

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

**Resolution Number: 23-031**

**Record Number: PLN-2023-18097**

**Assessor's Parcel Number: 510-291-087**

**Resolution by the Planning Commission the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Tony Ellena Parcel Map Subdivision Extension.**

**WHEREAS, Tony Ellena** submitted an application and evidence in support of approving the Parcel Map Extension, Record No, PLN-2023-18097; and

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

**WHEREAS,** the County Planning Commission on August 1, 2017 adopted the Mitigated Negative Declaration adopted in accordance with the California Environmental Quality Act (CEQA);

**WHEREAS,** the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Tony Ellena Parcel Map Subdivision Extension request; and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on April 6, 2023, and reviewed, considered, and discussed the application for the two-year extension, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Planning Commission makes all the following findings:

**1. FINDING:** A two-year Parcel Map Subdivision Extension.

**EVIDENCE:** a) Project File: PLN-2023-18097

**2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission previously adopted a Mitigated Negative Declaration for this project.

**EVIDENCE:** a) Previously adopted Mitigated Negative Declaration (MND) (SCH# 2019059068).

## **FINDINGS FOR EXTENSION OF FINAL MAP SUBDIVISION**

- 3. FINDING**                      The parcel's zoning, for which conformance findings were made, has not changed.

**EVIDENCE**      a)      The property is designated Residential Low Density (RL) in the General Plan. These parcels were reviewed for conformance with these standards during approval of the subdivision in 2019 and the zoning has not changed.

- 4. FINDING**                      The General Plan Land Use designation for which a consistency finding was made, has not changed.

**EVIDENCE**      a)      The parcels are designated Residential One Family (R-1) per 2017 General Plan. The originally approved Parcel Map Subdivision was found consistent with these land use designations and the general plan designation has not changed.

- 5. FINDING**                      The applicable development standards, for which the original project was evaluated, have not changed.

**EVIDENCE**      a)      The originally approved Parcel Map Subdivision was reviewed for consistency with all applicable development standards of the California Subdivision Map Act and the Humboldt County Code, including the Humboldt County Subdivision Ordinance. No applicable provisions of these standards have changed.

- 6. FINDING**                      The applicable design standards, for which the project was evaluated, have not changed.

**EVIDENCE**      a)      The originally approved Parcel Map Subdivision was reviewed for consistency with all applicable development standards of the California Subdivision Map Act and the Humboldt County Code, including the Humboldt County Subdivision Ordinance. No applicable provisions of these standards have changed.

**7. FINDING**

All other standards and requirements to which the project is subject and as administered by other departments or agencies have not changed.

**EVIDENCE**

The project was referred to all applicable county departments and state agencies and all either did not respond or responded with recommendations for approval. There is no evidence indicating that any applicable standards or requirements have changed in any manner which would impact the project.

## DECISION

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

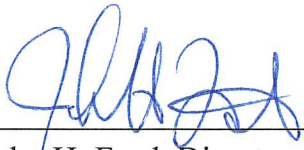
- Approves the Tony Ellena Parcel Map Subdivision Extension.

Adopted after review and consideration of all the evidence on April 6, 2023

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Thomas Mulder and the following ROLL CALL vote:

AYES:	COMMISSIONERS:	Noah Levy, Brian Mitchell, Thomas Mulder, Peggy O'Neill, Iver Skavdal, Lonyx Landry
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	
DECISION:	Motion carries 6/0	

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

## **ATTACHMENT 1A**

### **Conditions of Approval**

**The conditions of approval effective August 13, 2019 shall remain in full force and effect and are not affected by this extension.**

**NOTE: THE ORIGINAL STAFF REPORT AND SUPPORTING DOCUMENTATION IS ON FILE WITH THE PLANNING DIVISION AND AVAILABLE FOR PUBLIC INSPECTION.**

## ATTACHMENT 1

### Revised\* CONDITIONS OF APPROVAL

**\*Revised per August 1, 2019 Planning Commission hearing**

Approval of the tentative map is conditioned on the following terms and requirements which must be satisfied before the Parcel Map may be recorded.

