



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: December 7, 2017

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Ron Dias Final Map Subdivision, Coastal Development Permit and Special Permit Extension**  
Application Number 13627  
Case Numbers FMS-03-002XX, CDP-03-016XX, SP-03-016XX  
Assessor Parcel Numbers (APNs) 017-152-022, 017-152-023, 017-152-024, 402-301-011  
3127 Mitchell Heights Drive, Eureka area

<b>Table of Contents</b>	<b>Page</b>
Agenda Item Transmittal Form	2
Recommended Action and Executive Summary	3
Draft Resolution	5
<b>Maps</b>	
Location Map	6
Zoning Map	7
Assessor Parcel Map	8
Aerial Photo	10
Tentative Map	11
<b>Attachments</b>	
Attachment 1: Conditions of Approval	12
Attachment 2: Original Conditions of Approval	13

Please contact Trevor Estlow at (707) 268-3740, or by email at [testlow@co.humboldt.ca.us](mailto:testlow@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 7, 2017	Final Map Subdivision, Coastal Development Permit and Special Permit Extension	Trevor Estlow

**Project:** A two year extension, in addition to a previously authorized two-year extension and automatic extensions allowed by Senate Bill 1185, Assembly Bill 333, Assembly Bill 208 and Assembly Bill 116, of a Final Map Subdivision, Coastal Development Permit and Special Permit (FMS-03-002, CDP-03-012, SP-03-016). The original project was for the subdivision of 33.3 acres into thirteen (13) lots ranging in size from 1.25 to 4.51 acres. The subdivision utilizes Lot Size Modification, and includes an exception to lot frontage requirements and a Special Permit to allow an exception to the lot width to depth ratio. The subdivision is proposed to be developed as Phase 1 (Lots 1 through 3 and Remainder), Phase 2 (Lots 4 through 10 and Remainder) and Phase 3 (Lots 11 through 13). Phase 1 and Phase 2 have already been completed. The subdivision will site the existing single family residence onto Lot 1. The project includes construction of a 3-bedroom single family residence (approximately 2,400 square feet and 30 feet high with attached garage) on two lots. The parcels will be served by community water and on-site sewage disposal systems. **No changes to the original project are proposed. If approved, the extension will expire on July 17, 2019.**

**Project Location:** The project site is located in the Eureka area, on the north side of Mitchell Heights Drive and on the south side of Myrtle Avenue, approximately 200 feet east from the intersection of Mitchell Heights Drive with Main Street, on the property known as 3127 Mitchell Heights Drive.

**Present Plan Land Use Designation:** Rural Residential (RR). Humboldt Bay Area Plan (HBAP). Density: 1 unit per 2.5 to 5 acres. Slope Stability: Relatively Stable; Low Instability.

**Present Zoning:** Rural Residential Agriculture specifying a minimum lot size of 2.5 acres in addition to the Streams and Riparian Corridor Protection combining zone (RA-2.5/R).

**Case Numbers:** FMS-03-002XX, CDP-03-016XX, SP-03-016XX

**Assessor Parcel Numbers:** 017-152-022, 017-152-023, 017-152-024, 402-301-011

**Applicant**

Ron Dias  
3127 Mitchell Heights Drive  
Eureka, CA 95503

**Owner**

same as applicant

**Agent**

**Environmental Review:** Project requires environmental review.

**Major Issues:** None

**State Appeal Status:** Project is appealable to the California Coastal Commission.

## DIAS FINAL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT EXTENSION

Case Numbers FMS-03-002XX, CDP-03-016XX, SP-03-016XX

Assessor Parcel Numbers 017-152-022, 017-152-023, 017-152-024, 402-301-011

### RECOMMENDED COMMISSION ACTION:

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*"I move to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions of approval."*

### Staff Analysis of the Evidence Supporting the Required Findings

Sections 66452.6(e) and 66463.5(c) of the California Government Code (Subdivision Map Act) and Sections 326-21 and 326-31 (Filing of Final and Parcel Maps) of the Humboldt County Code Zoning Regulations establishes the authority to grant time extensions for approved or conditionally approved tentative maps when it can be found that the findings and conditions of the original project have not changed significantly. In addition, recent legislation (SB 1185, AB 116, AB 208, AB 333) added sections to the Subdivision Map Act that granted automatic extensions to a tentative subdivision or parcel map which met certain criteria.

### Recommendation:

The findings and conditions of the original project have not changed significantly based on the following analysis.

