



COMMUNITY DEVELOPMENT SERVICES  
PLANNING DIVISION  
COUNTY OF HUMBOLDT

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<http://co.humboldt.ca.us/CDS/Planning>

July 22, 2011

Norman Shopay  
General Manager  
McKinleyville Community Services District  
1656 Sutter Road  
McKinleyville, CA 95519

Re: Responses to MCSD's comments on the DSIER for the proposed multifamily rezoning program (SCH 2009022077)

Dear Mr. Shopay,

Thank you and the other MCSD staff for taking the time and making the effort for your thorough and well considered comments on the Draft Subsequent Environmental Impact Report for the Multifamily Rezoning Program. Significant changes have been made to the document in response, as explained below.

Please let me know if you or any other City staff have any additional comments or suggestions.

Thanks!

Michael Richardson, Senior Planner

**Responses to McKinleyville Community Services District Comments, July 14, 2011**

*Comment: Incorporation by Reference. The documents used in preparing this DSEIR are not clearly listed throughout the document (California State California Environmental Quality Act Guidelines, §15150 and Guidelines, §15150). This creates a lapse in understanding the difference between what information is being relied upon from previous analyses, and what, if any, new information has been prepared. Without understanding this information, decisions about new significant impacts cannot be determined for environmental impacts identified in previous documents upon which the DSEIR relies. The DSEIR fails to meet the CEQA requirements for incorporating a project by reference.*

Response: It is unclear which references are not adequately listed. References incorporated by reference into the SEIR are listed Chapter 7. Where specific sections of these documents are cited in the DSEIR, the document is referenced by title, section number and page number. For example, Table 47 on page 244 of the DSEIR identifies existing requirements that help mitigate the project's impacts on utilities and service systems. An excerpt of that table is presented below.

**TABLE 47. Residential Development Permit Requirements That Mitigate Impacts on Utilities and Service Systems**

LAND USE PLAN OR ORDINANCE	Type	Description	Section	Page #
MCKINLEYVILLE COMMUNITY PLAN (Humboldt County Framework Plan Volume II - 1985)	Implementation	Public Facilities	§2761	12 (Ch. 2)
NORTHERN HUMBOLDT COUNTY GENERAL PLAN / RECREATION PLAN 1985 (1968)	Policy	Development Timing	§IIID	42

The DSEIR adequately explains what information is being relied upon from previous analyses, and what new information has been prepared. With this information, new significant impacts are explained consistent with CEQA requirements. Chapter 7 has been updated to include some reference sources listed in the text that were inadvertently left out of the listing in Chapter 7.

*Comment: Environmental Setting/Baseline and Thresholds of Significance. As indicated by the County (see page 4 of the DSEIR), site-specific and neighborhood information for each parcel rezoning is necessary for the environmental impact analysis. However, there is a lack of information at a level of detail necessary to properly determine if the project will create environmental impacts.*

Response: The DSEIR identifies site-specific and neighborhood-specific impacts where appropriate. For instance, the DSEIR discusses on page 256 the potential impacts of the Project on the essential services provided on APN 510-071-003, which is a solid waste transfer station. In this way, the DSEIR provides the level of detail necessary to properly determine if the project will create environmental impacts.

Where appropriate, the DSEIR groups together the analysis for candidate sites to avoid unnecessary repetition. This approach allows, for instance, the discussion of traffic impacts for two neighboring candidate sites which access the same street to cover both properties at the same time. Since the traffic impacts are not likely going to be substantially different between two adjoining properties accessing the same street, separate discussion of traffic impacts for both properties would be repetitive. This approach is consistent with §21002.1 of the Public Resources Code (Use Of Environmental Impact Reports; Policy), which encourages focusing discussion of the EIR on significant effects on the environment.

*Comment: In addition, no clear environmental setting or threshold of significance is provided. Because thresholds of significance have not been defined and the environmental setting relies on outdated information (2009 or older, depending on which documents may have been used, see previous comment) the impact analysis is not complete pursuant to the requirements of CEQA.*

Response: Environmental setting and thresholds of significance are identified for each of 16 environmental impact category. For example, beginning on page 234, the DSEIR describes the environmental and regulatory setting for utilities and service systems. And on page 242, the following thresholds of significance are identified for the Project’s potential impacts on utilities and service systems:

## “IMPACT ANALYSIS

### Significance Thresholds

For the purposes of this SEIR, impacts on utilities and service systems are considered significant if the Project would:

**IMPACT 5.17-A Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.**

**IMPACT 5.17-B Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.**

**IMPACT 5.17-C Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.**

**IMPACT 5.17-D Have insufficient water supplies available to serve the project from existing entitlements and resources.**

**IMPACT 5.17-E Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

**IMPACT 5.17-F Result in conflicts with an existing solid waste disposal facility which may threaten the continuation of the facility's use.”**

Because thresholds of significance have been defined and the environmental setting relies on the most recent information available, the impact analysis is complete pursuant to the requirements of CEQA.

*Comment: Conducting the environmental analysis relies on identifying and disclosing environmental impacts "Table 1: Environmental Impact Summary" (starting on page 13) does a reasonable job summarizing the impacts, however, CEQA requires information be included that supports the determination of impact. In summary, the DSEIR fails to adequately analyze projects impacts pursuant to the CEQA guidelines.*

Response: The DSEIR adequately analyzes the Project's impacts on each of 16 environmental impact categories identified in Table 1, and the necessary information is included that supports the determinations of impact. For example, the Project's impacts on wastewater facilities are extensively described in pages 236 - 241:

*Comment: Adequacy of mitigation measures. Throughout the document, mitigation measures rely on policies in the future housing element. If significant impacts of a proposed project are identified, "an EIR shall describe feasible measures which could minimize significant adverse impacts ... " (Guidelines, §15126.4).*

Response: Where feasible, the DSEIR includes mitigation measures which could minimize significant adverse impacts. For example, Mitigation Measure 26 requires a Q-Qualified Zone be applied to APN 510-071-001 requiring an easement or other similar instrument be recorded to the benefit of APN 510-071-003 protecting the solid waste transfer use from future claims related to the noise, odor, dust and other noxious characteristics of the neighboring solid waste

processing use. With the proposed mitigation, Impact 5.17-F (Conflict with Solid Waste Disposal Facility) is reduced to less than significant levels.

There are instances where the DSEIR includes mitigation measures that may be effective in the future. For example, Mitigation Measure 25 on page 256 may lead to reduced stormwater impacts of the Project in the future by substituting in the residential land inventory parcels with fewer stormwater impacts for those under consideration during the next Housing Element cycle.