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 in the Department of Public Works referral dated ~~May 2, 2018~~ August 1, 2019 Modified by Planning Commission, included herein as Exhibit A of Attachment 1, as modified to revise Sections 1.6(b) and 2.6(c) to remove the dedication and sidewalk improvement requirement for the unnamed access road serving lots 1, 2 and 3, 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 Department requires that two (2) copies of the Parcel Map be submitted for review and approval. Gross and net lot areas, as confirmed by survey, shall be shown for each parcel.
4. Prior to recordation of the Parcel Map, the Applicant shall make payment for all outstanding Humboldt County Planning Department fees. Cost report will be made available at the Humboldt County Planning Department.
5. 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 (currently \$110.00 per parcel) as required by the County Assessor's Office shall be paid to the Humboldt County Planning Department, 3015 H Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. The applicant shall submit at least three (3) copies of a Development Plan for all parcels 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 shall include the following site development details:
  - A. Mapping:
    - (1) Topography of the land in 1-foot contours.
    - (2) Development standards including: setbacks, maximum lot coverage, maximum height, and four (4) parking spaces outside the front yard setback.
    - (3) Proposed improvements including streets, sidewalks, driveways, drainage and storm water detention facilities, community services facilities, access easements, and emergency access and vehicle turn-around, as applicable, including areas

designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program.

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 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) is 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.

- (2) "Hours of construction for on- and off-site improvements shall be restricted to Monday thru Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm, with no construction activity on Sunday."
- (3) "Utilities associated with the subdivision shall be placed underground, where feasible."
- (4) (if applicable) "Development rights for accessory 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 an accessory 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) "The subdivision is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."
- (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."

7. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning Department. Document review fees, plus applicable recordation 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 (currently \$415.00 plus applicable recording fees). The Development Plan shall also be noticed on the Parcel Map.
8. **Within five (5) days of the effective date of the approval of this permit** the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,404.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).

9. Parkland dedication fees of **\$4,601.88** shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka, CA. Alternately, a parkland dedication fee of **\$2,300.94** may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for accessory dwelling units on Parcels 1 – 3. Release from the Conveyance and Agreement may be pursued upon payment of the **\$2,300.94** parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* updated dedication payments amounts for each lot calculated will be provided by the Planning Division upon the election of this option by the applicant once the Parcel 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 an accessory 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 (currently \$415.00) will be required.

#### Informational Notes

1. To minimize 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 Department. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.



Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. \_\_\_\_\_ Condition \_\_\_\_\_  
(Specify) (Specify)

2. 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 might be encountered during construction activities, the following mitigation measures are required under state and federal law:

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) is 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.

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 term of the approved Tentative Map shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code.

\*As revised by the Humboldt County Planning Commission at the meeting of August 1, 2019

## EXHIBIT A



### DEPARTMENT OF PUBLIC WORKS COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

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

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493


NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 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

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

**RE:** SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE  
APPLICATION OF ELLENA, APN 510-291-087, PMS 18-002, APPS# 13995,  
FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 0.5 ACRES  
INTO 3 PARCELS

**DATE:** 05/02/2018  
08/01/2019 Modified by Planning Commission

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*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 March 2018, and dated as received by the Humboldt County Planning Division on March 14, 2018.**

**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) HILLER ROAD (County Road No. C3L080):**

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.

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) UNNAMED ACCESS ROAD SERVING PARCELS 1, 2, and 3 (Not County Maintained):**

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 1 and 2 within the subdivision in a manner approved by this Department. The easement shall be 20 feet in width in the pan handle and 24 feet adjacent to Parcels 1 and 2.

A turn-around area shall be provided at the end of road.

PUE: Applicant shall cause to be dedicated to the Parcels in the subdivision 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 Parcels in the subdivision a PUE over the entire area of the access easement for the road.