### Staff Analysis:

A two year extension, in addition to the previously authorized two-year extension and automatic extensions allowed by Senate Bill 1185, Assembly Bill 333, Assembly Bill 208 and Assembly Bill 116, of a Final Map Subdivision, Coastal Development Permit and Special Permit (FMS-03-002, CDP-03-012, SP-03-016). The original project was for the subdivision of 33.3 acres into thirteen (13) lots ranging in size from 1.25 to 4.51 acres. The subdivision utilizes Lot Size Modification, and includes an exception to lot frontage requirements and a Special Permit to allow an exception to the lot width/depth ratio. The subdivision is proposed to be developed as Phase 1 (Lots 1 through 3 and Remainder), Phase 2 (Lots 4 through 10 and Remainder) and Phase 3 (Lots 11 through 13). Phase 1 and Phase 2 have already been completed. The subdivision will site the existing single family residence onto Lot 1. The project includes construction of a 3-bedroom single family residence (approximately 2,400 square feet and 30 feet high with attached garage) on two lots. The parcels will be served by community water and on-site sewage disposal systems. The project includes off-site road improvements to address emergency access and traffic impact on Mitchell Heights Drive. The project requests exception from the California Department of Forestry and Fire Protection to allow reduced setbacks, and exception to Solar Access Standards. **No change to the original project is proposed.**

The applicant states that the conditions of the property have not changed since the original application/approval of FMS-03-002, CDP-03-012, SP-03-016. This is the second applicant requested extension and, if approved, the tentative map will expire on July 17, 2019.

The Planning Department has circulated requests for input relative to the extension petition and has received no comments against the petition being granted. It is staff's opinion that **the findings and conditions of the original project, effective July 17, 2006, have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:**

1. The parcel's zoning, Rural Residential Agriculture specifying a minimum lot size of 2.5 acres in addition to the Streams and Riparian Corridor Protection combining zone (RA-2.5/R), for which a conformance finding was made, has not changed.
2. The General Plan Land Use designation, Rural Residential (RR), for which a consistency finding was made, has not changed.
3. The applicable development standards, for which the original project was evaluated, have not changed.
4. The applicable design standards, for which the project was evaluated, have not changed.
5. All other standards and requirements to which the project is subject and as administered by other departments or agencies have not changed.
6. The original project was subject to environmental review and a Mitigated Negative Declaration was adopted by the Planning Commission as required by Section 15074 (b) of the CEQA Guidelines. The County has received no evidence indicating that additional review under CEQA is necessary.

Referral agencies have recommended approval of the extension.

**ALTERNATIVES:** The Planning Commission could elect not to approve the extension. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 326-21 or 326-31. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

Note: If the extension is denied, a fifteen calendar day appeal begins the next business day. Appeals must be filed with both the Planning Division and the Clerk of the Board of Supervisors. There is no appeal period for approved map extensions.

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

**Resolution Number 17-**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE DIAS FINAL MAP SUBDIVISION,  
COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT EXTENSION APPLICATION.**

**CASE NUMBERS: FMS-03-002XX, CDP-03-016XX, SP-03-016XX;  
ASSESSOR PARCEL NUMBERS: 017-152-022, 017-152-023, 017-152-024, 402-301-011**

**WHEREAS**, Ron Dias, submitted an application and evidence in support of approving the Final Map Subdivision, Coastal Development Permit and Special Permit Extension; and

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

**WHEREAS**, at their June 15, 2006 hearing, the County Planning Commission adopted a Mitigated Negative Declaration for the subject project in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Final Map Subdivision, Coastal Development Permit and Special Permit Extension request;

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission considered the previously adopted Mitigated Negative Declaration; and
2. The findings in H.C.C. [§ 326-21] in the Planning Division staff report for Case Numbers: FMS-03-002XX, CDP-03-016XX, SP-03-016XX support approval of the project based on the submitted evidence.
3. Approves the proposed project as recommended and conditioned in the Planning Division staff report for Case Numbers: FMS-03-002XX, CDP-03-016XX, SP-03-016XX.

