

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-110

**SLACK AND WINZLER SUBDIVISION
PROJECT NUMBER PLN-10797-FMS
ASSESSOR PARCEL NUMBER 304-071-018**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY
APPROVING THE SLACK AND WINZLER SUBDIVISION**

WHEREAS, the owners submitted an application and evidence in support of approving the Subdivision of a 44.2-acre parcel into 5 residential parcels; and

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

WHEREAS, the Planning Division, the Lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that impacts from projects of this sort were analyzed and addressed during preparation of Environmental Impact Reports (EIR for the 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

WHEREAS, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; and

WHEREAS, on November 30, 2023 a public hearing was held before the Humboldt County Planning Commission during which the Planning Commission reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

NOW, THEREFORE, be it resolved, determined, and ordered that the Planning Commission makes the following findings:

PROJECT DESCRIPTION

- 1. FINDING:** A Major Subdivision of an approximately 44.2-acre parcel into 5 residential parcels ranging in size from 5.17 acres to 16.63 acres. The parcel is currently vacant and will be served with community water from the Humboldt Community Services District and on-

site wastewater treatment systems. Access to the parcels will be provided by an approximately 2,800-foot long roadway from Elk River Road that will partially follow the alignment of an existing logging road.

EVIDENCE: a) Project File: PLN-10797-FMS

CEQA

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds that no additional environmental review is required per Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines.

EVIDENCE: a) Section 15183 of the CEQA Guidelines acknowledges CEQA's mandate that projects be exempt from additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

project-specific environmental effects:

- are peculiar to the project or the parcel on which it is located
- are significant and were not analyzed as such in a prior EIR
- are off-site and/or cumulative and were not discussed in the prior EIR
- were identified in a prior EIR as significant but due to substantial new information (not known at the time the EIR was certified) are determined to have a more severe adverse impact than what was disclosed.

The residential density specified in the Eureka Community Plan was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all of the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017.

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. Neighboring development on adjacent parcels is composed of a mixture of densities. The proposal is consistent with the planned density. The development pattern and design included in the concept provided by the applicant has been found to be acceptable by the Land Use Division of Public Works and Planning Division.
- c) Potential Impacts such as those common to projects of this sort were analyzed and addressed during preparation of the Environmental Impact Report (EIR) for the 2017 Humboldt County General Plan (SCH#2007012089).
- d) There are no potentially significant environmental effects which were not analyzed in the above referenced EIR's. The proposed subdivision would enable future build-out to the currently planned density for the area, which was re-confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.
- e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH#2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the recently adopted General Plan.
- f) There is no substantial new information that would cause the project to result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.
- g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.
- h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The proposed subdivision will create a total of five (5) parcels that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than significant impact to aesthetics.

report and soil testing for on-site wastewater treatment systems. The lots are large enough to comply with all required setbacks.

5. **FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.

EVIDENCE: a) Access to the parcel being divided is currently provided by Elk River Road, a county-maintained roadway that meets road category 4 standards. The proposed access roadway within the interior of the subdivision will be required to be constructed to county standards,

6. **FINDING:** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.

EVIDENCE: a) Satisfaction of the requirements found in the Memo from the Land Use Division of Public Works (DPW) is required by the project Conditions of Approval. Sections 3.1 and 3.2 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of DPW and requires that a hydraulic report and drainage plan for the subdivision be submitted to DPW for review and approval. Additionally, the project will be required to detain stormwater such that no additional water will leave the site at a rate greater than the pre-development 2-year (Q_2) storm flows.

7. **FINDING:** Sewer and water systems shall be constructed to appropriate standards.

EVIDENCE: a) The Humboldt Community Services District supports approval of the project and is prepared to provide water service to future development of the parcels and the Division of Environmental Health has reviewed the proposed on-site wastewater treatment system designs and recommended approval.

8. **FINDING:** The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated, and in conformance with the requirements of the current zoning regulations and the Humboldt County General Plan.

EVIDENCE: a) The size and configuration of the proposed parcels complies with width, depth, requirements of the AG zone.