Sidewalks: Applicant shall cause to be dedicated on the subdivision map a non-exclusive 10-foot wide easement for sidewalk purposes lying adjacent to the right of way of the access roads within the subdivision. 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. This easement may overlap a public utility easement.  
[Removed by the Planning Commission on 08/01/2019]

**(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.



- 1.7 LINES OF OCCUPATION:** Any fences that do not coincide with the property lines shown on the subdivision map need to be adjusted to agree with the subdivision map, or a boundary correction or lot line adjustment must be completed to resolve the discrepancy prior to the map being approved by the County Surveyor.

## **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. Projects located within McKinleyville Community Services District (MCSD) area shall be tied to MCSD elevation datum unless waived 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 ADA FACILITIES:** All pedestrian facilities shall be ADA compliant. This includes, but is not limited to, providing curb ramps at intersections and sidewalks behind driveway aprons (or ADA compliant driveway aprons).

Fire hydrants, neighborhood box units for mail, utility poles (including down guys), street lights, or other obstructions will not be allowed in sidewalks unless approved by this Department.

Applicant shall replace/retrofit to meet current standards any non-ADA compliant pedestrian improvements within the public right of way (or access easements that the subject property has a legal right to use) contiguous to the project.

- 2.4 ROAD NAMES:** The access road/street shall be named as approved by the Planning & Building Department - Planning Division.

- 2.5 TRAFFIC CONTROL DEVICES & SIGNS:** Traffic control devices and signs may need to be placed as required and approved by this Department. All signs and striping on County maintained roads shall be installed by the County at the expense of the developer, unless otherwise approved by the Department.

- (a) 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. (last paragraph for private roads)
- (b) No parking zones shall be designated on the unnamed access road with red painted curbs (and/or signs) as follows: 1) along the east side of the unnamed access road from Hiller Road to the southwest corner of Parcel 1; and 2) along the westerly side of the unnamed access road from Hiller Road to the westerly prolongation of the north line of Parcel 2.
- (c) If the Planning & Building Department requires that the unnamed access road be named, a street name sign shall be provided.
- (d) Fire hydrants shall be identified with a retroreflective blue colored raised pavement marker.

**2.6 ACCESS ROADS:** The surface of the access road shall conform to the Structural Section requirements within this document. The access road serving the subdivision shall be constructed to the satisfaction of this Department as follows:

- (a) **UNNAMED ACCESS ROAD (Not County Maintained):** The intersection of the unnamed access road and Hiller Road must conform to Humboldt County Code Section 341 regarding visibility. An Urban Driveway No. 1 shall be constructed along the intersection of Hiller Road with the unnamed access road.
- (b) A turnaround area as approved by this Department shall be constructed at the end of the access road serving the subdivision. It shall have the same structural section as the roadway serving the parcels.
- (c) The unnamed access road from Hiller Avenue to the southerly line of Parcel 1 shall be constructed having a typical section comprised of 14.5 foot wide travel lane, Caltrans Type A2-6 PCC curb and gutter, ~~and a 5 foot wide foot PCC sidewalk~~. The unnamed access road from the southerly line of Parcel 1 to the turnaround shall be constructed having a typical section comprised of 16 foot wide travel lane, an 8 foot wide parking lane, Caltrans Type A2-6 PCC curb and gutter, ~~a 5 foot wide landscape strip (4.5 foot useable), and a 5 foot wide foot PCC sidewalk~~. **[Modified by the Planning Commission on 08/01/2019]**
- (d) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (e) Nothing is intended to prevent this Department from approving alternate typical sections, structural sections, drainage systems, and road geometrics based upon sound engineering principals as contained in, but not limited to, the Humboldt County Roadway Design Manual, Caltrans Highway Design Manual, Caltrans Local Programs Manual, Caltrans Traffic Manual, California Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO's A Policy of Geometric Design of Highways and Streets (AKA "The Green Book"). Engineering must not be in conflict with Humboldt County Code or County adopted guidelines and policies.

- (f) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

**2.7 STRUCTURAL SECTION:** The access road(s) shall be constructed to a structural section recommended in the soils report and as approved by this Department.