Adopted after review and consideration of all the evidence on December 7, 2017

The motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

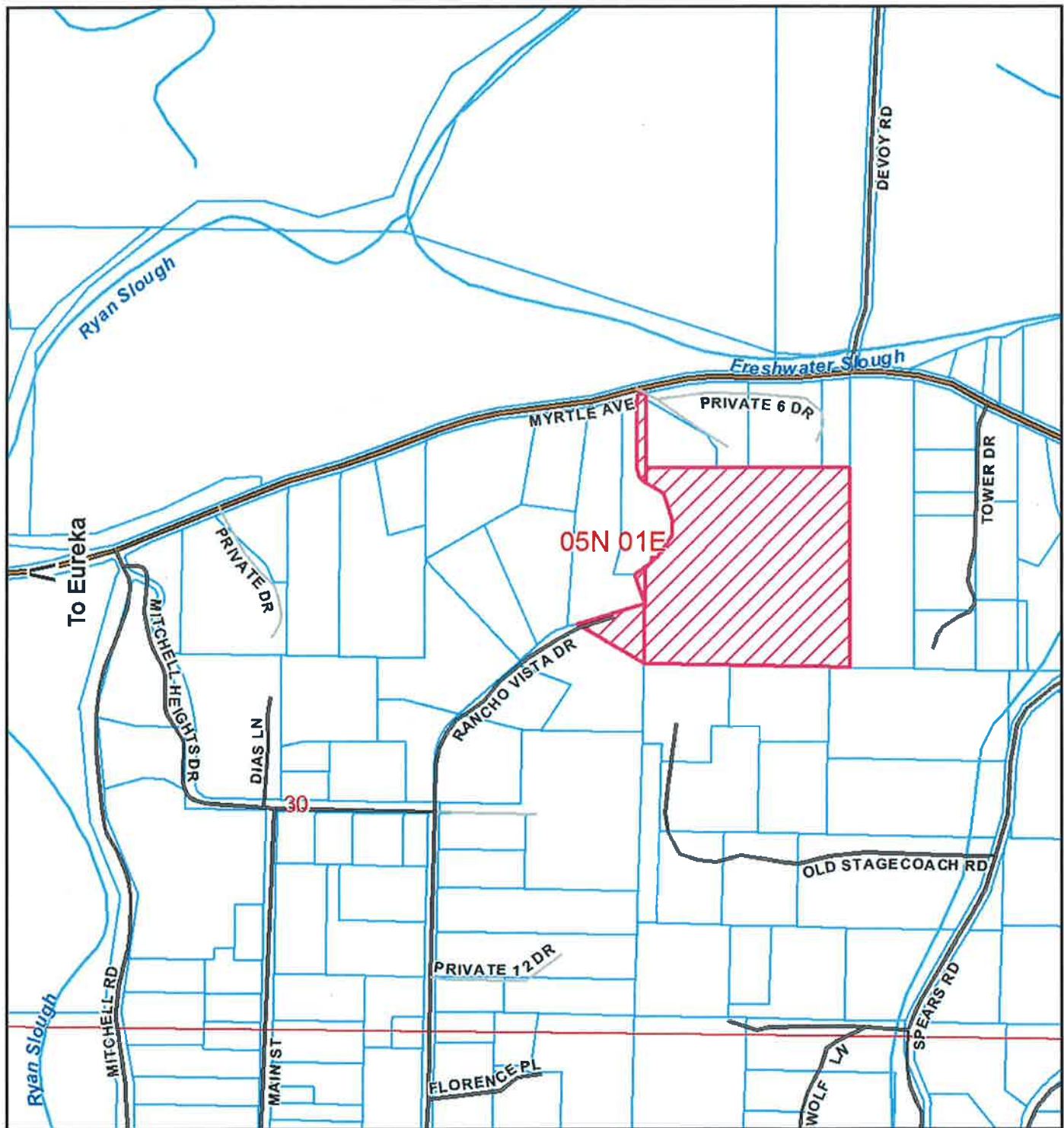
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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



