



AGENDA ITEM 7A

MEETING: January 17, 2018
TO: Humboldt LAFCo Commissioners
FROM: George Williamson, Executive Officer
SUBJECT: **Proposed Brainard Site Annexation to the City of Eureka**
The Commission will consider a proposal submitted by resolution of application by the City of Eureka for annexation of 4 parcels and a partial Caltrans ROW of unincorporated territory along US Highway 101.

LAFcos are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as boundary changes, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFcos are authorized with broad discretion in amending and conditioning changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

A. BACKGROUND

LAFCo has received a proposal submitted by Resolution of Application from the City of Eureka (Resolution No. 2017-55) for annexation of approximately 101 acres (4 parcels and partial Caltrans ROW) of unincorporated territory, generally located between Humboldt Bay and US Highway 101, north of Eureka. The annexation area consists of two parcels comprising the Brainard site, two parcels (one entire and one partial parcel) of Northwestern Pacific Railroad Company owned railroad right-of-way, and a portion of US Highway 101 right-of-way. The Brainard site was previously utilized as a lumber mill and air-dry yard, with administrative offices. The subject territory is adjacent to the City's boundary on three sides, is within the City's SOI, and is located within the Coastal Zone.

According to the application, the City of Eureka seeks to annex the property as a complement to the City's Economic Development strategy. The City currently has limited land available for industrial development. Additionally, the two parcels comprising the Brainard site (APNs 017-081-001 and 404-141-004) are owned by California Redwood Company (CRC). CRC intends to sell the property and is seeking to enhance the potential value and marketability of the site by annexing the site into the City of Eureka and, in cooperation with the City and neighboring property owners, exploring options for the extension of water and wastewater infrastructure to the site.

The City of Eureka circulated a project referral on March 27, 2017, and provided adequate "notice of availability" of the draft Local Coastal Program Amendment and

"notice of intent" to Adopt a Resolution of Application to LAFCo at a public hearing on October 3, 2017.

A Plan for Services was prepared by the City of Eureka for the proposed annexation. As contemplated, the City would be responsible for providing police, fire, water, and sewer services upon annexation. There are no immediate plans to extend City water or wastewater services to the proposed annexation area at this time. The City reports that water and wastewater services would only be extended to the Brainard site in the future as new development occurs. While the City indicates it has adequate capacity to provide said services, such an extension may require system improvements. Additionally, the Brainard site is currently outside of the City's urban limit line, which restricts the extension of water and wastewater services. As such, modification of the urban limit line to allow for the extension of services has been included as a condition of approval.

ANALYSIS

The analysis of the proposal is organized into two sections. The first section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCos review boundary changes. The second section considers issues required by other applicable State statutes in processing boundary changes, such as environmental compliance with the California Environmental Quality Act.

Required Factors for Review

G.C. Section 56668 requires the Commission to consider 16 specific factors anytime it reviews proposals for a change of organization involving cities. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process. An evaluation of these factors as it relates to the proposal follows.

1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

The proposed project involves the annexation of several parcels and a portion of the Caltrans ROW along Highway 101 into the City of Eureka. No new development is proposed under the project. The anticipated City of Eureka General Industrial (MG) zoning and which does not identify residential development as a primary land use. Since no new development is proposed under the project, there would be no elements of the proposed project that would induce population growth or displace any residents. As a previously developed property adjacent to Highway 101 and Humboldt Bay, the adjacent land is not likely to experience significant growth or residential development.

2) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for

those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

Pursuant to Government Code Section 56653, the City prepared a Plan for Services to evaluate the needs of the proposed annexation. The need for expanded community services within the affected territory includes water, sewer, fire, and law enforcement. An analysis of the availability and adequacy of these core municipal services relative to projected needs of the proposal follows.

- o Water

According to the Plan for Services, the Brainard site has utilized two on-site wells on the eastern parcel (APN 404-141-004) for the site's domestic water. While there are no immediate plans to extend water service to the site, the City states that water service could be extended from an existing domestic water connection at the end of Jacobs Avenue in the future as required to serve new development. This existing dead-end 12-inch system would be extended to the north to reach the eastern entrance to the Brainard site. However, assuming the site is located at the terminus of an approximately two-mile-long dead-end water system, service to the Brainard site may be somewhat limited and is unlikely to yield adequate fire flow. As such, continued and possibly increased on-site emergency water storage is like to be required indefinitely.

Additionally, as noted in the 2014 MSR, the City's water distribution system has deficiencies, including an aging piping system and low-pressure and fire-flow issues. The City reports that water distribution system improvements are planned to address these issues. The City may require project specific analysis of the water system for any future substantial development. Such analysis may indicate that improvements should be made to water lines, pumping stations, or storage facilities.

- o Sewer

According to the Plan for Services, an existing septic system comprising four existing septic tanks is utilized at the Brainard site. The County Environmental Health Department has noted that they will not support the addition of more business to the site without testing to demonstrate conformance with current onsite waste regulations. Site constraints and testing may not meet current code and prevent the approval of expansion. Should the City provide wastewater services to the site, on-site septic tanks and wells will require destruction under a permit issued by the Public Health Department.

While there are no immediate plans for City wastewater service at this site, the City states that wastewater service could be extended from the connection at the end of Jacobs Avenue in the future as required to serve new development. The nearest lift station is located 0.8 miles southwest of the Brainard site. Future development at the Brainard site may merit upgrades to the existing lift station. As noted in the 2014 MSR, the City's wastewater collection system is experiencing deficiencies including: Inflow and Infiltration, pipe condition deterioration, aging pumping systems, and some

capacity limitations. The City notes that it has planned several plant and collection system upgrades to address these deficiencies.

The City estimates adequate capacity at the WWTP to serve the projected development; however, the City may require project specific analysis of the wastewater system for any future substantial development. Such analysis may indicate that improvements should be made to collection lines, lift stations, or treatment capacity.

- o Fire Protection

First response for emergency services is currently provided by the Arcata Fire Protection District (AFPD) in cooperation with the Humboldt Bay Fire Department. An Agreement for Emergency Response Services for the CRC Brainard Complex was made and entered into on January 1, 2016, between AFPD and CRC for fire protection, emergency medical, and hazardous materials services for the Brainard site. The Agreement will expire on December 31, 2017, unless terminated or extended in accordance with the Agreement terms. The Agreement will be automatically extended on January 1 of each subsequent calendar year for up to three additional one-year terms. AFPD contracts with the Humboldt Bay Fire Department to provide first response emergency service to the Brainard site.

Following annexation, fire protection services would be provided directly Humboldt Bay Fire. The City reports that the proposed annexation is not expected to impact demand for fire protection services in excess of current levels. Furthermore, if and when future development is proposed, the impacts of these developments on fire protection services would be evaluated to ensure fire protection services are adequate to support any proposed development.

In verbal communications with LAFCo staff, AFPD Chief expressed concern about the loss of funding should the annexation be approved and the District's existing contract with CRC be terminated. However, AFPD has communicated that they do not specifically object to the annexation, nor the change of primary responsibility from AFPD to Humboldt Bay Fire once the annexation is approved.

- o Law Enforcement

The Upon annexation, policing jurisdiction would be transferred from the Humboldt County Sheriff's Office to the Eureka Police Department, and the CHP would continue to have jurisdiction over Highway 101.

- o Road Maintenance

No roadway improvements are included as part of the proposed annexation. Future roadway improvements and access easements will be required during the review process for future development of the site. Maintenance of Highway 101 would remain the responsibility of Caltrans and site access and internal private road network at the Brainard site would continue to be maintained by the property owner.

3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

The unincorporated land comprising the proposed annexation area is located directly adjacent to the City limits on three sides, and is within the City's SOI. The proposal would apply a master property tax exchange agreement adopted by the City and the County in 1981; an agreement specifying Eureka shall receive 42.26 percent of the County's existing portion of property tax revenues generated from the affected territory. According to the Humboldt County Auditor-Controller's Office, under this agreement, the proposed annexation would transfer approximately \$12,000 in property taxes from County jurisdiction into City of Eureka jurisdiction.

4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the City's adopted SOI. The affected territory does not qualify as "open-space" under LAFCo law and therefore does not conflict with G.C. Section 56377.

Currently, the subject territory is outside of the City's urban limit line. City of Eureka Ordinance 156.055 states "There shall be no extension of urban services (sewer and water) beyond the Urban Limit Line as designated in the Local Coastal Program..." As such, the City of Eureka will need to amend its Local Coastal Program to modify the urban limit line to allow for the extension of services to the Brainard site. A Local Coastal Program Amendment will require approval and certification by the Coastal Commission. The modification of the urban limit line has been included as a condition of LAFCo approval.

It is important to note that the Coastal Commission's comment letter dated July 11, 2017, expresses concern for the future extension of municipal water and sewer to the Brainard site and notes potential vulnerabilities (to sea-level rise and flooding) of the future connection, stating that "Expanding reliance on a highly vulnerable segment of the City's sewer system may not be found to minimize risk consistent with the Coastal Act." The City responded, noting "future extension of municipal water and sewer will be more thoroughly evaluated when extension of such services is proposed. At that time, it will be evaluated if improvements to the lift station and surrounding infrastructure may be required."

Given that 1) the viability of the extension of water and wastewater services has not been fully evaluated, and 2) the actual future development needs of said services within the proposed annexation area has not yet been evaluated because no development has been proposed, and 3) that the Coastal Commission has noted several factors which may qualify potential future development permitting as inconsistent with the Coastal Act; it may be premature to determine whether the proposed annexation has sufficiently conformed with the Commission's policies on providing planned and orderly patterns of urban development in absence of discretionary entitlements for planned development.

5) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.*

The affected territory does not qualify as “agricultural land” under LAFCo law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program.

6) *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.*

The proposal includes all of the property identified by Assessor’s parcel number 017-081-001, 404-141-004, and 017-081-002. However, the proposal only includes a portion of A PN 404-141-003, which consists of railroad right of way. As such, the proposed boundary would not fully conform with lines of assessment or ownership. According to the County Auditor, the railroad parcels have no assessed valuation and are not taxed. As such, there should be no impact to nonconformance with lines of assessment or ownership.

With regard to matters concerning unincorporated islands, the proposed annexation area consists of unincorporated territory located adjacent to the City limits on three sides. State law discourages the creation of new islands and has attempted to streamline their annexation pursuant to Government Code Section 56375(a)(4), as follows:

56375 (a)(4) -- A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:

(A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

While the proposed annexation qualifies as “substantially surrounded” given the territory is surrounded on three sides by the City of Eureka, it is unclear whether the proposed annexation meets the requirements of Government Code Sections 56375(a)(4) and 56375.3 for purposes of the disapproval limitation. It can be argued that the site is

“substantially developed” per the code section above; however, the availability of public utility services (water and wastewater services) has not been fully evaluated or authorized to the site. As discussed previously, the subject territory is located outside of the City’s urban limit line. The actual future development needs of said services within the proposed annexation area has not yet been evaluated because no development has been proposed. It may be premature to determine whether the proposed annexation has sufficiently conformed with the Commission’s policies on providing planned and orderly patterns of urban development in absence of discretionary entitlements for planned development.

7) A regional transportation plan adopted pursuant to G.C. Section 65080.

The Humboldt Regional Transportation Plan (RTP) was last updated in 2017 and is a long-range transportation planning document for Humboldt County. Specific projects identified in the RTP involving the affected territory include:

1. Humboldt Bay Trail South (Eureka to Bracut segment). Includes Rail with Trail Class I multi-use trail. County of Humboldt identified as responsible agency.
2. 101 Corridor Improvement Project (high priority). Includes safety improvements at uncontrolled Intersections and extends acceleration/deceleration lanes. Caltrans identified as responsible agency.

The California Coastal Commission, Humboldt County Department of Public Works, and Caltrans commented on the above-mentioned projects. See Attachment C for agency comment letters and City of Eureka responses. With respect existing planning, design and construction of the Humboldt Bay Trail South segment by Humboldt County Public Works, a condition of approval has been included to ensure continued cooperation and commitment to trail implementation within the affected territory by the City, as requested by the County.

8) Consistency with city or county general and specific plans.

Existing zoning designations under the Humboldt County Zoning Code for the Annexation Area include the following: the western parcel of the Brainard site (APN 017-081-001) is currently zoned as Industrial General (MG) with a combining zone of Flood Hazard Areas (F), while the eastern parcel of the Brainard site (APN 404-141-004) has a split zoning designation of Industrial General (MG) with a combining zone of Flood Hazard Areas (F), in addition to Natural Resources (NR) with Coastal Wetlands (W) and Design Review (D) combining zones. The two parcels owned by NCRA (APNs 017-081-002 and portion of 404-141-003) are designated as Railroad. The adjacent Caltrans ROW does not have a zoning designation.

The City Council approved a Pre-Zoning Ordinance (Ordinance No. 864-C.S.) on October 24, 2017. The Ordinance amended the Implementation Plan Map of the Local Coastal Program to pre-zone all the properties in the Brainard annexation area as General Industrial (MG). In addition, the City’s Land Use Plan designates the Brainard Annexation area as General Industrial (GI). The City reports that changes may be made during the General Plan Update to designate the Railroad and Caltrans rights-of-way as

Public/Quasi-Public (PQP), however, no changes are proposed to the land use at this time.

9) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

The proposed annexation area is located within the City of Eureka's Sphere of Influence (SOI). A SOI is described as a plan for the probable ultimate physical boundary and service area of a local agency.

10) The comments of any affected local agency or other public agency.

The City of Eureka provided sufficient notice to interested and subject agencies of its intent to adopt a resolution of application, pursuant to GC Section 56654(c). In addition, LAFCo staff provided a Notice of Filing referral to interested and subject agencies. LAFCo received comments from the Humboldt County Environmental Health Department, the Humboldt County Department of Public Works, Caltrans, and the California Coastal Commission. See Attachment C, Agency Comments for comment letters and responses. See Attachment B, Summary Table for a brief overview of comments received.