	308.10	Parkland dedication per average household in square feet
/	43,560	Square feet per acre
	0.00707	Parkland dedication per average household in acres
X	10	Number of new units being created by the subdivision and Planned Unit Development,
X	100% (1.0)	Percentage of these parcels within the Eureka Community Planning Area

	0.07	Acres of parkland for subdivision
X	\$150,000	Value of one acre of land in the vicinity of the subdivision project
	\$10,500	Parkland Dedication In-lieu Fee for the Subdivision

11. FINDING: The proposed development is consistent with the purposes of the existing Agriculture General (AG) zone in which the site is located, and meets all of the applicable development standards.

EVIDENCE: a) The property zoning designation of Agriculture General allows One-family dwellings and general agriculture as principal uses. The AG zone as applied to this property includes a combining zone specifying a minimum parcel size of five acres. All proposed parcels will be larger than 5 acres.

FINDINGS APPLICABLE TO ALL PERMITS

12. FINDING: The proposed subdivision will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The proposed subdivision and planned development will divide a 44.2-acre parcel into five (5) parcels. The proposed parcel sizes are consistent with the planned density of the area and the minimum parcel sizes allowed under the zoning.

b) The parcel being divided has historically been logged, and has had a number of biological and botanical surveys completed which demonstrate that development of the site can occur without adversely impacting sensitive resources, None of the referral

agencies oppose the project and there is no information to suggest that approval of the project would potentially be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity.

13. FINDING:

The proposed subdivision with possible future development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The parcel was not part of the most recent housing inventory that was utilized for determining compliance with housing element law. The project will positively impact compliance with Housing Element law. The project will increase the available separately owned housing in the Eureka Community Plan area and will comply with the density range of the RA land use designation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopt the findings set forth in this resolution; and
2. Approves the Final Map Subdivision, based on the approved tentative map on file for the project, subject to the attached conditions of approval.

Adopted after review and consideration of all of the evidence on **November 30, 2023**.

The motion was made by Commissioner Thomas Mulder
and Seconded by Commissioner Peggy O'Neill and the following VOICE vote:

AYES: COMMISSIONERS: Thomas Mulder, Peggy O'Neill, Lonyx Landry
Noah Levy, Iver Skavdal, Sarah West

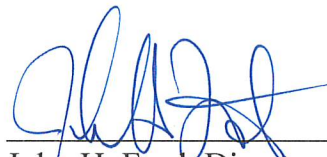
NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS: Brian Mitchell

DECISION: Motion Carries 6/0/1

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



John H. Ford, Director
Planning and Building Department

Conditions of Approval

Approval of the Tentative Map and Planned Development Permit is conditioned on the following terms and requirements which must be satisfied before the final map may be filed.

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
- 2.* The conditions on the Department of Public Works referral dated **December 21, 2020**, included herein as Attachment 1B, as may be modified by the decision maker, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The Planning Division requires that two (2) copies of the Final Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. Prior to filing of the Final Map, the applicant shall submit a letter from the Humboldt Community Services District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
5. Prior to filing of the Final Map, the applicant shall submit a letter from the Humboldt #1 Fire Protection District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
8. Parkland dedication fees of \$10,610 shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$5,305

may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Lots 1 - 5. Release from the Conveyance and Agreement may be pursued upon payment of the \$5,305 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Final Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required for each parcel.

Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$150,000/acre. The dedication fee calculation per Section 314-110 of the Humboldt County Code is as follows: $5(2(130 \times 2.37/43,560)) \times \$150,000 = \$10,610$ without the conveyance of secondary dwelling unit rights; or \$5,305 with the conveyance of secondary dwelling unit rights on all parcels.

9. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:

A. Mapping

- (1) Topography of the land in 2-foot contour intervals;
- (2) Proposed access, parking lanes and pedestrian ways;
- (3) Building envelopes and easements consistent with the submitted tentative map;
- (4) The location of all drainage improvements and related easements;
- (5) Four (4) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;
- (6) Location of all Sensitive Natural Communities as identified in the Botanical Survey Report prepared by Caitlyn Allchin dated 8/31/21. These areas shall be labeled as non-buildable and protected from clearing or vegetation removal.

B. Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
 - If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
 - Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
- (2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
 - Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- (3) "Hours of construction activity shall be limited to Monday through Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."
- (4) (If applicable) "Development rights for secondary dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific

requirements. Questions regarding this note should be directed to the Humboldt County Planning Division.”