Project Area = 

### LOCATION MAP

### PROPOSED DIAS EXTENSION OF FINAL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT EUREKA AREA

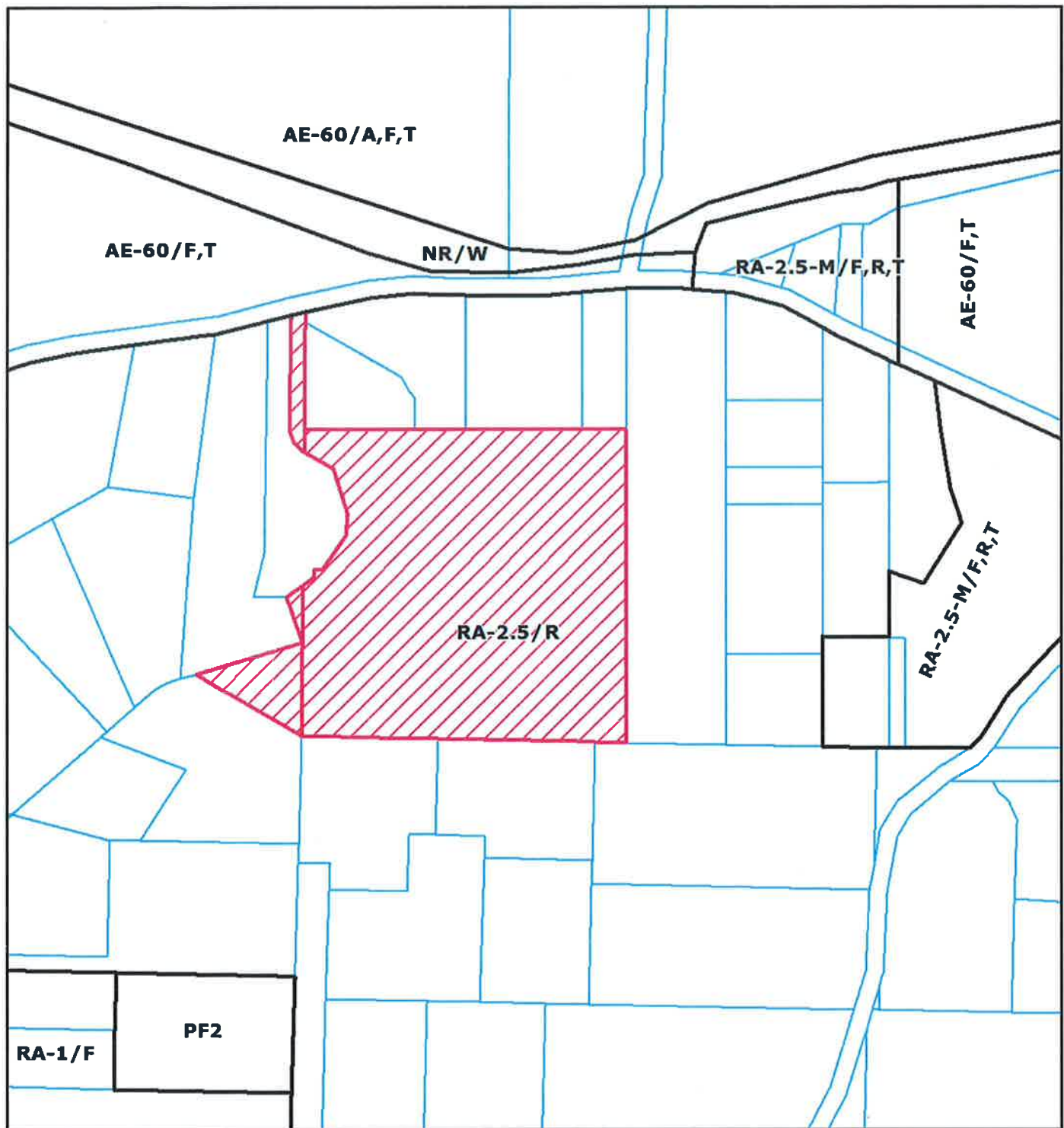
FMS-03-002XX/CDP-03-012XX/SP-03-016XX

APN: 017-152-022 et seq  
T05N R01E S30 HB&M (Arcata South)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 250  
Feet





Project Area = 

## ZONING MAP

### PROPOSED DIAS EXTENSION OF FINAL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT EUREKA AREA

FMS-03-002XX/CDP-03-012XX/SP-03-016XX

APN: 017-152-022 et seq  
T05N R01E S30 HB&M (Arcata South)

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

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Feet

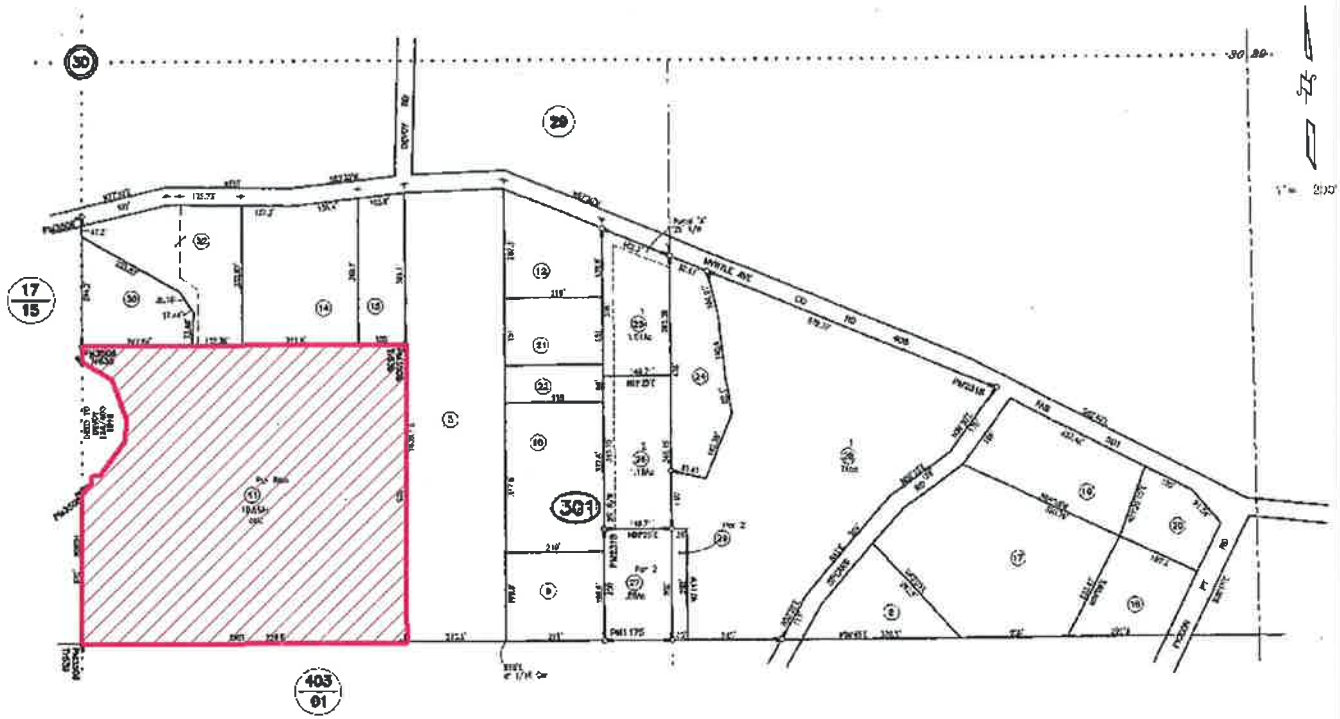






PTN OF SE1/4 SEC 30, T5N, R1E H.B.& M.