Of particular note, Caltrans expressed concern about access to the multi-parcel site which raises questions as to the appropriate timing of annexation in absence of discretionary entitlements for planned development (including subdivision, property development and site access). Specifically, Caltrans comment requests the following:

We request that the Humboldt LAFCo condition the City of Eureka's annexation proposal contingent upon the provision of an access easement using the existing on-site circulation. We request that Humboldt LAFCo deny the City's annexation request if LAFCo is unable to place this condition upon the applicant's proposal.

LAFCo staff coordinated with Caltrans and City staff regarding the site access concern. Both the City and CRC provided letters in response to the Caltrans comment letter. As noted in the City letter, imposing a condition on the Brainard Annexation to provide an access easement directly regulates the future development of the property. While the Commission lacks land use authority to require such an easement, staff drafted a condition that serves to clarify the City dedication process should CRC or a subsequent owner decide to subdivide or adjust existing property lines in the future.

11) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

See discussion in Section 2.

12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

According to the City's Plan for Municipal Services, The Humboldt Bay Municipal Water District (HBMWD) provides potable water to the City, and has indicated that there is sufficient supply for the level of development forecasted in the General Plan.

13) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

The proposal would not impact any local agencies in accommodating their regional housing needs. The affected territory is currently developed as an industrial area. There are currently no residential development plans for the proposed annexation area.

14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

No information or comments from voters or residents of the affected territory have been received. However, in response to Caltrans comments, both the City of Eureka and the California Redwoods Company (CRC) submitted letters of response, see Attachment C.

15) Any information relating to existing land use designations.

See discussion in Section 8.

16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the local of public facilities and the provision of public services.

The proposal will not result in inconsistencies with environmental justice safeguards.

Other Considerations

- o Environmental Review

The Annexation and Local Coastal Program Amendment are discretionary actions subject to environmental review in accordance with the California Environmental Quality Act (CEQA). An Initial Study was completed and circulated to the State Clearinghouse (SCH# 2017062022) and a Notice of Intent to Adopt a Negative Declaration was published in the newspaper. The City adopted the Negative Declaration for the project on October 3, 2017 (Resolution No. 2017-55).

- o Master Property Tax Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCo can consider a proposed boundary change. The proposal would apply a master property tax exchange agreement adopted by the City and the County in 1981; an agreement

specifying Eureka shall receive 42.26 percent of the County's existing portion of property tax revenues generated from the affected territory.

- o Conducting Authority Proceedings

All proposed boundary changes approved by the Commission are subject to conducting authority proceedings (i.e., protest hearing) unless waived in accordance with criteria outlined under G.C. Section 56663. This application did not receive 100% consent from landowners within the proposed annexation area. Typically, the proposal is not subject to conducting authority proceedings under G.C. Section 56663 unless written opposition is received from landowners or registered voters within the affected territory prior to the conclusion of the Commission's proceedings on the proposal. Considering Caltrans has provided written opposition of the proposal and they have right of way holdings within the annexation area, a protest hearing will be required.

B. RECOMMENDATION

The proposed annexation appears appropriate relative to the factors required by statute for consideration. It is recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
- b) Completion of conducting authority (protest) proceedings by the Executive Officer.
- c) The City of Eureka shall amend its Local Coastal Program (LCP) for purposes of modifying the urban limit line to allow for the extension of services to the Brainard site. This amendment will not become effective until final approval and certification of the LCP Amendment by the Coastal Commission.
- d) The City of Eureka shall require the dedication of access rights and abutter's rights, in addition to all other necessary public easements, during parcel boundary reconfiguration, and/or during the review process for future development on the site.
- e) The City of Eureka shall work cooperatively with local agencies and partners to support the planning, design and construction of the Humboldt Bay Trail within the affected territory. In addition, the City shall meet with County, along with Caltrans and the Humboldt County Association of Governments, to develop an equitable cost-sharing agreement for maintenance of the future Bay Trail South segment.
- f) Submittal of a final map and geographic description of the affected territory prepared by a licensed land surveyor (or a civil engineer who is authorized to practice land surveying) and conforming to the requirements of the California

Department of Tax and Fee Administration. Prior to the annexation being recorded, the boundary description shall be reviewed and approved by the County Surveyor, with payment of all applicable County fees.

Alternatives for Commission Action

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

- Alternative Action One (Recommended):
Adopt draft Resolution No. 18-02, approving the proposal with conditions as identified in the staff report, along with any desired changes as requested.
- Alternative Action Two:
Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.
- Alternative Action 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

This item has been agenized for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- 1) Receive verbal report from staff
- 2) Open the public hearing and invite testimony.
- 3) Discuss item and – if appropriate – close the hearing and consider action on recommendation:

"I move to adopt Resolution No. 18-02, approving the Brainard Site Annexation to the City of Eureka, subject to the recommended conditions".

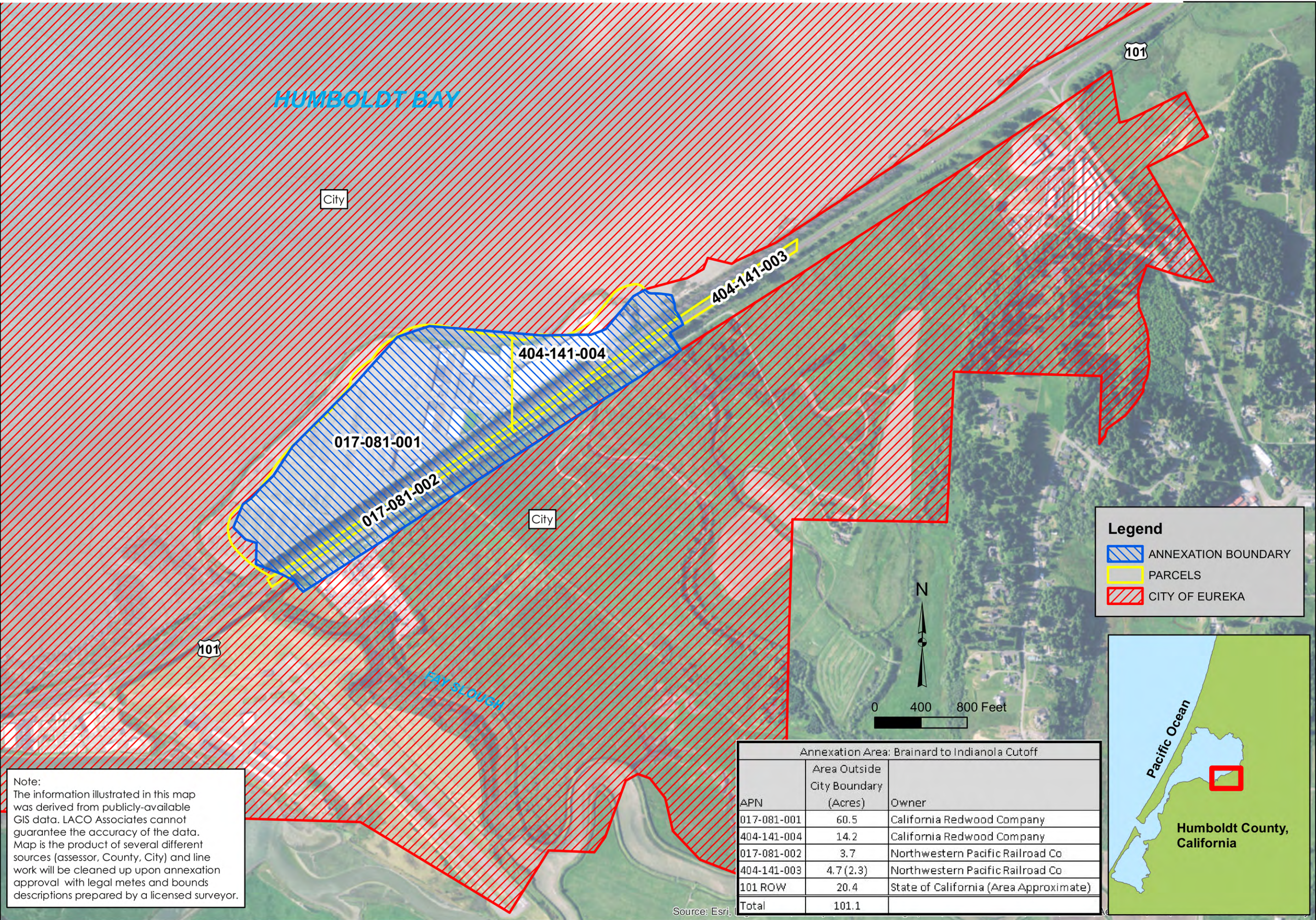
Attachments

- Attachment A: Annexation Area Figures
- Attachment B: Summary Table of Comments
- Attachment C: Agency Comment Letters
- Attachment D: Resolution No. 18-02

ATTACHMENT A

Proposed Brainard Site Annexation to the City of Eureka Annexation Area Figures

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NO.

BY

CHK.

DATE

HISTORY/REVISION

NO.

BY

CHK.

DATE

HISTORY/REVISION

BRAINARD ENTITLEMENTS

5151 HIGHWAY 101, EUREKA, CA 95501

CALIFORNIA REDWOOD COMPANY

1301 FIFTH AVENUE, SUITE #2700, SEATTLE, WA 98101

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DATE

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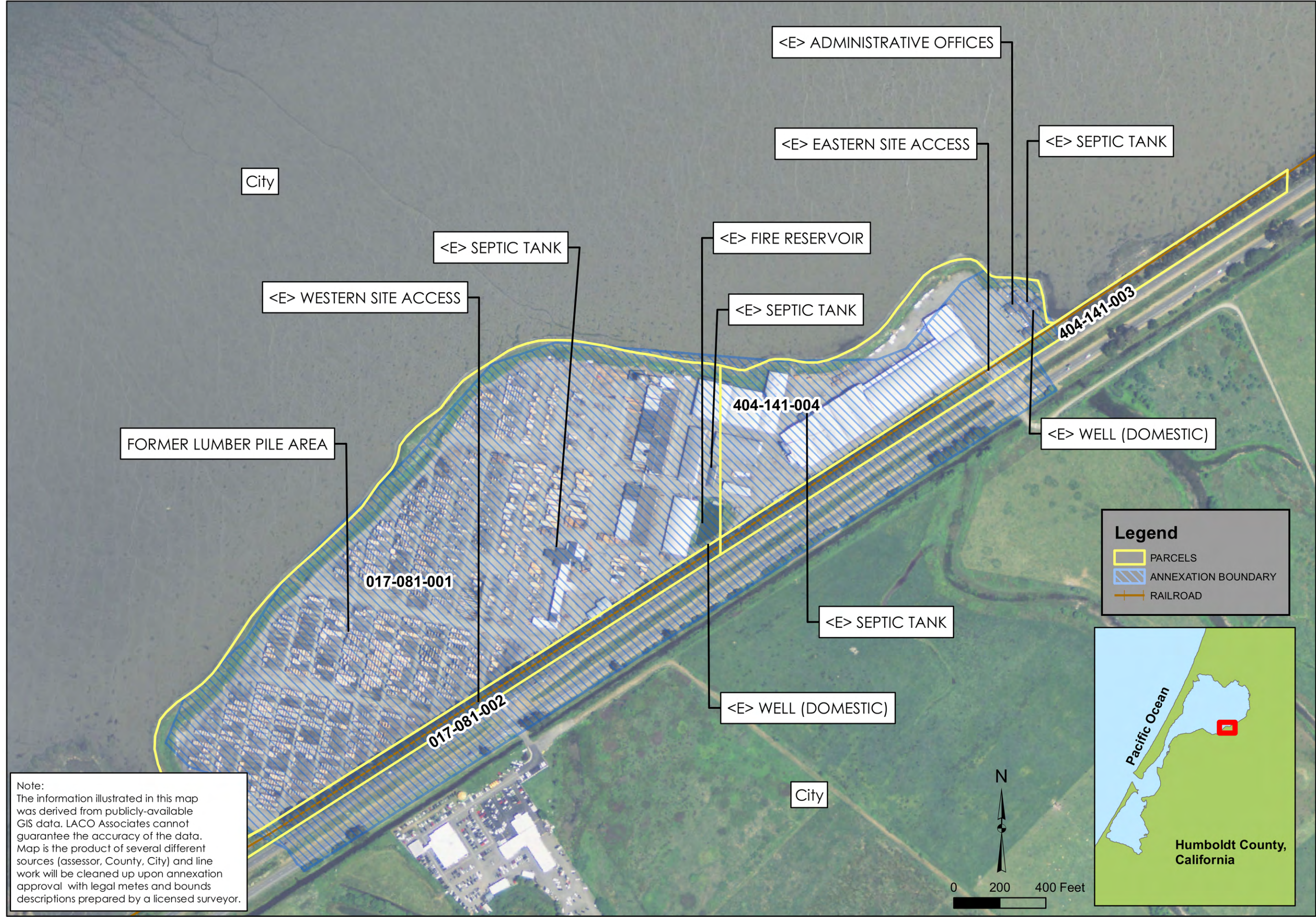
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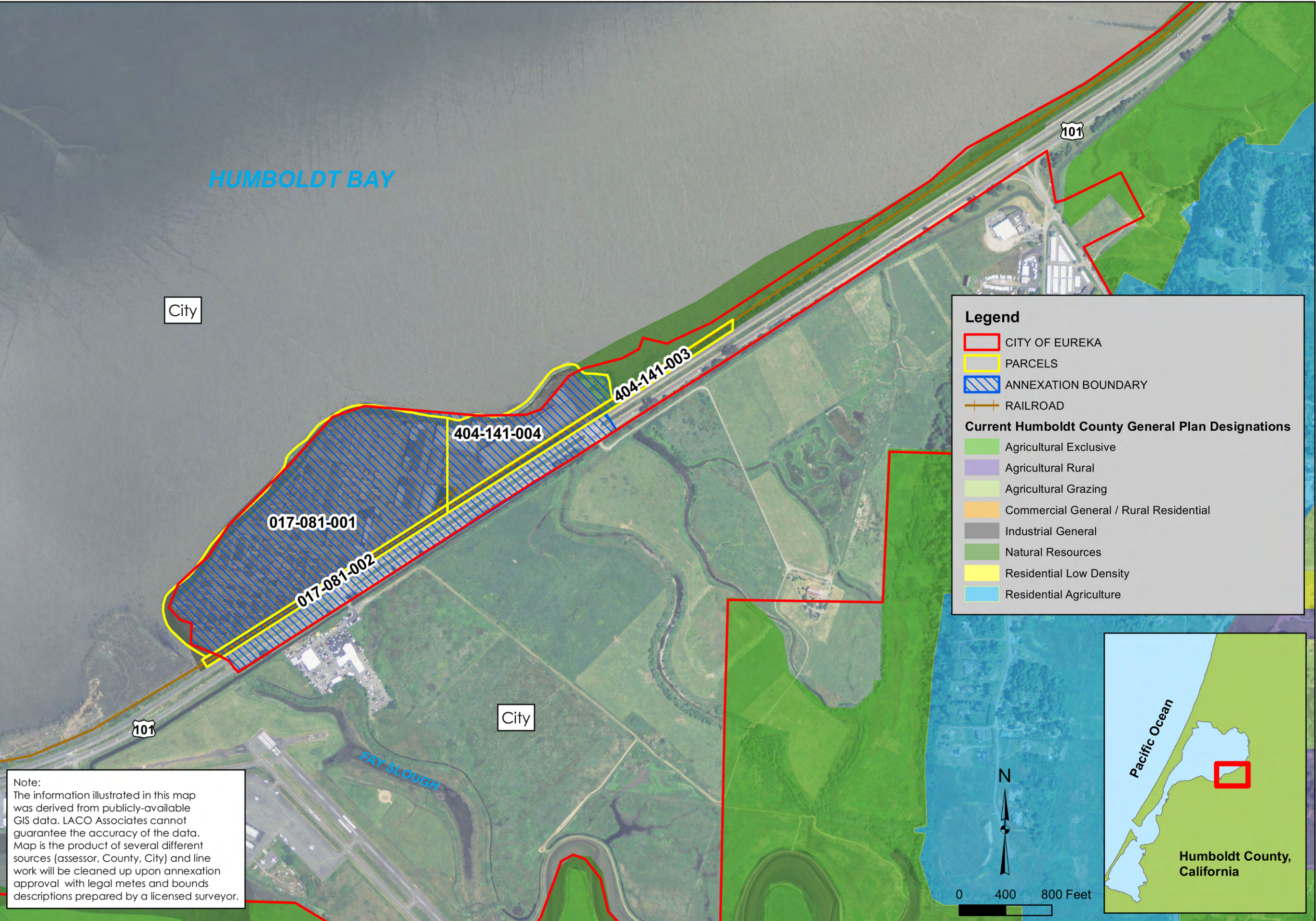
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BRAINARD ENTITLEMENTS PROJECT DESCRIPTION 5151 HIGHWAY 101, EUREKA, CA 95501	SITE PLAN
CALIFORNIA REDWOOD COMPANY 1301 FIFTH AVENUE, SUITE #2700, SEATTLE, WA 98101	