Including mitigation measures with potential for effective mitigation of future impacts is allowed by CEQA (§15126.4 of the Public Resources Code (PRC) - Consideration And Discussion Of Mitigation Measures Proposed To Minimize Significant Effects). The SEIR does not conclude Mitigation Measure 25 will reduce the described impacts to less than significant levels.

The Housing Element is required by state law to be updated every five (5) years. One of the required sections of the Housing Element is to evaluate the effectiveness of the implementation programs in the previous Housing Element. It is reasonable to expect future iterations of the Housing Element may lead to a refinement of the multifamily land inventory through this required evaluation. Future refinements to the multifamily land inventory may reduce the program's impacts on the environment by substituting properties into the inventory with fewer environmental impacts than those currently being considered.

*Comment: Furthermore, "where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified (Guidelines, §15126.4). "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments" (Guidelines, §15126.4). As is illustrated below, the County has not properly discussed mitigation and measures as required by CEQA in the DSEIR.*

Response: As mentioned above, mitigation measures may be included which may reduce impacts on the environment. If they do not meet the criteria of §15126 of the CEQA Guidelines, they may not be used to reduce the impacts on the environment to less than significant levels, but they may still be used to reduce the impacts on the environment. The SEIR does not conclude Mitigation Measure 25 or other similar mitigation measures will reduce the described impacts to less than significant levels..

*Comment: Defining the Project. The County has not properly identified the proposed project (Guidelines, §15378). The DSEIR includes a one-page description of the methodology as an appendix. But then, during Planning Commission meetings, the County staff was redirected to review the parcels because many of the owners are opting out of the program. The County has reversed the process. Changing the project identified in the NOP or DSEIR and failing to define the project makes the environmental analysis void and eligible for recirculation.*

Response: The Project was adequately identified because all the parcels being considered for rezoning in the DSEIR were included in the Notice of Preparation. Some parcels were eliminated because the owners did not support the rezoning. Reducing the number of parcels on the candidate sites list will reduce the impacts on the environment. The DSEIR considers mitigation measures to eliminate parcels on the candidate sites which reduce the environmental impacts, so the environmental analysis is relevant, and recirculation of the environmental document is not required.

*Comment: At the July 14, 2011 Planning Commission meeting County staff is recommending*

*approval to the Board of Supervisors. This approval constitutes a "project" by definition of CEQA, which requires the environmental review to be completed prior to approval. The Planning Commission will not have the opportunity to review the DSEIR comments since the comment period closes after the Planning Commission meeting. Without identifying the environmental impacts the County cannot make an informed decision and is obligated to have a certified DSEIR prior to recommending approval of a project.*

Response: CEQA requires the Planning Commission consider a DSEIR before taking action to recommend a project to the Board of Supervisors for final action, but certification of the DSEIR by the Planning Commission is not required..

*Comment: Furthermore, the multifamily ordinance discussed in public meetings by Mr. Michael Richardson senior planner in the Community Development Services Department should be included in this analysis. Which as with any change in the project, such as adding or subtracting parcels, requires the recirculation of a Draft EIR (Guidelines, §15088.5).*

Response: The DSEIR identifies the requirements of the multifamily ordinance, and proposes mitigation measures which will be incorporated into a Q-Qualified zoning ordinance for each of the sites. No parcels were added to the candidate sites list after circulation of the DSEIR. Several parcels were subtracted, which reduces the environmental impacts of the Project consistent with the mitigation measures in the DSEIR.

*Comment: Economic and Social Effects. The County should evaluate the proposed project's socioeconomic impacts as they relate to the ability of MCSD to provide services (Guidelines, § 15131). There was a lack of analysis pertaining to MCSD's fiscal ability to provide services to proposed residences. As the largest unincorporated community in Humboldt County, MCSD provides the County with the largest tax revenue, but typical does not see its proportionate share in the level of service provided for road improvements and other County services. The County did not factor any economic or social effects into any of the analyses, which is a clear violation of CEQA. The DSEIR fails to adequately analyze economic and social effects pursuant to the CEQA Guidelines.*

Response: The CEQA Guidelines do not require assessment of social or economic impacts outside those discussed in the DSEIR under §5.10 Land Use and Planning, and §5.13 Population and Housing.

*Comment: Cumulative Impact Analysis. No comprehensive cumulative impact analysis can be found in the document. Only a summary of cumulative impact analysis is included. This information must be included so that impacts can be identified (Guidelines, §15355). The DSEIR fails to adequately analyze cumulative impacts pursuant to the CEQA guidelines.*

Response: Cumulative impacts are discussed in §5.18 Mandatory Findings of Significance. Cumulative impacts are described on page 258 of the DSEIR as "impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)." The DSEIR concludes the Project will have significant cumulative impacts on the environment.

*Comment: Page 7, Summary of Impact and Mitigation Measures. The DSEIR states, "There will be no direct impacts of the proposed Project on the environment." This is a clear violation of*

*CEQA because impacts have not been clearly identified or addressed. As part of the Housing Element Policy H-IM 17, "the purpose is to create an inventory of lots suitable for affordable multifamily housing allowed by right (no discretionary review is required). Clearly, as a result of the rezoning, the intention of the County is that building would be proposed. As part of the rezone, site-specific impacts must be studied and addressed so that future development impacts are adequately disclosed to decision makers and the public. This critical information because the County is relying on the DSEIR to analyze direct and indirect impacts of rezoning and will not require additional analysis in the future."*

Response: The Summary of Impacts and Mitigation Measures in the DSEIR explains that while no new construction is proposed at this time, by changing the zoning of property, the Project will affect the types of uses allowed in the future. The analysis in the DSEIR appropriately considers the impacts of new principally permitted multifamily uses on the selected candidate sites.

For example, the analysis of the Project on wastewater service providers is described in §5.17 of the DSEIR. It includes Table 45 on page 247 which compares the capacity of sewer capacity of service providers with number of residential units currently allowed by the existing General Plan and Zoning and the number of new units allowed with the proposed rezoning of the candidate sites.

*Comment: In addition, placing a Qualified Combining zone on parcels is not consistent with the intent of H-IM17.*

Response: It is unclear how placing a Qualified Combining zone as described in the DSEIR is inconsistent with the intent of H-IM17.

*Comment: For example, on page 10, in the section pertaining to Geology/Soils, the DSEIR states no expansive soils exist in Humboldt County. However, there are localized areas of expansive soils throughout all of Humboldt County. This issue would be raised during the CEQA process on an individual project, but not if the County rezones these parcels as they have described. Discretionary review would not be triggered.*

Response: The text of page 10 of the SEIR was revised as follows: "Community Development Services – Building Inspections Division determined that ~~no expansive soil types exist in Humboldt County~~ indicated that expansive soils are not likely to occur in any of the communities where candidate sites are located. Accordingly, this impact is less than significant."