402-30



**ASSASSOR'S PARCEL MAP**  
 MAP HAS BEEN PREPARED FOR  
 REENT PURPOSES ONLY.  
 INTENT IS ASSURED FOR  
 PURPOSE OF THE DATA SHOWN.  
 MAP'S PARCELS MAY NOT  
 BE WITH LEGAL LOT-AREAS  
 LONG SITE DISTANCES.

PM1175 of PM Bk.10, Pg.83  
 PM2318 of PM Bk.20, Pgs.92-93  
 RS, Bk.61 of surveys, Pg.139  
 RS, Bk.64 of surveys, Pgs.46-49  
 PM3508 of PM Bk.34, Pgs.85-89  
 T639, Bk.25 of MAPS, Pgs.20-23  
 Block Sub'd Pn. 1

May 23, 2012

NOTE: Assessor's Black Numbers Shown in Chinese  
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 402, Pg.30  
 County of Humboldt, CA.

50' 100' 200'

Project Area = 

## ASSESSOR PARCEL MAP

### PROPOSED DIAS EXTENSION OF FINAL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT EUREKA AREA

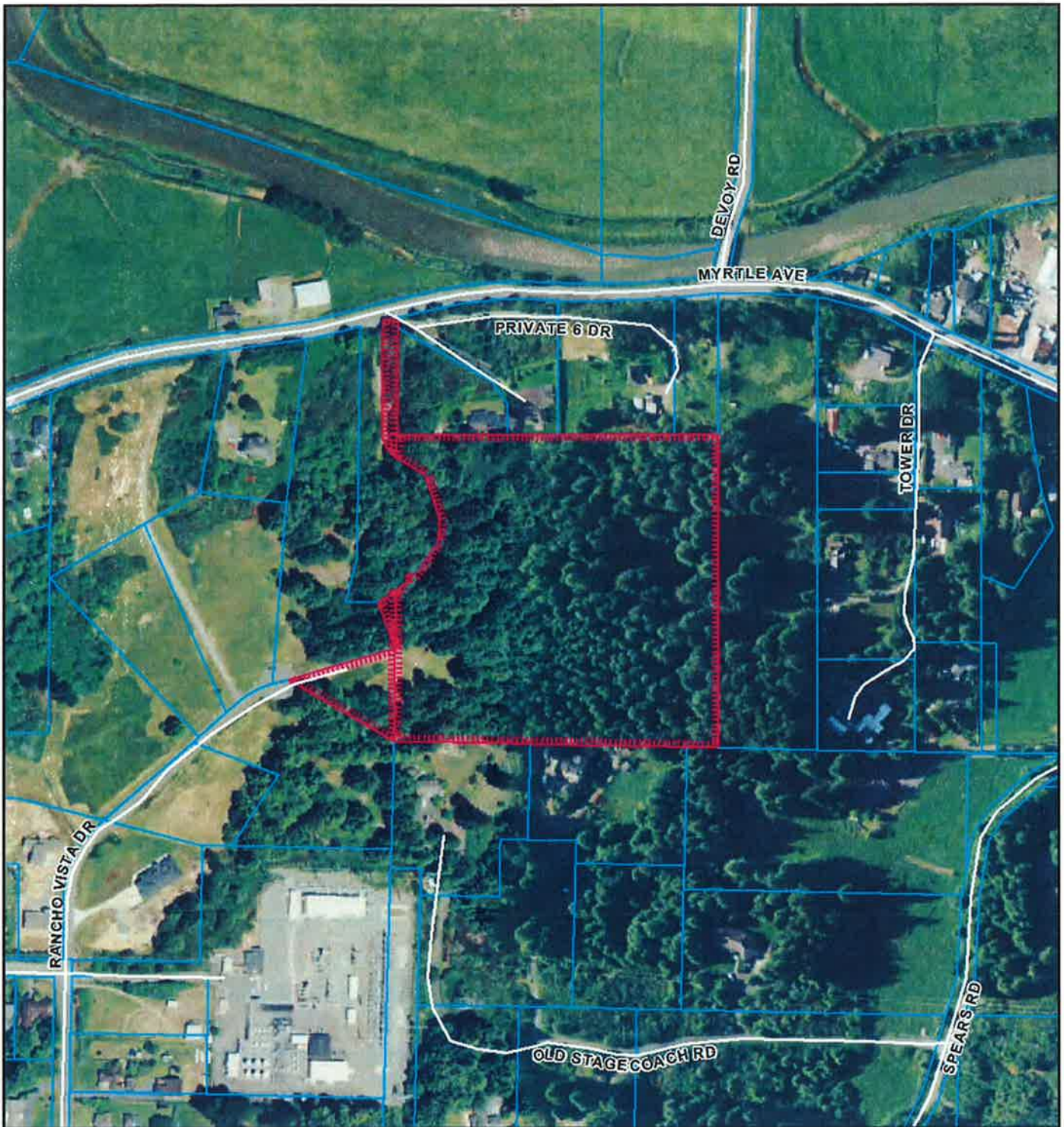
FMS-03-002XX/CDP-03-012XX/SP-03-016XX

APN: 017-152-022 et seq  
 T05N R01E S30 HB&M (Arcata South)

This map is intended for display purposes and  
 should not be used for precise measurement or  
 navigation. Data has not been completely checked  
 for accuracy.



