



## **AGENDA ITEM 6B**

**MEETING:** September 16, 2020  
**TO:** Humboldt LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer  
**SUBJECT:** **Proposed Out of Agency Service Extension to 772 Tompkins Hill Road**  
The Commission will consider a request submitted by the Palmer Creek Community Services District for extension of water service to a planned subdivision located at 772 Tompkins Hill Road (APN 200-031-033) near the existing District boundary.

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Section 56133 of the California Government Code requires cities and special districts to request and receive written approval from LAFCo before entering into agreements to provide new or extended services outside their jurisdictional boundaries. The Commission may authorize a district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence "in anticipation of a later change of organization". It is Humboldt LAFCo's policy that the inclusion of an area to be served within the sphere of influence of the subject agency shall be sufficient to comply with this provision.

### **A. BACKGROUND**

LAFCo has received an application filed by the Palmer Creek Community Services District (CSD) for the extension of water services to 772 Tompkins Hill Road (APN 200-031-033) which is located outside of the District's boundary but within its sphere of influence. The 33.2 acre parcel is subject to a major subdivision approved by the Humboldt County Planning Commission on September 5, 2019 which will create a total of six residential parcels ranging from 5 to 7 acres in size. There are two existing residences on the parcel which are currently served by the Palmer Creek CSD through an easement agreement for the District's 220,000 water storage tank that is located along the southeastern edge of the parcel.

This request is being made in order to serve the four additional proposed residences which are not covered under the original easement agreement. The request is for the District to supply water to a newly created State Small Water System (SSWS) through the existing connection which will be upgraded to handle the additional capacity. The SSWS will be separately managed and operated by the subdivision and will be responsible for delivering water from the Palmer Creek CSD connection to the individual residences (See Proposed Water System Preliminary Design, Attachment A).

An application to operate the SSWS has been submitted to the Humboldt County Division of Environmental Health (see SSWS Permit Application, Attachment B). A SSWS is a system to pipe drinking water that meets the following conditions:

- serves at least five (5), but not more than fourteen (14) service connections
- does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year<sup>1</sup>

The Environmental Health Division provides the following services for a SSWS:

- issues operational permits
- performs routine water system inspections
- evaluates the water quality monitoring data
- follows up on compliance activities

The SSWS application and supporting technical documentation, including source water quality data, will be reviewed and a field inspection of the system will be conducted by the Environmental Health Division. Upon final approval a permit to operate will be issued. This requirement is included as a condition of LAFCo approval.

## **B. DISCUSSION**

As mentioned previously, the subdivision will create six separate residential parcels. The subject lots are not proposed for inclusion in the District boundary as no sewer service is being proposed for the area. The District has agreed to provide water service to the subdivision through the existing meter which would supply water to a newly created SSWS. Wastewater will be provided by onsite systems. The lots have demonstrated suitable primary and reserve leachfield areas to the satisfaction of the Department of Environmental Health.

There is an existing residence and an Accessory Dwelling Unit (ADU) as well as a shop and other accessory buildings on the parcel. The current Humboldt County General Plan land use designation for the parcel is RA5-20 which allows for 5 to 20 acres per residence. The current zoning is RA5 which allows for one residential unit per minimum 5 acre lot or two residences with a special permit in addition to agricultural, minor utility, and cottage industry uses. Secondary uses are also allowed with a permit such as a guest house, intensive agriculture, timber production, and others. Surrounding uses include low density agriculture and residential agriculture.

The parcel is entirely within the Fortuna Community Planning Area. However, the Community Area Plan was drafted in 1985 before formation of the District and focused primarily on concerns from aging onsite sewer systems in the Palmer Creek area. These

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<sup>1</sup> Note: Public water systems providing water to 15 or more service connection, or regularly serving at least 25 individuals daily at least 60 days out of the year, are under the jurisdiction of the State of California, Department of Health Services, Office of Drinking Water.

concerns were remedied by the formation of the District and construction of a wastewater collection system in the late 1980s. Through contractual agreement, the City of Fortuna receives wastewater from the Palmer Creek CSD which is then processed at City's wastewater treatment plant before being discharged to one of three discharge points.

With regard to the provision of water service, the subject property is currently served by the District per a 1997 easement agreement for the placement of the District's water storage tank. As part of the agreement, the District agreed to provide up to 200 gallons per day to the existing residences at no cost. Additional service for the proposed residences will require installation of a 1" meter with backflow preventor. An updated Agreement has been drafted by both parties and includes provisions for the supply of water to the all parcels created by the Subdivision (see Out of District Water Services Agreement, Attachment C). The Agreement also provides for consent to future annexation, if proposed. A fully executed and recorded Agreement is included as a condition of LAFCo approval

### **C. ANALYSIS**

The Commission has a locally-adopted policy and procedural guidelines by which the Commission considers requests for the extension of services pursuant to Government Code Section 56133. The Commission recognizes the importance of considering local conditions and circumstances when implementing these policies. Several components are especially relevant to this application:

#### ***Criteria for Authorizations for Outside Service Area Requests***

The Commission's policy clarifies that the Commission and the Executive Officer shall limit its outside service area authorizations to circumstances where:

##### **A. Sufficient service capacity exists.**

Staff Analysis: The adopted 2020 MSR states that the average water use in the District is approximately 16,700 gallons per day which is 14% of the District's daily treatment capacity of 115,200 gallons per day. The proposed small water system for the parcel will have a maximum capacity of 15,000 gallons per day. As such, there is sufficient capacity for the District to supply water to the subdivision.

##### **B. Annexation would not be practicable.**

Staff Analysis: Annexations involving territory located within the affected District's sphere of influence are generally preferred to out of agency service agreements. The Commission recognizes, however, there may be instances when out of agency service agreements are appropriate given local circumstances or conditions.

The planned subdivision will be served by a SSWS permitted and regulated by the Humboldt County Division of Environmental Health. In addition, the subdivision will be served by onsite wastewater treatment systems and has sufficient acreage to accommodate the systems with limited potential for contamination of the

watershed. As such, Palmer Creek CSD will not need to provide wastewater service to the area. Additionally, should an annexation of the area be proposed, it would require additional approval from the City of Fortuna due to an existing agreement between the City and District for treatment of the District's wastewater. The City has previously indicated that it is unlikely to approve any new connections in the Palmer Creek area due to limitations with its treatment system.

Regarding water service, the subdivision requires the installation of water tanks for each individual parcel in order to comply with Humboldt County building regulations. According to the Palmer Creek CSD General Manager, these tanks will require additional monitoring to ensure appropriate chlorination levels are maintained. If the District were to annex the area, they would be directly responsible for this monitoring which would create substantial additional costs for the District. This additional cost would likely increase rates for the entire District. The District's Board of Director's feels this would be an undue burden on the District and its customers.

Since the District will not be providing a full range of services to the parcel and the cost of annexation, monitoring, and maintenance would create a substantial financial burden for the District, annexation is not feasible at this time. However, per the draft agreement for services between the District and the owner of the subdivision, the owner consents to and petitions for annexation of the subdivision upon the request of the District or LAFCo.

- C. The outside service area request is determined by the Commission to be consistent with the policies adopted in and pursuant to the Cortese-Knox-Hertzberg Act.

Staff Analysis: There are no additional requirements for consideration under Government Code Section 56133 that should be considered by the Commission.

### **Agency Comments**

No comment letters were received in response to the LAFCo Notice of Filing (referral) sent to affected and interested agencies on August 21, 2020 (see Agency Referral, Attachment D). LAFCo staff checked in with both County Planning and Environmental Health Staff with no concerns cited by either department.

### **Environmental Review**

All matters that involve discretionary action are subject to the applicable provisions of the California Environmental Quality Act (CEQA). The Humboldt County Planning and Building Department, Planning Division, as lead agency, prepared an Initial Study/Mitigated Negative Declaration (SCH#2019089005) for the subdivision and determined that there is no evidence that the project will have any potential adverse effect on the environment. LAFCo is considered a Responsible Agency under CEQA and therefore must consider the IS/MND before taking action on the proposed out of agency service request.

## **D. RECOMMENDATION**

Staff recommends the Commission adopt the IS/MND prepared by the Humboldt County Department of Building and Planning, Planning Division, in order to comply with CEQA environmental review before taking discretionary action on the proposed out of agency service extension.

