplifies one of the reasons for that designation.

I see no way to widen Anderson Lane without damaging biological and visual resources.

If Anderson Lane were widened west of the private drive, the wetland would be impacted by asphalt and rock fill. The huge Sitka Spruce would be at risk of serious, even lethal, root damage.

If Anderson Lane were widened toward the east on the northern frontage of the property, it will almost certainly kill numerous trees on the 4+ foot bank above the road, where a tree mitigation project is underway. Established trees would be taken, including yet another very large, old tree whose roots extend visibly down the bank. There is simply no room for a foot of road, 2 feet of fill, and several more feet of blading.

If Anderson Lane were widened on the south side, the new pavement and fill would have to be placed into a setback area for College Cove Creek, which is a coastal water. Additionally, there is another very large tree quite close to the existing road which may be negatively impacted by paving over its roots or impacting the soil.

No matter where that section of Anderson Lane might be widened, protected visual and biological resources would be compromised. Tree damage and intrusion into wetland or stream setbacks would substantially alter the character of the neighborhood. The plans are inconsistent with the Visual and Natural resource protection standards of the TAP.

I understand the need for safety standards and sincerely appreciate the dedication of Mr. Bronkall in particular to making roads safe for people. But on this exact stretch of road, in my lay person's opinion, there appears to be no need to widen it. The visibility is good. There's never been an accident. Nobody has ever been hurt or run off the road, and I haven't heard any complaints about it since I moved here nearly 40 years ago.

Anderson Lane is a short lane connecting two roads, both of which are designated Coastal Scenic Areas. It is the main access road to Trinidad State Park and College Cove Beach. It is part of a walking/biking/jogging loop used by many in the community. Tourists from all over use and enjoy the natural beauty of this road on their way to the state park or beach. It exemplifies the character of the area, and is a significant resource for the respite and renewal of the many who come to enjoy and be refreshed by the natural beauty of this environment.

The many factors above make the proposed widening of the private drive and Anderson lane a substantial issue of regional and statewide importance.

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**Evidence Submitted by Robert Vogel and Friends of College Cove  
to Support the Appeal A-1-HUM-15-0065 of the Decision by  
Humboldt County to Approve the Homan Subdivision**

November 5, 2015



*Trinidad State Beach*

*Like many images promoting tourism, this photo of Trinidad State Beach in the first California Coastal Commission Resource Guide (1987) features natural ridgelines unbroken by development.*

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## Protecting Scenic Views

This appeal is simple. It is about protecting the scenic views along the Trinidad coast, particularly from the acclaimed Trinidad Head. Humboldt County approved a major subdivision on a parcel that includes a ridgeline that is completely visible from Trinidad Head and various other public viewpoints along a 7-mile stretch of the Trinidad coast.



*Taken from the "Trinidad Head Lower" vantage point, this photo is featured on the Trinidad Tourism website today. The ridge on the Homan Parcel is circled in red.*

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Presently the view from the established public viewing points on Trinidad Head shows an unbroken line of trees along the near ridgeline to the northeast. A subdivision on the Homan parcel will break that line of visual forest with what could amount to the equivalent of a clear cut along the ridge of the parcel.

The extent and scope of this clear cut along the ridge is significant. It would occupy about 6° of the view-shed from Trinidad Head. (By comparison, the moon occupies only ½° of the view-shed from the earth.)

The County approval does not protect these trees; in fact the County did not consider the specific viewpoints and what was necessary to protect them, nor did it consider alternatives that would protect them. Unless the Commission takes this appeal and requires protection of the trees that form the visual scenery of the ridge as viewed from the Head and other public viewing points, the trees and the views will be lost. The last minute condition that the County approved in response to the Commission comment letter is completely inadequate to protect the views to these scenic coastal areas.



*Taken from the "Trinidad Head Upper" vantage point, this photo includes the ridge on the Homan Parcel (circled in brown). Preservation of these views is exactly what Coastal Act section 30251 requires when it mandates the protection of views "along the ocean and scenic coastal areas".*

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There is little need to discuss the importance of the views from Trinidad Head. Coastal Trinidad is literally a poster child for North Coast beauty, and the Head itself is becoming part of a National Monument under the California Coastal National Monument Expansion Act of 2015. It is an internationally renowned site for tourists, featured in every Coastal Commission publication focused on this area, as well as numerous tourist publications. The views of the trees on the ridgeline, visible from various public viewpoints along the coast, are presently unbroken. Preservation of these views is exactly what Coastal Act section 30251 requires when it mandates the protection of views “along the ocean and scenic coastal areas”.

The County did not specifically consider these views. Instead it relied upon a provision of the Trinidad Area Plan that allows a type of override of the specific prescriptive standards of the Plan. Where proposed development cannot satisfy the prescriptive standards of the Plan, section 3.40.B.3.d allows a Design Committee to approve the development if it can be found to be in “conformance and compatible with the goals and objectives of this section and the Area Plan”. As a tool of the Area Plan and in the present context this provision is nonsensical except perhaps as a way to approve development on an existing lot that is constitutionally required, where there is no feasible alternative to the proposal. But the County rejected this interpretation and said it could be applied to a proposed subdivision. It applied this interpretation despite the fact that there is no right to a subdivision, and despite the fact that there exist reasonable feasible alternatives to the specific proposal that the County approved.

So to summarize, the County never specifically considered the scenic coastal views at risk from the proposed subdivision; it never considered the feasible alternatives to the proposed subdivision; and it treated the proposed subdivision as if the developer had a right to that subdivision that took precedence over the scenic coastal views of which the Coastal Act requires protection. The task of properly analyzing this development and properly applying the requirements of the Trinidad Area Plan and the Coastal Act now falls upon the Commission. This is particularly important because failure to do so creates a precedent that protection of scenic coastal views is subordinate to a subdivision, and that reasonable feasible alternatives need not be considered.

Nor are the findings in any way supportive of the consistency of the proposed development with the Trinidad Area Plan or Coastal Act section 30251.

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## Trinidad Head: A Visual Resource of National Importance

The Homan Parcel is visible from multiple public vantage points along a 7-mile stretch of the coast from Trinidad Head down the Hammond Trail to the Arcata Airport overlook. Here we analyze the views of the Homan Parcel from two public vantage points on Trinidad Head, which we label “Trinidad Head Lower” and “Trinidad Head Upper”.



The Homan parcel is visible from multiple public vantage points on Trinidad Head. The two marked “Trinidad Head Lower” and “Trinidad Head Upper” have benches for visitors to sit and enjoy the stunning forested views to the north. The green area is Trinidad State Beach, adjacent to the Homan parcel.