MAP NOT TO SCALE



Project Area = 

## AERIAL MAP

### PROPOSED DIAS EXTENSION OF FINAL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT EUREKA AREA

FMS-03-002XX/CDP-03-012XX/SP-03-016XX

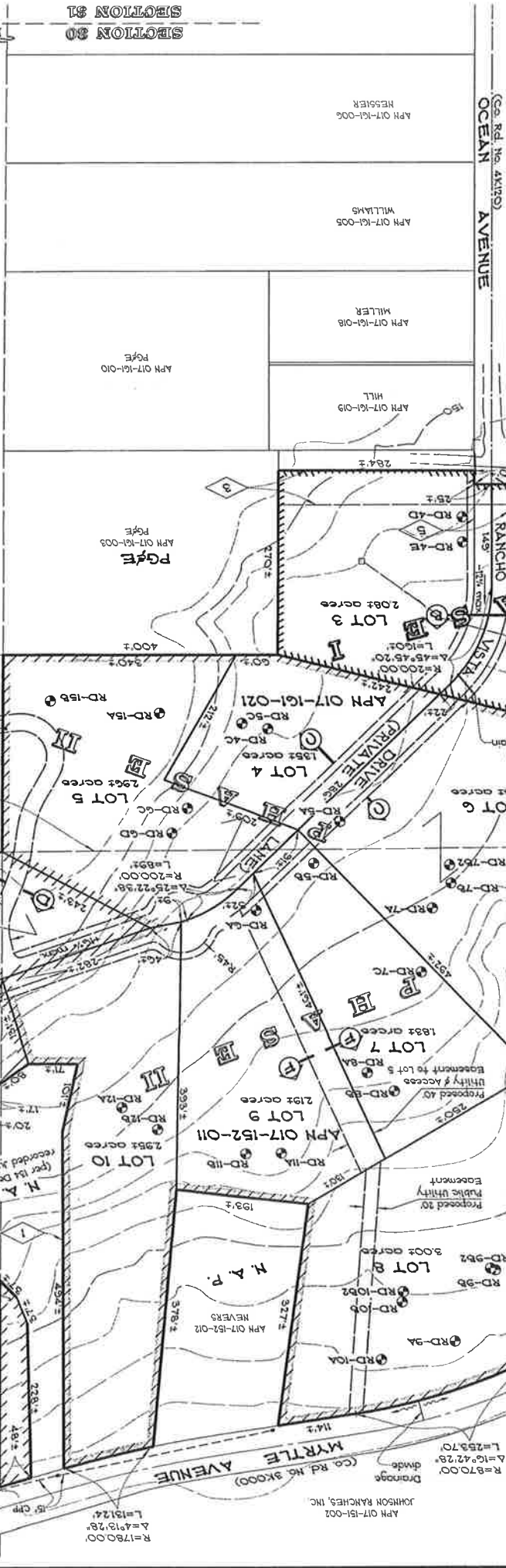
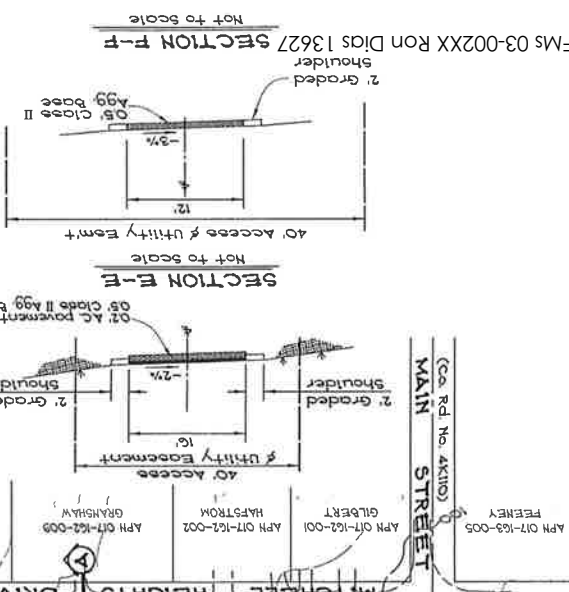
APN: 017-152-022 et seq  
T05N R01E S30 HB&M (Arcata South)