- (5) “Tree removal and vegetation clearing shall occur outside of the bird nesting season (March 1 through August 15) in order to avoid take of listed species as defined and prohibited by Fish and Game Code (FGC) Section 3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq). Alternatively, if work must be done during the nesting season, a qualified ornithologist shall survey the area no more than seven days prior to clearing/removal to determine whether active nests are present. If active nests are present, appropriate buffers shall be developed in consultation with CDFW to avoid take of species.”
 - (6) “Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed.”
- 10. The applicant shall cause to be recorded a "Notice of Development Plan and Geologic Report" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required. The Development Plan shall also be noticed on the Parcel Map.
 - 12. Prior to the Final Map filing, the applicant shall submit a letter from the United States Postal Service stating that the project meets their requirements for mailbox units. This condition shall be administered by the Department of Public Works.
 - 13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.

Informational Notes:

- 1. To reduce costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that

are administered by the Planning Division (Namely: Condition(s) 3-12). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges. Copies of all required forms and written instructions are included in the final approval packet.

* Each item evidencing compliance should note in the upper right hand corner:

Assessor's Parcel No. _____, *Exhibit "A", Condition* _____.
(Specify) *(Specify)*

2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

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

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.



EXHIBIT A

DEPARTMENT OF PUBLIC WORKS COUNTY OF HUMBOLDT

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

ON-LINE
WEB: CO.HUMBOLDT.CA.US

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421


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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE
APPLICATION OF SLACK AND WINZLER, APN 304-071-018, FMS 16-004
FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 44.2 ACRES
INTO 5 LOTS (DPW#165831)

DATE: 12/21/2020

— — — — —

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

These recommendations are based on the tentative map prepared by Kelly-O'Hern Associates dated January 2016, revised April 2020, and dated as received by the Humboldt County Planning Division <not dated> and received by Department of Public Works on December 21, 2020.

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

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

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

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

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

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

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

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

- 1.3 **DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.

- 1.4 **EASEMENTS:** All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the subdivision map. Those easements that do not have a metes and bounds description shall be noted on the subdivision map and shown as to their approximate location.

- 1.5 **PRIVATE ROADS:** Pursuant to County Code Section 323-2(c)(3), the subdivision map shall show the lanes clearly labeled "Non-County Maintained Lane" or "Non-County Maintained Road". Pursuant to County Code Section 323-2(c)(5), the following note shall appear on the map or instrument of waiver, which shall read substantially as follows:

"If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the County for the benefit of the lot owners on such lane rather than the benefits of the County generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the specification as contained in the then applicable subdivision regulations relating to public streets."
[County Code Section 323-2 appears after Section 324-1 in County Code]

- 1.6 **DEDICATIONS:** The following shall be dedicated on the subdivision map, or other document as approved by this Department:

(a) **ELK RIVER ROAD (County Road No. F3J300)**

Public Road: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 30 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Sidewalks: Applicant shall cause to be dedicated on the subdivision map to the County of Humboldt a 10 foot wide easement for public sidewalk purposes lying adjacent to the right of way of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision. This easement may overlap a public utility easement.

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

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

(b) **EGGERT ROAD extension (Not County Maintained – Future General Plan Circulation Route)**

Public Road: Applicant shall cause to be irrevocably dedicated on the subdivision map to the County of Humboldt an easement for public road purposes lying within 30 feet of the center line of the County road. The applicant is only responsible to cause to be dedicated lands that are included within the boundary of the proposed subdivision.

Access: Applicant shall cause to be dedicated on the subdivision map a non-exclusive easement for ingress, egress, and public utilities for the benefit of the parcels/lots within the subdivision in a manner approved by this Department. The easement shall be 60 feet in width.

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

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

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

- (c) **NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** Prior to submittal of the subdivision map, provide a sign-off from the Post Office on the location of the neighborhood box unit. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU.

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

2.0 IMPROVEMENTS

- 2.1 **CONSTRUCTION PLANS:** Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. Construction plans shall be on a sheet size of 22" x 34", unless approved otherwise by this Department. Construction of the improvements shall not commence until authorized by this Department. This Department will require the submittal of 1 full size (22" x 34") set and 1 reduced (11" x 17") set of the approved construction plans prior to start of work.