Staff then recommends the Commission approve the extension of water service outside the District's boundary to APN 200-031-033 as submitted by the Palmer Creek CSD. (see Option 1 below). It is recommended that the approval include the following conditions:

- The Palmer Creek CSD and property owner of the subject parcel shall enter into a recorded Out of District Water Service Agreement to include a provision that limits the extension of water services to the six parcels created by the Subdivision and no others. Any expansion or intensification of water services on said property shall be considered a new request, subject to LAFCo review. This Agreement shall automatically terminate at such time as the property is annexed to the Palmer Creek CSD.
- As part of the Out of District Water Service Agreement and/or separate Annexation Agreement, the property owner and their successors shall irrevocable consent to annexation of the property.
- The property owner understands and agrees that the District shall have no obligation to provide water services unless and until the recorded Out of District Water Service Agreement and the extra territorial extension of water service contemplated hereunder through creation of a Small Water System (SSWS) are approved by the Humboldt County Division of Environmental Health.
- All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

### ***Alternatives for Commission Action***

Staff has identified three options for Commission consideration with respect to the service extension request. These options are summarized below.

- Option 1 (Recommended): Adopt the draft resolutions identified as Attachment F and Attachment G, adopting the previously prepared IS/MND and then approving the request with the recommended conditions along with any desired changes as requested by commissioners.
- Option Two: Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.
- Option Three: Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

### **Procedures for Consideration**

The following procedures are recommended with respect to the Commission's consideration of this item:

- A. Receive verbal report from staff
- B. Invite public testimony
- C. Discuss item and consider action on recommendation:

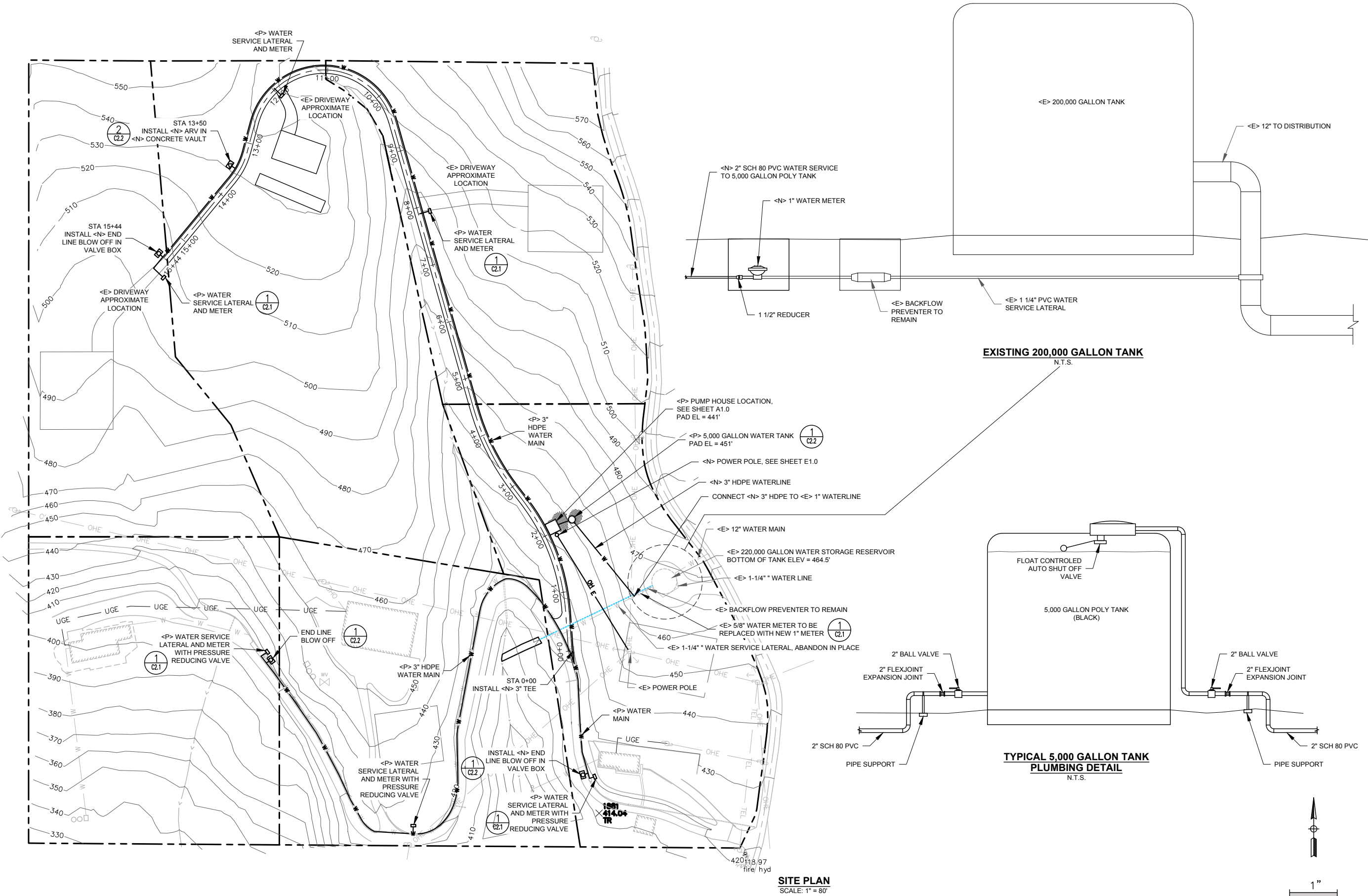
*"I move to approve Resolution No. 20-06, thereby adopting the IS/MND for the Goselin Subdivision as prepared by the Humboldt County Department of Building and Planning, Planning Division as lead agency.*

*"I move to adopt Resolution No. 20-07, authorizing the Palmer Creek Community Services District to extend water services outside the City boundary to 772 Tompkins Hill Road (APN 200-031-033), as described in the staff report, subject to the recommended conditions."*

### **Attachments**

- Attachment A: Proposed Water System Preliminary Design
- Attachment B: SSWS Permit Application to County Environmental Health Division
- Attachment C: Draft Out of District Water Service Agreement between Palmer Creek CSD and Goselin Subdivision
- Attachment D: LAFCo Referral to Affected and Interested Agencies
- Attachment E: Humboldt County IS/MND for Goselin Subdivision
- Attachment F: Draft Resolution 20-06
- Attachment G: Draft Resolution 20-07

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of Candor Rock, LLP and shall not be reused in whole or part for any other project without Candor Rock, INC. express written authorization.



SITE PLAN  
SCALE: 1" = 80'

TYPICAL 5,000 GALLON TANK  
PLUMBING DETAIL  
N.T.S.

GRAPHIC SCALE MEASURES 1 INCH  
ON FULL-SIZE PLANS.



**CANDOR ROCK  
INC.**

(707) 496-5360 andy@candorrock.com

NO.	HISTORY / REVISION	BY	CHK.	DATE

PALMER CREEK RANCH  
WATER DISTRIBUTION SYSTEM  
GRADING AND UTILITY PLAN

LUIS GOESLIN

DRAWN	JDB
CHECK	X
APPROVED	X
DATE	X
JOB NUMBER	X
SHEET	C1.0

**Division of Environmental Health**

100 H Street - Suite 100 - Eureka, CA 95501

Phone: 707-445-6215 - Toll Free: 800-963-9241

Fax: 707-441-5699

[envhealth@co.humboldt.ca.us](mailto:envhealth@co.humboldt.ca.us)**APPLICATION - NEW OR RENEWAL - TO OPERATE A WATER SYSTEM**

New System Date to Open: \_\_\_\_\_

Renewal Application Date: \_\_\_\_\_

Name of Water System/Food Facility: Goselin Pump StationPhone: 707-601-3168 Fax: \_\_\_\_\_ Email: lhgoselin@gmail.comLocation of System/Facility: 770 Tompkins Hill Rd. Fortuna, CA. 95540Mailing Address (if different): same# Service Connections: 6 System Serves: Subdivision

(subdivision, motel, restaurant, industry)

Owner of System/Facility: Louis Goselin Phone #: 707-601-3168Address of System/Facility Owner: 770 Tompkins Hill Rd. Fortuna, CA 95540Local Representative: Louis Goselin Phone #: 707-601-3168Address of Local Representative: 770 Tompkins Hill Rd., Fortuna, CA. 95540Manager of System: Louis Goselin Phone #: 707-601-3168

Person residing in the area to be contacted regarding implementation of emergency notification plan:

Name: Louis Goselin Phone #: 707-601-3168Address: 770 Tompkins Hill Road, Fortuna, CA 95540 Fax or Email: lhgoselin@gmail.comSource of water is: Well ☐ Spring ☐ Other: Plamer Creek CSDDo you serve more than an average daily number of 25 people 60 days/year? Yes ☐ No ☒Sewage Disposal is Via: Septic System ☒ Community Sewer (Name): \_\_\_\_\_

Principal features of system (give brief description and location)

1. Treatment works (chlorination, etc.) Pre-treated water from Palmer Creek CSD's 220,000-gallon water storage tank is supplied to the pump station.2. Pumping stations (booster) The system will include one low flow booster pump with a automatic standby for pump.3. Storage (tanks, reservoir - gallon) One small storage tank will be located near the booster pump, approximately 5,000 gallons4. Distribution System The distribution system consists a booster pump which distributes potable water through a single water main with six water services laterals, each serving an individual parcel. A standby fire pump is also incorporated in to the system.

