

ATTACHMENT A – PART 4
MITIGATION MONITORING PLAN

in Support of the
Final Environmental Impact Report
for the
2009 Update of the
Humboldt County Housing Element

(SCH #2009022077)



**CEQA
Mitigation Monitoring / Reporting Program
(MMRP)**

This Mitigation Monitoring/Reporting Program (MMRP) has been prepared for the project described below in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines.

SCH #: 2009022077

PROJECT TITLE: 2009 Update of the Housing Element, County of Humboldt

PROJECT APPLICANT: Humboldt County Planning Division
c/o Michael Richardson
3015 H St
Eureka, CA 95501

PROJECT LOCATION: The project is located in Humboldt County, and applies to all unincorporated non-tribal trust land within the County for which the County has land use planning and permitting jurisdiction.

GENERAL PLAN DESIGNATION: various

ZONING: various

PROJECT DESCRIPTION: 2009 update of the Housing Element of Humboldt County. See Chapter 2 of the Final Supplemental Environmental Impact Report (FSEIR) for a summary description of the project.

LEAD AGENCY: County of Humboldt, Planning Division, 3015 H Street , Eureka, CA 95501

CONTACT PERSON: Michael Richardson, Senior Planner; *phone:* (707) 268-3731; *fax:* (707) 445-7446; *e-mail:* mrichardson@co.humboldt.ca.us

INTRODUCTION: On August 28, 2009 the above described project was approved by the County of Humboldt. Mitigation measures were adopted as part of the project approval. The purpose of this MMRP is to ensure that the mitigation measures adopted in connection with project approval are effectively implemented. This MMRP establishes the framework that the County and others will use to implement the adopted migration measures and the monitoring and/or reporting of such implementation.

CEQA provides that the County may choose whether the MMRP will monitor mitigation, report

on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program may be guided by the following:

- (1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.
- (2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise of the County of Humboldt to oversee; are expected to be implemented over a period of time; or, require careful implementation to assure compliance.
- (3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the County of Humboldt is informed of compliance with mitigation requirements.

ENFORCEMENT: In accordance with CEQA, the primary responsibility for making a determination with respect to potential environmental effects rests with the County of Humboldt rather than the monitor or preparer of the CEQA documents. As such, the County of Humboldt is identified as the primary enforcement agency for this MMRP.

PROGRAM MODIFICATION: After adoption of this MMRP, minor changes to this MMRP are permitted but can only be made by the County of Humboldt. The Director of Community Development Services, after consultation with affected Departments or Agencies, may make minor modifications to this MMRP. If, for any reason, any mitigation measure specified in this MMRP cannot be implemented due to factors beyond the control of the owner/developer and/or the County of Humboldt, at a noticed public hearing before the Board of Supervisors of the County of Humboldt, substitution of another mitigation measure may be approved. In no case shall deviations from this MMRP be permitted unless this MMRP continues to satisfy the requirements of Section 21081.6 of CEQA, as determined by the County of Humboldt.

MMRP IMPLEMENTATION TABLE: To assure that this MMRP is effectively implemented, the table on the following pages establishes the framework that the County of Humboldt and others will use to implement the adopted migration measures and the monitoring and/or reporting of such implementation. The following abbreviations may be used in the MMRP table:

ACOE	Army Corps of Engineers
AQMD	Air Quality Management District
BD	County of Humboldt Building Department
BMP	Best Management Practice(s)
CCR	California Code of Regulations
CDD	Community Development Department
CDFG	California Department of Fish & Game
CEQA	California Environmental Quality Act

CGC	California Government Code
County	County of Humboldt
DEH	County of Humboldt Department of Environmental Health
DPW	County of Humboldt Department of Public Works
ESHA	Environmentally Sensitive Habitat Area
MND	Mitigated Negative Declaration
PRC	Public Resources Code
RWQCB	Regional Water Quality Control Board

PROPOSED MITIGATION OF POTENTIALLY SIGNIFICANT IMPACTS

A number of policies in the draft Element serve to mitigate potentially significant environmental effects. Specifically, Policy H-P1 promotes infill, reuse and redevelopment, and H-P11 encourages residential development in close proximity to transportation corridors, employment centers and public services.