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

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

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

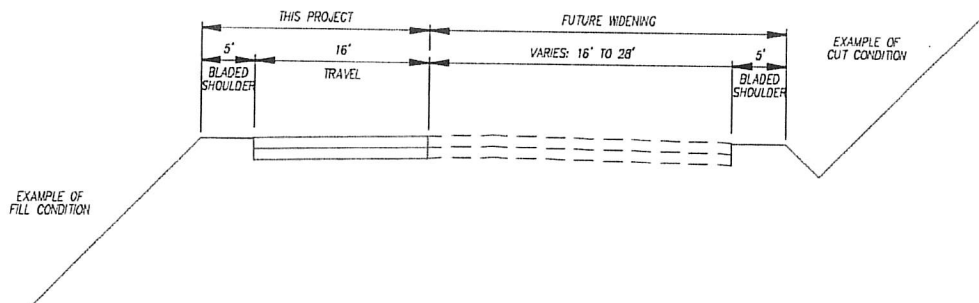
- 2.2 **CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.
- 2.3 **ROAD NAMES:** The access road(s)/street(s) shall be named as approved by the Planning & Building Department - Planning Division.
- 2.4 **TRAFFIC CONTROL DEVICES:** Street name and traffic control devices may need to be placed as required and approved by this Department.

A stop sign will be required on Eggert Road at its intersection with Elk River Road.

In addition, pursuant to County Code Section 323-2(c)(4), non-county maintained roads shall be posted with a sign of at least 2 square feet in size containing substantially the following words in 2" high black letters on a yellow background: "Not a County Maintained Road" or "Not a County Maintained Street". The sign shall be approved by the Department prior to installation.

2.5 **ACCESS ROAD(S):** The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:

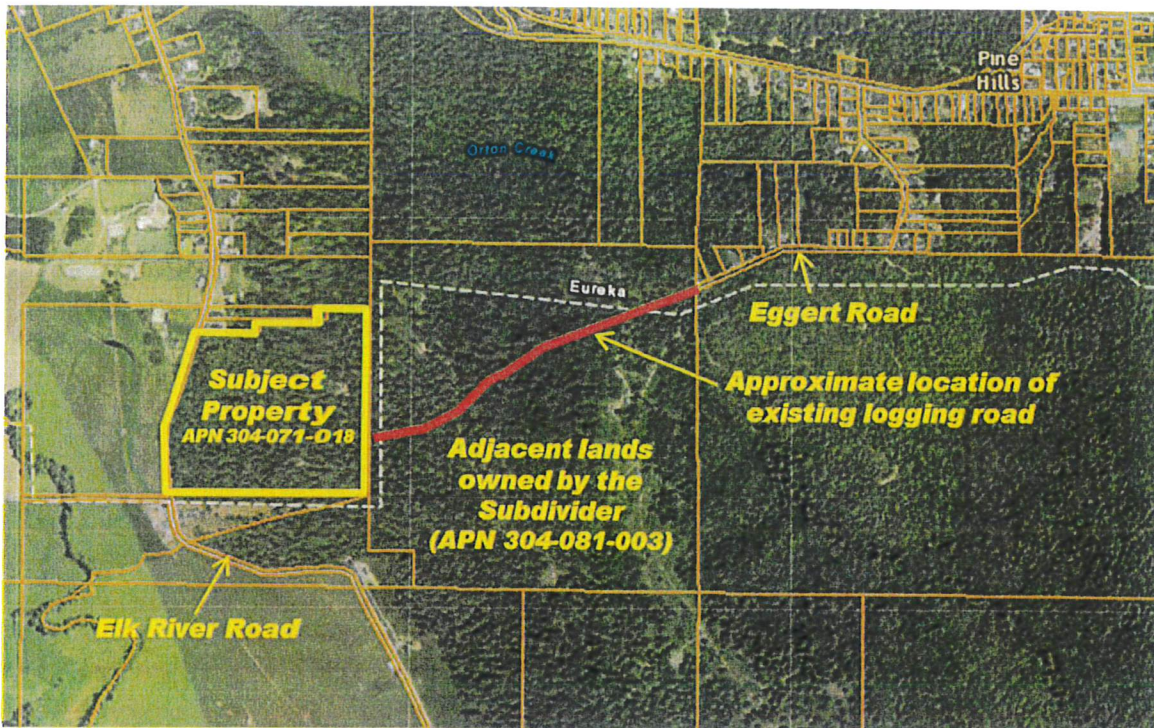
- (a) The intersection of the subdivision access road(s) and the County road shall be constructed in conformance with the standards for a private road intersection as illustrated in Caltrans standards. The access opening must conform to Humboldt County Code Section 341 regarding visibility.
- (b) A turnaround area as approved by this Department shall be constructed at the end of the Eggert Road serving the subdivision. It shall have the same structural section as the roadway serving the parcels/lots.
- (c) **EGGERT ROAD (ON SITE)** shall be constructed having a typical section comprised of 16 foot wide travel lane (Road Category 3) with two-foot wide bladed shoulders on each side within a roadway prism that is 42 to 54 feet wide. Cut and fill slopes for the roadway prism shall be based upon the recommendations in a soils report. The 54 foot wide cross section shall be constructed at the intersection of Eggert Road and Elk River Road (turn pocket length = 200 feet); and at any proposed driveway locations (turn pocket length = 30 feet). The remainder of the road shall have a 42 foot wide prism. The first 50 feet of the road from Elk River Road shall be paved; the remainder of the road may have a gravel surface.