\\all.co.humboldt.ca.us\dhhs-files\ENVH\EH Resources\Forms and Hand Outs Public\Consumer Protection\Small Water System\Application to Operate a Water System and Emergency Notification Plan COMBINED 2016.docx



5. Auxiliary water supply sources (wells, streams, lakes – frequency of use) N/A

6. List existing backflow hazards and protection The existing supply line from the Palmer Creek CSD contains a back flow prevention device

7. Emergency provisions (providing water during floods, earthquakes, power interruptions, water shortages)  
A standby generator will be provided for the pump station in the event of a power failure.  
Water from the CSD tank is provided by gravity.

8. Are operating records kept? Yes ☐ No ☐ Indicate type and frequency of readings \_\_\_\_\_

Operating records will be kept once the system is constructed and online.

9. Laboratory tests (summary of last three years, laboratory analyzing tests, type of tests) \_\_\_\_\_

The system is in the design phase and not constructed

System Data:


Total number of connections available 6

Number of metered connections 6

Safe maximum production capacity of water supply (gallons per day) 15,000

Water used: Average 1,500 Maximum day 3,750

As the \_\_\_\_ Water Master \_\_\_\_ Manager X Owner of this Water System, I certify that, should a permit be granted, I shall observe all current statutes and regulations pertaining to the operation of the water system, and any that may be promulgated. I also agree that staff from the Humboldt County Division of Environmental Health may inspect the facility and examine records by appointment, or during the facility's hours of operation or other reasonable times.

 9/16/19  
Signature Date

## EMERGENCY NOTIFICATION PLAN FOR STATE SMALL WATER SYSTEMS

The California Code of Regulations, Title 22, §64211 (e) requires all state small water systems to have an emergency notification plan to be submitted to the local health officer. The plan is to be implemented whenever the Division of Environmental Health determines that your water supply fails to meet water quality standards and represents an imminent danger to the health of the water **consumers**. The notification should indicate the nature of the problem with the water supply.

- ✓ As a State Small Water System, you must notify all **parties** on the water system.
- ✓ If an Owner or Operator of Residential Rental Property, you must notify all tenants.

The Division of Environmental Health recommends that you notify tenants and/or **parties** by either door-to-door contact, written handouts, posting notices at each site where drinking water is dispensed, or telephone communication, using the method most appropriate for your operation.

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PLEASE CHECK THE NOTIFICATION METHOD(S) YOU PLAN TO USE:

- ☒ Door to Door
- ☐ Written handout sheets
- ☐ Telephone communication
- ☐ Posting of notice at each site where drinking water is dispensed
- ☐ Send letter to each water user

Name of Water System: Goselin Pump Satation

System Location: 770 Tompkins Hill Rd. Fortuna, CA 95540

The following persons have been designated to implement the plan upon notification by the Humboldt County Division of Environmental Health that an imminent danger to the health of the water users exists:

<u>Name</u>	<u>Title</u>	<u>Day Phone</u>	<u>Evening Phone</u>
1. Louis Goselin, System Manager, 707-601-3168			
2. _____			
3. _____			

Report prepared by:



Signature and Title

OWNER/MANAGER

9/16/19

Date

**Recording Requested By:**

Palmer Creek Community Services District

**and When Recorded Return To:**

Palmer Creek Community Services District  
P.O. Box 309  
Fortuna, CA 95540

APN: 200-031-033-000

Space Above this Line for Recorder's Use Only

**PALMER CREEK COMMUNITY SERVICES DISTRICT  
OUT OF DISTRICT WATER SERVICE  
AGREEMENT**

This agreement is executed by the Palmer Creek Community Services District ("District"), on the one hand, and Palmer Creek Ranch Corporation, a California corporation ("Corporation"), and Louis Goselin and Wanda Goselin, Trustees of the Goselin Family Trust ("Owner").

RECITALS

A. The District is a duly formed and existing Community Services District, providing municipal water services to parcels within its sphere of influence.

B. Owner currently owns that certain parcel of real property (APN 200-031-033-000) located in an unincorporated area of Humboldt County, California, and described in detail in attached **Exhibit A**, which is hereby incorporated by reference hereinafter ("Property").

C. The Property is located out of the District's service boundary, but within the District's sphere of influence. The District is under no obligation to furnish water service to property located outside of the District's boundary, except by written agreement.

D. By way of that certain written agreement between the District and Owner dated July 22, 1997, and recorded in the Official Records of Humboldt County on September 4, 1997, as Instrument No. 1997-21850-5 (the "Easement Agreement"), the District acquired from Owner an easement over the Property for the purpose of maintaining a water storage tank and related water facilities that the District uses to provide water service to properties within its boundary ("Tank Easement").

D. In consideration for the Tank Easement, and as more particularly stated in the Easement Agreement, the District agreed to provide Owner a single water connection to connect

Owner's residence located on the Property to the District's water main and to provide one additional water service connection for a second home if constructed in the future.

E. The Property is currently developed with a single-family residence, caretaker unit, and a barn. Owner has filed a Tentative Final Map, a copy of which is attached hereto as **Exhibit B**, with Humboldt County Planning and Building to divide the 33.2-acre Property into six parcels, which would allow for the eventual construction of four additional residences (the "Subdivision").

F. The Easement Agreement does not obligate the District to provide water service to the four proposed residences to be built upon the Property.

G. Owner has caused to be formed the Corporation to manage and operate a licensed California small water system to provide water service to the Property, including the parcels to be created by way of the Subdivision.

H. Owner has requested that the District provide water service to the Corporation for the use and benefit of the Subdivision.

I. In accordance with the requirements of state law, specifically Government Code Section 56133 of the Cortese Knox Hertzberg Act and the Humboldt Local Area Formation Commission ("LAFCo") policies adopted there under, the District may serve properties outside of its boundaries in advance of annexation by contract with the property owner, subject to LAFCo approval.

J. The purpose of this Agreement is to provide for the establishment of extra territorial water services by the District to the Property.

K. This Agreement is for the benefit of the public and encourages orderly development outside the District's boundaries and within the unincorporated area of Humboldt County.

**NOW, THEREFORE**, in consideration of LAFCO approving this Agreement between Owner, the Corporation, and the District, Owner, on behalf of Owner's own self and on behalf of all personal or legal entities hereafter succeeding to Owner's interest in and to the Property and any part thereof, and District agree as follow:

1. Conditions Precedent.

- a. LAFCo Approval. Owner and Corporation understands and agrees that the District shall have no obligation under this Agreement unless and until this Agreement and the extra territorial extension of water service contemplated hereunder are approved by LAFCo. Owner and Corporation acknowledges that LAFCo may condition its approval of this Agreement and the extra territorial extension of water service contemplated hereunder upon the performance of certain actions.

- b. Humboldt County Approval. Owner understands and agrees that the District shall have no obligation under this Agreement unless and until this Agreement and the extra territorial extension of water service contemplated hereunder are approved by the Humboldt County Division of Environmental Health.
  - c. Regulatory Costs. Owner shall be responsible for paying (or reimbursing the District) for all application and processing costs charged by LAFCo and the Humboldt County Division of Environmental Health to process any necessary approvals.
  - d. Issuance of all Permits and Licenses. Corporation shall be a duly formed and existing Corporation with all required permits, approvals, and licenses required to provide water to the Subdivision as a California small water system.
2. Consent to Annexation. Owner, for themselves, their successors-in-interests, assigns and successors-in-title to Owner's Property, hereby irrevocably consents to the annexation of Owner's Property and the Subdivision into to the District's serve boundaries and agrees to cooperate in such annexation upon the District's or LAFCo's request, including the payment of applicable processing fees for the annexation of the Property. Owner understands and agrees that this consent/petition to annexation includes all obligations attendant upon annexation.
3. Other Fees. Owner understands and agrees that Owner is responsible for not only the costs of annexation as described in Paragraph 2 above, but Owner is also responsible submitting the District's standard Water Service Agreement and for paying for any connection fees, service fees, HUILOA (hook up in lieu of assessment) fees, and District costs to administer the annexation, and water service construction and installation (including legal fees incurred by the District).
4. Provisions of Services.
- a. Subject to all applicable ordinances of the District and state and federal law, the District agrees to provide water service to the Corporation by way of a single master meter with a single 1" connection ("Master Meter"). The Master Meter and all infrastructure required to supply water from the District's existing water tank on the Property shall be installed by the District and shall remain the sole and exclusive property of the District. Except as expressly set forth in this Agreement, Owner and Corporation shall not perform any work, alterations, or improvements to the Master Meter without the expressed prior written approval of the District's General Manager.
  - b. The District shall supply water to Master Meter in accordance with the flow and capacity specifications set forth in ***Exhibit B***, hereto. The District shall have no obligation under this Agreement to increase the capacity or flow in excess of the limits set forth in ***Exhibit B***, regardless of future development on the Property. By mutual written agreement, the District and the Corporation may alter the flow and capacity specifications set forth in ***Exhibit B***.