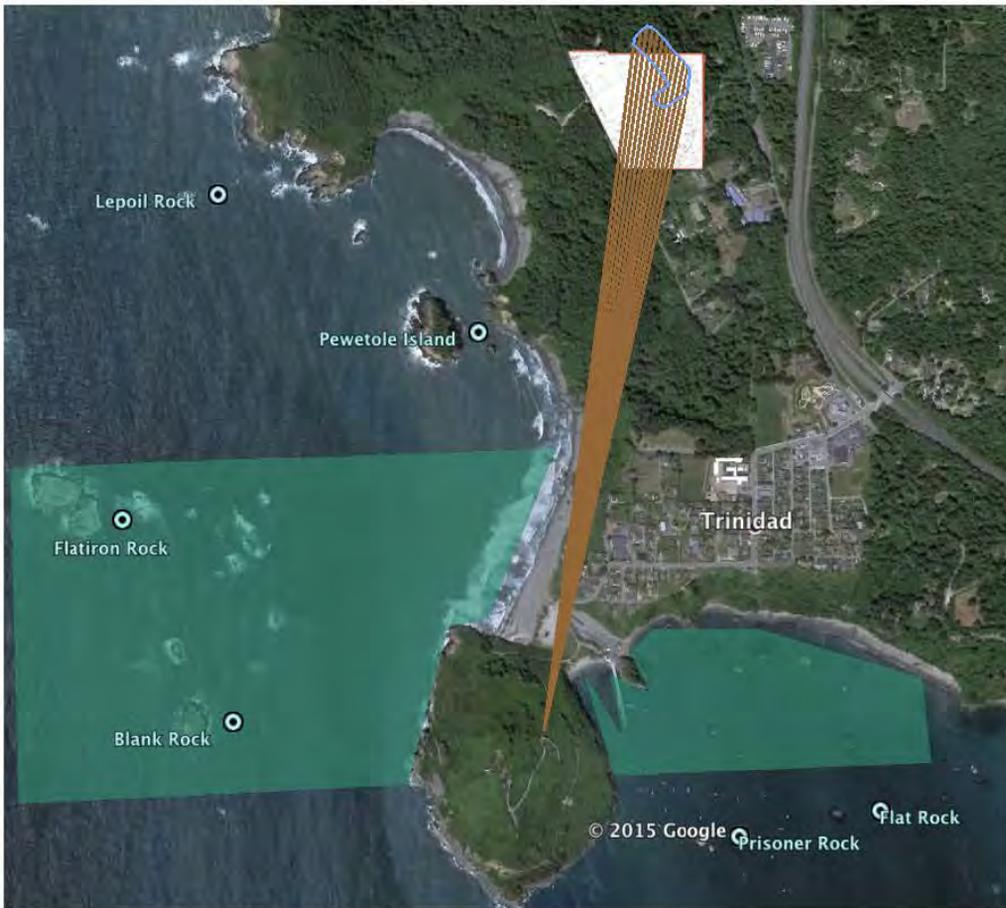
### **EXHIBIT NO. 17**

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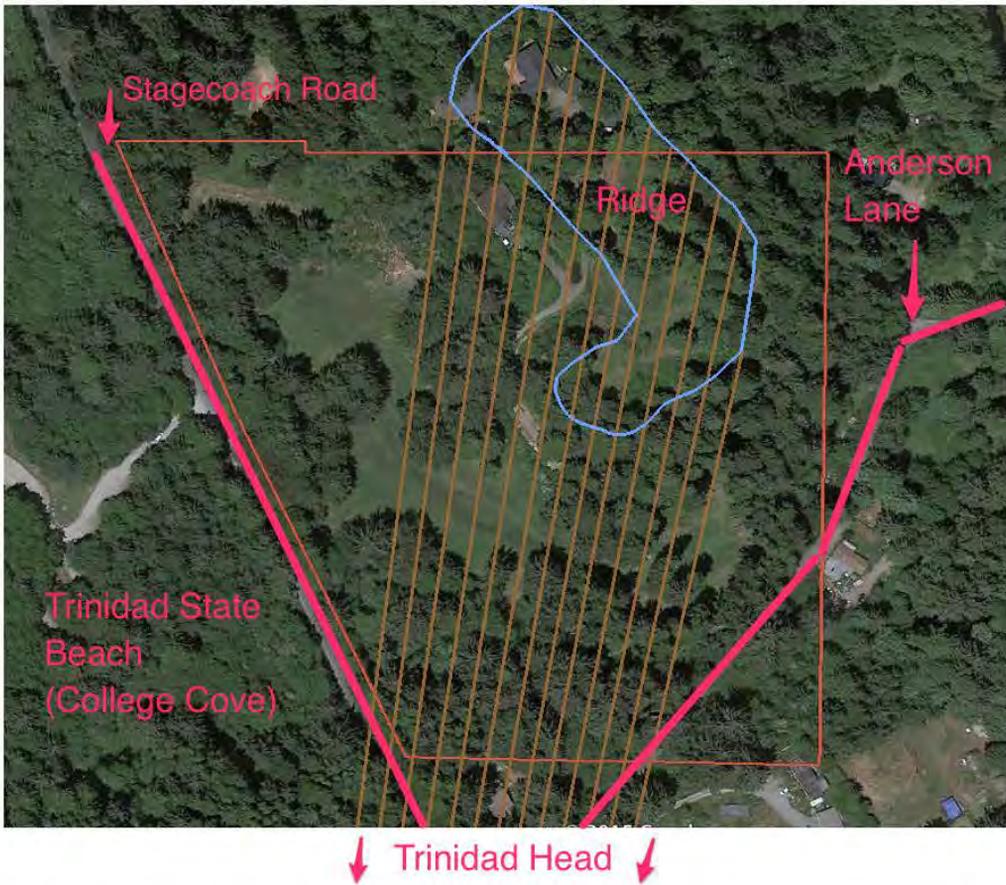
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*The lines of sight from the Trinidad Head Upper vantage point extend uninterrupted to the ridgeline on the Homan parcel. The ridge is about 330 feet above sea level, enclosed by the 310 foot level contour shown in blue. The Area of Special Biological Significance around Trinidad Head is shown in light green.*

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*The ridge (enclosed in blue) extends about 525 feet across the lines of sight from Trinidad Head. The Google imagery above, dated May 28, 2014, shows the forested character of the ridge and the surrounding area. The southeastern two-thirds of the ridge is on the Homan parcel. The northwestern third is on two other parcels, both developed with single-family residences. Though forested, the owners of those two parcels have the right to remove all trees on the ridge on their parcels (see below).*