Above: Eggert Road Extension Cross Section for this project

- (d) **EGGERT ROAD (OFF SITE).** The applicant shall improve the existing logging road within APN 304-081-003 pursuant to Mitigation Measure 2 in the exception request approved by the Department of Forestry and Fire Protection on July 29, 2015 regarding Section 3112-11(Dead-End Road length limitations). Note that the existing logging road may need to be relocated to line up with newly constructed Eggert Road within the subject property.

"Mitigation for the existing logging road from Eggert Road to the subject property open during the summer months for emergency access. The trees will need to be trimmed up and or cut back to allow for passenger and emergency vehicles to pass through the road. This will suffice as the secondary and emergency access until the road is reconstructed for access to the residence properties when constructed following the subdivision of the adjacent property."



Above: Depiction of logging road connecting between the subject property and Eggert Road.

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

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

Note: Off-site improvements to access roads (such as curve realignments, grade realignments, and turnouts) may require acquisition of easement(s) to construct the proposed road improvements. The applicant is responsible for acquiring any easements and permits that may be necessary to construct the improvements.

- (f) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.

- 2.8 **UNKNOWN IMPROVEMENTS:** Other on-site and/or off-site improvements may be required which cannot be determined from the tentative map and/or preliminary improvement plans at this time. These improvements will be determined after more complete improvement plans and profiles have been submitted to the County for review.
- 2.9 **UTILITIES:** The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway.

If any utilities are required to be installed as a condition of tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense.

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

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

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

- 2.12 **GATES:** Gates are not permitted on County right of way for public roads without authorization of the Board of Supervisors. Gates must not create a traffic hazard and must provide an appropriate turnaround in front of the gate. Existing gates shall be evaluated for conformance.

3.0 DRAINAGE

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

4.0 GRADING

<NONE>

5.0 MAINTENANCE

- 5.1 **MAINTENANCE OF IMPROVEMENTS:** The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 323-2* (b) regarding Private Lanes, the Applicant must provide a permanent maintenance plan acceptable to this Department for all improvements including, but not limited to, the following: roads, drainage systems (pipes, drainage inlets, detention basins), pedestrian facilities, and landscape areas. An engineer's estimate for the cost of yearly maintenance must be approved by this Department. Maintenance shall be provided by a maintenance association, district, or other means as approved by this Department. More than one maintenance plan may be required. [*Section 323-2 is listed in County Code after Section 324-1]

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

- A maintenance plan for Eggert Road. A maintenance plan is necessary for Eggert Road until such time that the road is constructed to its ultimate cross section. At such a time, the road can be accepted into the County maintained road system for maintenance by the County. As this road is planned as a general plan circulation route, a Permanent Road Division is not required for the road to be accepted into the County maintained road system.