- c. At their sole cost and expense, the Owner and Corporation will design, construct, own, maintain, and be solely responsible for the construction, operation, and maintenance of all water conveyance infrastructure which are downstream of the Master Meter, including, but not limited to, any and all pipes, connections, meters, fire hydrants or other fire suppression equipment, or other infrastructure to deliver water from the Master Meter to the individual connections within the Subdivision. The District's sole obligation is to supply an adequate flow of water to the Master Meter in accordance with and subject to the conditions stated in **Exhibit B**, and the District shall have no responsibility whatsoever to construct, operate, repair, inspect, or maintain water conveyance infrastructure downstream of the Master Meter.
  - d. Notwithstanding anything to the contrary in this Agreement, the Corporation and Owner shall, at their sole cost and expense, install, inspect, maintain, test, and report on the back flow prevention system as set forth in **Exhibit B**, hereto. The Parties understand and agree that the Owner's and Corporation's strict performance with all requirements set forth in **Exhibit B** is a material term of this Agreement and is necessary for the safe, lawful, and efficient operation of the District's ability to deliver water to the Property and to other parcels within the District's boundaries. The District may discontinued the flow of water to the Master Meter, with or without prior notice to the Corporation and Owner, if the Corporation fails to comply with the back flow prevention regulations set forth in **Exhibit B**, hereto.
  - e. Any expansion or intensification of water services on said property shall be considered a new request, subject to LAFCo review.
  - f. Corporation shall operate as a California small water system in compliance with all applicable laws, regulations, licenses, and permits.
5. Improvements. Subject to District approval, Owner shall be responsible, at their sole costs and expense, for the design, permitting, construction, and such other requirements as may be required by regulatory agencies to modify the existing water infrastructure on the Property to provide the water service to the Property and Subdivision (the "Improvements"), including the actual cost to install the Master Meter, including any and all preliminary engineering expenses, improvements, work, and materials required to connect the Master Meter to the District's existing water system. Owner shall submit to the District and, if necessary, the Humboldt County Division of Environmental Healthengineered utility plans for the Improvements and shall submit as-built drawings following completion of the Improvements. All Improvements shall comply with local, state, and federal laws, including District ordinances, rules, and design specifications.
6. Payment for Water Service. Corporation hereby agrees, on behalf of itself, its successors-in-interest, assigns, shareholders, and successors-in-title, to pay for all water service provided by the District, less the amount stated in subsection "a", below, at the same rate(s) as those charged for water service within the District's service boundary, whether or not the annexation of the Property has occurred, unless the District can demonstrate that providing water service to the Property and the Subdivision costs more

than providing service to users within the existing District service boundary, in which case Corporation will pay an increased rate as reasonably determined by the District and in conformance with applicable State law.

- a. In accordance with the Easement Agreement, the District agrees to provide Corporation a discount in an amount equal to the actual volumetric use of water to Owner and Owner's daughter residences within the Subdivision, up to a maximum of 200 gallons per day, and only for such time as Owner and Owner's daughter maintain their primary residence within the Subdivision. Corporation shall provide to the District the volumetric use by Owner and Owner's daughter on a monthly basis. This sub-section shall constitute an amendment to the Easement Agreement and shall prevail against any contrary provision in the Easement Agreement. For the avoidance of doubt, under no circumstance shall any successor to Owner or Owner's daughter be entitled to receive no-cost water from the District or otherwise receive any benefit under the Easement Agreement.
  - b. Owner shall execute any additional documents or instruments as reasonably requested by the District to amend the Easement Agreement to incorporate sub-section "a" above.
7. Easement. Owner shall cooperate with District to convey to District any reasonably necessary easements across the Property to permit the District to install, maintain, inspect, repair, access, and replace and District owned infrastructure, whether existing or required, as part of the Improvements.
8. Exclusive Responsibility to Deliver Water Downstream of Master Meter.
  - a. The Parties understand, acknowledge and agree that the District's sole customer is the Corporation. The Corporation shall have the sole and exclusive responsibility to supply, regulate, invoice, and collect any and all charges for water service to individual residences within the Subdivision. The Corporation's obligation to pay the District for water supplied to the Master Meter is not contingent upon or in any way affected by the Corporation's ability to collect charges from individual residents within the Subdivision.
  - b. The Parties acknowledge, understand and agree that the District's responsibility under this Agreement is to deliver water to the Master Meter in accordance with the technical specifications set forth in ***Exhibit B***, hereto, and applicable local, state, and federal law. The Corporation specifically and exclusively undertakes the responsibility and cost to deliver water downstream of the Master Meter to the Subdivision.
  - c. The Parties further agree that nothing in this Agreement shall entitle or permit the Corporation to increase the number of connections serviced by the Master Meter above six (6) connections. Moreover, nothing in this Agreement shall entitle or permit the Corporation to use water from the Master Meter to service any connection

not located on the Property. Any expansion in the number of connections or location of the connection beyond the Property shall require separate and additional approval by the District, subject to all ordinances of the District governing new service connections, and LAFCo.

9. Binding on Successors in Interest. This Agreement shall be a covenant running with the land and binding on Owner's and Corporation's successors in interest to the Property.
10. Consequences of Breach. Owner and the District agree that in the event that Owner and/or any other person or legal entity hereafter succeeding to the Owner's interest in and to the Property or any part thereof seek to protest annexation of the Property or any part thereof to District contrary to and in breach of the provisions of this agreement, LAFCo and the District shall be entitled to take the following actions:
  - a. LAFCo shall treat this consent as the binding decision and action of the Owner for all purposes under the Cortese-Knox-Hertzberg Act (Government Code Sections 56000 *et seq.*) and any objection or protest shall be null and void and may be disregarded by LAFCo in determining objections and/or the value of all protests to such annexation.
  - b. In addition to the above, if deemed necessary, LAFCo and the District may legally enforce this Agreement against Owners or their successors in the state courts of Humboldt County.
  - c. In addition to the above, the District may remove the water service connection until such breach of this Agreement is remedied to the District's satisfaction.
11. Termination Upon Annexation. This Agreement shall automatically terminate as to the Property or any part thereof at such time as the Property or such part thereof is annexed to the District.
12. Construction of Terms; Severability. All parts of this Agreement shall in all cases be construed according to their plain meaning and shall not be construed in favor or against either of the parties. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, in whole or in part, the remainder of this Agreement shall remain in full force and effect and shall not be affected, impaired, or invalidated thereby in the event of such invalidity, voidness, or unenforceability, the parties hereto agree to enter into supplemental agreements to effectuate the intent of the parties and the purposes of this Agreement.
13. Covenants Run With the Land. This agreement shall run with the Property, and each part thereof until terminated in the manner provided for herein, and is intended by the parties to be and shall be binding on all persons or legal entities succeeding to Owner's interest in and to the Property and any part thereof.

SIGNATURE PAGE TO FOLLOW



**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date set forth below:

Date: \_\_\_\_\_, 2020

**OWNER(S)**

The undersigned hereby certify to be the owner(s) of real property included within the boundary of the real property described in the aforementioned Agreement, the only person(s) whose consent is necessary to pass title to said real property, and to have consented to the annexation of said real property to the Palmer Creek Community Services District.

\*Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

\*Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**PALMER CREEK RANCH CORPORATION**

\*Executed by: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PALMER CREEK COMMUNITY SERVICES DISTRICT**

\*Executed by: \_\_\_\_\_

Printed Name: Kevin Farmer

Title: Operations Manager

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 200-031-033**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL ONE**

THAT PORTION OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 28 IN TOWNSHIP 3 NORTH OF RANGE 1 WEST, HUMBOLDT MERIDIAN, WHICH LIES WEST OF THE "SALMON CREEK WAGON ROAD" RUNNING THROUGH SAID SUBDIVISION AS SAME EXISTED ON NOVEMBER 4, 1899.