*Comment: Page 11, Population and Housing. The County states substantial population growth into an area is considered a less than significant impact on the environment. Based on the discussion, it is not possible to discern how the County determined the impact is less than significant. First, no threshold of significance is identified. Second, no analysis was conducted that discloses any site-specific or community impacts that could occur. The McKinleyville CPA is receiving the majority of multifamily rezoning parcels, thus discussion regarding how this would impact population or housing should be identified so the MCSO can determine if the sites can be served by sewer and water service.*

Response: Text on page 11 of the SEIR was added as follows: "The Project responds to an identified shortfall in the existing multifamily residential land inventory. The 2010 Housing Element documents there is presently an insufficient supply of multifamily zoned property to meet the anticipated future housing needs for lower income households. The proposed rezoning

program is responding to future housing needs anticipated by the state, not inducing substantial new population growth into the area.

*Comment: Page 21, 2.4 Issues to be resolved. "Included in this section is the statement candidate sites has (sic) not occurred ... " See comment above about identifying the project. This DSEIR section further goes on to state, "the mitigation measures in this DSEIR not already appearing in the project need to be added to the Project prior to its adoption." Why is the County circulating a DSEIR when the project has not been defined and mitigation measures to address significant environmental impacts have not been identified? This is a clear violation of CEQA (Guidelines, §15378 and §21082.2)*

Response: The quoted text does not appear to come from the DSEIR. The DSEIR on page 21 states,

"There are three (3) issues that still need to be resolved with the Project. First, the selection of candidate sites has not occurred; the Board of Supervisors will be making the final selection. Second, mitigation measures in this DSEIR not already appearing in the Project need to be added to the Project prior to its adoption.

Third, after modifying the General Plan Land Use and zoning ordinance maps as part of this Project, the proposed plan and ordinance changes that are a part of the County's Local Coastal Plan will need to be reviewed and certified by the California Coastal Commission prior to taking effect."

The DSEIR presents a list of candidate sites, and analyzes the impacts of selecting all or some of them. By considering all the possible outcomes of the final action by the Board of Supervisors, the DSEIR adequately defines the project and proposes appropriate mitigation measures to address significant environmental impacts in conformance with the requirements of CEQA.

*Comment: Page 45, 4.5 General Conclusions Regarding the Alternative Analysis. The direction and main points of this section are difficult to understand. This section must include a discussion or table illustrating the differences between the alternatives to simply determine which alternative is the environmentally superior alternative. Furthermore, it must describe which mitigation measures apply to each alternative (Guidelines, §15126.6)*

Response: The alternatives analysis describes that in most impact categories, the proposed rezoning is the environmentally superior project until buildout of 18,650 units, at which time the No Project alternative becomes the environmentally superior alternative. While the concept of buildout is somewhat complex, it is commonly used in reference to rezoning projects. A table would not appear to simplify the discussion of the somewhat concepts explained in this section, and the CEQA guidelines do not require a table comparing the alternatives. None of the proposed mitigation measures would apply to the No Project alternative, but some would be applied if the other alternatives are selected.

*Comment: Page 48, Mitigation Measure 3. In the general discussion regarding the environmental setting and mitigation measures the County includes Mitigation Measure 3, which includes updating the next Housing Element to achieve no net increase in development potential at buildout. Delaying mitigation to a future study, or in this case future to the Housing Element, is a violation of CEQA (Guidelines, §15126.4). There is no guarantee the County Board of Supervisors can agree to a future action, such as a policy. It is incomprehensible that the DSEIR goes onto further acknowledge, "This mitigation measure is not going to (sic.)*

*effective until a later date and there is no way to guarantee effectiveness at this time." If the County does not believe this mitigation measure is feasible then why is it included? This is a violation of the basic function and purpose of mitigation measures (Guidelines, §15126.4 and Guidelines, §210B1.S)*

Response:

The comment misinterprets the intent of this mitigation measure as deferring mitigation. Environmental impacts of the current rezoning will be mitigated in accordance with site-specific mitigation measures in the DSEIR. A second tier of mitigation may be applied in the next Housing Element Update. This DSEIR does not predict any specific reduced impacts from the second tier of mitigation, and does not conclude the second tier of mitigation will reduce any impacts to less than significant levels.

The proposed rezoning responds to a deficiency in the residential land inventory of the 2009 Housing Element. Future refinements to the multifamily land inventory may reduce the program's impacts on the environment by substituting properties into the inventory with fewer environmental impacts than those currently being considered. This approach may lead to reduced impacts on the environment by directing the selection of sites in future residential land inventories toward those that involve fewer environmental impacts. The DSEIR reasonably incorporates measures that may reduce impacts on the environment consistent with CEQA requirements.

*Comment: Furthermore, on page 55, "feasible and effective mitigation measures to reduce the impacts of the Project may be proposed during review of the Draft SEIR." The analysis included in the DSEIR violates the fundamentals of CEQA by not disclosing all the impacts of activities at one time and potential mitigation. Not completing the environmental analysis prior to circulating a DSEIR does not foster a transparent planning process. The County should finish the analysis and recirculate a DSEIR that discloses environmental impacts in order for concerned parties to make adequate comments on the project.*

Response: The impacts of the project are all disclosed in the DSEIR, so recirculation of the document is not necessary. Additional mitigation measures may be incorporated through the environmental review process, and added to the Project. The fundamental intent of CEQA is to reduce impacts on the environment from projects. Adding mitigation measures to reduce environmental impacts of the Project during the review process is consistent with the fundamental intent of CEQA.

*Comment: Page 145,5.9-0 (Alter Existing Drainage Patterns Causing Flooding On-or Off-site). The DSEIR fails to include any previous or current studies that address storm water impacts in the MCSD CPA. Without knowing if there are any areas that have failing stormwater systems, the County DSEIR cannot determine if there are any special conditions that need to be placed on specific parcels. Waiting to conduct this analysis fails to disclose environmental impacts adequately.*

Response: The DSEIR incorporates the 2008 Community Infrastructure and Services Report by Winzler and Kelly, Consulting Engineers, which describes in Chapter 4 the stormwater impacts of new development and the infrastructure available to serve new development. The report documents that most of the County does not have stormwater conveyance systems, however they do exist in McKinleyville and in some other parts of the County. It describes the 1982 McKinleyville master drainage plan and notes that McKinleyville is one of the few areas of the County where impact fees are collected for stormwater facility construction, improvements and

maintenance. With this information, the DSEIR adequately describes the drainage impacts of the project.