The mapped Housing Opportunity Zones described in several policies, standards and implementation measures are intended to encourage new housing construction in areas presently served by public water and sewer consistent with H-P1 and H-P11. Through these policies, the bulk of additional residential development may be located within urban areas, reducing the need for long commutes and expanded infrastructure. These policies will also help discourage encroachment of residential uses into agricultural, forest, and other natural resource areas.

H-P28 supports innovative construction and design methods including water conserving waste disposal systems, energy systems, dwelling designs and uses of recycled materials for residential construction.

Each of the above mitigation measures will be implemented with the adoption of the Element.

In several instances, new mitigation measures are proposed in the FSEIR to reduce environmental impacts. These mitigation measures will be implemented according to the schedule in this MMRP. They are as follows:

Naturally occurring asbestos: To respond to the air quality impacts of the Project, §5.4 identifies additional mitigation to refer to the North Coast Unified Air Quality Management District (NCUAQMD) all building permits for properties underlain by ultramafic rock, which has naturally occurring asbestos. The FSEIR states, “An implementation measure shall be added to the Housing Element to refer all building permits on parcels which appear to be underlain by ultramafic rock on the County’s GIS system to the NCUAQMD for appropriate standards and recommendations.”

The proposed implementation measure is shown below:

H-IM31. Reduce and Avoid Air Quality Impacts from Naturally Occurring Asbestos. The County shall refer all building permits on parcels which appear to be underlain by ultramafic rock on the County’s GIS system to the NCUAQMD for appropriate standards and recommendations.
 Responsible Agency: CDS. Timeframe: Before December 31, 2009.

Biological resources: To mitigate the potential impacts of the Project on biological resources, §5.5 (Biological Resources) and §5.17 (Cumulative Impacts), three (3) alternatives for new mitigation were identified in the Draft SEIR as follows:

- 1) require submittal of biological studies with recommendations for appropriate mitigation which would become recommended conditions of project approval on all sites proposed for new residential development,
- 2) hire a biologist to work for the County to review sites proposed for residential development and recommend appropriate mitigation which would become recommended conditions of project approval, or
- 3) refer all building permit applications for new homes to the Department of Fish and Game for recommendations of appropriate mitigation which would become recommended conditions of project approval.

The Draft SEIR recommended implementing the 3rd alternative. However, based on comments from DF&G described in Chapter 8 of the FSEIR, a new mitigation measure is proposed instead of the above alternatives to reduce the potentially significant impacts of new residential development on unmapped sensitive habitat areas. The mitigation measure is to add to the Housing Element a new implementation measure:

H-IM35. Reduce and Avoid Impacts to Biological Resources. For the six (6) month period from October 1, 2009 through March, 2010, all building permit applications for new homes will be referred to the Department of Fish and Game (DF&G) for the purpose of developing modifications to the building permit processing system to minimize and avoid impacts to biological resources, including requiring a Special Permit for all building permits that may impact biological resources. Responsible Agency: CDS. Timeframe: October 1, 2009 – April, 2010.

By increasing coordination with DF&G, review of the development of new homes will consider making appropriate changes in the siting and design of the new structures to avoid impacts to biological resources prior to building permit issuance.

In addition, new mitigation is needed to protect aquatic species from water withdrawals in streams or rivers with low flows and high temperatures during the summer months for domestic or outdoor use, which was not analyzed in the 2003 Housing Element EIR.

The recommended new mitigation for water withdrawals has two parts:

- 1) Refer to DF&G for recommendations and appropriate mitigation all applications for ministerial permits that would result in the withdrawal of water from perennial streams or rivers, or from wells within 100' of a perennial stream or river, or from springs within 100' of a perennial stream or river. This part of the mitigation measure is already being implemented by the County, but it is not adopted County policy.
- 2) Insert into the development standards for new homes not served by public water in temperature-impaired watersheds, upon recommendations from DFG, water storage tanks capable of providing 100% of the domestic and outdoor water needs during low-flow summer months shall be required for each unit.