**PARCEL TWO**

ALSO THE FREE AND PERPETUAL USE OF A CERTAIN SPRING ON THE NORTHWEST QUARTER OF NORTHEAST QUARTER OF SAID SECTION 28, BEING THE SAME SPRING DESCRIBED IN THE DEED TO S. SWANSON BY GEORGE LUCE AND WIFE, DATED DECEMBER 4, 1911 AND RECORDED IN BOOK 117 OF DEEDS, PAGE 300 PROVIDED THAT THE USE OF THE WATERS OF SUCH SPRING SHALL BE LIMITED TO SO MUCH THEREOF, AS CAN BE TAKEN THROUGH A PIPE, ONE INCH IN DIAMETER.

## **EXHIBIT B:**

### **Section 1. Flow and Capacity Specifications**

The District shall provide water to the Project based on the following capacity and flow specifications.

- Annual Average Daily Flow for 6 units (residential): 4000 gallons per day
- Peak Gallons Per Minutes Flow for 6 units: ***40GPM (Maximum Continuous Operation) gallons per minute (Master Meter, Badger Model 55 –1in)***

### **Section 3. Back Flow Prevention**

Corporation shall install the Back Flow Prevention Device as directed by the District General Manager.



## NOTICE OF FILING

**DATE:** August 21, 2020

**TO:** City of Fortuna Community Development  
City of Fortuna Public Works  
Fortuna Fire Protection District  
Loleta Fire Protection District  
Humboldt County Environmental Health  
Humboldt County Planning and Building  
Humboldt County Public Works

**Cc:** Kevin Farmer, Palmer Creek CSD General Manager

**FROM:** Colette Santsche, LAFCo Executive Officer & Krystle Heaney, LAFCo Analyst

**SUBJECT:** APPLICATION RECEIVED – PALMER CREEK COMMUNITY SERVICES DISTRICT OUT OF AGENCY SERVICE REQUEST

### APPLICATION INFORMATION

**Project:** Proposed Out of Agency Water Services to the Goselin Subdivision

**Location:** Goselin Subdivision - 772 Tompkins Hill Road, Fortuna, CA

**APNs:** APN # 200-031-033

**Notice:** The above referenced proposal has been submitted to LAFCo and this notice of filing is being issued in accordance with Government Code Section 56658(b)(1). If you wish to receive a copy of the application and supporting documents, please contact LAFCo at 707-445-7508. We request agency comments, requested conditions, or recommendations by **September 9, 2020**.

### Proposal Overview

LAFCo has received a proposal submitted by the Palmer Creek Community Services District (PCCSD) for extension of water service to a single parcel subject to a major subdivision (Humboldt County Planning Application #14101 and Case #FMS-18-001) that is outside of the District's boundary but within the adopted Sphere of Influence (SOI).

The proposed extension of service would supply water to an independent water system designed to service the subdivision. There are currently two existing residences that receive water from the District based on an easement agreement from 1997 for the District's water storage tank which is located on the property. An additional four residences are proposed as part of the subdivision.

### Reasons for Proposal

According to the application, the reasons for the proposed out of agency service extension are as follows:

1. The Goselin Subdivision will create a need for additional volume served to the existing parcel that is not part of the 1997 easement agreement.
2. The subdivision will require installation of booster pumps, meters, and new storage tanks to meet fire safety requirements under Humboldt County Building Code. The PCCSD Board of Directors feels these additional components would create an unfair financial burden for the District if the parcel were annexed.
3. The PCCSD has no intention of providing wastewater collection services to the subdivision at this time.

#### Provision of Public Services

The Goselin Subdivision would be provided water service through a new 1" meter fitted with a backflow preventer. This connection would be used to supply water to an independently operated water system for the subdivision that consists of two existing residences and four additional proposed residences. Any additional proposed use would be considered a new request for service and subject to additional LAFCo approval.

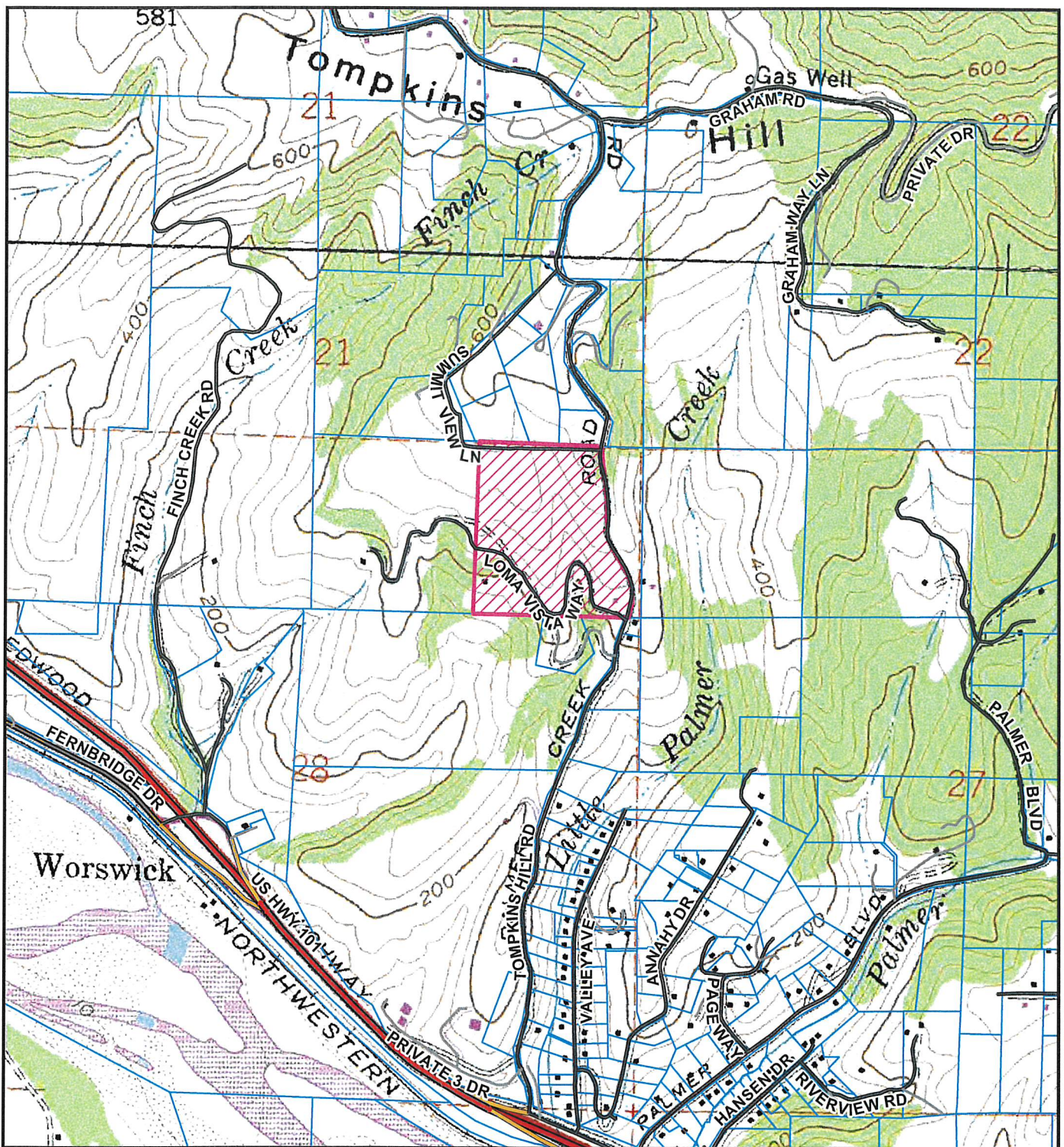
#### Land Use Designations

APN 200-031-033 is designated as Residential Agriculture (RA5-20) under the current Humboldt County General Plan. This designation is given to lands that have slopes generally less than 30%, are served by individual water and wastewater systems, and have good road access. Density is typically one to two dwelling units per parcel with a 5 acre parcel minimum. The subdivision consists of parcels from 5.03 to 7.07 acres.

The application described above is pending LAFCo review. Please review and respond with any comments, requested conditions, or recommendations by September 9, 2020. This OAS Request will be considered by the Commission at its regularly scheduled meeting on September 16<sup>th</sup>. If you have any questions or wish to request a copy of the application, please contact LAFCo at (707) 445-7508 or [krystleh@humboldtlaftco.org](mailto:krystleh@humboldtlaftco.org).

Exhibit A: Service Extension Area Figure





# TOPO MAP

## PROPOSED GOSELIN FINAL MAP SUBDIVISION TOMPKINS HILL AREA

FMS-18-001

APN: 200-031-033

T03N R01W S28 HB&M (Fortuna)

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.