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0 250  
Feet





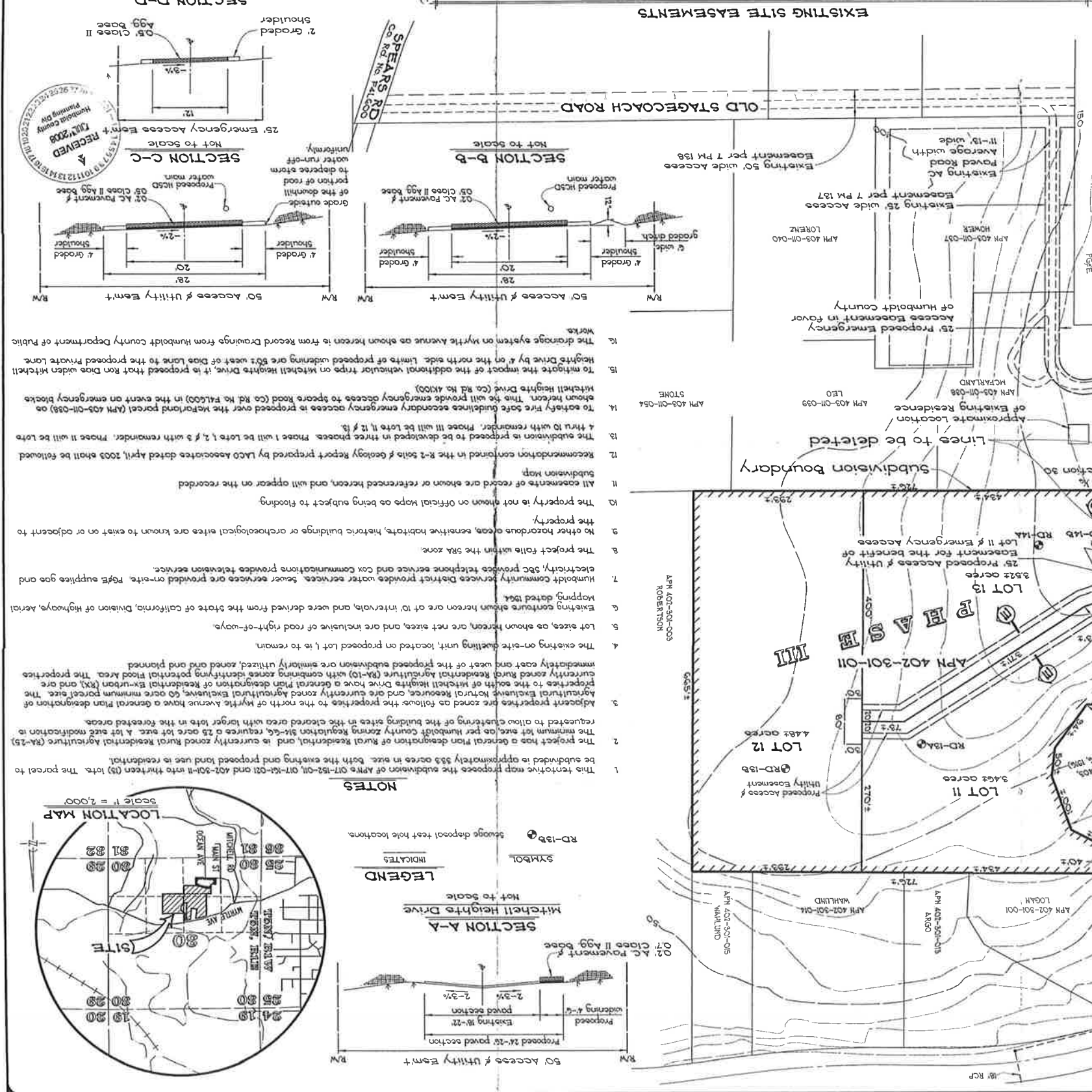
NO.	DOC. NO.	DATE REC.	BENEFICIARY	NATURE OF EASEMENT	DISPOSITION
1	BK 97 OR PG 425	Nov. 30, 1903	W. Herrmann	Pipeline for water conveyance	To remain
2	Mettr. No. 4273, O.R.	March 30, 1954	PG&E	Public Utilities	To remain
3	Mettr. No. 4273, O.R.	March 30, 1954	PG&E	Public Utilities	To remain
4	BK 415 OR PG 478	Dec. 22, 1960	S. K. Meyers	Water tank & pipelines	To remain
5	1992-21177-5	July 23, 1992	PG&E	Public Utilities	To remain

Utilities: WATER, SEWER, GAS & ELECTRIC, TELEPHONE, CABLE TV. On site. Humboldt County Electric Company. Humboldt Community Services District.

NO.	REVISION	DATE	BY
1			
2			
3			
4			
5			

ENGINEERS: OMBERG & PRESTON, 304 N. Street, Eureka, California 95501. Telephone: (707) 442-8551. Fax: (707) 442-8551.