*Comment: The Hydrology section on page 149 goes on to further state, "Even with the above mitigation, the project may substantially alter existing drainage patterns causing erosion or siltation on-or-off site or cause flooding-on or off-site is significant and unavoidable. " As discussed above, the basis for this determination is unclear. The County uses no substantial evidence to make these claims. Further analysis needs to be conducted in order to determine the effectiveness of mitigation measures.*

Response: The basis for this conclusion is drawn in part from the 2008 Community Infrastructure and Services Report described above. The environmental setting describes how new housing development may affect drainage patterns when it states on page 139:

"Drainage management becomes increasingly important as new development converts additional areas in a watershed to hard surfaces. These impervious surfaces reduce infiltration and convey storm water faster, increasing peak flows.

The traditional approach to handling increased peak flows has been to convert natural drainage ways into higher capacity concrete-lined conveyances which can more rapidly transport storm water. This approach has led to the loss of natural stream and riparian systems in urban areas, increased erosion downstream of the drainage structures, and increased water quality problems for downstream receiving waters by collecting and concentrating non-point runoff, which may contain pollutants such as sediment, topsoil, oil and greases, pesticides, fertilizers, metals, and bacterial and viral contaminants. This approach is also problematic for Humboldt's flood basins which are near sea-level, and drain only with low tides. Moving water faster to these areas only prolongs flooding of the low-lying areas."

The comments from MCSD above do not identify how this analysis is inaccurate.

*Comment: Page 116, Impact 5. 7-E (Sails Inadequate to Support Septic Systems). The County assumes that all except two parcels can be served by existing wastewater infrastructure. However, there is no documentation that any consultation has been conducted with MCSD to determine the feasibility of serving rezoned parcels at a higher density. In fact, the recent Beau Pre Heights subdivision in McKinleyville approved by the Planning Commission required on-site septic systems, because the proposed development would have required upgrades to the current wastewater treatment facility. This DSEIR must include an analysis of MCSD's ability to provide wastewater to the proposed parcels.*

Response: The DSEIR incorporates by reference the 2008 Community Infrastructure and Services Report, which describes in Chapter 7 the wastewater system impacts of new development and the infrastructure available to serve new development. This report was developed in consultation with the MCSD.

Parcel-specific multifamily rezone information was provided by the County to MCSD in May 2011. The County presented information and gathered feedback about the Project from the MCSD Board of Directors on May 18, 2011. The County presented information about the proposed rezones to MCSD staff at meetings on 5-19-11, 6-17-11, 6-24-11, and 6-28-11. It is not clear why this extensive consultation is discounted by MCSD in their comment.

Based on the consultation with MCSD, the Project's impacts on wastewater systems is analyzed in §5.17 of the DSEIR (Utilities and Service Systems) beginning on page 228. It is not clear why MCSD does not consider this to be an analysis of their ability to serve the candidate sites. MCSD's statement that they "provide wastewater to the proposed parcels" is confused.

*Comment: Page 149, 5.10 Land Use and Planning. No community plans are included in the applicable plan sections, but are listed as incorporated by reference. Not including this information ignores the community planning efforts that have occurred, especially because they were prepared after the General Plan Volume 1 Framework Plan developed and they reflect the community's interests.*

Response: Incorporating background documents by reference is allowed by CEQA. It enables the relevant parts of those documents to be used in the DSEIR without including the parts not relevant to the discussion. This approach is consistent with §21002.1 of the Public Resources Code (Use Of Environmental Impact Reports; Policy), which encourages focusing discussion of the EIR on significant effects on the environment

*Comment: Page 197, Project Level Impacts for Public Services. This section does not clearly identify, what if, any impacts on public services (schools, fire protection, and police protection) may result of the project. The County proposes the majority of development in McKinleyville, but no specific analysis of services is discussed. For example, there is no discussion regarding the condition of the fire system if a pipe breaks or of reduced Sherriff staffing hours. Without this information, the impacts are not fully disclosed, rendering this analysis incomplete pursuant to the requirements of CEQA.*

Response: Consistent with the requirements of CEQA, the DSEIR identifies the impacts of the Project on public services including schools, fire protection and law enforcement beginning on page 191.

For example, on page 196, the DSEIR states, "The Arcata FPD provides fire protection services to the McKinleyville UDA from its existing station located in the center of McKinleyville at 2105 Central Avenue. The McKinleyville Community Plan EIR found that projected growth increases the need for fire protection services but that existing stations are adequately sited to generally accommodate planned growth."

It is not clear why this discussion is not considered "specific analysis" by MCSD.

It also is not clear how rezoning selected candidate sites to multifamily would result in pipes breaking, or reduced Sheriff staffing hours.

*Comment: Page 205. Potential Impacts on Recreational Services. MCSD relies on funds from the Quimby Act (California Government Code §66477), which are paid as in-lieu fees for new development. The DSEIR fails to analyze the effect new housing would have on identifying new park locations to serve new residences, how existing parks will be maintained, the current level of service received, and if a higher density would result in increased recreational demand. Without this information, any conclusions about impacts on recreational services are in violation of CEQA.*

Response: The DSEIR analyzes the impacts of the proposed rezoning program on recreation facilities in §5.15 beginning on page 201. It concludes the following on page 205:

Population growth expected to occur at build out of the 1984 Framework Plan and with the Project would likely utilize park and recreation facilities at a similar rate as the current population. In general, significant environmental affects would occur if population growth and park use outpace the improvements to parks and recreation facilities resulting in the deterioration of existing facilities. If park and recreation facilities are not developed at a rate commensurate with population growth, the growth expected to occur at build out of the 1984 Framework Plan and with the Project could result in overuse and deterioration of existing parks and recreation facilities.

These impacts on existing park facilities are not expected to be significantly different with buildout of units under the 1984 Framework Plan than buildout of units with the Project.

It states that the Parkland Dedication requirements provide funding for development of new parks in urban areas. It also states that park maintenance is funded through conditioning project approval to require the project provide parkland in accordance with the provisions of the Parkland Dedication Ordinance, which is listed in Table 35 as §314-110.1, and that multifamily developments indirectly resulting from the Project will be required to repair of existing park facilities, and construction of new facilities, and notes the majority of the candidate sites are in areas with Parkland Dedication requirements in effect.

However, after further review, additional mitigation is required since the County's Parkland Dedication ordinance only applies to subdivisions, and new multifamily development may occur with the Project without subdivision. Accordingly, new mitigation is proposed as follows:

**Mitigation Measure XX.** A Q-Zone shall be applied to the selected candidate sites in areas subject to parkland dedication requirements to require at the time of development parkland be developed on site at the rate of 130 square feet per person for each new unit proposed for construction.