To implement these mitigation measures, a new policy and new implementation measure are proposed to be inserted into the Housing Element:

H-P33. Reduce and Avoid Impacts to Biological Resources. The County shall refer all building permit applications that would result in the withdrawal of water from perennial streams or rivers, or from wells within 100' of a perennial stream or river, or from springs within 100' of a perennial stream or river to the Department of Fish and Game for comments and recommendations.

H-IM36. Requirements for Water Storage in Temperature Impaired Watersheds. The County shall revise the development ordinances to require for each proposed new home not served by public water in temperature-impaired watersheds, water storage tanks capable of providing 100% of the domestic and outdoor water needs during low-flow summer months upon recommendations from DF&G. Responsible Agency: CDS. Timeframe: Before December 31, 2009.

Historic resources: The Cultural Resources section of the FSEIR (§5.6) identifies additional mitigation to include in the staff recommended Cultural Resources Element of the General Plan Update (GPU) measures to ensure the County's discretionary and ministerial building permit review process incorporates the standards of the Secretary of the Interior to mitigate potential impacts of the project on historic resources.

High levels of bacteria: In the discussion of §5.7 (Geology and Soils), new mitigation measures are proposed for high levels of bacteria in the ocean near streams and rivers along the Moonstone, Little River, and Clam beaches. The policy and implementation measures will be included within staff's recommended Water Resources Element of the GPU to determine the source of high levels of indicator bacteria, and implement mitigation to reduce bacteria to acceptable levels.

Hydrology: To respond to the potential impacts of the project on hydrology, §5.9 (Hydrology) herein, a policy and implementation measures will be included within staff's recommended Water Resources Element of the GPU to implement a Low Impact Development program.

In addition to the above mitigation measures, the FSEIR states that many existing general plan policies, standards, implementation measures and development ordinances, as well as many state and federal laws, all administered by the County through residential development permit requirements, will reduce the impacts of the Project. The FSEIR identifies these requirements as mitigation measures. Section 5.1 of the FSEIR contains a brief description of the permit review process for all residential development projects which helps explain how the land development policies, programs, standards and regulations listed in Table 1 – 20 in the FSEIR are used to mitigate potentially significant adverse impacts indirectly resulting from the Project.

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(MMRP)**

Mitigation Compliance Verification

PROJECT TITLE: 2009 Update of the Housing Element, County of Humboldt

Mitigation Measure		Purpose of Mitigation
Mitigation Measure 1. Include in the 2009 Housing Element Policies H-P1 and H-P11, H-P28, and the Housing Opportunity Zone Policies, Standards and Implementation Measures.		Policy H-P1 promotes infill, reuse and redevelopment, and H-P11 encourages residential development in close proximity to transportation corridors, employment centers and public services. The mapped Housing Opportunity Zones encourage new housing construction in areas presently served by public water and sewer. H-P28 supports innovative construction and design methods including water conserving waste disposal systems, energy systems, dwelling designs and uses of recycled materials for residential construction
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Adopt the 2009 Housing Element as recommended by the Planning Commission	After adoption of the Housing Element
Enforcement		
Board of Supervisors		
Notes/Comments		
The Community Development Services Department (CDS) will verify this mitigation measure after adoption of the 2009 Housing Element by the Board of Supervisors.		
Compliance Verification		
Name: _____		Date: _____