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

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

6.0 DEVELOPMENT PLAN

6.1 The following note shall be added to the development plan:

"All driveways connecting to Eggert Road shall be constructed in conformance with the County's Encroachment Permit Ordinance so as to be compliant with County Code at such time as Eggert Road is accepted as a publicly maintained road."

7.0 LANDSCAPING

<NONE>

// END //



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner, Planning and Building Department

FROM: Robert W. Bronkall, Deputy Director *RB*

DATE: 12/21/2020

RE: SLACK AND WINZLER, APN 304-071-018, FMS16-004

GENERAL PLAN CIRCULATION ROUTE: This project will be constructing a portion of the general plan circulation route that will ultimately extend Eggert Road to Elk River Road. It is being planned to end at a logical point on the adjoining property (APN 304-081-003) so that the road can be further extended in the future when APN 304-081-003 is developed.

The plan is to incrementally extend and widen the road as the lands between Elk River Road and the end of Eggert Road are developed from west to east. At this time, all of the lands between Elk River Road and the end of Eggert Road are owned by the subdivider.

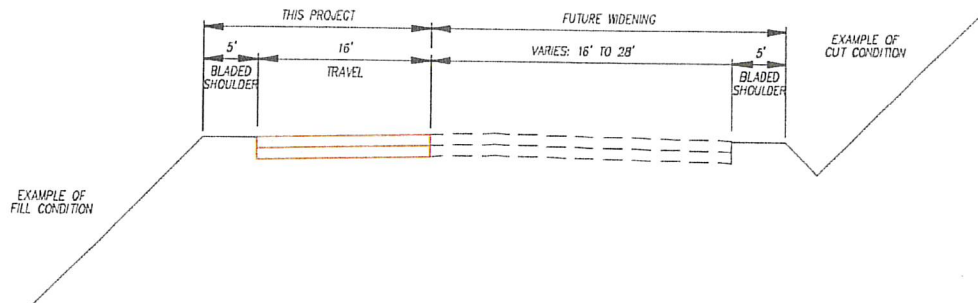
There is an existing logging road that connects between Elk River Road and the end of Eggert Road. The geometrics of this road are not appropriate for a general plan circulation route. The subdivider has developed a concept for a more appropriate alignment for the extension of Eggert Road. This is shown on the tentative map. Once the tentative map is approved, the subdivider's engineer will then finalize the alignment for the road to accommodate appropriate horizontal and vertical curves necessary for a general plan circulation route.

The plan is to construct the roadway prism for the ultimate cross section for Eggert Road. The road within the prism will be developed based upon the immediate density; and widened over time as the lands between Elk River Road and the end of Eggert Road are developed. By constructing the roadway prism for the ultimate road cross section at this time, it eliminates future cut/fill grading on the lots being created as part of this subdivision. That way the future owners of the lots being created with this project will not be impacted by future grading needed to widen the road.

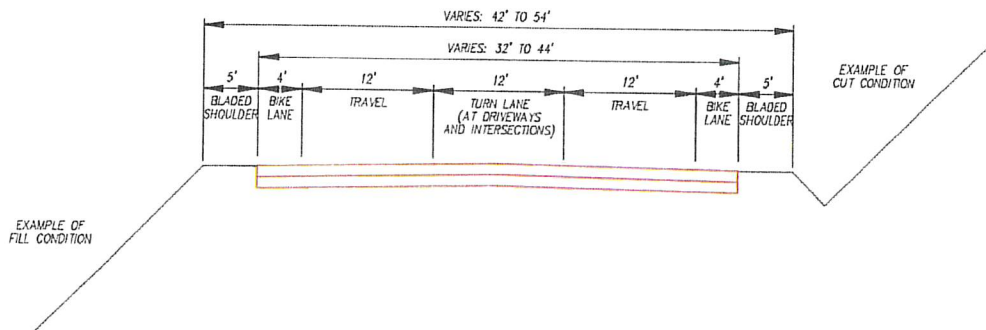
Constructing a general plan circulation route as part of a project can be expensive. This approach to constructing the road allows the developer to incrementally develop and widen the road as needed for each subsequent subdivision of the lands between Elk River Road and the end of Eggert Road. Because the road is a general plan circulation route, once a portion of the road is fully constructed to its ultimate cross section, the road can be brought into the County maintained road system without the need for a permanent road division to fund road maintenance. Because the subdivider owns all

the land between Elk River Road and the end of Eggert Road, this concept of incremental build-out of the general plan circulation route is possible.