Payment of fees in-lieu of parkland development on site to provide an appropriate contribution to public parks or recreation shall be allowed for developments of 50 units or fewer. The applicable fee amount shall be established by the Planning Director based on the requirements established in §314-110.1 of Chapter 4 of the Zoning Ordinance (Title 3 Division 1 of Humboldt County Code), where each proposed new multifamily residential unit is equivalent one lot created by subdivision.

*Comment: Page 216, Project Level Impacts: Impacts 5. 16-A (Increased Traffic) and Impact 5.16-8 (Exceed Standards). The DSEIR relies on traffic information prepared in 2002 for the McKinleyville EIR. This information is 10 years old and should be updated to reflect current conditions. Additionally, mitigation measures included rely on a future Housing Update (page 227) and mitigation measures that may be identified in the Final SEIR. This is a clear violation of CEQA. See previous comments regarding deferring and proposing feasible mitigation discussions.*

Response: The DSEIR relies on the most current traffic information available. The SEIR proposes mitigation measures, such as Mitigation Measure 25 that may lead to reduced traffic safety impacts of the Project in the future by substituting parcels with fewer traffic safety impacts for those under consideration. Including mitigation measures with potential for effective mitigation of future impacts is consistent with CEQA.

As mentioned previously, the Housing Element is required by state law to be updated every five (5) years. One of the required sections of the Housing Element is to evaluate the effectiveness of the implementation programs in the previous Housing Element. It is reasonable to expect future iterations of the Housing Element may lead to a refinement of the multifamily land inventory through this required evaluation. Future refinements to the multifamily land inventory may reduce the program's impacts on the environment by substituting properties into the inventory with fewer environmental impacts than those currently being considered.

The SEIR does not predict this mitigation will be effective enough to reduce all the impacts of the project to less than significant levels. However, the mitigation measure may be effective in the future. Including this mitigation is consistent with CEQA.

*Comment: The DSEIR needs to evaluate existing level of service of road conditions and the potential to affect existing MCSD water and sewer pipes located in roads.*

Response: As noted by MCSD in their previous comment, the DSEIR evaluates the existing level of service road conditions using information from the EIR for the 2002 McKinleyville Community Plan.

It is not clear how different levels of traffic would affect water and sewer pipes in roads.

In addition, County efforts are under way to address traffic mitigation on a regional basis, which will require traffic impact fees to be collected to fund maintenance and improvements to major roads.

*Comment: Page 228 and 229, 5.17 Utilities and Service Systems. The County must consult with applicable agencies early in the process (Guidelines §15083). No correspondence with MCSD staff regarding the technical information has been conducted, other than a NOP response letter submitted by MCSD. It is surprising the County would choose to rezone a substantial number of parcels in MCSD without consulting with the MCSD about service capacity. Not only is this a violation of CEQA, it is also not a good planning practice (Guidelines, §15083).*

Response: As mentioned previously, the DSEIR incorporates by reference the 2008 Community Infrastructure and Services Report, which describes in Chapter 7 the wastewater system impacts of new development and the infrastructure available to serve new development. This report was developed in consultation with the MCSD. Parcel-specific multifamily rezone information was provided by the County to MCSD in May 2011. The County presented information and gathered feedback about the Project from the MCSD Board of Directors on May 18, 2011. The County presented information about the proposed rezones to MCSD staff at meetings on 5-19-11, 6-17-11, 6-24-11, and 6-28-11. It is not clear why MCSD ignores these consultation meetings in their comment.

*Comment: The County's analysis of impacts relied on technical information prepared in 2007 and 2008, which can seem like "a life time ago" in the regulatory world. For example, the continuing conversations with the RWQCB may require the MCSD to modify current disposal locations of wastewater from those previously included in the technical reports. There is a link between the system functions and if any permitting regulations have changed. The DSEIR states some technical information has been updated, but it is not clear which information is current. For instance, the existing sewer capacity shown in Table 45 for the McKinleyville CSD is based on old information derived under a previous NPDES permit for the facility. The number*

*of available capacity connections shown in the table is incorrect and needs to be updated to reflect capacity under the current NPOES permit conditions. This information also needs to be refined to address available capacity in terms of both treatment capacity at the McKinleyville wastewater facility and capacity in the sewer collection system.*

Response: The 2008 Winzler and Kelly technical report relied on the McKinleyville CSD 2001 NPDES permit (Order No. R1-2001-60), which established an average daily dry weather flow of 1.18 million gallons per day averaged over a period of one calendar month. This flow requirement was used as the basis for calculating capacity for the McKinleyville CSD, and similar types of flow requirements were used for all other wastewater treatment plants serving the unincorporated area.

Since the time that the Winzler and Kelly technical report was completed, the MCSD NPDES permit was revised (Order No 2011-0008-DWQ) and the permitted maximum flow has changed. The current permit references a facility design flow of 1.61 million gallons per day. This discharge volume in the new permit exceeds the discharge volume used in the 2008 Winzler and Kelly technical report (1.18 million gallons per day) by 36 percent.

In addition, the McKinleyville CSD Final Water and Sewer Capacity Fee Study (May 25, 2011) used the 1.61 million gallons per day as the “maximum daily capacity of the plant” (page 11 of that report). This indicates the analysis of wastewater capacity in the DSEIR provides a conservative estimate of the remaining wastewater treatment capacity of McKinleyville CSD system based on their NPDES permit, which is adequate for analysis of the Project’s impacts.

*Comment: The estimated number of units to be added by the multifamily rezoning project in the MCSD service area also appears incorrectly referenced in Table 45. Review of the multifamily rezone growth projection information provided by the County in May 2011 for the MCSD service area indicates that the number of new multi-family units to be developed under the mid-point projection would be approximately 794 units and the maximum build-out projection would add an additional 1,513 units. Table 45 shows only 513 units being added by the project. These numbers need to be updated to reflect the current estimated number of new units.*

Response: The growth projections provided to MCSD in May, 2011 assessed the project’s impacts if all of the candidate sites in the McKinleyville area included in the DSEIR were selected. Since a number of candidate sites in the McKinleyville area have been removed since the DSEIR was published because the owner is not willing to have their property rezoned, the figures provided to MCSD in May, 2011 overstate the new development potential that would be added by the Project.

Based on the list of candidate sites reviewed by the Planning Commission on July 14, 2011, 813 additional multifamily units could potentially be constructed in the MCSD served area assuming buildout at the maximum of 30 units per acre. Table 45 and the applicable text is revised in the Final SEIR to reflect the maximum development potential.