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Mitigation Measure		Purpose of Mitigation
Mitigation Measure 2. Include a new implementation measure in the 2009 Housing Element: <u>H-IM31. Reduce and Avoid Air Quality Impacts from Naturally Occurring Asbestos.</u> <u>The County shall refer all building permits on parcels which appear to be underlain by ultramafic rock on the County's GIS system to the NCUAQMD for appropriate standards and recommendations. Responsible Agency: CDS. Timeframe: Before December 31, 2009.</u>		To reduce and avoid air quality impacts from naturally occurring asbestos from new housing development on properties underlain by ultramafic rock, which has naturally occurring asbestos.
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Adopt the 2009 Housing Element as recommended by the Planning Commission	After adoption of the Housing Element
▶ County	Refer all building permits on parcels which appear to be underlain by ultramafic rock on the County's GIS system to the NCUAQMD for appropriate standards and recommendations.	After December 31, 2009
Enforcement		
Board of Supervisors (adoption of the Housing Element); CDS (referral of building permits)		
Notes/Comments		
CDS will verify adoption of the 2009 Housing Element. and referral of building permits between December 31, 2009 and January 31, 2010.		
Compliance Verification		
Name: _____		Date: _____

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Mitigation Monitoring / Reporting Program
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Mitigation Compliance Verification

PROJECT TITLE: 2009 Update of the Housing Element, County of Humboldt

Mitigation Measure		Purpose of Mitigation
<p>Mitigation Measure 3. Include a new implementation measure in the 2009 Housing Element:: H-IM32. Reduce and Avoid Impacts to Biological Resources. <u>For the six (6) month period (from October 1, 2009 through March, 2010, all building permit applications for new homes will be referred to the Department of Fish and Game (DF&G) for the purpose of developing modifications to the building permit processing system to minimize and avoid impacts to biological resources, including requiring a Special Permit for all building permits that may impact biological resources. Responsible Agency: CDS. Timeframe: October 1, 2009 – April, 2010.</u></p>		<p>To mitigate the potential impacts of the Project on biological resources by developing modifications to the building permit processing system to minimize and avoid impacts to biological resources, including requiring a Special Permit for all building permits that may impact biological resources.</p> <p>By increasing coordination with DFG, review of the development of new homes will consider making appropriate changes in the siting and design of the new structures to avoid impacts to biological resources prior to building permit issuance.</p>
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Adopt the 2009 Housing Element as recommended by the FSEIR	After adoption of the Housing Element
▶ County	For the six (6) month period from October 1, 2009 through March, 2010, refer all building permit applications for new homes to the Department of Fish and Game (DF&G)	From October 1, 2009 through March, 2010
▶ County	Develop modifications to the building permit processing system to minimize and avoid impacts to biological resources, including requiring a Special Permit for all building permits that may impact biological resources.	Between April, 2010 and April, 2011.

Enforcement	
Board of Supervisors (adoption of the 2009 Housing Element); CDS (referral of building permits, developing modifications to the building permit system).	
Notes/Comments	
CDS will verify adoption of the 2009 Housing Element, and referral of building permits between October 1, 2009 and April 1, 2010.	
Compliance Verification	
Name: _____	Date: _____

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PROJECT TITLE: 2009 Update of the Housing Element, County of Humboldt

Mitigation Measure		Purpose of Mitigation
Mitigation Measure 4. Add a new policy in the 2009 Housing Element:: <u>H-P33. Reduce and Avoid Impacts to Biological Resources.</u> <u>The County shall refer all building permit applications that would result in the withdrawal of water from perennial streams or rivers, or from wells within 100' of a perennial stream or river, or from springs within 100' of a perennial stream or river to the Department of Fish and Game for comments and recommendations.</u>		To protect aquatic species from water withdrawals in streams or rivers with low flows and high temperatures during the summer months for domestic or outdoor use
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Adopt the 2009 Housing Element as recommended by the Planning Commission	After adoption of the Housing Element
Enforcement		
Board of Supervisors		
Notes/Comments		
CDS will verify after adoption of the 2009 Housing Element.		
Compliance Verification		
Name: _____		Date: _____