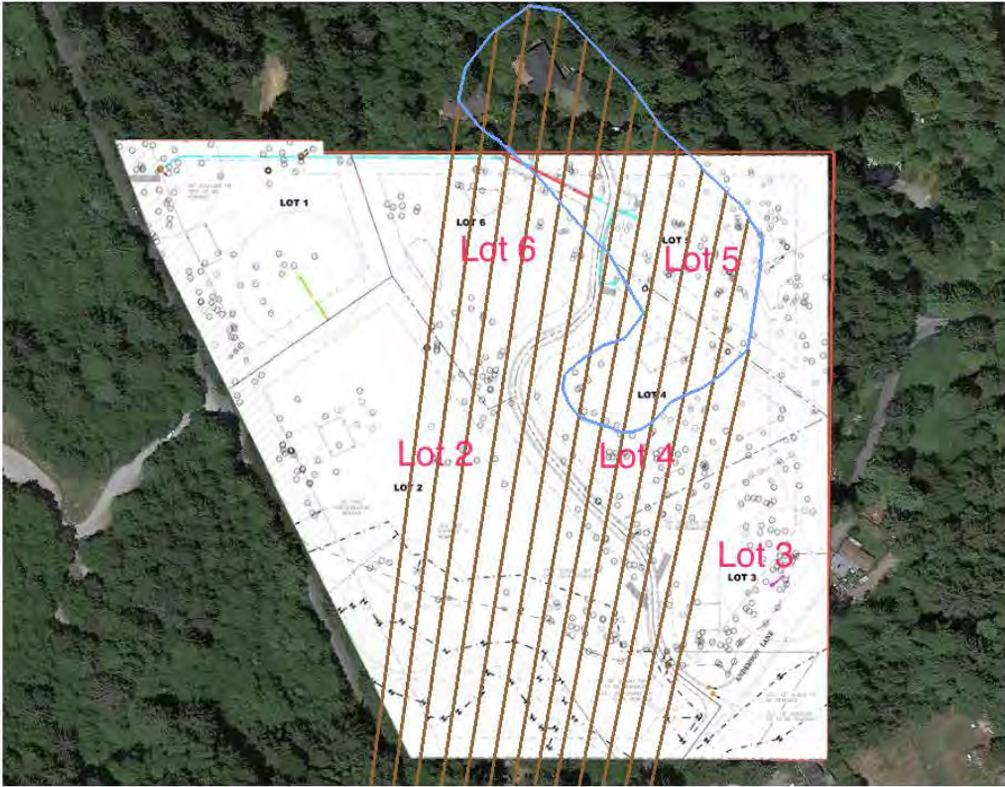
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*The lines of sight from Trinidad Head to the ridge cross lots 2, 3, 4, 5 and 6.*

#### **Development on a Ridgeline**

The lines of sight from Trinidad Head to the ridge cross lots 2, 3, 4, 5 and 6. As the subdivision is currently approved, the County would be required to grant owners of those lots the right to remove almost every tree along the lines of sight on those lots. Should the owners exercise that right, they would create the first ridgeline development within the 1000 square mile view-shed visible from Trinidad Head.

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*Future owners of lots 2, 3, 4, 5 and 6 will have rights to remove trees and develop homes, exposing the lots 4 and 5 homes above, as seen from the "Trinidad Head Lower" public vantage point.*

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*Future owners of lots 2, 3, 4, 5 and 6 will have rights to remove trees and develop homes, exposing the lots 4 and 5 homes above, as seen from the "Trinidad Head Upper" public vantage point.*

**The conditions in the approved CDP do not ensure conformance to CSA policies.**

Coastal Scenic Area (CSA) policies in the Trinidad Area Plan require that development in CSAs be subordinate to the character of the surrounding area. In this case, that character is forested with minimal visibility of houses from public vantage points. Though the approved CDP includes conditions designed to ensure there is significant screening from public vantage points, those conditions are inadequate to screen development from public vantage points on Trinidad Head or ensure conformance to CSA policies.

The applicant has added section (10) to the condition of approval #7 as:

(10) "To ensure that future development is subordinate to the surrounding area consistent with the Trinidad Area Plan (TAP), the following measures shall be implemented during the Coastal Development Permit and Design Review process for Lots 4 and 5:

(a) No trees shall be removed within 100 feet of the southerly property line of Lot 4, within 50 feet of the western property line of Lot 4, within a circular area within a 75-foot radius centered at the confluence of Lot 6, Lot 2 and the

access road, or within 50 feet of the eastern property line of Lot 5 unless the visual analysis determines that the remaining trees and vegetation provides significant screening from public viewpoints, or if such trees are deemed a hazard by a qualified forestry professional or arborist.



*Virtually all trees in the proposed tree protection area (brown) along the lines of sight will be hazards when construction begins, and can be removed.*

These conditions are inadequate to screen development from public vantage points: a qualified forestry professional has deemed that any tree within 129' of a home would be a hazard to that home. Given the building footprints of homes proposed by Dr. Homan, virtually every tree specified in this section (10) along the line of sight from Trinidad Head will be hazards. As hazards, owners will have the right to remove those trees during construction and expose development to public vantage points.

### **Large trees are hazards to nearby homes during winter storms**

The coastal area of the project site is subject to extreme winter storms, causing significant wind throw and property damage from large trees.

#### **The Initial Storm in 2005**

On December 31, 2005, funnel clouds were sighted in a huge storm in the area. 97 mph gusts were recorded at Woodley Island, while gusts in excess of 100 mph were recorded at 1200 Stagecoach Rd. On Dr. Homan's property, as well as north for one mile along Stagecoach, several hundred large trees were uprooted, causing significant property damage and blocking emergency egress for several residents on Stagecoach Road.