0 0.25 Miles

## **Project Information**

**Project Title:** Goselin Final Map Subdivision and Special Permit

### **Lead Agency**

Humboldt County Planning and Building Department – Planning Division  
3015 H Street  
Eureka, CA 95501  
(707) 445-7541

### **Property Owners**

Louis and Wanda Goselin  
772 Tompkins Hill Road  
Fortuna, CA 95540

### **Project Applicant**

Same as owners

### **Project Location**

The project site is located in the Tompkins Hill area, on the west side of Tompkins Hill Road, approximately 4,000 feet north of the intersection of Tompkins Hill Road and Palmer Creek Road, on the property known as 770 Tompkins Hill Road.

### **General Plan Designation**

Residential Agriculture (RA); Humboldt County General Plan; density one unit per 5 – 20 acres.

### **Zoning**

Rural Residential Agriculture with a five-acre minimum parcel size (RA-5).

### **Project Description**

A Major Subdivision to create six parcels ranging in size from 5.03 acres to 7.07 acres. The parcel is currently developed with a primary residence and an Accessory Dwelling Unit (ADU) as well as a shop and other accessory buildings. The main residence will be sited on proposed Parcel 6, the ADU will be sited on proposed Parcel 4 and the shop will be sited on proposed Parcel 5. Exception requests were submitted to both Cal Fire and Public Works to allow the subdivision to be served by a road that does not meet Road Category 4 standards in all locations. Also included is a follow-up Special Permit to an Emergency Special Permit issued for work within a Streamside Management Area. All parcels will be served with water provided by the Palmer Creek Community Services District and on-site wastewater treatment systems.

### **Baseline Conditions: Surrounding Land Uses and Setting**

The project site is located on the west side of Tompkins Hill Road, approximately three-quarters of a mile northwest of the City of Fortuna. It is in an area surrounded by a mixture of larger agriculture and timberland parcels as well as rural residential parcels.

**Other Public Agencies Whose Approval Is or May Be Required** (permits, financing approval, or participation agreement): Humboldt County Public Works Department, Division of Environmental Health, Building Division, Cal Fire, California Department of Fish and Wildlife.



**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?** No. If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? n/a

*Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.*



**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" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils                   | <input type="checkbox"/> Greenhouse Gas Emissions            | <input type="checkbox"/> Hazards/Hazardous Materials        |
| <input type="checkbox"/> Hydrology/Water Quality         | <input type="checkbox"/> Land Use/Planning                   | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                      | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service               | <input type="checkbox"/> Wildfire                            | <input type="checkbox"/> Mandatory Findings of Significance |

**Determination:** On the basis of this initial evaluation:

- ☐ I find that the proposed project **could not** have a significant effect on the environment, and a **Negative Declaration** will be prepared.
- ☒ 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.
- ☐ I find that the proposed project **may** have a significant effect on the environment, and an **Environmental Impact Report** (EIR) is required.
- ☐ 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 those effects that remain to be addressed.
- ☐ 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

\_\_\_\_\_  
Date

Trevor Estlow, Senior Planner  
Printed Name

Humboldt County Planning  
and Building Department  
For

## Evaluation of Environmental Impacts

- (1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- (4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (California Code of Regulations, title 14 Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review. **N/A**
  - 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 were addressed by mitigation measures based on the earlier analysis. **N/A**
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures 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. **N/A**

## Environmental Checklist

**Checklist and Evaluation of Environmental Impacts:** An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the **Checklist**, the following definitions are used:

**"Potentially Significant Impact"** means there is substantial evidence that an effect may be significant.

**"Potentially Significant Unless Mitigation Incorporated"** means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

**"Less Than Significant Impact"** means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

**"No Impact"** means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

I. <b>Aesthetics.</b> Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

### Discussion:

**(a-d) Less Than Significant Impact:** The project site is not within an area mapped or designated with scenic vistas or resources nor is it in the Coastal Zone where specified areas of scenic values are mapped and certified by the state. The proposed subdivision is consistent with the current zoning and general plan designation, and is consistent with the planned build-out of the area. The parcels will be served by a private road off of Tompkins Hill Road, a County-maintained road. The site is minimally visible from public roads. The Department finds no evidence that the division of the parcel within an area characterized as rural residential will have a substantial adverse aesthetic impact.

<b>II. Agriculture and Forestry Resources.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
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 Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
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 forest land to non-forest use?			X	

**Discussion:**

**(a-e) Less Than Significant Impact:** The subject property is not within a Williamson Act contract, however, the lands immediately to the south and west are under contract. The site is not mapped as containing prime agricultural soils. The site does not contain unique farmland. In the past, the site has been used for cattle grazing, however, the general plan designation and zone classification support rural residential development. The neighborhood is characterized by rural residential development with on-site water and wastewater services. The proposed subdivision is consistent with the existing zoning and general plan designation. One-family residential is a primary and compatible use within the RA designation and is principally permitted in the RA zoning district. General agriculture is an allowed use which may be proposed in the future. The Department finds no evidence that the project will result in a significant adverse impact on agricultural resources.

<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 Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

**Discussion:**

**(a-d) Less Than Significant:** The project site is located within the North Coast Air Basin and the jurisdiction of the North Coast Unified Air Quality Management District (NCUAQMD). The North Coast Air Basin generally enjoys good air quality, but has been designated non-attainment (does not meet federal minimum ambient air quality standards) for particulate matter less than ten microns in size (PM<sub>10</sub>). To address this, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM<sub>10</sub> standard exceedance, and identifies cost-effective control measures to reduce PM<sub>10</sub> emissions, to levels necessary to meet California Ambient Air Quality Standards. These include transportation measures (e.g., public transit, ridesharing, vehicle buy-back programs, traffic flow improvements, bicycle incentives, etc.), land use measures (infill development, concentration of higher density adjacent to highways, etc.), and combustion measures (open burning limitations, hearth/wood burning stove limitations; NCUAQMD 1995).

The proposed subdivision divides a parcel developed with two residential units into six parcels with the two existing residences sited on individual parcels. The project will result in the construction of five new residences and would not: (1) obstruct implementation of the applicable air quality plan; (2) violate air quality standards; (3) contribute substantially to an existing or projected air quality violation; (4) expose sensitive receptors to substantial pollutant concentrations; or (5) create objectionable odors.

IV. Biological Resources. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?		X		
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?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
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?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
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?			X	

**Discussion:**

**(a – e) Less Than Significant with Mitigation Incorporated:** The Tentative Map indicates an intermittent watercourse that flows southerly through the parcel. An existing ranch road winds around this drainage and will be the access road serving proposed Parcels 1–3. This road was improved with a grading permit, however, the drainage course on the plot plan was overlooked. As it was identified that the road crosses over this watercourse within the Streamside Management Area (SMA), and a culvert was required to be replaced, an emergency Special Permit was issued to accommodate the work. In addition, a Lake and Streambed Alteration (LSA) Agreement was filed with the California Department of Fish and Wildlife (CDFW) for the culvert replacement. According to CDFW, the LSA Agreement process was completed. The grading permit is complete and Best Management Practices (BMPs) are in place to limit sediment delivery to the watercourse, consistent with the recommendations of CDFW. This grading permit was complete and finalized on November 1, 2018. The SMA will be mapped on the Development Plan and labeled as "unbuildable". This measure is included as Mitigation Measure No. 1.

No tree removal is anticipated as part of the project, however, in order to comply with the Migratory Bird Treaty Act and Fish and Game Code, tree removal and brush clearing must be conducted outside of the nesting season. This measure is included in Mitigation Measure No. 2.



**(f) Less Than Significant:** The project site is not within an adopted or proposed habitat conservation plan. The area is developed to rural residential levels. The Department finds no evidence that the project will result in a significant adverse impact on any habitat conservation plan.

**Mitigation Measure No.1.** The Development Plan shall map the Streamside Management Area (SMA) and label it "unbuildable".

**Mitigation Measure No.2.** The Development Plan shall include the following language: "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be 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 work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."

<b>V. Cultural Resources.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

**Discussion:**

**(a) No Impact:** No historical resources have been documented on site. The site is currently developed with two residences, a large shop and other accessory structures; all of fairly recent construction (within the last 25 years). Therefore, the project will have no impact on historical resources defined in California Environmental Quality Act (CEQA) §15064.5.

**(b,d) Less Than Significant with Mitigation Incorporated:** Pursuant to AB52, the project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC recommended a cultural resource study and consultation with the local Tribes. Upon further consultation with the Wiyot Tribe, it was understood that the site had a low sensitivity for cultural resources and that the project be approved with no further study provided a note regarding inadvertent discovery is included in the project. If archaeological resources are encountered during construction activities, the contractor will execute Mitigation Measure No. 3. by halting construction and coordinating with a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines and appropriate tribes so resources can be evaluated so that there is not a substantial adverse change in the significance of an archaeological resource. The project is not expected to disturb any human remains, including those interred outside of formal cemeteries. However, implementation of Mitigation Measure No. 3 has been included in the event that human remains are accidentally discovered during construction.