*Comment: MCSD is currently in the process of preparing a 20-year facilities plan for our wastewater collection, treatment, and disposal system. Any appreciable changes to the anticipated growth rates (above those articulated in the McKinleyville Community Plan) due to the rezoning of parcels in the McKinleyville CPA may affect the capacity of the treatment system as well as the collection system. As part of the facilities planning effort, SHN Consulting Engineers & Geologists, Inc. developed and used a sewer flow model to assess current sewer flows and capacities and to determine the anticipated impacts of the various projected growth*

scenarios on the sewer system.

Response: Comment noted.

*Comment: MCSD is currently analyzing the potential impacts of the anticipated growth (as defined by the May 2011 growth projection data provided by the County) on both the wastewater treatment and collection system. Preliminary results have indicated that rezoning for higher densities may adversely impact the ability of MCSD to provide wastewater services. The preliminary sewer model analysis demonstrates that portions of the existing collection system will need to be upgraded to accommodate projected flow increases under the build-out with project condition. Once the results of the analysis are available, the County should use this information as part of the impact analysis, in addition to consulting with MCSO regarding current and future service capacity.*

Response: Comment noted.

*Comment: The information about water systems in Table 43 on page 299 needs to be corrected with current information developed by MCSD. SHN Consulting Engineers & Geologists, Inc. has recently prepared a technical memorandum about the water distribution system. The DSEIR needs to include this updated information. In summary, MCSD currently has a total storage capacity of 5.25 million gallon (MG), of which 4.25 MG is the required minimum storage as per California Department of Public Health's California Waterworks Standards. This value does not account for fire flow storage, maintaining minimum and operating system pressures, or typical operational storage. When using the minimum requirements, the MCSD has adequate storage, but when the stated criteria are put into place, the storage becomes inadequate. The actual extra storage is 1.0 MGO (5.25 MGD Total Storage -4.25 MGO COPH minimum storage). The 1.0 MG of excess would not be adequate for a 1.3 MG fire, like the one that occurred on September 16 2002, while still supplying maximum daily demand to the residents of the MCSD.*

*The current total storage for the district is not adequate when applying the State of California's minimum requirements and historical fire flow volumes. Therefore, the final determination of adequate storage for MCSO will be based on the MCSD's minimum requirement of 5-days of average daily demand, or 7.6 MG. This requires the MCSD to increase the current water storage by 2.35 MG. The technical information about MCSD wastewater and water services is outdated and needs to be updated with current information. Failure to include substantial evidence represents a violation of CEQA and requires recirculation of the DSEIR (Guidelines, §15088.5, Guidelines, §15125, §15126).*

Response: The DSEIR identifies the current MCSD storage volume, 5.25 million gallons, based on the Community Infrastructure & Services Technical Report (Winzler & Kelly July 2008). The Community Infrastructure & Services Technical Report utilized California Water Works standards in its review of the MCSD water system and all other public water systems in Humboldt County (see Section 6.2.2, California Waterworks Standards). In addition, Community Infrastructure & Services Technical Report discusses fire flow requirements in Section 3.2.3, California Fire Code, and states that "(f)ire flow requirements for multifamily or commercial development are in excess of the single family requirements summarized above.

Further information regarding minimum fire flows and fire hydrant standards are included in Appendix III-A and III-B of the CFC. Fire Code standards would be applied by the fire department at the time of subdivision or building permit review." Fire flow requirements are

determined pursuant to the building code and the local fire marshal based on the type and size of the building and the planned building occupancy. As documented in the DSEIR, prior to the issuance of building permits, the appropriate fire marshal would be required to approve final building designs, including building fire suppression systems, and ensure that adequate fire flow is available to the building.

According to MCSD, the McKinleyville water system has 1.0 millions gallons of “extra storage” that would be available for fire flow. In addition, the MCSD is planning to construct 3.0 million gallons of additional storage to “increase the District's storage capacity, enhance fire flows during peak summer usage and provide additional system capacity for new growth” (Final Water and Sewer Capacity Fee Study McKinleyville Community Services District May 25, 2011). MCSD plans to initiate phased construction of water storage projects over the next ten years and has allocated approximately 20 percent of cost of the project to new growth.

The Community Infrastructure & Services Technical Report correctly identifies the volume of water storage available in McKinleyville and identifies the need for additional water storage in McKinleyville, as it does for many of the public water systems in Humboldt County. The Community Infrastructure & Services Technical Report further indicates that the MCSD has purchased an undeveloped tank site on Murray Road to serve future community water needs and that the District plans to build a 6.0 million gallon storage tank at this site. The Final Water and Sewer Capacity Fee Study indicates a revision to these plans and identifies the need for 3.0 million gallons of additional storage, not 6.0 million as identified in the Community Infrastructure & Services Technical Report, to serve future development and “enhance” fire flow capacity.

Therefore, the SEIR and the Community Infrastructure & Services Technical Report upon which it relies adequately identifies the standards for public water service providers and fire flow, the capacity of the MCSD water system, and the needs for water infrastructure to serve future development.

*Comment: Page 236 -238, Project Level Impacts: Impact 5. 17-A Wastewater Requirements), Impact 5. 17-8 (Construction of New Facilities -Wastewater Facilities and Impact 5. 17E (Inadequate Wastewater Capacity). This section does not follow typical standard of practice in describing project level impacts. Even with the outdated technical information, the DSEIR doesn't address the ability of the MCSD to provide wastewater services for existing and future McKinleyville residents. Specifically, the analysis does not address issues associated with concentrated flows from denser development; the geographic location of development as it relates to three Highway 101 undercrossing, which constrain the collection system; or identify environmental impacts to the existing wastewater facilities as a result of development.*

*The analysis includes an example from central California and is not case specific. The relevancy of including this project is not explained clearly, nor is it applicable. The DSEIR states that the project will have similar impacts, but does not explain how or what type of impacts. Instead, information about the size of the MCSO wastewater facility is provided, which does not constitute examining the impacts.*

*The last paragraph in this section states, "The effects of each improvement project will vary, the discussion above describes the general nature of impacts that can be expected." No specific or general impacts are discussed above, just that there is the possibility of impacts. The document must disclose specific impacts so that it can be determined if the mitigation is feasible to reduce impacts (Guidelines, §21081.5, §15126, §15126.2). The analysis must identify and explain impacts that are a result of the project. This includes addressing direct, indirect, and cumulative*

*impacts. The environmental analysis is the public disclosure document describing what type of environmental impacts is a result of the project. This DSEIR fails to provide this analysis.*

Response: As mentioned previously, the DSEIR uses information from the 2008 Winzler and Kelly report. No information has been provided demonstrating the information contained in 2008 Winzler and Kelly report is inadequate for the purpose of evaluating the Project's impacts on the environment. As described in the previous response, more recent information available confirms the adequacy of the analysis in the DSEIR, and further supports the findings in the DSEIR.