*Property damage on Stagecoach Road*

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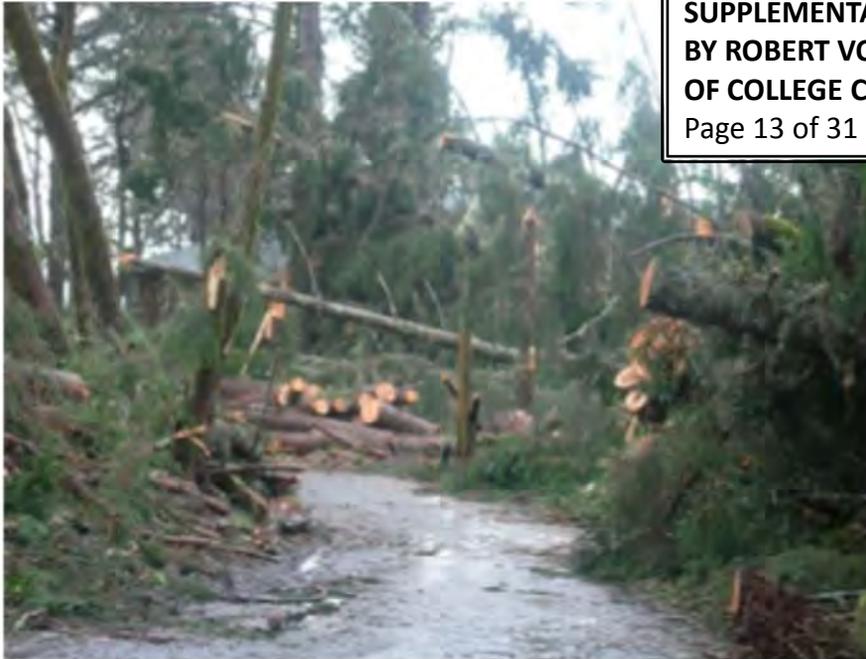
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*Wind throw covered Stagecoach Road for ¼ mile.*

State of California – The Resources Agency      ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF FISH AND GAME**  
<http://www.dfg.ca.gov>  
NORTHERN REGION  
801 Locust Street  
Redding, California 96001  
(530) 225-2300

**CEQA Filing Fee No Effect Determination Form**

**Applicant Name:** John and Katrin Homan      **Date Submitted:** March 7, 2007

**Applicant Address:** P.O. Box 1261  
Trinidad, California 95570-1261

**Project Name:** Homan Coastal Development, Special Permits for a Dead or Dying or Diseased Tree Removal Exemption

**CEQA Lead Agency:** County of Humboldt Community Development Services  
**CEQA Document Type: (ND, MND, EIR):** MND  
**SCH Number and/or local agency ID number:** SCH#2007012009

**Project Location:** In Humboldt County, in the Trinidad area, on the northwest side of Anderson Lane, approximately 600 feet west from the intersection of Anderson Lane and Patrick's Point Drive, on the property known as 101 Anderson Lane.

**Brief Project Description:** A Special Permit and Coastal Development Permit are required for seven (7) trees removed in 2004 and the removal of an additional 25 trees uprooted during a winter storm (New Year's Day 2006). There are approximately 200 trees, greater than 12 inches diameter at breast height to remain in the approximately 18-acre parcel. The applicant is also proposing the conversion of a portion of an existing garage into living space; the conversion to the structure is completely interior.

*Dr. Homan documented 25 trees uprooted on his parcel in that storm.*

### **The Domino Effect in the 2006 Storm**

On December 27, 2006, a second storm hit Stagecoach Road, destroying several hundred more trees adjacent to the destruction of the 2005 storm. Again, there was significant property damage.



*The 2006 storm felled trees adjacent to the 2005 storm destruction*

Though the second storm was not as violent as the first, the wind throw was significant. Many trees that had been protected by trees felled in the 2005 storm were exposed to the direct force of coastal storms for the first time in 2006. Their root systems had not grown to withstand the enormous force of direct coastal winds, and failed as a result.

The 2005-2006 destruction pattern is evidence of a well-known 'domino effect' in forested areas. When trees are removed (naturally or intentionally), the newly exposed neighboring trees are at significant risk of uprooting during subsequent storm events.

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### **Trees within 129 feet of homes are hazards**

On October 13, 2015, Registered Professional Forester Greg Blomstrom measured trees on the Homan Parcel and, based on their average height of 129 feet, determined that all trees within 129 feet of homes, garages and other accessory structures are hazards. His comments, measurements and his recommendation that all such trees be removed are attached as Exhibit A.

### **The 129' Clear-cut Areas Around Homes on Lots 2, 3, 4, 5 and 6.**

Using the existing home on Lot 6, and the likely building footprints for structures on Lots 2, 3, 4 and 5 we show the clear-cut area within which all trees are hazards and can be removed by owners. Some may also be removed for the development itself, as well as for the private view-shed of the ocean and Trinidad Head.

Though Dr. Homan has not proposed exact building footprints in this application, he did include a diagram of those footprints (Exhibit B) in the 2010 application: Lots 2, 3, 4, 5 and 6 were then labeled parcels 5, 6, 7, 9 and 8 respectively. Given the available building areas in those lots, the building footprints will likely remain very similar.

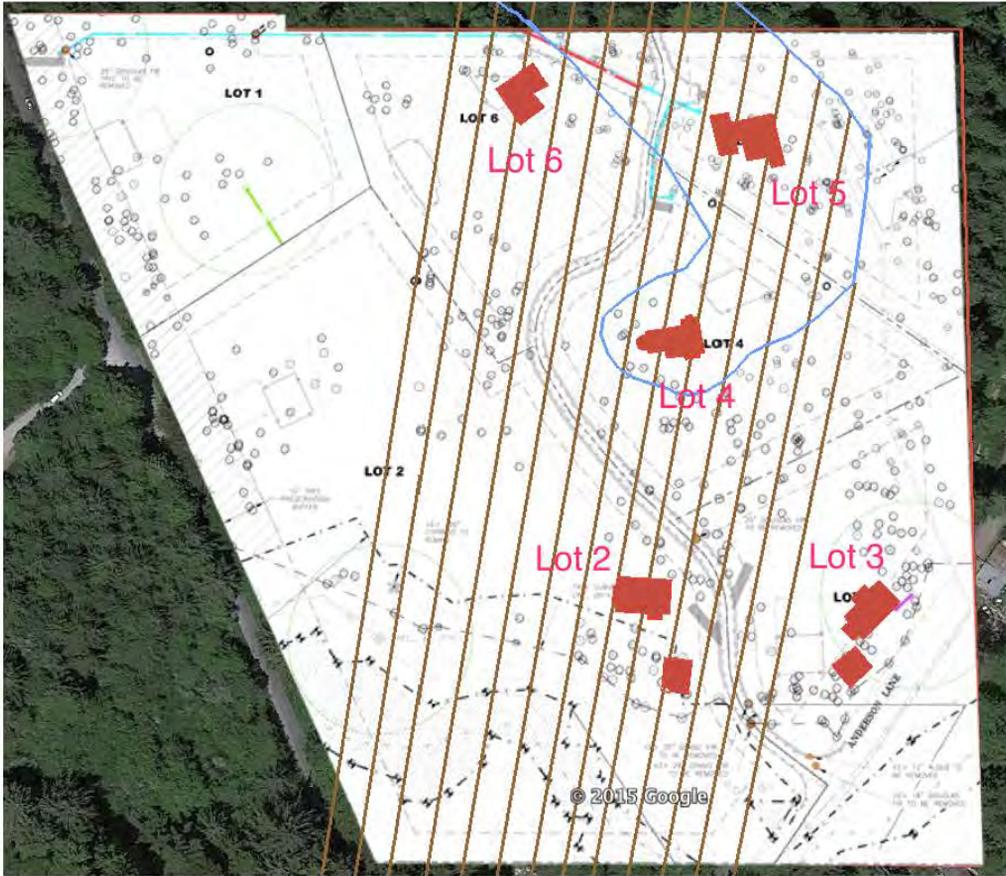
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*Likely building footprints for Lots 2, 3, 4, 5 and 6, based on footprints included in the 2010 application and available level buildable areas on each lot.*