**(c) No Impact:** No paleontological, geologic, or physical features are known to exist on the proposed project site; therefore, the project will not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.

**Mitigation Measure No. 3.** The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the Cal Fire project representative, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant, Tribes and Cal Fire officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

The applicant is ultimately responsible for ensuring compliance with this condition."

<b>VI. Energy.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** The project will result in short-term energy consumption during the construction phase, with long-term energy consumption associated with the ongoing occupancy of the homes. The construction phase is not anticipated to utilize excessive energy and the homes will be constructed compliant with the energy requirements of Title 24 of the Building Code. Therefore, a less than significant impact will occur.



<b>VII. Geology and Soils:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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:			X	
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.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
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?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**Discussion:**

**(a) Less Than Significant impact:** There are no known earthquake faults located within the site.

**(i-iv) Less Than Significant impact:** The project site is located outside an Alquist-Priolo Earthquake Fault Zone. The proposed project divides one parcel into six, two of which will remain developed. Four of the parcels will be vacant and suitable for residential development. A Soils Engineering Report was prepared by A.M. Baird (RCE 23681) and found that the site was suitable for residential development. The development associated with the subdivision will not expose people or structures to potential substantial adverse effects from rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. The project is not within an area mapped as having historic landslides; therefore the project will not expose people or structures to risk of lost, injury, or death involving landslides.

**(b) Less Than Significant impact:** Any future development or road improvements will utilize appropriate Best Management Practices (BMPs) which will prevent soil erosion and loss of topsoil.

**(c) Less Than Significant impact:** The project is not located on geologic units or soils that are unstable or that will become unstable as a result of the project. The project will not result in the creation of new unstable areas either on or off site due to physical changes in a hill slope affecting mass balance or material strength.

**(d) Less Than Significant impact:** The project site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994); therefore, the project will not create substantial risks to life or property.

**(e) Less Than Significant impact:** The project will utilize on-site wastewater treatment systems. The lots have demonstrated suitable primary and reserve leachfield areas to the satisfaction of the Department of Environmental Health.

**(f) Less Than Significant impact:** There are no known paleontological resources or unique geologic features on site.

VIII. Greenhouse Gas Emissions: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** In 2002, the California legislature declared that global climate change was a matter of increasing concern for the state's public health and environment, and enacted law requiring the California Air Resources Board (CARB) to control GHG emissions from motor vehicles (Health & Safety Code §32018.5 et seq.). In 2006, the California Global Warming Solutions Act (Assembly Bill 32) definitively established the state's climate change policy and set GHG reduction targets (Health & Safety Code §38500 et seq.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. While methodologies to inventory and quantify local GHG emissions are still being developed, recommendations to reduce residential GHG emissions include promoting energy efficiency in new development.

The proposed project involves creation of six parcels, two which will remain developed and four which will be vacant and suitable for residential development. The eventual residential construction on the vacant lots would contribute temporary, short-term increases in air pollution from equipment usage. Because of the temporary nature of the greenhouse gas contributions, coupled with the modest quantity of emission, the proposed project would not have a significant impact on the environment, nor conflict with applicable plan, policy, or regulation for the purposes of reducing greenhouse gas emissions. Future residential use would emit limited greenhouse gases.

IX. Hazards and Hazardous Materials. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?			X	
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?			X	
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:**

**(a-g) Less Than Significant impact:** The project site is not included on a list of hazardous material sites, nor does the proposed subdivision involve routine transport, use or disposal of hazardous materials. The project site is over four miles from the nearest airport (Rohnerville Airport). There are no private airstrips within the vicinity of the project site. The site will not result in unanticipated risk to the occupants of the site. The Department finds no evidence that the project will create, or expose

people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan. The site is within the Loleta Fire Protection District and just north of the Fortuna Fire Protection District. Future development of the site will require compliance with the Uniform Fire Code and UBC. According to the Fire Hazard Severity map, the parcel is located in a moderate fire hazard area. Both Fire Protection Districts were referred, however, neither agency provided any comments. For these reasons, the Planning Division expects that the subdivision will not result in significant impacts in terms of hazardous materials.

<b>X. Hydrology and Water Quality. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:				
(i) result in substantial erosion or siltation on- or off-site;			X	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) 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			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

**Discussion:**

**(a-e) Less than significant Impact:** The proposed subdivision is consistent with the planned density of the area, in terms of both the County's Housing Element and the recently adopted Humboldt County General Plan 2017. The project site is an area that relies upon water provided by the Palmer Creek Community Services District (PCCSD) and wastewater systems. PCCSDS has indicated that they have

the capacity to serve the proposed project. Because the site is currently outside of the jurisdictional boundaries and sphere of influence of the PCCSD, a sphere amendment and annexation will be necessary. This is a required condition of approval. The Division of Environmental Health (DEH) reviewed this information and found that each parcel will have adequate water availability. DEH has not identified any concerns with regard to the project interfering with groundwater recharge. The Department finds no evidence indicating that the subdivision will violate any water quality or waste discharge standards, or otherwise substantially degrade water quality. According to the Flood Insurance Rate Map, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding", and is outside the 100- and 500-year floodplains. The project site is not within a mapped dam or levee inundation area, and is outside the areas subject to tsunami run-up. The site is at an elevation of approximately 500 feet.

A drainage report was not required due to the large parcel sizes and the ability to accommodate stormwater runoff on-site. The project was reviewed by Public Works and they recommended as a condition of approval that the applicant submit a complete hydraulic report and drainage plan for their approval. An existing intermittent watercourse is located on the property which will be identified on the Development Plan with 50-foot no-build buffers on either side. No streams, creeks or other waterways will be altered as a result of this subdivision. The Department finds no evidence that the proposed project will result in significant hydrologic or water quality impacts.

<b>XI. Land Use and Planning.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

**Discussion:**

**(a-b) Less Than Significant Impact:** The project site is designated Residential Agriculture (RA) by the Humboldt County General Plan 2017 and is zoned Rural Residential Agriculture (RA) with a five-acre minimum parcel size. One-family residential is a primary and compatible use within the RA designation and is principally permitted in the RA zoning district. The neighborhood is characterized as a mix of rural residential and larger lot agricultural parcels. The division of the existing parcel is consistent with the zoning and land use density (one unit per 5 – 20 acres). The proposed subdivision is consistent with the planned build-out of the area, and is consistent with the policies and regulations specified in the Humboldt County General Plan. There are no habitat conservation or natural community conservation plans proposed or adopted for this area. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.

<b>XII. Mineral Resources.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?				X

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?				X
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**Discussion:**

**(a and b) No Impact:** On-site soils and geologic resources are not suitable as commodity materials that would be of value to the region or the state. The site is not designated as an important mineral resource recovery site by a local general plan, specific plan, or other land use plan.

<b>XIII. Noise.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or ground borne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or 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?			X	

**Discussion:**

**(a) Less Than Significant:** This parcel is not located within the Noise Impact combining zone and will not generate a substantial increase in ambient noise levels in the vicinity of the project in excess of local standards.

**(b) Less Than Significant Impact:** Noises generated by the proposed project will result in a temporary increase during road construction because the proposed project may require the use of heavy equipment (excavator, grader, loader and backhoe). The construction does not include equipment that would result in groundborne vibration. These activities are consistent with the current uses at the site and no permanent change in noise from the existing conditions would result from this project.

**(c) Less Than Significant Impact:** The project area is over four miles from the Rohnerville Airport, the nearest airport. The noise impacts associated with the airport are not anticipated to be excessive. Therefore, noise impacts will remain less than significant.

<b>XIV. Population and Housing.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Induce substantial unplanned 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)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

**Discussion:**

**(a, b) Less Than Significant Impact.** The proposed project divides a parcel into six parcels, siting two existing residences on their own parcels and creating four vacant parcels suitable for residential development. One-family residential uses are primary and compatible uses within the plan designation and zoning district. The subdivision is consistent with the planned density of the area, one unit per 5 - 20 acres. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

<b>XV. 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 Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

**Discussion:**

**(a-e) Less Than Significant:** Emergency response in the project area is the responsibility of the Loleta Fire Protection District, Cal Fire and the Humboldt County Sheriff's Office. The proposed project will divide a parcel into six parcels, siting the existing residences on individual parcels and creating four vacant parcels suitable for residential development. All parcels will have access via a private road that takes access off of Tompkins Hill Road, a County maintained road. The proposed project would not impair fire or police protection services, because the project would not: alter or block existing streets, result in development, or include uses that would require amendment of the County's emergency planning (such as a chemical storage facility or large industrial plant). No new or physically altered government facilities are required as a result of the project. The project would not result substantial adverse physical impacts associated with the provision of 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 fire protection, police protection, schools, parks, or other public facilities. Therefore, **a less than significant impact** would occur.