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BRAINARD ENTITLEMENTS INITIAL STUDY

5151 HIGHWAY 101, EUREKA, CA 95501

CURRENT HUMBOLDT COUNTY GENERAL PLAN DESIGNATIONS

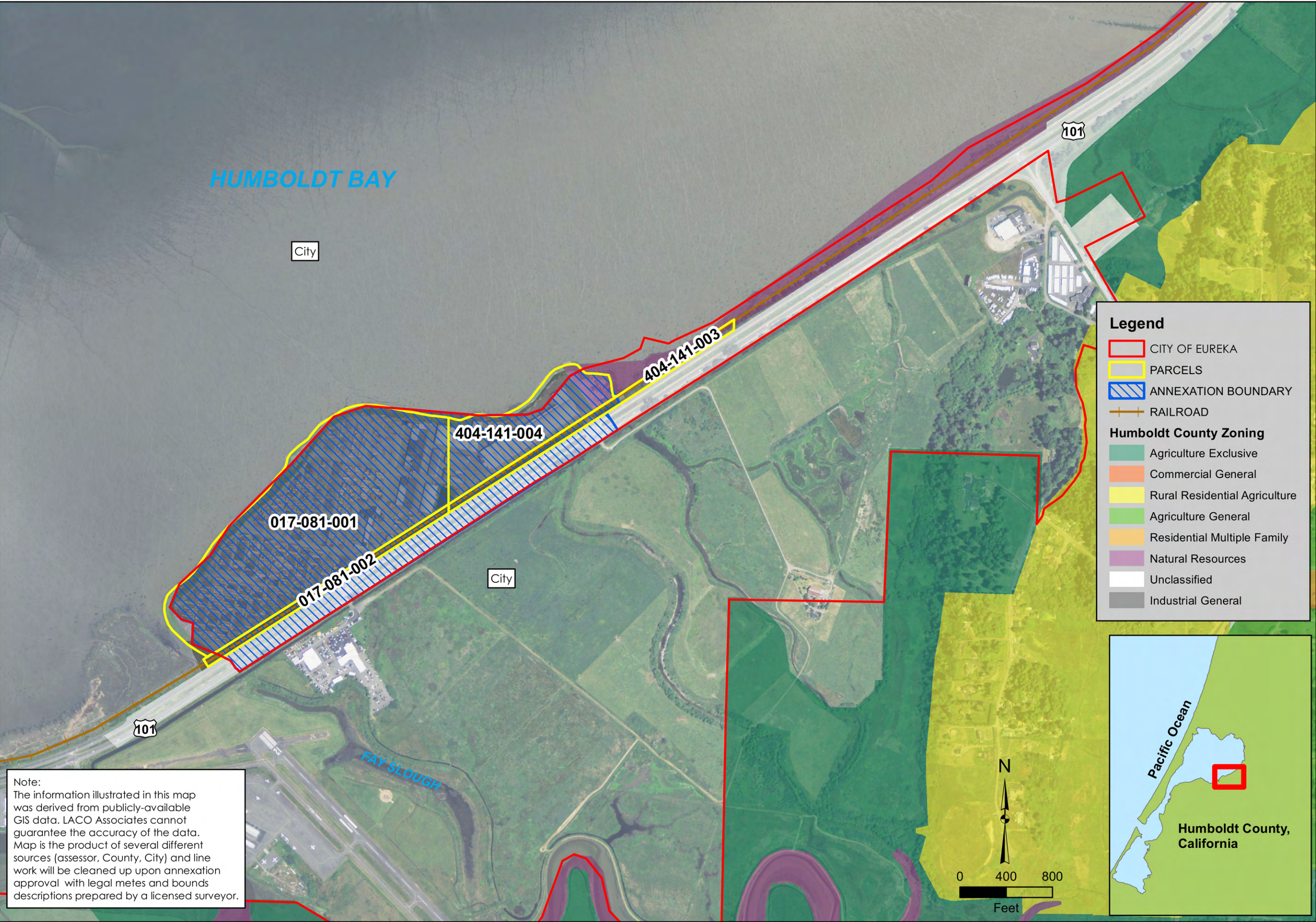
CALIFORNIA REDWOOD COMPANY

1301 FIFTH AVENUE, SUITE #2700, SEATTLE, WA 98101

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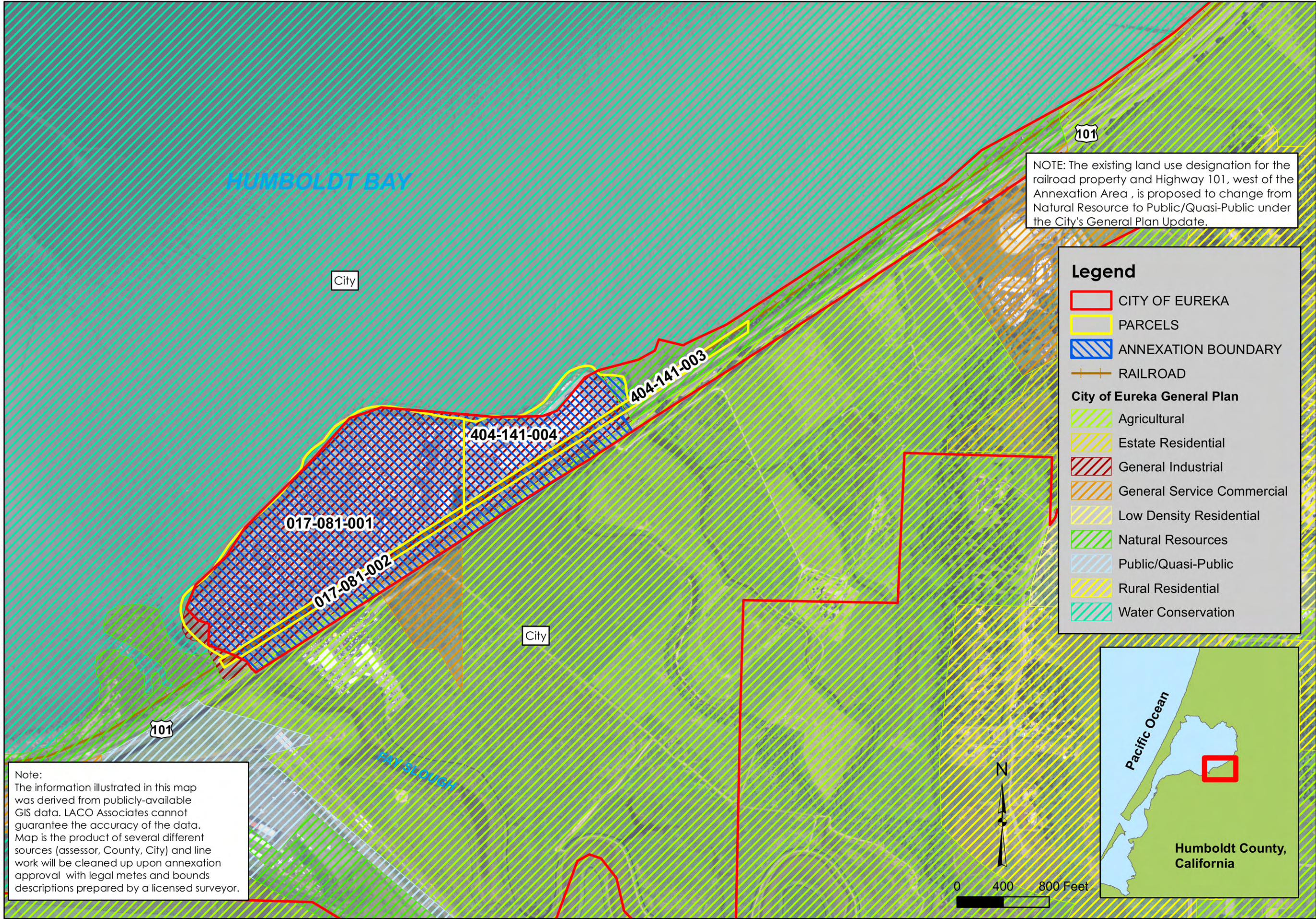


NO.	HISTORY/REVISION	BY	CHK.	DATE

BRAINARD ENTITLEMENTS INITIAL STUDY
5151 HIGHWAY 101, EUREKA, CA 95501
CURRENT HUMBOLDT COUNTY ZONING DESIGNATIONS
CALIFORNIA REDWOOD COMPANY
1301 FIFTH AVENUE, SUITE #2700, SEATTLE, WA 98101

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NO.	HISTORY/REVISION	BY	CHK.	DATE

BRAINARD ENTITLEMENTS INITIAL STUDY

5151 HIGHWAY 101, EUREKA, CA 95501

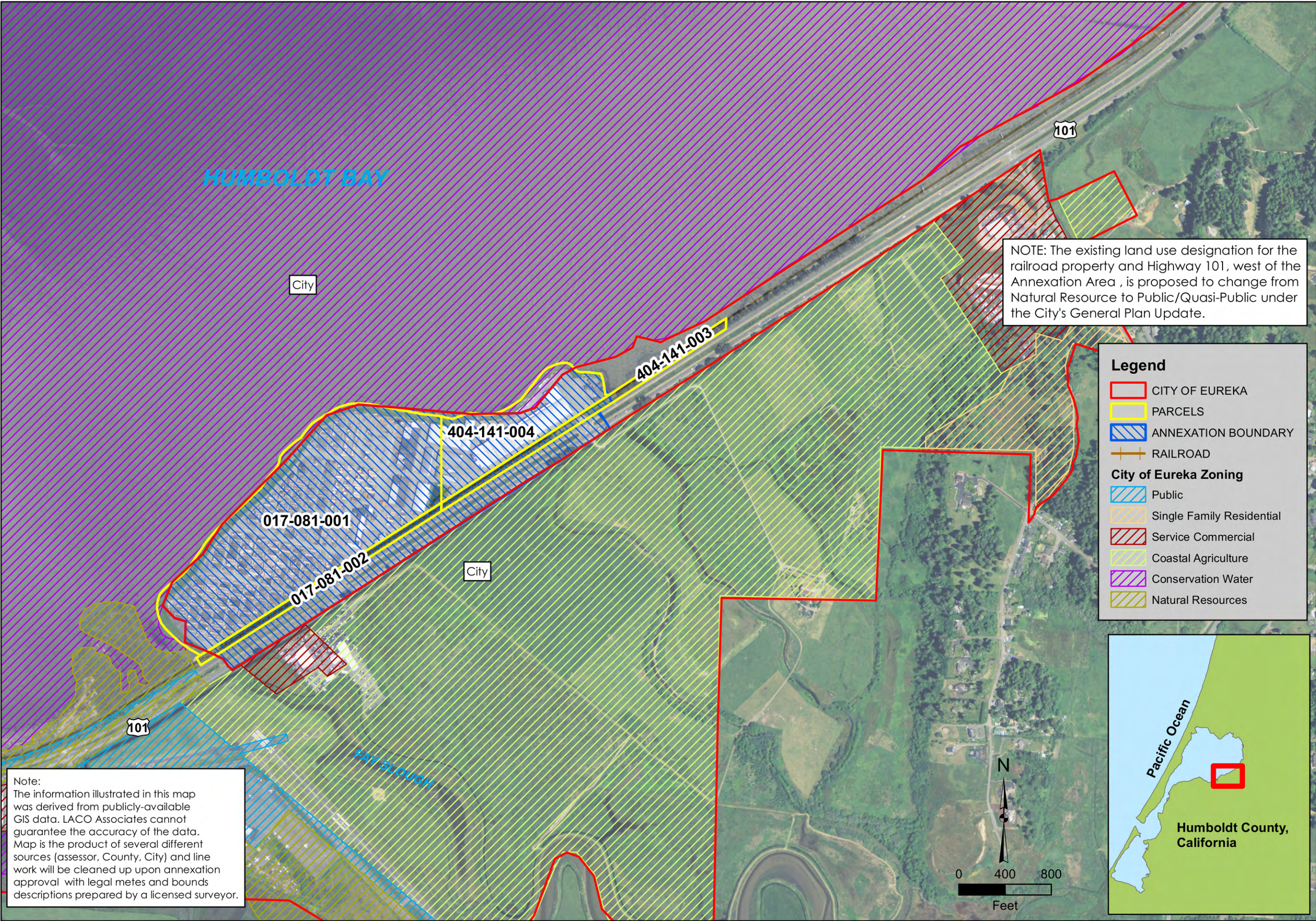
CURRENT CITY OF EUREKA GENERAL PLAN DESIGNATIONS

CALIFORNIA REDWOOD COMPANY

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NOTE: The existing land use designation for the railroad property and Highway 101, west of the Annexation Area , is proposed to change from Natural Resource to Public/Quasi-Public under the City's General Plan Update.