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*The 129' clear-cut areas around homes on Lots 2, 3, 4, 5 and 6. Trees within these areas can be removed as hazards. They may also be removed for the development itself, to increase the sunny areas on these south-facing slopes and to establish private view-sheds of the ocean and Trinidad Head.*

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**Section 10 conditions of approval are inadequate to screen development from public vantage points on Trinidad Head**

Given the 129' clear-cut areas as recommended by a qualified forestry professional, we see that virtually every tree along the lines of sight from Trinidad Head in the area of protected trees described in section 10 (brown) will become a hazard subject to removal by the future owners.



*Removing trees from the 129' clear-cut area not only destroys all trees proposed by Dr. Homan to screen development from public vantage points on Trinidad Head, but also denudes virtually the entire hill up to and including the ridgeline.*

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### Incentives to Remove Trees

Though future owners will not be obligated to exercise their right to remove all trees from the clear-cut areas, they will have multiple incentives to do so.

- 1) The history of violent storms in the area makes tree removal the safe thing to do.
- 2) Removing the trees will expose homes to sunlight, especially on this south-facing slope. Sunny lots are highly desired in this foggy area of Humboldt County.
- 3) Removing trees will open up a commanding view of Trinidad Bay and Trinidad Head, especially from Lots 4 and 5 on the ridgeline.

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**Story Poles will not ensure that the structures will be subordinate to the surrounding area**

The application also requires future owners to use story poles to create an accurate silhouette of the proposed project and ensure that the structure will be subordinate to the surrounding area.

Story poles will not create an accurate silhouette, and they will not ensure that the structures will be subordinate to the surrounding area. Trees that hide story poles from viewpoints on Trinidad Head will be removed during construction. This renders the story pole silhouette inaccurate.



Story poles erected here will be hidden by these trees that will be removed during construction

Further, because the parcels will be developed at different times, and the view-shed traverses multiple parcels, no story pole analysis conducted at the time of design review on an individual house can provide an accurate simulation to ensure the protection of the views. This analysis can be undertaken and the views protected only at the time of the subdivision, not at a design review stage when houses are proposed serially on already existing parcels.

**EXHIBIT NO. 17**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**SUPPLEMENTAL TO THE APPEAL  
BY ROBERT VOGEL AND FRIENDS  
OF COLLEGE COVE**

### Impacts on Other Public Vantage Points

Clear-cutting the ridge on the Homan parcel will impact multiple public vantage points for seven miles along the coast.

The Hammond trail is a popular pedestrian/bicycle trail along this scenic coastal area, with benches at selected public vantage points. On this and the following page, pictures of one such bench and its position relative to the ridgeline are shown, along with the ridgeline (circled in red) which can be clear-cut.

Other coastal public vantage points impacted by the clear-cut extend all the way to the overlook at the Arcata Airport – about seven miles south of the parcel.



*The ridge on the Homan parcel (circled in red) is clearly visible from this public vantage point on the Hammond Trail.*

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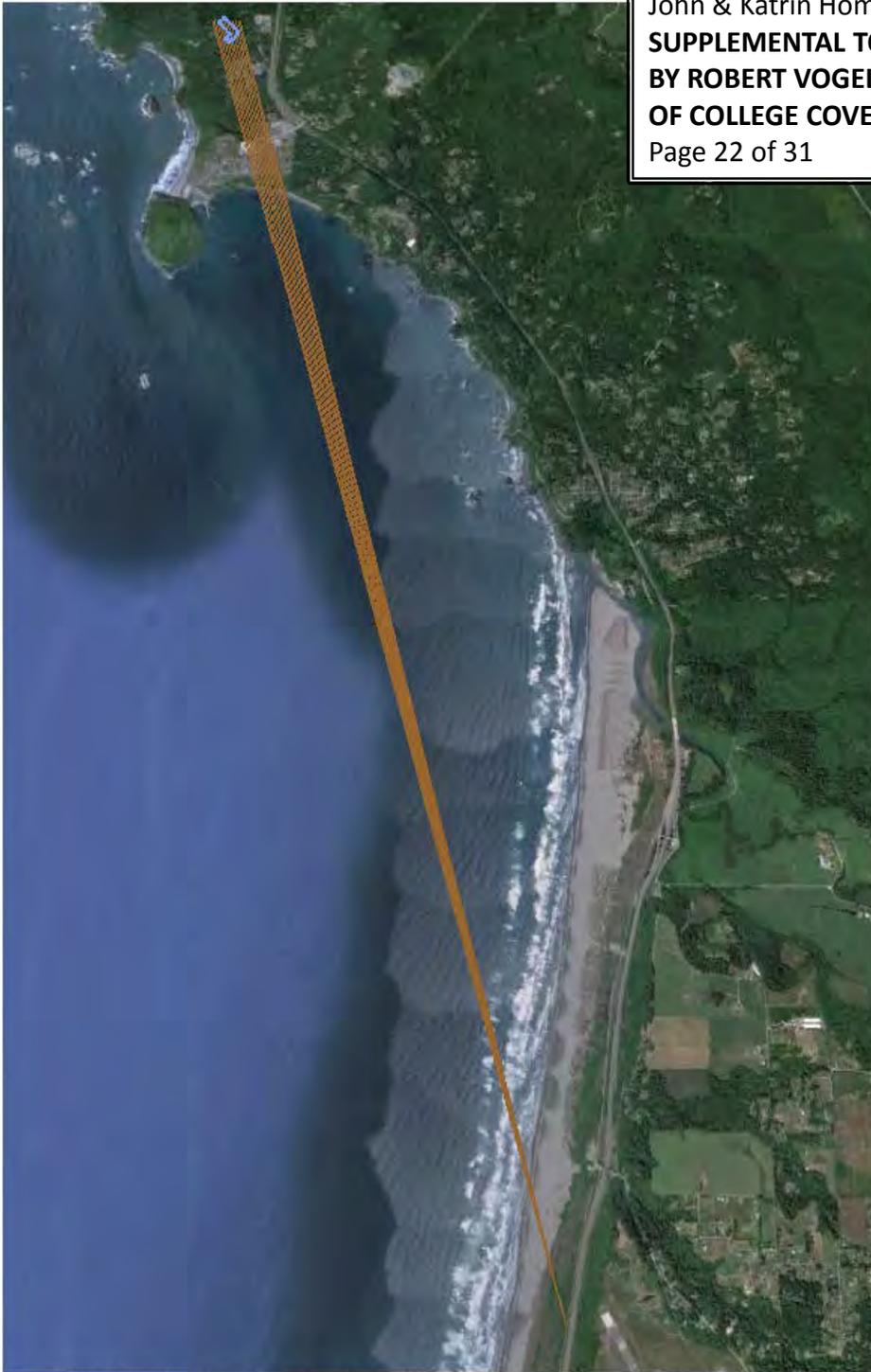
**EXHIBIT NO. 17**