<b>XVI. Recreation.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?			X	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
<b>Discussion:</b>  <b>(a-b) Less Than Significant Impact:</b> The project does not include 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.				

<b>XVII. Transportation.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	
<b>Discussion:</b>				



**(a,b) Less Than Significant Impact:** The property is accessed by Tompkins Hill Road, a County maintained road. Tompkins Hill Road is paved and is approximately 5.37 miles in length. Approximately 1.59 miles of the road has a centerline stripe and meets Road Category 4 standards (20 feet minimum in width). The subject property is located near the Fortuna end of the road. There is approximately 0.66 of a mile of road on the Fortuna end that does not currently meet a Road Category 4 standard. The applicant has submitted two exception requests, one to Cal Fire and one to the Department of Public Works. The exception request to Cal Fire requested a reduced road width for both Tompkins Hill Road and the interior road. For Tompkins Hill Road, the applicant proposes to install an oversized turnout a minimum of 60 feet long and 12 feet wide along the parcel frontage instead of improving the entire 1,600 feet of road frontage to a Category 4 standard. This turnout will be large enough to support a heavy equipment transport and additional fire equipment in the event of an emergency. It will also allow the passing of passenger vehicles and heavy equipment as needed. For the interior road, a Category 2 road was proposed due to the limited use of the road. Cal Fire has approved the two exception requests provided that the applicant convey Accessory Dwelling Unit rights on five of the six parcels. The Department of Public Works has stated that they do not object to the granting of the exception. Therefore, with the installation of an oversized turnout, the same practical effect for road access will be achieved.

The Department finds there is no evidence that the project will exceed the level of service standard, will result in a change in air traffic patterns, will result in vehicle miles traveled beyond that expected, will result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; or will conflict with adopted policies supporting transportation.

XVIII. Tribal Cultural Resources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	
Discussion:				

**(a-b) Less Than Significant Impact:** The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. The NWIC recommended a cultural resource study and consultation with the local Tribes. Upon further consultation with the Wiyot Tribe, it was determined that the site had a low possibility of containing cultural resources. Therefore, it was recommended that the project be approved with no further study provided a note regarding inadvertent discovery is included in the project. The standard condition of inadvertent discovery has been included as Mitigation Measure No. 3.

<b>XIX. Utilities and Service Systems. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

**Discussion:**

**(a-e) Less than significant:** The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems. The parcel is not zoned for commercial or industrial uses. The lots will be served by community water and on-site wastewater treatment systems. The Department of Environmental Health has recommended approval of the project. The parcel currently drains southerly towards Finch Creek. The Division of Public Works reviewed the project and did not identify any drainage issues. The applicant will be required to provide a complete hydraulic report and drainage plan. The Department finds the project impact to be less than significant.

<b>XX. Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

**Discussion:**

**(a-d) Less than significant:** The project is located within the State Responsibility Area (SRA) for fire protection and served by the Loleta Fire Protection District. The Loleta Fire Protection District provides a mobile water tender in compliance with the County's Fire Safe Regulations (§3114-3(c)), therefore, individual on-site storage is not mandatory. The project site is within a moderate fire hazard severity zone. The Department finds the project impact to be less than significant.

<b>XXI. Mandatory Findings of Significance.</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?			X	
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).			X	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:**

**(a through c) Less Than Significant Impact:** The proposed project divides one parcel into six parcels, four of which will be vacant and suitable for residential development. Staff finds no evidence that the

proposed project will significantly degrade the quality of the environment, nor will it have impacts that are individually limited but cumulatively considerable. 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 significant evidence to indicate the proposed project as mitigated will have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

## Proposed Mitigation Measures, Monitoring, and Reporting Program

### Biological Resources

**Mitigation Measure No. 1.** The Development Plan shall map the Streamside Management Area (SMA) and label it "unbuildable".

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* Applicant and successors

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

**Mitigation Measure No. 2.** The Development Plan shall include the following language: "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be 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 work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* Applicant and successors

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence

### Cultural Resources

**Mitigation Measure No. 3.** The following note shall be placed on the Development Plan and carried out through project implementation: "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the Cal Fire project representative, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant, Tribes and Cal Fire officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

"If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5; 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 5. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site."

The applicant is ultimately responsible for ensuring compliance with this condition."

*Timing for Implementation/Compliance:* Throughout project construction

*Person/Agency Responsible for Monitoring:* Applicant and successors

*Monitoring Frequency:* Throughout construction

*Evidence of Compliance:* Visible evidence



## DRAFT RESOLUTION NO. 20-06

### ADOPTING THE GOSELIN FINAL MAP SUBDIVISION AND SPECIAL PERMIT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

WHEREAS, the Humboldt Local Agency Formation Commission (hereinafter referred to as "Commission") is responsible for authorizing cities and special districts to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to California Government Code Section 56133; and

WHEREAS, the Commission received an application from Palmer Creek Community Services District (CSD) requesting authorization to extend water services outside its jurisdictional boundary to the Goselin Major Subdivision property (APN 200-031-033); and

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

WHEREAS, Humboldt County Department of Building and Planning, Planning Division, as the Lead Agency prepared an Initial Study/ Mitigated Negative Declaration (IS/MND), for the Goselin Final Map Subdivision and Special Permit project in accordance with CEQA (SCH#2019089005); and

WHEREAS, a public hearing was held on the matter before the Humboldt LAFCo Commission on September 16, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission as follows:

1. The Commission as Responsible Agency, certifies it has independently reviewed and considered the IS/MND, concerning potential impacts associated with the proposal in accordance with CEQA. The Commission finds the IS/MND adequate to support the Out of Agency Service proposal and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 16<sup>th</sup> of September, 2020, by the following roll call vote:

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

Attest:

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Estelle Fennell, Chair  
Humboldt LAFCo

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Colette Santsche, Executive Officer  
Humboldt LAFCo



## DRAFT RESOLUTION NO. 20-07

### **AUTHORIZING THE PALMER CREEK COMMUNITY SERVICES DISTRICT TO PROVIDE WATER SERVICES OUTSIDE THE DISTRICT BOUNDARY TO APN 200-031-033 (GOSELIN SUBDIVISION)**

WHEREAS, the Humboldt Local Agency Formation Commission (hereinafter referred to as "Commission") is responsible for authorizing cities and special districts to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to California Government Code Section 56133; and

WHEREAS, the Commission received an application from the Palmer Creek Community Services (hereinafter referred to as "District") requesting authorization to extend water services outside its jurisdictional boundary to the Goselin Major Subdivision and (hereinafter referred to as property "Owner") property (APN 200-031-033); and

WHEREAS, the current property owner has requested a water service connection from the District in order to serve six parcels created by the Subdivision; and

WHEREAS, the subject property is located within the District's adopted Sphere of Influence; and

WHEREAS, the Commission reviewed and considered the Executive Officer's report and recommendation; and

WHEREAS, the Commission heard and fully considered all the evidence presented in the proposed services extension at a public meeting held on September 16, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission as follows:

1. The Commission, as responsible agency, has adopted the Goselin Final Map Subdivision and Special Permit IS/MND prepared by the Humboldt County Department of Building and Planning, Planning Division pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. The Commission has considered the factors determined to be relevant to this proposal, including, but not limited to, the sphere of influence, available infrastructure and services capacity, and other factors specified in Government Code Section 56133, and as described in the staff report.
3. The Commission hereby authorizes the District to provide water services outside its jurisdictional boundary to APN 200-031-033, subject to the following conditions:
  - a. The Palmer Creek CSD and property owner of the subject parcel shall enter into a recorded Out of District Water Service Agreement to include a provision



that limits the extension of water services to the six parcels created by the Subdivision and no others. Any expansion or intensification of water services on said property shall be considered a new request, subject to LAFCo review. This Agreement shall automatically terminate at such time as the property is annexed to the Palmer Creek CSD.

- b. As part of the Out of District Water Service Agreement and/or separate Annexation Agreement, the property owner and their successors shall irrevocably consent to annexation of the property.
- c. The property owner understands and agrees that the District shall have no obligation to provide water services unless and until the recorded Out of District Water Service Agreement and the extra territorial extension of water service contemplated hereunder through creation of a Small Water System (SSWS) are approved by the Humboldt County Division of Environmental Health.
- d. All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 16<sup>th</sup> of September, 2020, by the following roll call vote:

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

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Estelle Fennell, Chair  
Humboldt LAFCo

Attest:

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Colette Santsche, Executive Officer  
Humboldt LAFCo

Attachment: Exhibit A, Out of District Water Service Agreement