Legend

CITY OF EUREKA

PARCELS

ANNEXATION BOUNDARY

RAILROAD

City of Eureka Zoning

Public

Single Family Residential

Service Commercial

Coastal Agriculture

Conservation Water

Natural Resources

Note:
The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data. Map is the product of several different sources (assessor, County, City) and line work will be cleaned up upon annexation approval with legal metes and bounds descriptions prepared by a licensed surveyor.

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CURRENT CITY OF EUREKA ZONING DESIGNATIONS

CALIFORNIA REDWOOD COMPANY

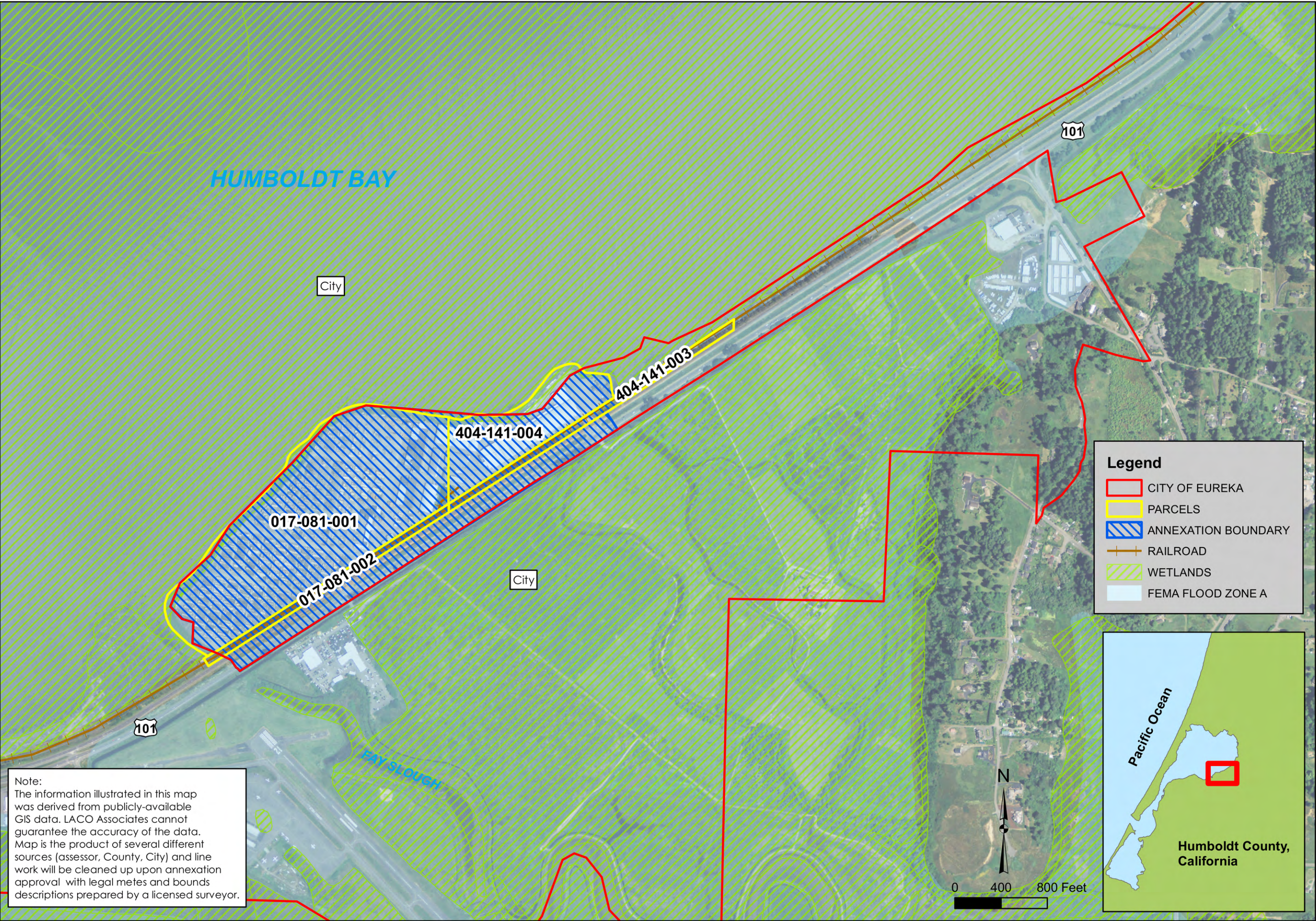
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DATE	11/17/2017
JOB NO.	7291.26
FIGURE	

Page 18

6

Path: P:\7200\7291 Green Diamond Co General\7291.26 Brainard Annexation and General Plan\12 Figures_Maps\GIS\Initial Study\7291.26 CONTRAINTS FIG 7.mxd



LACO

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1-800-515-5054

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NO.	HISTORY/REVISION	BY	CHK.	DATE

BRAINARD ENTITLEMENTS INITIAL STUDY
5151 HIGHWAY 101, EUREKA, CA 95501

CONTRAINTS MAP

CALIFORNIA REDWOOD COMPANY
1301 FIFTH AVENUE, SUITE #2700, SEATTLE, WA 98101

DRAWN	BMW
CHECK	MMM
APPROVED	RSR
DATE	11/17/2017
JOB NO.	7291.26
FIGURE	

Page 19

7

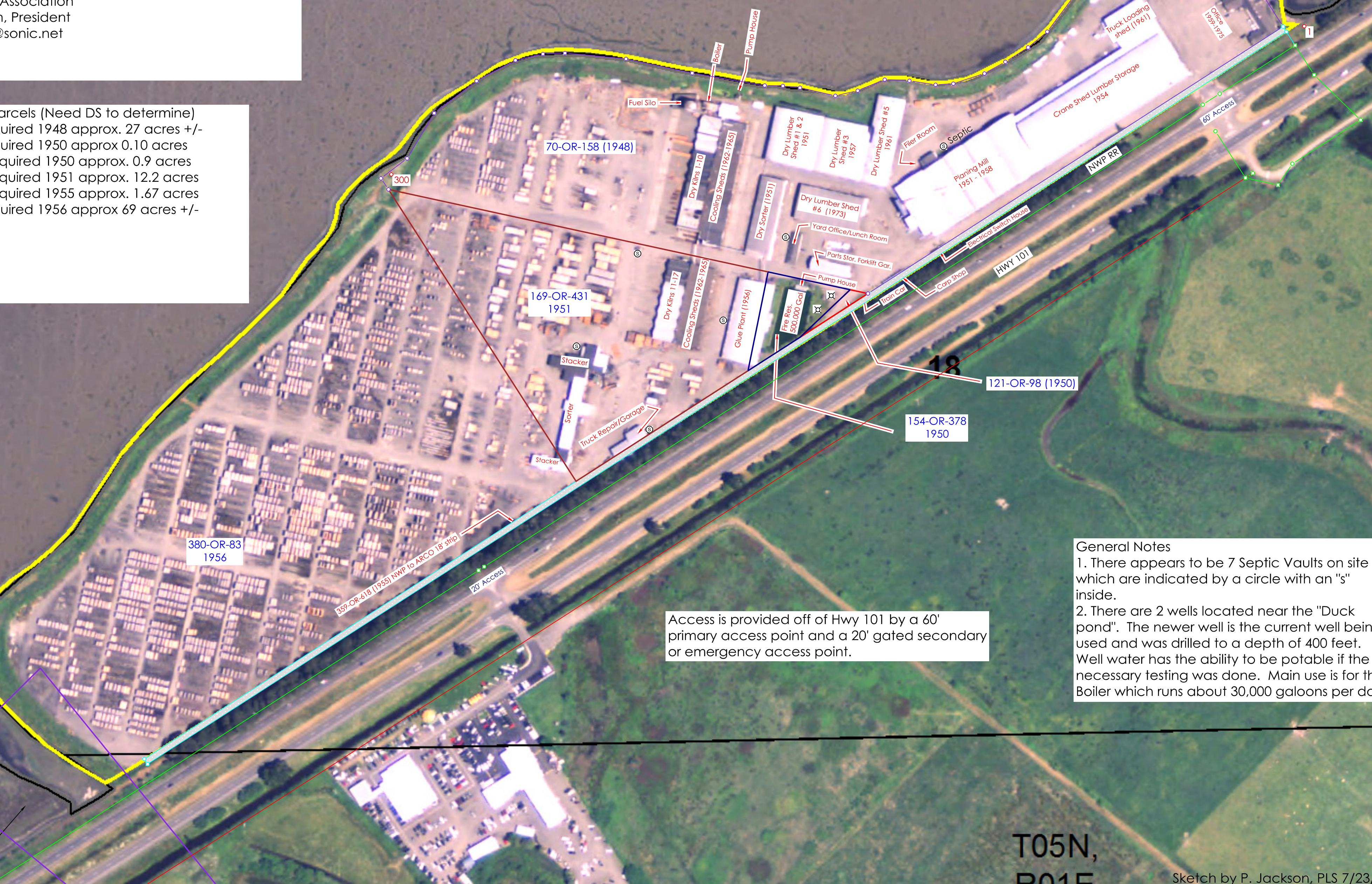
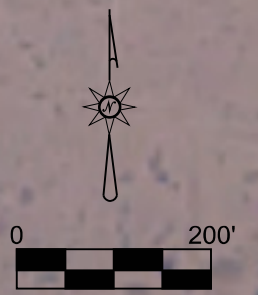
Contacts:
Northcoast Rail Authority:
Heather Lindsteadt ph. # 707-463-3280
Mitch Stogner email: ncra.mstogner@sbcglobal.net
Former Plant Managers:
Neville Price (1963 - 1992): 707-442-5185
Charlie Peterson (1965 - 2008): 707-839-2162
City of Eureka Deputy Engineer:
Gary Boughton: 707-441-4187
email: gboughton@ci.eureka.ca.gov
CALTRANS:
Don Campbell: 707-445-6343
email: don_campbell@dot.ca.gov
Timber Heritage Association
Pete Johnston, President
email: petej@sonic.net

Possible Legal Parcels (Need DS to determine)
70-OR-158 - acquired 1948 approx. 27 acres +/-
121-OR-98 - acquired 1950 approx 0.10 acres
154-OR-378 - acquired 1950 approx. 0.9 acres
169-OR-431 - acquired 1951 approx. 12.2 acres
359-OR-618 - acquired 1955 approx. 1.67 acres
380-OR-83 - acquired 1956 approx 69 acres +/-

Parcel Assessment and Encumbrance Map Brainard Facility

City of Eureka property
per 1927 grant from State
of California

Portion acquired
by boundary correction
from Hoff and McMurray
see 1998-5935-2



Access is provided off of Hwy 101 by a 60' primary access point and a 20' gated secondary or emergency access point.

General Notes
1. There appears to be 7 Septic Vaults on site which are indicated by a circle with an "s" inside.
2. There are 2 wells located near the "Duck pond". The newer well is the current well being used and was drilled to a depth of 400 feet. Well water has the ability to be potable if the necessary testing was done. Main use is for the Boiler which runs about 30,000 gallons per day

Clear Zone
Easement
694-OR-393

T05N,
R01E

Sketch by P. Jackson, PLS 7/23/14

ATTACHMENT B

Agency Comments Summary Table

Caltrans Comment	City of Eureka/ CRC Response
Creation of a Land-locked Parcel - Annexation allows the creation of a land-locked parcel by failing to adopt the State's request for an access easement.	Eureka: "Annexation does not create parcels, and the proposed Brainard Annexation can be approved." CRC: "does not agree that an encroachment permit is necessary nor does CRC recognize the authority by which Caltrans makes the request for an encroachment permit as no improvements to the existing access points are planned as part of the proposed annexation."
Western Site Access Opening is Abandoned - Considers the Western Site Access opening to have been abandoned and Caltrans is not required to provide any additional access beyond the sixty-foot driveway currently providing access to the multi-parcel site.	Eureka: "Access to all parcels on the site, while important, does not have a bearing on the location of the City/County boundary, and the proposed Brainard Annexation can be approved." CRC: "categorically rejects this assertion by Caltrans. CRC's review of the real property records for the Brainard property indicates that the Brainard property is benefitted by reserved access rights across the railroad property and CRC can find no evidence that the State of California acquired the abutter's rights for the access points serving the CRC Brainard property."
Request Condition of an Access Easement - Request that the Humboldt LAFCo condition the annexation proposal contingent upon the provision of an access easement using the existing on-site circulation. If LAFCo is unable to place this condition upon the applicant's proposal, they request that the proposal be denied. If no LAFCo condition is imposed then Caltrans opposes the proposed annexation of State right of way.	Eureka: "Access to parcels will be resolved during parcel boundary reconfiguration, and/ or during the review process for future development on the site, and the proposed Brainard Annexation can be approved. Imposition of a condition that regulates future property development is not allowed; the annexation is not in conflict with the City of Eureka's adopted General Plan, and the City has pre-zoned the parcel. Therefore, the Brainard annexation can be approved." CRC: "Caltrans' request should be rejected."
California Coastal Commission Comment	City of Eureka
Urban Limit Line (ULL) - The proposed annexation area is not within Eureka's established ULL. Any change to the ULL, ULL policy, or extension of services beyond ULL would require a certified LCP amendment.	Future extension of municipal water and sewer will be more thoroughly evaluated when extension of such services is proposed. At that time, it will be evaluated if improvements to the lift station and surrounding infrastructure may be required.