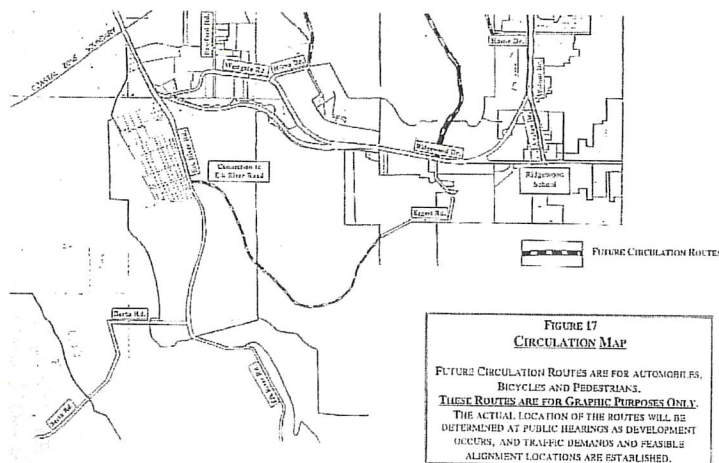
This project will be constructing Eggert Road to be 16 feet wide within a 42 to 54 foot wide prism. The following cross sections show Eggert Road to be constructed for this project and Eggert Road for ultimate build-out.



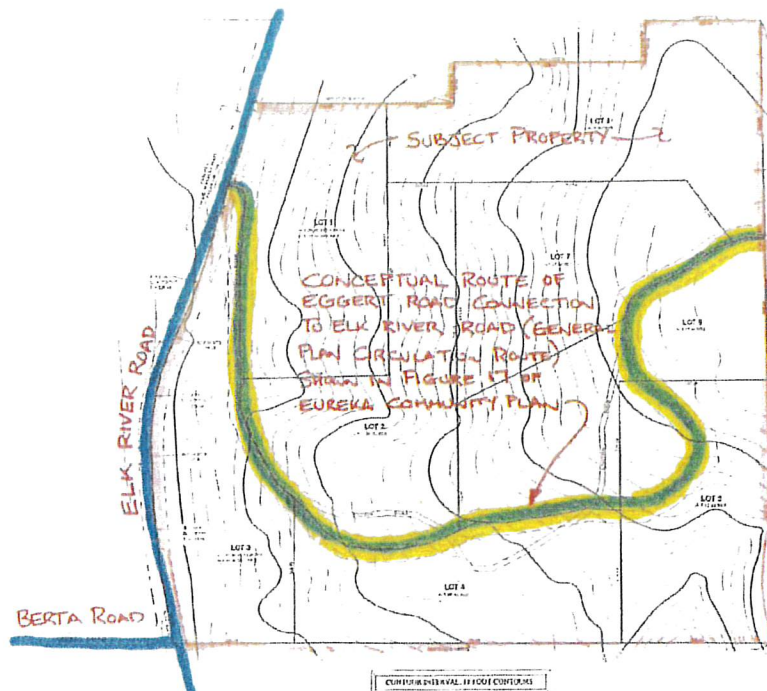
Above: Eggert Road Extension Cross Section for this project



Above: Eggert Road Extension Ultimate Cross Section



Above: Excerpt from Figure 17 from Eureka Community Plan showing Eggert Road extension.



Above: Conceptual Route of Eggert Road shown on Tentative Map.

ROAD MAINTENANCE: Until such time as the general plan circulation route is built to its ultimate cross section within the subdivision, the road shall be privately maintained. Once segments of the road are improved to its ultimate cross section, those segments can be accepted by the County and brought into the County maintained road system.

ROAD NAME: While the road within this subdivision will not connect to the end of Eggert Road, the Department recommends that this road be named Eggert Road so that when the road is finally connected it will have the same name for its entire length.