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*The Ridge on the Homan parcel (circled in blue) is about 6 miles north of this bench on the Hammond Trail.*

## **The Future Design Review Process will be Unable to Protect the View-Shed**

These arguments show that under the currently approved subdivision, the future design review process for development on individual lots will be forced into an 'either-or' situation: Either allow the developer to build a home safe from tree hazards or require the developer to protect the view-shed. It is not possible to do both.

When the County approved this subdivision, the County guaranteed that there would be an option to build homes safe from tree hazards. As this subdivision is approved, the only way to build homes safe from tree hazards is to remove trees, thus destroying the view-shed.

## **Project Alternative**

There are less environmentally damaging project alternatives that protect views of trees along the ridge from public vantage points, while still delivering value to the developer. Here we describe one such alternative, which protects the ridgeline trees on the Homan parcel by

- 1) ensuring that they aren't removed as hazards to nearby structures, and
- 2) protecting the ridgeline trees from the domino effect by minimizing the removal of nearby trees.

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The proposed alternative provides for five lots. Proposed Lots 2 and 3 result from a division of approved Lot 2, which as approved was quite large. This entire area is well below the ridgeline. Proposed Lot 5 (green) consists of the currently approved Lots 4, 5 and 6 and the currently approved tree protection zone. The buildable area of proposed Lot 5 (white outline) consists of the buildable area within the currently approved lot 6, adjusted to exclude the ridgeline area (blue).

Proposed Lot 5 has a scenic easement that prevents

- any future subdivision
- any future development outside the buildable area (white outline), and
- any tree removal unless the tree is deemed a hazard by a qualified forestry professional to an existing approved structure.



*Proposed Lot 5 (green) has a scenic easement to prevent development and preserve the view-shed from public vantage points*

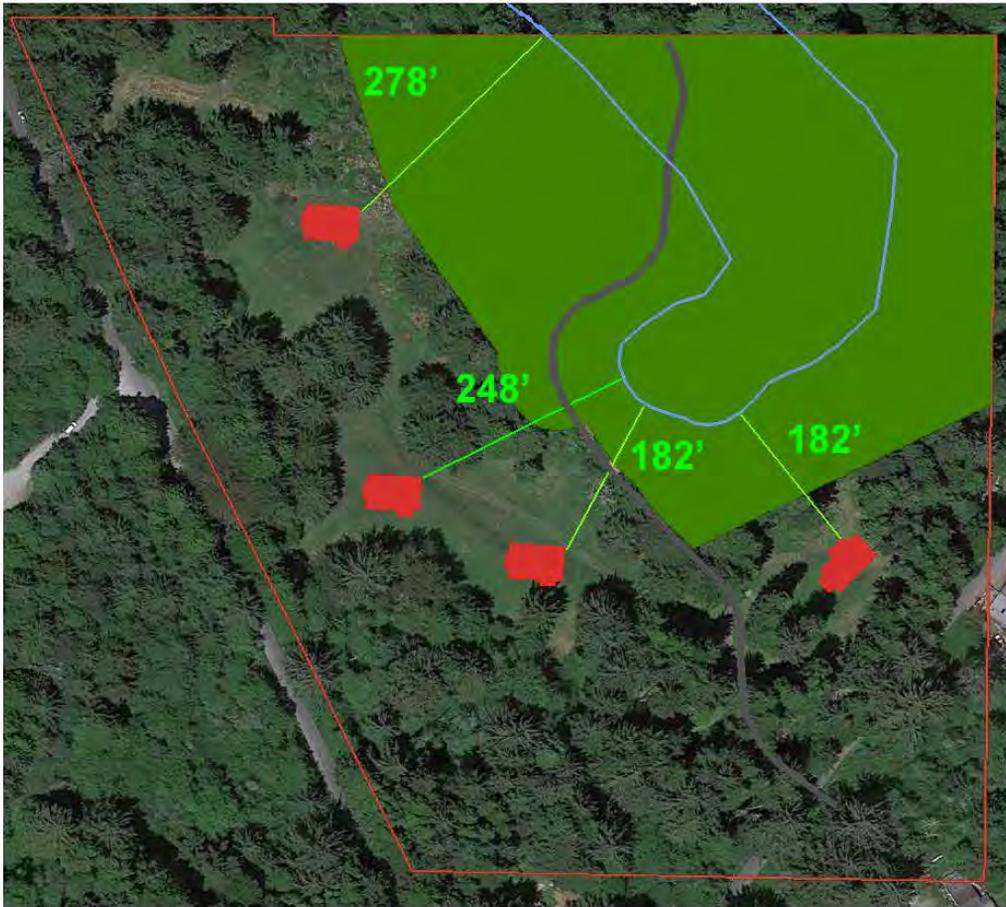
**EXHIBIT NO. 17**

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The lot lines for Proposed Lots 1-4 can be drawn such that the homes can be built in the locations depicted. Note that this configuration will separate all new construction from the ridgeline trees by at least 129', rendering those trees non-hazardous to the newly constructed homes.



*This configuration separates new homes from ridgeline trees by well over 129', rendering ridgeline trees non-hazardous to the new homes.*

This alternative serves the three western homes with a new private road that follows the path of the dirt road already established along that route.



Building the private road will remove fewer trees than building driveways off Stagecoach. The fewer removed trees, the more preserved is the forested character of the area and the more protected are the ridgeline trees from the domino effect observed in the 2005/2006 storms.

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OF COLLEGE COVE**

## Summary

The Commission must find that a substantial issue exists with respect to the appeals filed by Robert Vogel and the Friends of College Cove on the ground that the development approved by the County neither is consistent with the view shed protection policies of the Trinidad Area Plan, nor protects the scenic and visual qualities of the Trinidad coast and the views to and along the coast in this highly scenic area, as required by Coastal Act section 30251. In terms of the criteria that the Commission has used in the past in determining whether a substantial issue exists, the decision is clear.