- (a) **For paved road surfaces**, the structural section shall include a minimum of 0.2 foot of Caltrans Type B hot mix ("asphalt") over 0.67 foot of Caltrans Class 2 aggregate base. If required by this Department, the structural section of all roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by this Department. Based upon soil conditions, this Department may also require a geotextile fabric to be placed on top of the sub grade.

When widening hot mix ("asphalt") roads, the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavements. The location of the sawcut shall be approved by this Department based upon the condition of the existing road surface.

- (b) Access roads and driveways may include decorative accent treatments such as, but not limited to, stamped concrete or decorative brick pavers. Decorative accent treatments must provide appropriate traction for pedestrians, bicycles, and vehicles. **Decorative access treatments are not permitted within the public right of way**, unless approved in writing by this Department.

**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 an 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.

**2.13 COMPLETION OF SIDEWALK IMPROVEMENTS:** Sidewalk improvements may be deferred until such time as a building permit is pulled. Each building permit pulled will require that an ADA accessible sidewalk be constructed to connect the subject lot to the existing pedestrian network outside of the subdivision. Depending on the lot being built upon, this may include constructing sidewalk in front of numerous vacant lots within the subdivision. Sidewalk improvements must be completed prior to the "final" of the building permit. Any sidewalk damaged during construction will need to be replaced prior to the "final" of the building permit.

**2.14 PARCEL MAP SUBDIVISION AGREEMENT:** When a parcel map is to be filed with the County Recorder and the construction of improvements will be deferred to a later date, the following shall apply:

- (a) For parcel map subdivisions projects with a subdivision agreement, include the following note on the development plan: "This subdivision was approved with requirements to construct improvements. At the time the parcel map was filed, the improvements were not completed. The developer has entered into a subdivision agreement with the County to defer construction of these improvements. **Subdivision improvements must be completed within the timelines specified in the subdivision agreement. In general, building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision agreement are shown on the improvement plans prepared by \_\_\_\_\_, dated \_\_\_\_\_, and are signed as approved by the County on \_\_\_\_\_. Contact the Land Use Division of the Department of Public Works for details."
- (b) For parcel map subdivisions without a subdivision agreement and improvements have not been constructed prior to the filing of the map, include the following note on the development plan: "This subdivision was approved with requirements to construct improvements. At the time the parcel map was filed, the improvements were not completed. The developer has elected to not enter into a subdivision agreement with the County that would specify the timing of when the deferred improvements must be constructed. **Building permits cannot be obtained until the required improvements are constructed to the satisfaction of the County.** The improvements required in the subdivision are shown on the improvement plans prepared by \_\_\_\_\_, dated \_\_\_\_\_, and are signed as approved by the County on \_\_\_\_\_. Contact the Land Use Division of the Department of Public Works for details."
- (c) The Department shall cause to be recorded at the time of filing of the parcel map with the County Recorder a *Notice of Construction Requirements*.

### 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. In the preparation of drainage plans, applicant shall comply with the Community of McKinleyville County Storm Water Management Program.
- 3.3 STORM WATER QUALITY:** Applicant shall include within the project site the implementation of Best Management Practices (BMPs) to prevent storm water pollution. BMPs include, but are not limited to, stenciling drainage inlets.
- 3.4 DETENTION FACILITIES:** Pursuant to McKinleyville Community Plan Policy 3310 (5), this project is required to construct detention facilities in a manner and location approved by this Department. In general, storm flows from the 100-year ( $Q_{100}$ ) storm shall be detained so as to release water from the site at a rate no greater than the predevelopment 2-year ( $Q_2$ ) storm flows. Contact this Department regarding any questions.

If the site conditions do not allow for detention, then infiltration may be considered by the Department as an alternative.

- 3.5 DRAINAGE FEES:** Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.
- 3.6 DRAINAGE RIGHTS:** Applicant shall provide evidence acceptable to this Department of rights to discharge storm water runoff from the subdivision onto APN 510-291-090.
- 3.7 LOW IMPACT DEVELOPMENT (LID):** The subdivision is required to comply with County Code Section 337-13. The applicant shall submit a Storm Water Information Sheet for review and approval by the County. The improvement plans must incorporate LID strategies for the entire subdivision, including roads, lots, and other areas.