Sea-Level Rise and Wastewater Infrastructure- Potential challenges of finding future reliance on the City's wastewater system consistent with the Coastal Act's hazard policies, given projected sea level rise. Expanding reliance on a highly vulnerable segment of the City's sewer system may not be found to minimize risk consistent with the Coastal Act.	Same as above.
Industrial Redevelopment consistency with Coastal Act- Potential challenges (such as flood hazards and stormwater management) of finding future industrial redevelopment of the site consistent with the Coastal Act	No development is proposed at this time. Any development proposed within the Brainard Annexation Area or other areas located within a flood zone, would be required to analyze potential flood impacts and would be subject to all development regulations specific to areas located within a designated flood zone.
Loss of Natural Resource Zoning	The comment was acknowledged for the record.
Differences between the City and County's general industrial districts and designations	The City of Eureka provides a more comprehensive and specific list of the principally- and conditionally permitted uses permitted within the General Industrial (MG) District than the County of Humboldt; however, while it does appear that both the County and City Industrial General (MG) and the General Industrial (MG) Districts, respectively, would allow for similar uses.
Transportation and Coastal Impacts- Impacts on regional transportation and coastal access, including Highway 101 and impacts of development on the future Humboldt Bay Trail	No development is proposed at this time, as such, traffic impacts need not be analyzed at this time. Final alignment and design of the public access trail proposed along the waterfront side of the Highway has not yet been selected; however, the proposed annexation, if approved, is not anticipated to have any impacts on the future development of the public access trail.
Humboldt County Auditor-Controller Comment	City of Eureka
Property Tax Loss- Loss of \$8,323 to County General Fund and loss of \$3,783 to road funding. Figures may change depending on what TRAs eventually are established.	N/A
Humboldt County Environmental Health Dept.	City of Eureka
If City municipal services provided, well and wastewater system should be destroyed- DEH is in support of the proposed annexation. Any septic tank that remains from onsite waste disposal system and any wells that are no longer used must be properly destroyed under permit.	The proposed action does not include any proposed development. The City understands that if municipal water and sewer services are provided in the future, on-site septic tanks and wells will require destruction under a permit issued by the Public Health Department.
Current code and site conditions may prevent further use of onsite wells and wastewater system- DEH will not support the addition of more	See above.

business to the site without testing to demonstrate conformance with current onsite waste regulations. Site constraints and testing may not meet current code and prevent the approval of expansion.	
County Public Works Comment	City of Eureka Response
<p>Humboldt Bay Trail Condition- “The Department recommends that a commitment to accommodate the Humboldt Bay Trail be a condition of the annexation.”</p> <p>“As a condition of the annexation, the Department recommends that the City of Eureka commit to meeting with the County, along with Caltrans and the Humboldt County Association of Governments, to develop an equitable cost-sharing agreement for maintenance of the future Bay Trail South segment.”</p>	<p>“Humboldt Bay Trail: We will respond separately to this item since, as discussed at our meeting on April 27, 2017, the comments provided are not relevant to the Brainard Annexation project.”</p>
<p>Murray Field Airport Condition- “As a condition of the annexation, the City shall refer all projects subject to the ALUCP and County Code 333-1 to the Department for review and comment.”</p>	<p>“Murray Field Airport: Your letter requested that the City agree to the condition that all future projects will be referred to the Humboldt County Public Works Department for ALUCP compatibility, Avigation or Overflight Easement Requirements, and compliance with County Code Section 333-1 et. seq. in relation to Airport Approach Zone Building Height Limitations. This request is perfectly reasonable. City staff will recommend this condition to City Council during the Annexation hearings.”</p>
<p>Boundary Description Condition- The Dept. would like to see the annexation conditioned that the City have a licensed land surveyor (or a civil engineer who is authorized to practice land surveying) prepare the legal description and accompanying plats for the annexation. Prior to the annexation being approved, the legal description and accompanying plats need to be reviewed and approved by the County Surveyor; as this affects the ability of the County to determine the City/County boundary.</p>	<p>N/A</p>

ATTACHMENT C

Proposed Brainard Site Annexation to the City of Eureka Comments Received by Humboldt LAFCo

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 445-6413
FAX (707) 445-6314
TTY 711



*Making Conservation
a California Way of Life.*

December 1, 2017

1-HUM-101-81.36
Brainard Site Annexation
APN: 017-081-001 &
APN: 401-141-004, et al.

Colette Metz, Administrator
Humboldt Local Agency Formation Commission (LAFCo)
1125 16th Street, Suite 202
Arcata, CA 95521

Dear Ms. Colette Metz,

Thank you for giving Caltrans the opportunity to review and comment on the application from the City of Eureka for the proposed Brainard Site Annexation, which consists of 101 acres on four parcels, including a portion of United States Route 101 (US 101) right-of-way. The application referral states that the purpose of the proposed annexation is to enhance the potential value and marketability of the site with the sale of the property by the California Redwood Company (CRC) and to provide additional industrial-zoned land/economic development within the City of Eureka.

The City of Eureka, in approving the adopted Mitigated Negative Declaration for the annexation proposal, would allow the creation of a land-locked parcel (017-081-001) by failing to adopt the State's request for an access easement across Assessor's Parcel number 404-141-004. The LACO Services Plan and Site Plan map identifies an existing "Western Site Access", which is shown on the Caltrans right-of-way maps to be restricted to twenty feet in width, is unimproved, and does not have an encroachment permit on file. We consider this opening to have been abandoned and are not required to provide any additional access beyond the sixty-foot driveway currently providing access to the multi-parcel site.

Because this land is zoned for industrial uses, any proposal to construct a new driveway onto US 101 would need to be constructed for two-way truck traffic. It would also need to be designed to meet acceleration and deceleration state highway design standards for vehicles transitioning from freeway speed, distance for vehicles to merge and weave safely in congested freeway/expressway conditions, and other pertinent requirements. An environmental document would be needed as part of the encroachment permit application, including an examination of impacts for wetland fill or vegetation removal in the Coastal Zone. To be developed for access to US 101, any applicant requesting an encroachment permit would first need to demonstrate that a driveway is feasible.

During the City's CEQA review, Caltrans requested an access easement be required to perpetuate the use of the existing driveway serving the mill site as the sole point of access. While this request was apparently not honored, the state highway remains the only means of access to the site.

It is the role of Humboldt LAFCo to ensure that well-ordered, efficient urban development patterns are a part of any proposed annexations. Without an access plan for Assessor's Parcel Number 017-081-001, the City may inhibit redevelopment at the site due to the burden of developing an access to freeway/expressway standards to US 101. We request that the Humboldt LAFCo condition the City of Eureka's annexation proposal contingent upon the provision of an access easement using the existing on-site circulation. We request that Humboldt LAFCo deny the City's annexation request if LAFCo is unable to place this condition upon the applicant's proposal. Caltrans would oppose the proposed annexation of State right of way with this proposal.

Please contact me at the number above or contact Jesse Robertson, of my staff, at (707) 441-4693 or at <jesse.robertson@dot.ca.gov>, regarding the above comments.

Sincerely,



Brad Mettam, Deputy District 1 Director
Planning & Local Assistance
Caltrans District 1

cc: John Ford, Humboldt County Planning Director
Michael Richardson, Humboldt County Long-Range Planning
Bob Bronkall, Humboldt County Public Works



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • Fx (707) 441-4202
planning@ci.eureka.ca.gov • www.ci.eureka.ca.gov

January 8, 2018

Supervisor Estelle Fennel, Chair and Commissioners
Humboldt County LAFCo
1125 16th Street, Suite 202
Arcata, CA 95521

Re: Brainard Annexation for City of Eureka, City Project # ANX-16-0001
APN 017-081-001, APN 017-081-002, APN 404-141-003, APN 404-141-004

Dear Supervisor Fennel and LAFCo Commissioners:

In response to the letter sent to the LAFCo Administrator by Caltrans on December 1, 2017, providing comment regarding the City's proposed annexation of the Brainard site, the City offers the following responses:

Caltrans comment:

The City of Eureka, in approving the adopted Mitigated Negative Declaration for the annexation proposal, would allow the creation of a land-locked parcel (017-081-001) by failing to adopt the State's request for an access easement across Assessor's Parcel number 404-141-004.

City response:

Annexation of the Brainard site **does not** create any new, or change any existing, legal parcels. A total of six legal parcels exist at the site and are owned by California Redwood Company (CRC). CRC's land is identified by the Humboldt County Assessor's office for tax purposes by Assessor's Parcel Numbers (APN) 017-081-001 and 404-141-004. Assessor parcel numbers are for tax identification purposes only. APNs do not create, and are not, legal separate, saleable parcels.

The City's application to annex the Brainard site merely moves the City/County boundary line such that Brainard will be located inside the City limits, instead of being surrounded on three sides by the City limits.

Conclusion:

Annexation does not create parcels, and the proposed Brainard Annexation can be approved.

Caltrans comment:

[In reference to the "Western Site Access"]: We consider this opening to have been abandoned and are not required to provide any additional access beyond the sixty-foot driveway currently providing access to the multi-parcel site.

City response:

During the City's portion of the annexation process, Caltrans provided comments both the City's project referral and the CEQA comment period. Interestingly, in those two responses, Caltrans' comments went from noting that Brainard had two access points in April, 2017, to Brainard being restricted to ONE primary point of access in July, 2017, and Caltrans not guaranteeing that the second access would be approved.

In both instances, the City responded to Caltrans that while the issues raised by Caltrans might impact future development, the comments were not relevant to the proposed annexation project. Further, on October 3, 2017, the City Council considered the comments regarding the initial study, and the responses to the comments, and did not add a condition of approval as requested by Caltrans.

Conclusion:

Access to all parcels on the site, while important, does not have a bearing on the location of the City/County boundary, and the proposed Brainard Annexation can be approved.

Caltrans comment:

We request that the Humboldt LAFCo condition the City of Eureka's annexation proposal contingent upon the provision of an access easement using the existing on-site circulation. We request that Humboldt LAFCo deny the City's annexation request if LAFCo is unable to place this condition upon the applicant's proposal.

City response:

California Redwood Company currently owns six legal parcels at the site. Because the land is owned by CRC, under one ownership, CRC already has the right to access any of its own land, regardless of the location of property lines. There is no reason for CRC to grant a right to itself that it already has, and the easement would likely be found invalid by a court of law.

If CRC, or a subsequent owner, decides to subdivide or adjust existing property lines in the future, Eureka Municipal Code § 154.105 DEDICATION OF STREETS, ALLEYS, AND OTHER PUBLIC RIGHTS-OF-WAY OR EASEMENTS, requires the dedication of access rights and abutter's rights, in addition to all other required public easements.

In a scenario where CRC chose not to alter the existing lot lines but sold one or more of the six existing legal parcels without providing access easements, then issues would arise when the new owner attempted development on the property. Because the lots were legally created without frontage on a public street (a requirement in the Eureka Municipal Code) the sites would be considered legal non-conforming as to the City's requirement to have frontage on a public street. However, an applicant for development would be required to show they have legal access to their site, for both ingress, egress, and public utilities. The City does not have

the authority to authorize or allow one property owner to access his property by trespassing on, over, or through another owner's private property.

Conclusion:

Access to parcels will be resolved during parcel boundary reconfiguration, and/or during the review process for future development on the site, and the proposed Brainard Annexation can be approved.

Caltrans comment:

It is the role of Humboldt LAFCo to ensure that well-ordered, efficient urban development patterns are a part of any proposed annexation.

City response:

While the City agrees with this statement, as the Commission knows, pursuant to, when an annexation is initiated by resolution of a city, the Commission must approve the annexation of contiguous territory when the Commission finds at least one of the conditions included in California Government Code §56375 (a)(4) exist. For the proposed Brainard Annexation, the City believes the Commission can find that the Brainard site is:

(A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city. [...]

Brainard is bounded on 3 sides (north, south, and west) by the Eureka city limits.

Government Code §35675 (a) goes on to prescribe:

[...](6) A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.

(7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. [...]

Imposing a condition on the Brainard Annexation to provide an access easement directly regulates the future development of the property. There are mechanisms in place that will assure access to all parcels is provided prior to future development on the site.

Although future development plans are unknown at this time, the City's current General Plan applies a Land Use Designation to the site of GI - General Industrial, and the City has pre-zoned the property as MG – General Industrial.

Conclusion:

Imposition of a condition that regulates future property development is not allowed; the annexation is not in conflict with the City of Eureka's adopted General Plan, and the City has pre-zoned the parcel. Therefore, the Brainard annexation can be approved.