1. There is no factual or legal support for the decision of the County approving the subdivision in a manner that will impair the important views from the Trinidad Head and other public viewing points along the coast to the ridge at the top of the Homan property. The County did not find that the views would be protected. The County did not even analyze the particular views from, for example, Trinidad Head in the process of making its decision. Nor did the County analyze any alternatives that might have made the subdivision consistent with the Trinidad Area Plan and the Coastal Act, including those proposed by the opponents. The only alternative that the County staff presented to the Board was complete denial. Instead, the County found that the proposed subdivision was not consistent with the particular protective policies of the Trinidad Area Plan (in terms of the setbacks, which was all that was considered), then used an override that appears to have been meant to allow for the approval of development to avoid a taking, and approved the subdivision without further specific analysis. The County clearly intended to approve the subdivision in the formulation proposed by the applicant, and it did so, at the cost of compliance with the law and protection of the views along the coast in this scenic coastal area. For this reason alone, there is a substantial issue with respect to the consistency of the project with the Trinidad Area Plan and the Coastal Act.
2. The subdivision is not significant in size when compared to subdivisions in Southern California, but it is large in the coastal zone in Trinidad. The County characterized it as a “major” subdivision, and it would add to the density of the area. The issue of the appellants is not the absolute size of the proposed subdivision in particular however, but rather the placement of the lots to be created on the parcel. As noted above, the re-division of the parcel can be approved with the subtraction of only one lot, if the subdivision is reconfigured to keep the approved lots below the ridgeline.
3. It is hard to imagine more significant coastal resources in the Trinidad area than the views to and along the coast. As noted above, Trinidad is literally a poster child for North Coast scenic and visual resources. Any development that might impair it should be scrutinized closely. Again, this criterion alone should require a finding of a substantial issue, and a full hearing to ensure that the visual resources of the area are protected.

4. The precedential value of this particular County decision is extremely important. First, the County found that although the proposed development did not conform to the specific requirements of the Trinidad Area Plan, it could approve the project based upon a vague override criterion. If this becomes the standard of the Trinidad coast, no coastal resource of any kind, whether visual, biological, recreational and access, or of any other kind can be reliably protected. Any imposition upon coastal resources can be justified based upon a vague and unsubstantiated finding that the development is generally consistent with the goals and objectives of the Plan. This effectively eliminates any basis for coastal resource protection. Again, this reason alone is the basis for a finding of substantial issue.
5. Finally, this view-shed is not local in significance. It is advertised regionally, nationally and internationally, and used to draw tourists from throughout the world to the north coast. It must be protected as a resource of more than local significance.

Thus, the Commission should find that a substantial issue exists with respect to the grounds upon which the appeal is based. When, after finding substantial issue, the Commission reviews the coastal development permit de novo, it should at a minimum:

- a) Require that the subdivision be reconfigured to reduce the number of lots to remove any lot that would require or allow for removal of any trees on the ridgeline or within the view-shed of public viewing areas on the Trinidad coast;
- b) Require that any approved lots have approved building envelopes that would not require or allow for the removal of any trees on the ridgeline or within the view-shed of public viewing areas on the Trinidad coast;
- c) Impose an easement upon the approved development that preserves the trees on the ridgeline and within the view-shed of public viewing areas on the Trinidad coast;
- d) Restrict future development to limit development on the parcels created to that which is approved in this coastal development permit, including the prohibition of any future subdivision.

**EXHIBIT NO. 17**

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John & Katrin Homan

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## Exhibit A

Comments from Registered Professional Forester Greg Blomstrom

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**SUPPLEMENTAL TO THE APPEAL  
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SISKIYOU FORESTRY CONSULTANTS

RPF 1877 P.O. Box 241, Arcata, CA. 95518 707-839-9017 gregb@bhwassociates.com

October 13, 2015

Comments on clearing area and wind throw potential in Homan Subdivision

On October 13, 2015, I measured the height of random trees in the Homan Subdivision that could be measured from public roads using a laser range finder. A total of five trees were measured. Three random trees directly across from the road into College Cove, including one tree that was 173' from the edge of the road had heights of 117', 110' and 136'. I also measured two trees standing on Anderson road, again including a grand fir that was on the break in slope leading up to the ridge and thus quite interior to the property. These two trees measured 152' and 129'. All of the measured trees were considered representative of the average condition of the surrounding trees. Thus, height of the trees within the subdivision area can be estimated as the average of the above five trees which equals 129'.

Some number of trees will have to be removed for building pad, access road and leach field construction. The remaining trees will be at risk of damage to roots from building pad, access road and leach field construction. In addition, the Homan Subdivision area is highly prone to high wind events as evidenced by wind thrown trees located at various spots along Stagecoach road and Scenic Drive. Spruce is particularly susceptible to wind throw and wind thrown spruce are commonly seen along Stagecoach road just a mile north of the subdivision. Grand fir is subject to breakage in wind events.

All trees within striking distance of any house, garage or other accessory structure is a hazard and should be removed. Given the 129' height of the average tree, each building site would need to remove all trees within 129' of any house, garage or accessory structure to be free of tree hazards.

Sincerely yours:



Greg Blomstrom, RPF 1877

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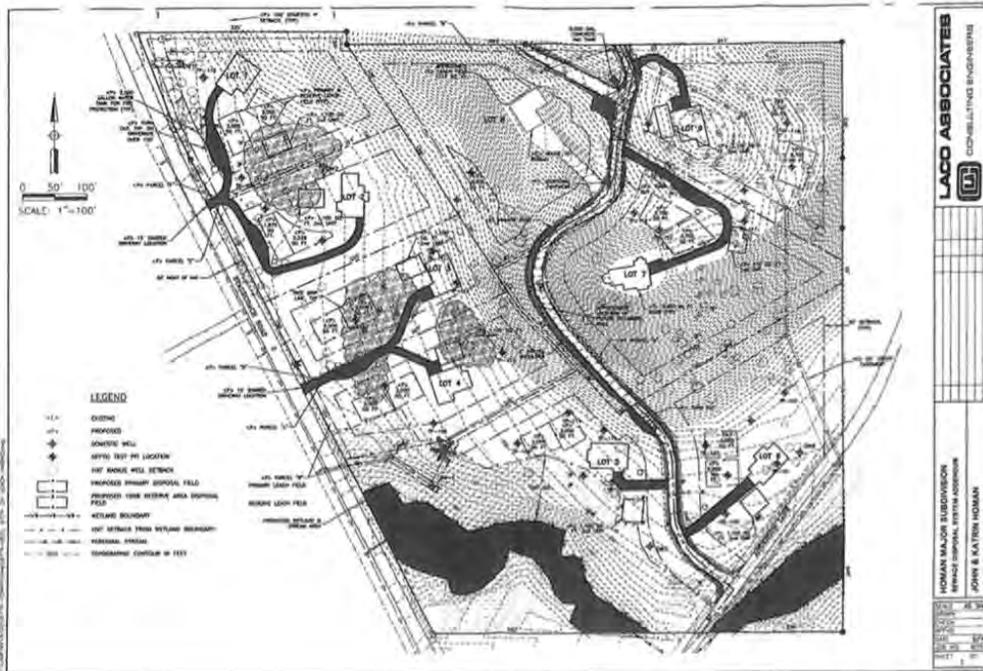
John & Katrin Homan