At the time that the subdivision improvements are constructed, the LID elements related to an individual lot may be deferred until such time as the lot is developed. It is intended that any deferred LID strategies shown on the improvement plans for a lot are conceptual in nature and subject to adjustment/refinement at the time that the building permit is applied for. Any deferred LID improvements must be shown and identified on the Development Plan.

When there will be deferred LID improvements, a separate sheet in the improvement plans shall be provided for the LID concepts proposed for the individual lots. It is intended that this sheet will be attached to the development plan to facilitate issuance of a building permit at a later time.

Each lot in the subdivision is considered a regulated project.

#### **4.0 GRADING**

<NONE>

- 4.1 GRADING PLAN:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(b)(1), the applicant shall submit an engineered preliminary (rough) grading plan addressing the entire

project construction area to this Department for review and approval. The purpose of the grading plan is to establish building pads that will drain to the roads (or other approved drainage course) without creating lot drainage from one lot to flow across the buildable area of adjacent lots.

- 4.2 GRADING CRITERIA:** Each lot shall have a building pad graded to a maximum of 2% per Humboldt County Code Section 331-14 (H)(3)(d), unless waived by this Department. Building pads shall be of a sufficient size to accommodate anticipated future structures.

The elevation of the building pad shall be established so that a driveway from the building pad to the back of sidewalk will have a minimum slope of 1% and a maximum slope of 16%.

If sidewalk is not required, then the driveway slope will be measured to the back of driveway apron.

Lot grading shall be constructed at the time of lot development.

- 4.3 CONSTRUCTION TIMING:** Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by this Department. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.

- 4.4 DATUM:** Grading plans shall be tied into elevation datum approved by this Department. Projects located within McKinleyville Community Services District (MCSD) area shall be tied to MCSD elevation datum unless waived by this Department.

- 4.5 EROSION CONTROL:** Pursuant to Humboldt County Code Section 331-14 (H)(6)(d)(1) and 337-13(c), an erosion control plan (aka, sediment control plan, Storm Water Pollution Prevention Plan, etc.) addressing erosion from storm water runoff and wind shall accompany the grading plan.

For construction sites equal to or greater than one (1) acre of ground disturbance, a Notice of Intent (NOI) and permit registration documents are required to be filed with the State Water Quality Control Board. A copy of the State's receipt of the approved NOI shall be provided to this Department prior to the start of construction.

## **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 all facilities within the proposed subdivision.

- A maintenance plan for the non-county maintained road known as Unnamed Access Road.

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.

A maintenance plan for projects that contain detention facilities shall include, but is not limited to, the following:

- (a) A schedule for the periodic monitoring of the detention facilities. At a minimum, the detention facilities shall be monitored at least once each year between April 15 and October 15.
- (b) A system to monitor the basins in a timely manner after significant rain fall events.
- (c) Monitoring shall be done by a qualified professional as approved by this Department.
- (d) Monitoring shall include an annual written report identifying (1) the condition of the facilities; (2) the recommended maintenance needed for the facilities to function as originally constructed or as required by subsequent regulation; and (3) certification that the maintenance was completed to the satisfaction of a qualified professional. The report shall be submitted no later than October 31 of each year to this Department.
- (e) A financially secured procedure that will ensure that maintenance is identified and subsequently performed in a timely manner.
- (f) For infiltration basins, wet weather testing of the percolation rate of the basin consistent with Department of Environmental Health standards for determining the percolation rates for septic systems. Percolation rate testing shall be done every five (5) years.

**5.2 MAINTENANCE AGREEMENTS:** Any agreements regarding the maintenance of the detention facilities between the applicant and a public entity or Homeowners Association may be required to be approved by County Counsel and the County Risk Manager.

**6.0 DEVELOPMENT PLAN:** The following are required for all development plans:

<NONE>

**7.0 LANDSCAPING**

<NONE>

// END //