Sincerely,



Rob Holmlund, AICP
Director of Development Services



THE
**CALIFORNIA
REDWOOD
COMPANY.**

January 8, 2018

Colette Metz, Administrator
Humboldt Local Agency Formation Commission (LAFCo)
1125 16th Street, Suite 202
Arcata, CA 95521

RE: Proposed Brainard Annexation (APN 017-081-001 & APN 401-141-004)

This letter provides the response of California Redwood Company (CRC) to a comment letter, dated December 1, 2017, submitted by Caltrans for the above-referenced annexation as proposed by the City of Eureka. A copy of the Caltrans comment letter is attached for reference.

In its December 1, 2017 comment letter, Caltrans urges LAFCo to condition or deny the proposed annexation based on the assertion that the City of Eureka, in approving the adopted Mitigated Negative Declaration for the annexation proposal, would allow the creation of a landlocked parcel (APN 017-081-001) by failing to adopt the State's request for an access easement across APN 404-141-004. Caltrans' request should be rejected.

First, LAFCo has no authority to condition the City of Eureka's annexation proposal. Second, Caltrans' demand for an access easement is based on the misconception that portions of the CRC Brainard property are landlocked. The CRC Brainard property is not landlocked. Caltrans fails to recognize that assessor parcels, commonly referred to as parcels, are primarily intended to serve as the basis for the assessment of property values and the collection of property taxes. There are in fact six (6) recognized legal parcels which comprise the CRC Brainard property, which do not necessarily coincide with the assessor parcels. Any consideration of real property interest, including access, should be based upon legal parcels not assessor parcels. Furthermore, CRC is currently the owner of all legal interest in the Brainard property. As such, it is not necessary or effective for CRC to grant an easement to benefit and burden property that it owns and controls. Should CRC seek to redevelop or rezone the Brainard property in the future, all of the potential access contingencies can be addressed at that time based on the actual legal parcel configuration and access needs for any proposed development and use.

The Caltrans December 1, 2017 comment letter also asserts that the secondary access point serving the Brainard property is considered to be abandoned. CRC categorically rejects this assertion by Caltrans. CRC's review of the real property records for the Brainard property indicates that the Brainard property is benefitted by reserved access rights across the railroad property and CRC can find no evidence that the State of California acquired the abutter's rights for the access points serving the CRC Brainard property. Despite CRC's requests, Caltrans has provided no records supporting their assertion that the abutters' rights for the access points were

condemned or abandoned. Moreover, Caltrans recognizes that the CRC Brainard property is in fact served by two existing access points in two previous Caltrans comment letters submitted to the City of Eureka regarding the proposed annexation, dated April 7, 2017 and July 11, 2017. Copies of the prior Caltrans comment letters dated April 7, 2017 and July 11, 2017 are attached for your reference. CRC recognizes that a Caltrans encroachment permit will be required for any future improvement of either access point, subject to CEQA review, however the current annexation as proposed by the City of Eureka does not include any change in use, ownership or physical improvements.

As a final matter, the Caltrans December 1, 2017 comment letter states that the secondary access point serving the CRC Brainard property does not have an encroachment permit on file. CRC purchased the property with the current access points and any improvements were completed by previous owners. CRC does not agree that an encroachment permit is necessary nor does CRC recognize the authority by which Caltrans makes the request for an encroachment permit as no improvements to the existing access points are planned as part of the proposed annexation. Any transportation improvements are contingent on future permitting and analysis that is more appropriate in the context of a future discretionary land use and zoning proposal.

CRC urges LAFCo to approve the City's proposal for annexation with the understanding that future discretionary regulatory decisions under California law are more than adequate to address the concerns raised by Caltrans in the context of more specific proposals and facts to be applied to access issues that are not appropriate for review in the annexation process.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Neal Ewald', is positioned above the printed name.

Neal Ewald
Senior Vice President and General Manager

CC:

Craig Compton

Attachments:

Caltrans Comment Letter, December 1, 2017
Caltrans Comment Letter, April 7, 2017
Caltrans Comment Letter, July 11, 2017



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DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

PHONE (707) 441-4693

FAX (707) 445-6314

TTY 711

www.dot.ca.gov

July 11, 2017

1-HUM-101-81.83 & 81.36

SCH# 2017062022

APN: 017-081-01 & -02

Ms. Kristen Goetz
Senior Planner
City of Eureka
531 K Street
Eureka, CA 95501

Dear Ms. Goetz:

Thank you for the opportunity to review and comment on the Negative Declaration for the Brainard Annexation, which would extend water and sewer service to the annexed area and transfer two parcels owned by the California Redwood Company from County of Humboldt to City of Eureka jurisdiction. In addition to the private parcels, two parcels owned by the North Coast Railroad Authority (NCRA) as well as a portion of the U.S. Route 101 right of way would be annexed by the City. The parcels are located between Humboldt Bay and the NCRA Railroad right of way, with access to the parcel provided by an expressway portion of U.S. 101.

We are concerned with both the potential for increasing the intensity of uses at the site and the need to accommodate increasing traffic volumes on U.S. 101 between Eureka and Arcata. Development of the site would place the burden of providing local transportation exclusively upon the State and may be inconsistent with state goals and policies.

Caltrans submitted a comment letter on April 7, 2017 in response to the initial referral for the proposed annexation (enclosed), which identified a number of conditions that would apply to any change in zoning or for new (proposed) uses with different travel characteristics. We recommend that the City keep the identified transportation constraints in mind when facilitating redevelopment at the site. Please refer to the Institute for Transportation Engineers (ITE)'s Trip Generation Manual as a standard for attributing trip generation rates according to land use.

The Negative Declaration does not address a comment made in our previous letter from April 7, 2017: "Caltrans strongly recommends deeding an easement through property APN 017-081-02 for access to APN 017-081-01 at the time of the annexation approval." As mentioned in our previous letter, the California Redwood Company parcels are restricted to one primary point of access with the secondary access being too narrow for two-way traffic. We do not guarantee that a second access will be approved. Failure to dedicate an access easement may impact the potential for development on Assessor's Parcel number 017-081-01.

Ms. Kristen Goetz
7/10/17
Page 2

The existing access does not have acceleration and deceleration lanes for traffic to merge on or off of U.S. 101. The Caltrans project to add or improve acceleration and deceleration lanes on U.S. 101 within the Eureka-Arcata corridor is not fully funded and may not result in improvements at the subject parcel's access. As the lead agency with local land use authority, the City will need to ensure that any redevelopment at the site includes the appropriate improvements for driveway connections to an expressway facility.

Please contact me with questions or for further assistance at <jesse.robertson@dot.ca.gov>.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jesse Robertson', with a long horizontal flourish extending to the right.

JESSE ROBERTSON
Transportation Planning
District 1 Caltrans

Enclosed: Letter to Kristen Goetz, City of Eureka, dated April 7, 2017

c: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

PHONE (707) 441-4693

FAX (707) 445-6314

TTY 711

www.dot.ca.gov

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April 7, 2017

1-HUM-101-81.83 & 81.36

ANX-16-0001

APN: 017-081-01 & -02

Ms. Kristen Goetz
Senior Planner
City of Eureka
531 K Street
Eureka, CA 95501

Dear Ms. Goetz:

Thank you for the opportunity to review and comment on the proposed Brainard Annexation, which would extend water and sewer service to the annexed area and transfer two parcels owned by the California Redwood Company from County of Humboldt to City jurisdiction. In addition to the private parcels, two parcels owned by the North Coast Railroad Authority (NCRA) as well as a portion of the U.S. Route 101 right of way would be annexed by the City. The parcels are located between Humboldt Bay and the NCRA Railroad right of way, with access to the parcel provided by an expressway portion of US Route 101. We have the following comments:

Transportation Impact Analysis

We request to review the Traffic Impact Study (TIS) for the project. Given that Caltrans current guidelines are in the process of being updated, a transportation impact study scoping meeting with District staff could be used to discuss the most appropriate methodology for this analysis. At a minimum, the analysis should provide the following:

1. Vicinity maps, regional location map, and a site plan clearly showing project access in relation to nearby roadways and key destinations. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, the State Highway System and local roads, intersections and interchanges, pedestrian and bicycle routes, car/bike parking, and transit routes and facilities should be mapped.
2. Project-related VMT should be calculated factoring in per capita use of transit, rideshare or active transportation modes and VMT reduction factors. The assumptions and methodologies used to develop this information should be detailed in the study, should utilize the latest place based research, and should be supported with appropriate documentation.
3. Schematic illustrations of walking, biking and auto traffic conditions at the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for AM and PM peak periods. Operational concerns for all

road users that may increase the potential for future collisions should be identified and fully mitigated in a manner that does not further raise VMT.

Caltrans supports reducing the amount of Greenhouse Gas emissions and VMT consistent with our Strategic Management Plan 2015-2020 and recent legislation, including AB 32 (2006), SB 375 (2008), SB 226 (2011), SB 743 (2013), and other laws.

Access Control

Caltrans purchased the abutter's rights for the subject parcels to access Route 101 in 1953 from the Arcata Redwood Company (ARC), limiting access to the site to two designated locations. A sixty-foot wide opening in the access control limits was established to allow access to the property, approximately located at post mile 81.83.

A second access point remains gated and is limited to a twenty-foot wide opening at post mile 81.36 (approximate), for Assessor's Parcel number 017-081-001. The twenty-foot access is not wide enough to permit two-way traffic and is not suitable to be developed into a serviceable point of access. Widening the access opening is not recommended. To buy back the abutter's rights the applicant will need to receive District approval and be authorized by the California Transportation Commission. The State value enhancement process is described in detail in Chapter 27 of the Caltrans Project Development Procedures Manual (PDPM), available online at: <http://www.dot.ca.gov/hq/oppd/pdpm/chap_pdf/chapt27.pdf>. The State will also require roadway improvements, which would need to be constructed to State standards for the appropriate acceleration, deceleration, and merge length requirements. The roadway improvements themselves would require considerable environmental mitigation. Caltrans recommends deeding an easement through property APN 017-081-02 for access to APN 017-081-01.

Eureka-Arcata Corridor Improvements

Caltrans is currently developing improvements to Route 101 between the cities of Eureka and Arcata, which would involve the removal of all median crossing locations between Jacob's Avenue to the south of the proposed project and Indianola Cutoff to the north. Access from northbound Route 101 would be eliminated and access to the site would come from the southbound lanes only. Vehicles originating in Eureka would need to travel to Indianola Cutoff to access southbound lanes.

The existing access does not have acceleration and deceleration lanes for traffic to merge on or off of Route 101. Access improvements will be needed to support future industrial uses proposed for the site. Caltrans is currently developing a project that would improve acceleration and deceleration lanes on Route 101 between Eureka and Arcata. While the scope of work currently includes improvements to the acceleration and deceleration lanes at CRC, Caltrans cannot guarantee the improvements will be constructed as the scope of work is subject to change. The

City will need to ensure that any redevelopment at the site is accompanied by appropriate improvements for driveway connections to high-speed facilities.

Utility Extensions

The project proposes to extend water and waste water infrastructure to the annexed properties. Given the connection points and alignment of the water and sewer lines are unknown, Caltrans policy only supports transverse utility encroachments under the 101 freeway/expressway. Transverse utility encroachments must be fully encased from right-of-way line to right-of-way line. Bore pits for installation must be located outside of the controlled access lines, and the utility must have a minimum of forty-two (42) inches of cover. Please refer to section 13.01.02.04, "Encroachments within Freeways and Expressways," of the Right of Way Manual (RWM), section 606.4, "Longitudinal Encroachments," of the Encroachment Permit Manual (EPM), and Chapter 17, "Encroachments and Utilities," of the Project Development Procedures Manual (PDPM).

Please be aware that applications for longitudinal encroachments within State right of way are inconsistent with State policy and are approved on an exception basis. This is a lengthy process handled in Sacramento and approval cannot be guaranteed. Please see Chapter 300 of the EPM and Chapter 17, Section 3, "Exception Requests," of the PDPM.

For your reference, the Caltrans RWM, EPM, and PDPM are available online at:

<http://www.dot.ca.gov/hq/row/rowman/manual/ch13.pdf>

<http://www.dot.ca.gov/trafficops/ep/manual.html>

http://www.dot.ca.gov/hq/oppd/pdpm/chap_pdf/chapt17.pdf

Existing Encroachments

Encroachment Permits are not a property right and do not transfer with Real Property. It is the current property owner's responsibility to obtain an encroachment permit, which identifies them as the owner of existing encroachments. The existing road approaches located at PM 81.36 and PM 81.83 are encroachments as defined in the California Streets and Highways Code, Section 660. As a condition of approval, the Department of Transportation requests that the current owner of the above mentioned properties provide to the City of Eureka a copy of their approved encroachment permit issued by the State.

Airport Land Use Compatibility

For projects proposed within the Airport Influence Area, (normally two nautical miles of a public use airport), a review process is required by the State Aeronautics Act pursuant to the Public Utilities Code (PUC), which includes a review by the Airport Land Use Commission (ALUC) at a public hearing. The ALUC will need to determine if the project is consistent or inconsistent with the current approved Airport Land Use Plan for Murry Field.

Ms. Kristen Goetz
4/7/17
Page 4

The purpose of an ALUC is to conduct airport land use compatibility planning. ALUCs protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The statutes governing ALUCs are set forth in Division 9, Part 1, Chapter 4, Article 3.5, Sections 21670 – 21679.5 of the PUC.

Please contact me with questions or for further assistance at <jesse.robertson@dot.ca.gov>.

Sincerely,



JESSE ROBERTSON
Transportation Planning
District 1 Caltrans

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
PH (707) 826-8950 FAX (707) 826-8960
WWW.COASTAL.CA.GOV



December 7, 2017

Colette Metz, LAFCo Administrator
Humboldt Local Agency Formation Commission
1125 16th Street, Suite 202
Arcata, CA 95521

RE: Application for City of Eureka Brainard Site Annexation

Dear Ms. Metz:


Thank you for the opportunity to comment on the application for the proposed Brainard Site Annexation to the City of Eureka. The Brainard site is located on filled former tidelands that are within the California Coastal Commission's retained coastal development permit (CDP) jurisdiction. The Commission retains CDP jurisdiction over tidelands, submerged lands, and land and water subject to the public trust. In reviewing CDP applications for proposed development, the Commission's standard of review is whether or not the development is consistent with the Chapter 3 policies of the Coastal Act.