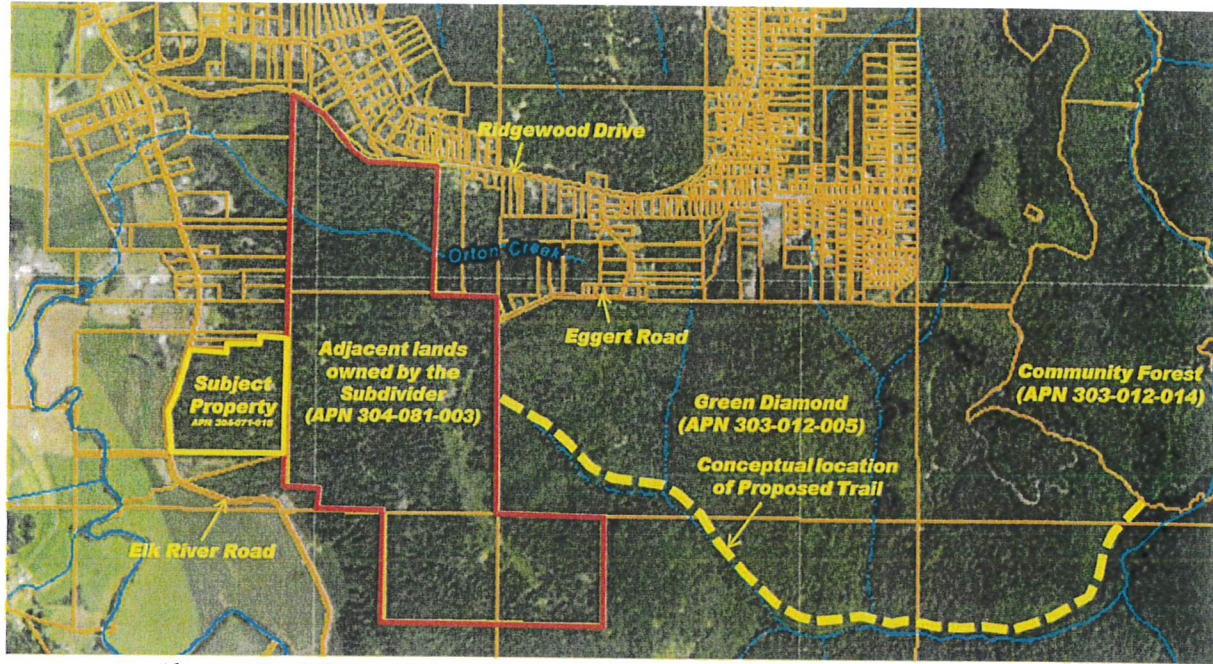
PRELIMINARY SUBDIVISION REPORT: A preliminary report was submitted in lieu of a preliminary subdivision report as specified in County Code Section 323-6(c).

FIRE SAFE EXCEPTION REQUEST: An exception request was approved by the Department of Forestry and Fire Protection on July 29, 2015 regarding Section 3112-11(Dead-End Road length limitations), provided the project develops a road through the subject property that can be used by the adjacent property to the north as a secondary emergency access. This is included in the subdivision requirements for Eggert Road (offsite) improvements.

COMMUNITY FOREST: A proposed expansion of the Community Forest is being considered. As part of this expansion a trail is proposed that would connect from the Community Forest expansion area and run through Green Diamond property (APN 303-012-005) and terminate at the easterly line of APN 304-081-003. The right of way for the proposed trail would be in the form of an easement to the County of Humboldt. The future development of APN 304-081-003 will need to consider how this trail will ultimately continue through APN 304-081-003 and connect to Eggert Road (or other future road) as well as providing a trailhead. The County is pursuing an agreement

with Green Diamond that would allow for the westerly terminus of the proposed easement to be relocated, if necessary, to better align with the future development of APN 304-081-003.

This does not affect the subject property (APN 304-071-018), but does affect the build-out of adjacent lands owned by the subdivider (APN 304-081-003). This information is being provided to allow the subdivider to master plan their holdings within the area.



Above: Aerial image showing the conceptual location of the proposed trail.

// END //

C: Hank Seemann, Deputy Director – Environmental Services Division

// END //