In the discussion of mitigation on utilities and service systems, §5.17 of the DSEIR describes how the County coordinates with service providers to limit development where a moratorium has been placed on new service connections due to capacity limitations. This prevents impacts on the environment due to unknown constraints, such as concentrated flows from denser development; the geographic location of development as it relates to three Highway 101 undercrossing, which constrain the collection system; or identify environmental impacts to the existing wastewater facilities as a result of development

*Comment: Page 238, 5.17-8 Construction of New Facilities -Water Supply) and Impact 2.17-0 (Inadequate Water Supply). The impact analysis does not include addressing impacts to the water distribution system if a catastrophic event, such as a large earthquake or tsunami, separates the district from its sale sources of water. The transmission line from Humboldt Bay Municipal Water District (HBMWO) is located under the Mad River, and is vulnerable to being damaged. Limits on the MCSD storage capacity must be included in the DSEIR because they represent a limit on growth in the McKinleyville CPA.*

*Along with the water supply criteria, fire flows and capacity need to be considered in the DSEIR. Typically, a residential fire requires 1,000 gallons per minute (gpm) for two hours and a commercial fire requires 2,000 gpm for a minimum of two hours. The total water used for the two events would be 120,000 gallons and 240,000 gallons, respectively. In recent history, MCSD experienced a fire that lasted up to ten hours and required approximately 1.3 million gallons of water. MCSD is current coordinating additional storage capacity and the final decision on adequate storage will be based on applying the California Waterworks Standards for minimum storage, MCSD criteria, and fire flow requirements. This DSEIR fails to provide this analysis*

Response: As mentioned previously, the SEIR identifies the current MCSD storage volume, 5.25 million gallons, based on the Community Infrastructure & Services Technical Report (Winzler & Kelly July 2008). According to MCSD, the McKinleyville water system has 1.0 millions gallons of "extra storage" that would be available for fire flow. This stored water could also be made available in case of a catastrophic event.

In addition, the MCSD is planning to construct 3.0 million gallons of additional storage to "increase the District's storage capacity, enhance fire flows during peak summer usage and provide additional system capacity for new growth" (Final Water and Sewer Capacity Fee Study McKinleyville Community Services District May 25, 2011). MCSD plans to initiate phased construction of water storage projects over the next ten years and has allocated approximately 20 percent of cost of the project to new growth. This stored water could also be made available in case of a catastrophic event, such as a tsunami or large earthquake.

The Community Infrastructure & Services Technical Report correctly identifies the volume of

water storage available in McKinleyville and identifies the need for additional water storage in McKinleyville, as it does for many of the public water systems in Humboldt County. The Community Infrastructure & Services Technical Report further indicates that the MCSD has purchased an undeveloped tank site on Murray Road to serve future community water needs and that the District plans to build a 6.0 million gallon storage tank at this site. This stored water could also be made available in case of a catastrophic event, such as a tsunami or large earthquake. The Final Water and Sewer Capacity Fee Study indicates a revision to these plans and identifies the need for 3.0 million gallons of additional storage, not 6.0 million as identified in the Community Infrastructure & Services Technical Report, to serve future development and “enhance” fire flow capacity.

Therefore, the SEIR and the Community Infrastructure & Services Technical Report upon which it relies adequately identifies the standards for public water service providers and fire flow, the capacity of the MCSD water system, even with a catastrophic event, and the needs for water infrastructure to serve future development.

*Comment: Page 240 -241, Site-Specific or NSA-Specific Impacts: Impact 5. 17-A Wastewater Requirements), Impact 5.17-8 (Construction of New Facilities -Wastewater Facilities and Impact 5. 17-E (Inadequate Wastewater Capacity). As stated above, the information included in the DSEIR is outdated. It is not clear where the specific information is from and how it was derived. MCSD is in the process of preparing up-to-date information regarding the wastewater treatment facility and this information must be incorporated into the analysis. Ignoring this information represents a violation of CEQA and requires recirculation of the DSEIR (Guidelines, §15088.5).*

Response: As mentioned previously, the DSEIR uses information from the 2008 Winzler and Kelly report. No information has been provided demonstrating the information contained in 2008 Winzler and Kelly report is inadequate for the purpose of evaluating the Project’s impacts on the environment. As described in the above responses, more recent information that has come to light since the DSEIR was written confirms the adequacy of the analysis in the DSEIR, and further supports the findings in the DSEIR.

It is unclear how the DSEIR could incorporate information still being prepared by the MCSD, and how that could be a violation of CEQA.

*Comment: Page 240-249, Project Level Mitigation, Impact 5. 17-A Wastewater Requirements), Impact 5.17-8 (Construction of New Facilities -Wastewater Facilities and Impact 5.17E (Inadequate Wastewater Capacity). The DSEIR relies on existing policies as mitigation, but there is no discussion about what could change as a result of the General Plan update process. Any changes to the General Plan Update should be addressed so that impacts that may change as a result are clearly identified.*

Response: The General Plan Update includes an alternative that would maintain current general plan and zoning designations in the McKinleyville area. Since that project is still under consideration, the alternative that would maintain current general plan and zoning designations is considered reasonable and foreseeable. The DSEIR for this Project considers the effects of the Project with buildout of other properties allowed under current general plan and zoning designations.

*Comment: This section continues to discuss mitigation on page 247 by stating, 'The construction of new public service facilities may require additional environmental review where adverse impacts of the project on the environment will be described, alternatives will be*

*considered, and new mitigation measures will be proposed to minimize the environmental impacts of new public facility construction. " This defers the impact analysis to a future date, which is a direct violation of CEQA..*

Response: The DSEIR does not suggest that future environmental analysis of new wastewater facility projects serve to reduce the impacts of this Project to less than significant levels. Instead, the DSEIR concludes the Project may have significant and unavoidable wastewater capacity impacts (Impact 5.17-A: Wastewater Requirements, Impact 5.17-B: Construction of New Facilities – Wastewater Facilities, and Impact 5-17-E: Inadequate Wastewater Capacity) because it would create more development potential than can be served by existing capacity of public wastewater collection systems in the McKinleyville and Redway NSA's. Accordingly, it is not deferring the impact analysis inconsistent with the requirements of CEQA.