The LAFCo notice indicates that the City of Eureka is pursuing a Local Coastal Program (LCP) Amendment and that the Eureka City Council approved a Pre-Zoning Ordinance amending the Implementation Plan Map of the LCP to pre-zone all the properties in the Brainard annexation area as General Industrial (MG). However, the City is not pursuing an LCP amendment as part of the Brainard annexation and any changes the City has made to the Implementation Plan Map of the LCP have not been certified by the Commission as part of the City's certified LCP. Because the Brainard site is within the Commission's retained jurisdiction, the proposed land use and zoning designations for the site will not be certified by the Commission as part of the City's LCP. While the Commission may in the future certify an amendment to the Implementation Plan Map that displays the Brainard zoning for informational purposes, the zoning will not become part of the certified LCP and will not be part of the standard of review for coastal development permitting at the site.

In consideration of the Commission's coastal development permitting role at the site, Commission staff has provided written comments to the City of Eureka on the Initial Study for the Brainard annexation. These comments dated July 11, 2017 have been attached to this letter for your information. Among other comments, the letter discusses potential challenges of finding future industrial redevelopment of the site and future reliance on the City's wastewater system consistent with the Coastal Act's hazard policies given projected sea level rise.

Thank you again for the opportunity to provide comments. Please call if you have any questions regarding this letter.

Sincerely,


CRISTIN KENYON
Supervising Analyst

Encl: Letter to the City of Eureka regarding the Initial Study for the Brainard annexation

CALIFORNIA COASTAL COMMISSION

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



July 11, 2017

Kristen Goetz, Senior Planner
City of Eureka – Development Services Department
531 K Street
Eureka, CA 95501

RE: Brainard Annexation Initial Study

Dear Ms. Goetz:

Our North Coast District Office received a copy of the City of Eureka's CEQA Initial Study for the Brainard Annexation from the State Clearinghouse on June 14, 2017. The City of Eureka proposes to annex "the Brainard site" from the County of Humboldt, including the 74.7 acre former lumber mill property ("Brainard") and the adjacent railroad properties and Highway 101 right of way. Brainard is located north of Highway 101 and is surrounded on three sides by Humboldt Bay. This peninsula was created through fill of tidelands and is protected by a rock-covered levee. The site was used as an industrial lumber mill beginning in the early 1950s, and that longstanding use has recently been retired. Approximately a third of the property is covered with existing structures while the remainder is largely paved (the entire site is 90% impervious). As filled tidelands, any development at Brainard requires coastal development permit authorization from the Coastal Commission. Many of the following comments are provided by Commission staff in consideration of our coastal development permitting role at the site. A few comments involve requests for project clarification from the City.

1. Changes in allowable uses

Loss of Natural Resource Zoning

The CEQA Initial Study prepared for the project states that under the County LCP, APN 404-141-004 has a split zoning designation of (1) Industrial General with a combining zone of Flood Hazard Areas; and (2) Natural Resources with Coastal Wetlands and Design Review combining zones. However, the map of Humboldt County zoning included in the Initial Study (Figure 4) does not clearly show which portion of the parcel is zoned Natural Resources. The City is proposing to apply its own Industrial General land use plan and zoning designations to the entirety of the site, allowing for a greater potential intensity of use. Given the proposed increase in the intensity of use, it is important to understand which portion of the site is currently zoned Natural Resources and whether any natural resources requiring protection exist in the area. Therefore, please provide a map that clearly shows which portion of APN 404-141-004 is currently zoned Natural Resources.

Differences between the City and County's general industrial districts and designations

Although the City is proposing to zone and designate the site as general industrial land similar to its current County zoning and land use designations, the City and County's allowable uses and development constraints are not identical. The Initial Study should explore the differences between the relevant County and City zoning and land use designations, particularly any differences in the allowable density and intensity of use of the site.

2. Flood hazards

The City's proposal to designate the site for continued and more intensive industrial use raises Coastal Act consistency concerns, particularly given the site's risks of flooding hazards with sea level rise. Section 30253 of the Coastal Act requires in part that new development minimizes risk to life and property in areas of high geologic and flood hazards, assures structural integrity and stability, and neither creates nor contributes significantly to erosion. The Brainard site is filled former tidelands surrounded on three sides by Humboldt Bay and protected by a rock-covered levee, and as such is subject to significant flood hazards.

The current mean monthly maximum water (MMMW) elevation on Humboldt Bay is 7.74 feet (NAVD 88 as measured at NOAA's North Spit Tide Gage), and the average annual king tide elevation is 8.78 feet (NAVD 88). During extreme tidal events, storm surge, and periods of heavy stormwater runoff, water can reach up to two feet above tidal baseline elevations, with water levels during recent extreme tides in December 2016 and January 2017 reaching over 9 feet (NAVD 88) at the North Spit tide gage (9.5 feet on December 14, 2016 and 9.4 feet on January 11, 2017).

The levee at the Brainard site has breached before, including during the New Year's Storm of 2005/2006 when the water elevation was at 9.55 feet (NAVD). Extreme high winds occurred during a king tide causing severe storm surge that overtopped and badly eroded the perimeter levee. As a result, in 2006, the Commission permitted repair of approximately 1,700 feet of eroded levee at the site (CDP 1-06-035).¹

As sea levels rise, overtopping erosional events will occur with more frequency at this site. Water levels on Humboldt Bay are predicted to rise up to 1.9 feet by 2050 and 5.3 feet by 2100.² The Initial Study prepared by the City of Eureka does not provide information on the elevation of the site or its perimeter levee. However, inundation mapping prepared by Northern Hydrology and Engineering (NHE) indicates that if the perimeter levee were breached, much of the Brainard site would be inundated by the current MMMW level of 7.74 feet. The NHE inundation mapping shows portions of the perimeter levee being overtopped by current 100-year events, by mean

¹ The work was considered repair and maintenance because the work did not expand or enlarge the existing levee and represented less than 50% cumulative replacement of the levee.

² Northern Hydrology & Engineering. (2015, April). Humboldt Bay: Sea level rise, hydrodynamic modeling, and inundation vulnerability mapping – Final report. Prepared for the State Coastal Conservancy and Coastal Ecosystems Institute of Northern California.

annual maximum water (MAMW) levels (i.e. king tides) with 0.5 meters (1.6 feet) of sea level rise, and by MMMW levels with 1 meter (3.3 feet) of sea level rise.

In its Humboldt Bay Shoreline Inventory, Mapping and Sea Level Rise Vulnerability Assessment, Trinity Associates assigned the majority of the site's levee a low vulnerability rank to erosion/overtopping as compared to other segments of the Humboldt Bay shoreline based on its structure/cover type (a dike fortified with rock) and relative elevation. However, as previously mentioned, the levee was overtopped and compromised earlier this decade, and while the majority of the levee ranges from 12.2-14.43 feet in elevation, there are segments that are lower (9.5-11.5) and more vulnerable (Trinity Associates, June 2013). It only takes failure of one segment of the levee for the site to become flooded.

Regardless of whether the levee is overtopped or fortified, the risk of backwater flooding on the subject property will increase with sea level rise. Higher tides can impair the drainage of stormwater runoff to the bay, causing storm drains to back up and drainage ditches to overflow, thereby increasing flooding inland of the shoreline. In addition, near the coast, groundwater responds to tidal forcing and as a result, with sea level rise, groundwater will also rise. Even where the water table does not rise above the ground surface, groundwater at shallower depths could impact the maintenance of existing infrastructure and compromise the stability and integrity of structural foundations.

Although the property owner under certain circumstances may have the right to repair and maintain the site's levee in a manner that does not result in an addition to, or enlargement or expansion of, the levee (after obtaining a coastal development permit), any addition to the height or bulk of the levee to address rising sea levels would not be considered repair and maintenance and would need to be fully consistent with the policies of the Coastal Act.

Coastal Act §30235 states in part that revetments and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Redevelopment of the project site, including the construction of new structures or the replacement of 50% or more of any existing structures³ would constitute new development not covered by this armoring provision. Thus fortification of the levee to protect new development at the Brainard site may not be required to be approved under §30235. In addition, given Coastal Act §30253 requirements that new development assure stability and structural integrity without the construction of new protective devices, the Coastal Commission may not be able to permit such development consistent with the Coastal Act.

In permitting future development at the site, the risks of tidal inundation, backwater flooding, and rising groundwater (given potential sea level rise over the life of the development) will all need to be evaluated. Pursuant to Coastal Act §30253, the Commission treats new development

³ Unless destroyed by a natural disaster, the replacement of 50% or more of a structure does not constitute repair and maintenance pursuant to §13252(b) of the California Code of Regulations.

as needing to be safe from flooding without reliance on existing armoring. The requirements of Section 30253 to minimize risk of flood hazards may require extraordinary design considerations such as limiting the scale of the development and requiring elevation of new structures above anticipated flood elevations to protect from sea level rise over the life of the project. Any CDP application submitted for redevelopment of the site will need to provide extensive analysis of flood hazard risks and project alternatives to minimize such risks.

Public infrastructure investment in a vulnerable area

Based on the project referral, it is our understanding that the property owner wants to annex the site into the City of Eureka in part to allow for the future extension of municipal water and sewer to the site (the property currently relies on domestic wells and septic). New water and sewer extensions at the Brainard site will need to receive coastal development permit authorization either through consideration of water and septic capacity for a proposed new development or separately as an independent project if extensions are proposed to occur prior to redevelopment.

The CEQA Initial Study prepared for the annexation anticipates the future connection to municipal water and sewer, including a connection to the sewer lift station at the intersection of Jacobs Avenue and Cole Avenue. The Jacobs Avenue lift station is at 6.6 feet elevation, below the bay's current MMMW level, protected from tidal inundation by dikes along Eureka and Fay Sloughs, and the NW Pacific Railroad grade. According to the City of Eureka's recent sea level rise vulnerability analysis,⁴ the sewer collection pipe network at Jacobs Avenue is likely already below the water table and significant infiltration/inflow (I/I) is already occurring in this area on a periodic basis (based on the observed flows at the Hill Street pump station; the station has been observed to pump more than 11 MGD during storm events, more than the peak dry weather design capacity of the City's Wastewater Treatment Plant). Stormwater drainage from this low-lying area is also prolonged during high tides so that protection of the lift station and surrounding infrastructure is not likely feasible through the fortification of surrounding dikes alone.

If the site is connected to City water and sewer, the risks of flooding will extend beyond the site boundaries to include risks to the development's water and sewer connections. Expanding reliance on a highly vulnerable segment of the City's sewer system may not be found to minimize risk consistent with the Coastal Act.

3. Impacts on regional transportation and coastal access

The two parcels comprising the Brainard site are located between Highway 101 and Humboldt Bay, with two ingress/egress points that connect directly to the highway. Given traffic congestion and safety concerns along this segment of the state highway, the City should analyze the traffic impacts generated by the proposed local land use, and evaluate whether the site can accommodate the range of allowable use types within the proposed General Industrial Zoning District. The City should also consider what site improvements would be necessary to support potential uses. The City should consider not just the existing conditions of the highway, but also the changes proposed by the Eureka - Arcata Route 101 Corridor Improvement Project including plans to close the two median crossings that allow left turns into the project site. As the project

⁴ Aldaron Laird, Trinity Associates. (2016). City of Eureka Sea Level Rise Assets Vulnerability and Risk Assessment Appendix.

Kristen Goetz – City of Eureka
July 11, 2017
Page -5-

site involves direct highway access as well as the annexation of a 20.4-acre portion of Highway 101 right-of-way, Commission staff is also interested in any comments received from Caltrans on the annexation, zoning, or future use of the project site.

Humboldt County is currently planning a multi-use, ADA-compliant trail along the waterfront side of the highway as part of the regional Humboldt Bay Trail and statewide California Coastal Trail. Please clarify whether the proposed zoning and land use designations in the annexation area may conflict with the future establishment of this critical non-motorized transportation route. In permitting any future redevelopment of the Brainard site, the Coastal Commission will be interested in the impacts of development on the future trail.

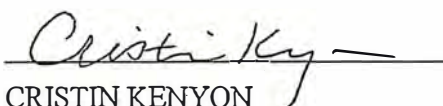
4. Stormwater management

Stormwater management of the Brainard site is of particular concern given the percentage of the site covered in impervious surfaces; the location of the site directly adjacent to wetlands and coastal waters; and, based on the proposed zoning, the potential of future redevelopment of the site to involve development of a parking lot, vehicle service facility, industrial outdoor storage area, or other commercial or industrial development with a potential for generating a high pollutant load. Stormwater runoff from the Brainard site generally flows to drainage ditches leading to Cutoff Slough on the east side of Highway 101 and from there to Humboldt Bay. If the site is redeveloped, the Commission will require runoff from any new or replaced impervious or semi-pervious surfaces to meet current standards for stormwater management. If the majority of the site is repaved or otherwise redeveloped, runoff from the entire developed area, including the pre-existing surfaces, will need to be addressed in a stormwater management plan.

Current standards that will have to be met to receive coastal development permit authorization from the Commission require a low-impact-development (LID) approach where feasible to retain on-site the runoff produced by the 85th percentile 24-hour design storm. If the 85th percentile runoff volume cannot be retained on site using LID measures, an alternatives analysis will be required to demonstrate that no feasible alternative project design will substantially improve runoff retention. Nevertheless, all new development will be required to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.

Thank you for the opportunity to provide comments as part of the finalization of the environmental analysis. Please call if you have any questions regarding this letter.