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Mitigation Measure		Purpose of Mitigation
Mitigation Measure 5. Add a new policy in the 2009 Housing Element: <u>H-IM36. Requirements for Water Storage in Temperature Impaired Watersheds.</u> The County shall revise the development ordinances to require for each proposed new home not served by public water in temperature-impaired watersheds, water storage tanks capable of providing 100% of the domestic and outdoor water needs during low-flow summer months upon recommendations from DF&G. Responsible Agency: CDS. Timeframe: Before December 31, 2009.		To protect aquatic species from water withdrawals in streams or rivers with low flows and high temperatures during the summer months for domestic or outdoor use.
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Adopt the 2009 Housing Element as recommended by the Planning Commission	After adoption of the Housing Element
▶ County	Revise the development ordinances as described in H-IM33	Before December 31, 2010.
Enforcement		
Board of Supervisors (adoption of the 2009 Housing Element); CDS (revised development standards)		
Notes/Comments		
CDS will verify after adoption of the 2009 Housing Element and adoption of development standards.		
Compliance Verification		
Name: _____		Date: _____

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Mitigation Measure		Purpose of Mitigation
Mitigation Measure 6. Include in the staff recommended Cultural Resources Element of the GPU measures to ensure the County's discretionary and ministerial building permit review process incorporates the standards of the Secretary of the Interior.		To mitigate potential impacts of the project on historic resources.
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Modify the staff recommended Cultural Resources Element of the GPU	Prior to October 1, 2009
Enforcement		
CDS		
Notes/Comments		
Compliance Verification		
Name: _____		Date: _____

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Mitigation Compliance Verification

PROJECT TITLE: 2009 Update of the Housing Element, County of Humboldt

Mitigation Measure		Purpose of Mitigation
Mitigation Measure 7. Include in the staff's recommended Water Resources Element of the GPU policies and implementation measures to determine the source of high levels of indicator bacteria, and implement mitigation to reduce bacteria to acceptable levels		To mitigate high levels of bacteria in the ocean near streams and rivers along the Moonstone, Little River, and Clam beaches.
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Modify the staff recommended Water Resources Element of the GPU	Prior to October 1, 2009
Enforcement		
CDS		
Notes/Comments		
Compliance Verification		
Name: _____		Date: _____

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Mitigation Measure		Purpose of Mitigation
Mitigation Measure 8. Include in the staff's recommended Water Resources Element of the GPU policies and implementation measures to implement a Low Impact Development program		To mitigate potential impacts of the project on hydrology.
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
▶ County	Modify the staff recommended Water Resources Element of the GPU	Prior to October 1, 2009
Enforcement		
CDS		
Notes/Comments		
Compliance Verification		
Name: _____		Date: _____

CEQA
Mitigation Monitoring / Reporting Program
Mitigation Compliance Verification

PROJECT TITLE: 2009 Update of the Housing Element, County of Humboldt

Mitigation Measure		Purpose of Mitigation
<p>Mitigation Measure 9. Through residential development permit requirements, implement the existing general plan policies, standards, implementation measures and development ordinances as well as the state and federal laws identified in Table 1 – Table 20 and described in Sections 5.1 – 5.17 in the FSEIR.</p>		<p>To reduce the potential adverse impacts of the project on the following resources and hazards:</p> <ul style="list-style-type: none"> • Aesthetic Impacts • Agricultural Resources • Air Quality • Biological Resources • Cultural Resources • Geology and Soils • Hazardous Materials and Hazards • Hydrology and Drainage • Land Use and Planning • Noise Impacts • Population and Housing • Public Services • Recreation • Transportation and Circulation • Utilities and Service Systems • Mandatory Findings of Significance
Responsible Agency and/or Party	Action Required	Monitoring Phase/Reporting Requirements
<ul style="list-style-type: none"> ▶ CDS ▶ Department of Public Works ▶ Department of Environmental Health 	<p>Implement the existing general plan policies, standards, implementation measures and development ordinances through the residential development review process.</p>	<p>Individual departments will continue to maintain records of permits issued in a form that demonstrates conformance with general plan policies, standards, implementation measures and development ordinances, and state and federal laws.</p>
Enforcement		
Board of Supervisors		
Notes/Comments		
Compliance Verification		
Name: _____		Date: _____