**SUPPLEMENTAL TO THE APPEAL  
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## Exhibit B

Building footprints presented in on Page 518 of the Humboldt County Staff report on the 2010 Homan Subdivision Application.



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**OF COLLEGE COVE**

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November 17, 2015

California Coastal Commissioners  
c/o Bob Merrill  
North Coast District Manager  
California Coastal Commission  
1385 8th St., Suite 130  
Arcata, CA 95521

**Re: Appeal of Homan Subdivision**

Dear Commissioners and Mr. Merrill,

The Trinidad City Council voted unanimously (5-0) on November 16<sup>th</sup> to provide the following letter on this project:

*The magnificent coastal views from Trinidad Head are important to residents and visitors, as well as the City's tourism economy. The City is aware that the Coastal Commission is currently reviewing the Homan Subdivision project, including potential impacts to coastal visual resources. The City of Trinidad requests that the Coastal Commission ensure that this subdivision and the subsequent development of these lots include conditions to protect the natural forested character of this ridgeline from public coastal viewpoints, including Trinidad Head. The City wishes to thank the Coastal Commission for reviewing this issue and helping to protect these important coastal resources.*

Thank you for your consideration of the City's input as you review this appeal.

Daniel Berman  
City Manager

For the Trinidad City Council

cc Trinidad City Council  
Trinidad Planning Commission  
Melissa Kraemer, Coastal Commission Planner  
Trever Parker, Trinidad City Planner

sent electronically on 11/17/2015 hard copy to follow

**EXHIBIT NO. 18**

APPEAL NO. A-1-HUM-15-0065  
John & Katrin Homan  
**COMMENT LETTERS RECEIVED**  
Page 1 of 3

**From:** [Kate Green](#)  
**To:** [Kraemer.Melissa@Coastal](mailto:Kraemer.Melissa@Coastal); [RobMerrill@coastal.ca.gov](mailto:RobMerrill@coastal.ca.gov)  
**Subject:** forward to Commissioners  
**Date:** Tuesday, November 17, 2015 2:03:22 PM

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November 17, 2015

TO: Members of the California Coastal Commission:

FROM: Kate Shattuck Green

I am writing about the proposed construction of two houses on the ridge above Trinidad, as part of the Homan housing development.

I've attended the Trinidad City council meetings where the issue has been discussed, but no one has addressed a major concern--the precedent that will be set if such construction is approved.

It is obvious that those who purchase these lots will do so in order to build homes with dramatic ocean views. To acquire those views, trees (the trees that form the shape of the ridge line) will be removed. Moreover, licensed architects have told us that the first step in new home construction is the removal of surrounding trees. The result in this case will be a scar on the land and an interruption of the view one sees from below.

Once construction of even a few houses has been approved by the Commission and the attendant deforestation has occurred, the precedent will be set. These will not be the first houses we see as we look up toward the hills, and we will see this pristine view of forest land destroyed by a neighborhood of houses. We've all seen what has happened over the years in San Francisco, the east Bay, and Sonoma and Marin counties, where hillsides are covered with homes. The gorgeous sloping hillsides, once green, have disappeared beneath housing developments.

The forested ridge line above Trinidad defines the remarkable view one sees as one approaches the village on 101, as one climbs Trinidad Head, as one strolls on Clam Beach, as one looks back at the coast from the ocean, as one walks on sections of the Hammond Trail. This extraordinary view needs to be preserved for all to enjoy as an essential part of the natural coastline.

Please take this into consideration in implementing your mission to "preserve and conserve. . .the California coast.

Thank you for your attention.

Sincerely,

Kate Shattuck Green  
1480 Stagecoach Road  
Trinidad, California 95570

[katesgreen14@gmail.com](mailto:katesgreen14@gmail.com)

**EXHIBIT NO. 18**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**COMMENT LETTERS RECEIVED**

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November 17, 2015

Humboldt County Coastal Commission  
**Attn: Melissa Kraemer**  
1385 8<sup>th</sup> Street Suite #130  
Arcata, CA 95521

Valerie Larson  
172 Rainbow  
Trinidad, CA 95570

Re: Proposed development – John Holman  
Rural Trinidad - off Stage Coach and Anderson

To whom it may concern,

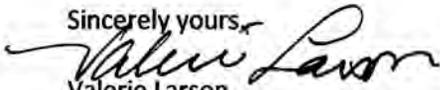
I was at the Trinidad Hall last night (Monday Nov. 16<sup>th</sup>) and felt frustrated that Mr. Holman is still perusing his "business venture". I fear for the esthetic beauty of a rural county road. I question, the additional traffic flow on a narrow road. I worry about the trees that will be extracted and the additional water use when development is fully occupied.

Over several years, I, my neighbors and community members have tried to have our views and concerns heard. I sent a letter as well. A few years back, I personally called repeatedly your office, and was assured that people voicing their concerns will be considered before approval and that I would be contacted "prior to a decision".

Since then, I have not heard a word and now find that this is in the "final stages". For the most part I am upset that Mr. John Holman believes he can do this. I was under the impression that the lots are located in the coastal zone, and as such must be at least 4 acre parcels and that water issues must be addressed.

At this time, I maintain my opinion that the project must stop and not be approved. We have already lost a tree on Anderson right after some clearing went on and the road was shut down a day after a wind storm. My neighbors and I, ultimately would like to maintain our rural area and we ask not to have it scared by this multi-home project. Thank you for your time.

Sincerely yours,

  
Valerie Larson

707-496-6968

**RECEIVED**

NOV 19 2015

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

**EXHIBIT NO. 18**

APPEAL NO. A-1-HUM-15-0065

John & Katrin Homan

**COMMENT LETTERS RECEIVED**

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