Sincerely,


CRISTIN KENYON
Coastal Analyst



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • Fx (707) 441-4202
planning@ci.eureka.ca.gov • www.ci.eureka.ca.gov

May 1, 2017

County of Humboldt
Department of Health and Human Services
Mario Kalson, REHS, Sr. Environmental Health Specialist
100 H Street, Ste 100
Eureka, CA 95501

Re: Brainard Annexation for City of Eureka, Project # ANX-16-0001
APN 017-081-001, APN 017-081-002, APN 404-141-003, APN 404-141-004

Dear Mario:

Thank you for your e-mail received April 27, 2017 for the above project. The only action currently under consideration is the annexation of the property into the City limits of Eureka. The proposed action does not include any proposed development. The City understands that if municipal water and sewer services are provided in the future, on-site septic tanks and wells will require destruction under a permit issued by the Public Health Department. The City will refer permit applications to you if such an action is proposed in the future.

Sincerely,

Rob Holmlund, AICP
Director of Development Services

Administrator

From: Kalson, Mario <MKalson@co.humboldt.ca.us>
Sent: Tuesday, November 21, 2017 11:04 AM
To: administrator@humboldtlafo.org
Cc: Richardson, Michael; Martel, Melissa
Subject: FW: Brainard Annexation ANX-16-0001

Please see our DEH comments to the City regarding the proposed annexation.

Mario

From: Kristen Goetz [<mailto:kgoetz@ci.eureka.ca.gov>]
Sent: Thursday, April 27, 2017 1:17 PM
To: Kalson, Mario
Subject: RE: Brainard Annexation ANX-16-0001

Thanks, Mario!

Kristen M. Goetz | Senior Planner
Community Development Division
Development Services Department
City of Eureka | 707-441-4166

From: Kalson, Mario [<mailto:MKalson@co.humboldt.ca.us>]
Sent: Thursday, April 27, 2017 9:14 AM
To: Kristen Goetz <kgoetz@ci.eureka.ca.gov>
Subject: Brainard Annexation ANX-16-0001

DEH has reviewed and is in support of the proposed annexation of the Brainard site into the City of Eureka services district. However, any septic tank that remains from onsite waste disposal system and any wells that are no longer used must be properly destroyed under permit.

In the event the proposal does not progress to annexation DEH will not support the addition of more business to the site without testing to demonstrate conformance with current onsite waste regulations. Site constraints and testing may not meet current code and prevent the approval of expansion.

Mario Kalson, REHS
Senior Environmental Health Specialist
[DHHS Public Health, Division of Environmental Health](#)
100 H St., Ste 100
Eureka CA 95501
707-268-2209 phone
707-441-5699 fax

Administrator

From: Bronkall, Bob <BBronkall@co.humboldt.ca.us>
Sent: Monday, November 27, 2017 9:02 AM
To: administrator@humboldtlafo.org
Cc: Freeman, Diana
Subject: FW: LAFCo Notice of Filing: City of Eureka Brainard Site Annexation (APN 017-081-001 ANX-16-0001)
Attachments: 017-081-001 City of Eureka Brainard Annexation ANX-16-0001.pdf; 017-081-001 City of Eureka Brainard Annexation ANX-16-0001 City Response d 5-1-17.pdf

Collette-

Attached is previous correspondence with City regarding this annexation.

Also, the Department would like to see the annexation conditioned that the City have a licensed land surveyor (or a civil engineer who is authorized to practice land surveying) prepare the legal description and accompanying plats for the annexation. Prior to the annexation being approved, the legal description and accompanying plats need to be reviewed and approved by the County Surveyor; as this affects the ability of the County to determine the City/County boundary.

Please note that county fees for the legal description review are "Actual Cost" with \$200.00 deposit. Labor is charged with a 70% overhead rate.

--Bob



Robert W. Bronkall, PE, LS
Deputy Director
[Public Works Department – Land Use Division](#)
707.445.7205

Diana-

Please save the this email (and the attachments) as a .pdf in the referral folder.

U:\PWRK_LandDevProjects\REFERRALS\017-081-001 City of Eureka Brainard Annexation ANX-16-0001 11-27-2017 email

From: Administrator [<mailto:administrator@humboldtlafo.org>]
Sent: Monday, November 20, 2017 5:35 PM
To: Nilsen, Amy; Hayes, Elishia; Mellett, Joe; Wilson, Mari; Sanders, Kelly; Hedgpeth, Judith; Ford, John; Miller, John; Mattson, Tom; Bronkall, Bob; ENVHEALTH; HSO-MAILBOX; HCRCD; districtplanner@humboldtbay.org; Bill Reynolds; Jenna Harris; Justin McDonald; Becky Schuette; Jesse Robertson; Mitch Stogner; Hiedy Torres; Bob Merrill; Christin Kenyon
Cc: George Williamson; Rob Holmlund; Kristen Goetz; 'Deirdre Clem'
Subject: LAFCo Notice of Filing: City of Eureka Brainard Site Annexation

Hello all,

This is to notify you that LAFCo has received an application from the City of Eureka for annexation of the Brainard site, generally located between Humboldt Bay and US Highway 101, North of Eureka.

Attached is a referral with a description of the proposed annexation. Agency comments are requested by December 15, 2017.

Please contact me at 445-7508 if you have any questions or comments.

Colette Metz | Administrator
Humboldt Local Agency Formation Commission
1125 16th Street, Suite 202
Arcata, CA 95521
707.445.7508
www.humboldtlafco.org



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

ADMINISTRATION	445-7491	ENVIRONMENTAL SERVICES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS & TRAILS	445-7741
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

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

LAND USE 445-7205

04/05/2017

Kristen M. Goetz, Senior Planner
Community Development Division
Development Services Department
531 K Street
Eureka, CA 95501-1146

**RE: BRAINARD ANNEXATION FOR CITY OF EUREKA, PROJECT# ANX-16-001
APN 017-081-001, APN 017-081-002, APN 404-141-003, APN 404-141-004**

Thank you for the opportunity to comment on the proposed annexation identified above. The proposed annexation will affect the following items:

1. **HUMBOLDT BAY TRAIL:** Portions within the proposed annexation area have been identified as a critical link for the completion of the Humboldt Bay Trail. Routing the Humboldt Bay Trail through the Brainard site is necessary in order to achieve a continuous trail between the Cities of Eureka and Arcata. The feasibility of various alignment options is currently being evaluated by a local engineering firm, GHD, on behalf of Humboldt County Department of Public Works (Department). The Department recommends that a commitment to accommodate the Humboldt Bay Trail be a condition of the annexation.

The gap between the southern terminus of the City of Arcata's forthcoming "Bay Trail North" project and the existing trail at the Target store is approximately 4.1 miles. Currently, approximately 7,500 feet (35%) of this "Bay Trail South" segment is situated within Eureka City limits. If the Brainard site is annexed to the City of Eureka, the County will no longer receive property tax revenues, and approximately 11,800 feet (55%) of the Bay Trail South segment would be situated within Eureka City limits. As a condition of the annexation, the Department recommends that the City of Eureka commit to meeting with the County, along with Caltrans and the Humboldt County Association of Governments, to develop an equitable cost-sharing agreement for maintenance of the future Bay Trail South segment.

2. **MURRAY FIELD AIRPORT:** The proposed annexation is located near the Murray Field Airport, a County maintained airport. The Department assists the Airport Land Use Commission in determining if a project is compatible with the Airport Land Use Compatibility Plan (ALUCP). In Humboldt County, the Airport Land Use Commission consists of the Board of Supervisors (see Board of Supervisors Agenda item for 05/19/1981). As a condition of the annexation, the City shall refer all projects subject to the ALUCP and County Code 333-1 to the Department for review and comment. The Department will review projects for the following criteria:

- a. **ALUCP compatibility.** The subject properties are located within the Airport Land Use Compatibility Zones A, B1, and C for Murray Field. The ALUCP identifies the types of uses that are compatible within each zone. A project cannot be approved by the City until a consistency determination is made by the Airport Land Use Commission, or administratively by Department staff. In most instances, the Department will be able to administratively determine if a proposed project is compatible with the ALUCP. The airport land use compatibility zones for the Murray Field Airport have been created as a layer in the County's geographic information system (GIS). This mapping is available to the public through the County's website: <http://gis.co.humboldt.ca.us/> [References: Sections 3291(6)(C) and 3291(6)(E) Humboldt County General Plan, Volume I, Framework Plan, Adopted December 10, 1984; Section 2 (Primary Review Policies) and Section 3 (Supporting Compatibility Criteria) of the Airport Land Use Compatibility Plan Humboldt County Airports, dated March 1993, adopted January 27, 1998; County Code 333-3]
- b. **Avigation Easement or Overflight Easement Requirements.** Future projects may require that an avigation easement or overflight easement be dedicated to the County of Humboldt. When a project is referred by the City of Eureka to the Department, the Department will notify the City of Eureka of what type of easement, if any, is required as a condition of approval.
- c. **Compliance with County Code Section 333-1 et seq. Airport Approach Zone Building Height Limitations.** The subject properties are located within the area covered by County Code section 333-1 et seq. At the time of application for a building permit, the applicant shall submit evidence that the project complies or will comply with County Code Section 333-4. The Department has developed forms to assist applicants in demonstrating compliance. [References: Sections 3291(6)(C) and 3291(6)(E) Humboldt County General Plan, Volume I, Framework Plan, Adopted December 10, 1984; Section 3.3 Airspace Protection, Airport Land Use Compatibility Plan Humboldt County Airports, dated March 1993, adopted January 27, 1998; County Code 333-3 et seq.]

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

Sincerely,



Robert W. Bronkall

Deputy Director

Land Use Division

3033 "H" Street, Room 17

Eureka, CA 95501

C: Executive Officer
Humboldt County Local Agency Formation Commission
1125 16th Street, Suite 202
Arcata, CA 95521

Hank Seemann, Deputy Director – Environmental Services Division



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

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Ph (707) 441-4160 • Fx (707) 441-4202
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RECEIVED

May 1, 2017

County of Humboldt Public Works
Robert W. Bronkall, Deputy Director
Land Use Division
3033 H Street, Room 17
Eureka, CA 95501

MAY 03 2017

HUMBOLDT CO. PUBLIC WORKS
LAND USE DIVISION

Re: Brainard Annexation for City of Eureka, Project # ANX-16-0001
APN 017-081-001, APN 017-081-002, APN 404-141-003, APN 404-141-004

Dear Bob:

Thank you for your letter dated April 5, 2017 for the above project. Our response is as follows:

1. Humboldt Bay Trail: We will respond separately to this item since, as discussed at our meeting on April 27, 2017, the comments provided are not relevant to the Brainard Annexation project.
2. Murray Field Airport: Your letter requested that the City agree to the condition that all future projects will be referred to the Humboldt County Public Works Department for ALUCP compatibility, Avigation or Overflight Easement Requirements, and compliance with County Code Section 333-1 et. seq. in relation to Airport Approach Zone Building Height Limitations. This request is perfectly reasonable. City staff will recommend this condition to City Council during the Annexation hearings.

Sincerely,

Rob Holmlund, AICP
Director of Development Services

RESOLUTION NO. 18-02**APPROVING THE BRAINARD SITE ANNEXATION
TO THE CITY OF EUREKA**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the City of Eureka filed an application with the Commission by resolution of application; and

WHEREAS, the subject territory is uninhabited as defined in Government Code Section 56046; and

WHEREAS, the proposal is consistent with the adopted City of Eureka Sphere of Influence; and

WHEREAS, the Executive Officer's report and recommendations on the proposal were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on January 17, 2018; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures; and

WHEREAS, the Commission provided sufficient notice in accordance with California Government Code Section 56661.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt Local Agency Formation Commission as follows:

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission, as Responsible Agency, certifies it has independently reviewed and considered the Negative Declaration (SCH# 2017062022) prepared by the City of Eureka, as Lead Agency concerning potential impacts associated with the proposal in accordance with the California Environmental Quality Act (CEQA). The Commission finds the Negative Declaration is adequate and directs the Executive Officer to file a Notice of Determination with the Humboldt County Clerk.

3. The Commission, as Responsible Agency, certifies it has independently reviewed and considered the Negative Declaration prepared by the Lead Agency (SCH# 2014082019) – the Humboldt Community Services District – concerning potential impacts associated with the proposal in accordance with the California Environmental Quality Act (CEQA). The Commission finds the Negative Declaration is adequate and directs the Executive Officer to file a Notice of Determination with the Humboldt County Clerk.
4. The Commission approves the proposal, contingent upon the satisfaction of following terms and conditions as determined by the Executive Officer:
 - a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
 - b) Completion of conducting authority (protest) proceedings by the Executive Officer, unless waived in accordance with Government Code Section 56662.
 - c) The City of Eureka shall amend its Local Coastal Program (LCP) for purposes of modifying the urban limit line to allow for the extension of services to the Brainard site. This amendment will not become effective until final approval and certification of the LCP Amendment by the Coastal Commission.
 - d) The City of Eureka shall require the dedication of access rights and abutter's rights, in addition to all other necessary public easements, during parcel boundary reconfiguration, and/or during the review process for future development on the site.
 - e) The City of Eureka shall work cooperatively with local agencies and partners to support the planning, design and construction of the Humboldt Bay Trail within the affected territory. In addition, the City shall meet with County, along with Caltrans and the Humboldt County Association of Governments, to develop an equitable cost-sharing agreement for maintenance of the future Bay Trail South segment.
 - f) Submittal of a final map and geographic description of the affected territory prepared by a licensed land surveyor (or a civil engineer who is authorized to practice land surveying) and conforming to the requirements of the California Department of Tax and Fee Administration. Prior to the annexation being recorded, the boundary description shall be reviewed and approved by the County Surveyor, with payment of all applicable County fees.
 - g) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
5. The proposal is assigned the following distinctive short-term designation:

EUREKA BRAINARD SITE ANNEXATION 18-01

6. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.
7. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Eureka. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Eureka.
8. The proposal is subject to a master property tax exchange agreement adopted by the City of Eureka and the County of Humboldt in 1981; an agreement specifying the City of Eureka shall receive 42.26 percent of Humboldt County's existing portion of property tax revenues generated from the affected territory.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 17th day of January, 2018, by the following roll call vote:

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

Estelle Fennell, Chair
Humboldt LAFCo

Attest:

George Williamson, Executive Officer
Humboldt LAFCo