*Comment: Then, the DSEIR provides a case specific example in Loleta about upgrades to a wastewater treatment facility The analysis associated with this project is the type of analysis that should be included in this DSEIR. Without identifying the baseline conditions of the existing wastewater project, it isn't known if the project will impact the environment. Please refer to the above discussion of the Beau Pre Heights Subdivision Project in McKinleyville that was recently approved by the Planning Commission, but for which the MCSD was unable to provide wastewater services without upgrades to the existing wastewater treatment facility. As a result, the developer proposed on-site septic systems even though they are located within the MCSD service area. The County cannot delay mitigation to a future study or project. Doing so is a fundamental violation of CEQA.*

Response: The DSEIR analyzes the existing wastewater capacity of service providers, and describes expected potential impacts of future wastewater capacity expansion projects that may be necessary to serve full buildout under the General Plan, with the development potential added by the Project.

The referenced Beau Pre Heights Subdivision project is in an area not intended to be served by the MCSD sewer collection system, so it is not relevant to the discussion of the Project's impacts on public wastewater collection facilities.

The comment misinterprets the description of anticipated impacts of a wastewater expansion project as deferring mitigation.

*Comment: Additionally, in the first paragraph on page 246, the DSEIR makes the statement that the project could implement a program to reduce wastewater capacity by identifying candidate sites with fewer impacts. First, a project must be defined prior to conducting the environmental analysis. If the project changes, it may require recirculation of the DSEIR. See above discussion about defining a project. Second, the DSEIR must identify the project impacts instead of delaying them to some ambiguous time in the future. Third, this mitigation is not enforceable or feasible pursuant to CEQA. This statement does not make clearly define if the County is proposing a program or merely determining if it would be a good idea. A determination must be made in the document.*

Response: It is unclear how MCSD is making a connection between the mitigation measure on page 245 and the definition of the Project. The Project is defined in Chapter 3 – Project Description.

The project has been modified to delete some of the candidate sites from the list that appeared

in the DSEIR. These changes are consistent with the mitigation measures proposed in the DSEIR, and will reduce the impacts of the Project on the environment, so recirculation of the DSEIR is not necessary.

MCSD's statement that, "Second, the DSEIR must identify the project impacts instead of delaying them to some ambiguous time in the future" is confusing.

It is unclear why MCSD considers unfeasible the proposed mitigation to identify new candidate sites with fewer wastewater capacity impacts in the future.

Mitigation measures may be included in the DSEIR which are not enforceable. They may not be used to reduce the impacts of the Project on the environment to less than significant levels, but they may still be used to reduce the impacts on the environment. The DSEIR does not suggest any unenforceable mitigation measures reduce the impacts of the Project on the environment to less than significant levels.

*Comment: On page 251, under Effectiveness of Mitigation, the DSEIR states that the County will coordinate with service providers to limit development. This analysis must be included in the DSEIR. Lack of this information is a violation of CECA, because it implies future studies will be conducted to determine when a project will result in an impact.*

Response: In the discussion of mitigation on utilities and service systems, §5.17 of the DSEIR describes how the County coordinates with service providers to limit development where a moratorium has been placed on new service connections due to capacity limitations. No further study will be required for that coordination; it is an on-going program cited in the DSEIR.

*Comment: Page 257-261, 6.3 comments Received on the NOP and Responses to Comments. The MCSD disagrees with the County that the DSEIR addresses the environmental impacts identified in the Notice of Preparation comment letter. As already described above the environmental analysis prepared in the DSEIR is inadequate. Specifically, the DSEIR fails to identify and feasibility mitigate environmental impacts associated with utilities, recreational services, traffic and circulation, and cumulative impacts.*

Response: The above responses clarify how the DSEIR identifies and mitigates environmental impacts resulting from the Project, including impacts associated with utilities, recreational services, traffic and circulation, and cumulative impacts

*Comment: MCSD cares about the community of McKinleyville and is invested in its future. Unfortunately, the planning process currently being conducted by the County regarding the multifamily rezoning project necessitates our statements of significant concern with the DSEIR currently being circulated. Based on the methodology described, there seems to be minimal regard for the rural community character in the placement of housing in McKinleyville. It seems like arbitrary decisions were made that were not based on commonly accepted planning methods. For example, most people move and stay in Humboldt County because it affords them the ability to live in a single-family residence with the potential to have a little more property than in other urban areas. However, there is no mention, consideration or discussion addressing placing concentrated housing in urban' centers where higher density development is expected and in some cases requested.*

Response: Community character impacts from the project are discussed in §5.2 of the DSEIR beginning on page 57. The MCSD does not explain how that analysis is inadequate. The

DSEIR describes the Project as proposing increasing development potential in the most urban areas of the County.

*Comment: We understand the need to provide low income housing and desire to support providing our "fair share" of the housing. However, the current proposal and DSEIR do not disclose all the reasonable potential significant environmental impacts associated with the project or make it possible to make an informed decision about the project. This DSEIR fails in almost all of the CEQA basic fundamentals. Most notably, it does not provide enough substantial evidence to support the impact analysis or provide feasible mitigation measures to reduce impacts to less than significant.*

Response: The above responses clarify how the DSEIR adequately and reasonably identifies and mitigates environmental impacts associated the Project consistent with the requirements of CEQA. It is unclear how the substantial evidence presented in the DSEIR is insufficient to support the analysis of the Project's impacts. It is not clear which mitigation measures are considered infeasible.

*Comment: It seems clear that the DSEIR must be recirculated with a complete analysis of impacts. If this rezoning is approved, then the project will be considered a principally permitted use. Thus any new building permits would not require any additional CEQA analysis unless the project is within the coastal zone or requires a Special Permit. This project is of major importance to the MCSO because the majority of rezoning is proposed in McKinleyville.*

Response: With the proposed additions described above, the DSEIR discloses the impacts of the Project, and provides feasible mitigation consistent with the requirements of CEQA. Recirculation of the DSEIR is not required based on the comments received..

*Comment: If the County is required to provide rezoned property for low-income housing, we suggest taking into account the realistic expectations of the cost of development (using current costs and ability to raise funds), as well as the location of said development. It appears the County is pushing this project through without performing due diligence. If, the County is fast-tracking this DSEIR in order to address a law suit settlement that may result in a moratorium on building developments, and to meet potential Grant deadlines, we must object. We expect a clear, transparent, and informative planning process. The citizens of McKinleyville deserve nothing less.*

Response: The 2010 Housing Element Appendix includes considerable discussion of the cost of developing new housing. The DSEIR was published and reviewed according to the requirements of CEQA. It is not clear how the planning process used is not clear, transparent and informative.



COMMUNITY DEVELOPMENT SERVICES  
PLANNING DIVISION  
COUNTY OF HUMBOLDT

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