TENTATIVE MAP  
Scale: 1" = 100'  
Sheet No. 1 of 1  
Date: 07-12-01  
Subdivision of APN 017-152-011, 017-161-021 & 402-301-011  
ENGINEER / SURVEYOR: OMBERG & PRESTON  
OWNER / APPLICANT: Ron Dias, 3127 Mitchell Heights Dr., Eureka, CA 95503  
(707) 442-8551  
(707) 442-8552



- NOTES
1. This tentative map proposes the subdivision of APNs 017-152-011, 017-161-021 and 402-301-011 into three (3) lots. The parcel to be subdivided is approximately 3.5 acres in size. Both the existing and proposed land use is residential.
  2. The project has a General Plan designation of Rural Residential (RR-1) and is currently zoned Rural Residential (RR-1). The minimum lot size, as per Humboldt County Zoning Ordinance 15.06, requires a 15 acre lot size. A lot size modification is requested to allow clustering of the building sites in the cleared area with larger lots in the forested areas.
  3. Adjacent properties are zoned as follows: the properties to the north of Myrtle Avenue have a General Plan designation of Agricultural (A-1) and are currently zoned Agricultural (A-1). The properties to the south of Myrtle Avenue have a General Plan designation of Rural Residential (RR-1) and are currently zoned Rural Residential (RR-1). The properties to the east and west of the proposed subdivision are similarly utilized, zoned and planned.
  4. The existing on-site dwelling unit, located on proposed Lot 1, is to remain.
  5. Lot sizes, as shown hereon, are net sizes, and are inclusive of road right-of-ways.
  6. Existing contours shown hereon are of 10' intervals, and were derived from the State of California, Division of Highways, Aerial Mapping, dated 1994.
  7. Humboldt Community Services District provides water services. Sewer services are provided on-site. PG&E supplies gas and electricity. SBC provides telephone service and Cox Communications provides television service.
  8. The project falls within the SRM zone.
  9. No other hazardous areas, sensitive habitats, historic buildings or archaeological sites are known to exist on or adjacent to the property.
  10. The property is not shown on Official Maps as being subject to flooding.
  11. All easements of record are shown or referenced hereon, and will appear on the recorded subdivision map.
  12. Recommendation contained in the R-2 soils & geology Report prepared by L&C Associates dated April, 2003 shall be followed. This subdivision is proposed to be developed in three phases. Phase I will be Lots 1, 2, & 3 with remainder. Phase II will be Lots 4 thru 10 with remainder. Phase III will be Lot 11, 12, & 13.
  13. To satisfy five (5) acre guidelines secondary emergency access is proposed over the northern parcel (APN 402-301-011) as shown hereon. This five (5) acre guidelines secondary emergency access to Spears Road (CA Rd No. 41000) is proposed as a three (3) acre easement. Phase I will be Lots 1, 2, & 3 with remainder. Phase II will be Lots 4 thru 10 with remainder. Phase III will be Lot 11, 12, & 13.
  14. To satisfy five (5) acre guidelines secondary emergency access is proposed over the northern parcel (APN 402-301-011) as shown hereon. This five (5) acre guidelines secondary emergency access to Spears Road (CA Rd No. 41000) is proposed as a three (3) acre easement. Phase I will be Lots 1, 2, & 3 with remainder. Phase II will be Lots 4 thru 10 with remainder. Phase III will be Lot 11, 12, & 13.
  15. To mitigate the impact of the additional vehicular trips on Mitchell Heights Drive, it is proposed that Ron Dias widen Mitchell Heights Drive by 4' on the north side. Limits of proposed widening are 50' west of Dias Lane to the proposed Private Lane.
  16. The drainage system on Myrtle Avenue as shown hereon is from Record Drawings from Humboldt County Department of Public Works.

## **ATTACHMENT 1**

### **Conditions of Approval**

The conditions of approval effective July 17, 2006, 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 2**

Original Conditions of Approval

**ATTACHMENT 1A**  
**Revised CONDITIONS OF APPROVAL**

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE FINAL MAP MAY BE RECORDED. ***Note the following reflects the conditions as revised and approved by the Planning Commission at the June 15<sup>th</sup> hearing. Revisions are shown in bold italics.***

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 enclosed Department of Public Works referral dated December 8, 2006 with revised date May 2, 2006, included herein as Exhibit A of Attachment 1, ***and as revised by the Planning Commission***, 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. ***Revisions include continuance of the center line striping of Mitchell Heights Road from its intersection at Myrtle Avenue to Dias Lane and the inclusion of "public, non-vehicular access dedication through Lots 5 and 13, from the end of the cul-de-sac to the eastern line of Lot 5, and following the alignment of the proposed emergency access" (see LUD COA No. 2.g.6). The portion of the emergency access outside of the subdivision shall remain for emergency access only.***
3. The Planning Division requires that two (2) copies of the Final Map be submitted for review and approval, said map to identify net and gross acreage for each parcel or lot.
4. Prior to recordation of the Final Map, the applicant shall submit a letter from the Humboldt Community Services District indicating that the project conforms to its requirements per letter dated October 30, 2003 included herein as Exhibit B of Attachment 1. This requirement shall be administered by the Department of Public Works.
5. Prior to recordation of the Final Map, the applicant shall submit a letter from Humboldt Fire District No. 1 stating that the project meets their requirements per letter dated October 23, 2003. This requirement shall be administered by the Department of Public Works.
6. Prior to recordation of the Final Map, the applicant shall submit a letter from the Eureka Fire Department stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
7. Prior to recordation of the Final Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
8. Prior to recordation of the Final Map, the applicant shall submit a letter from the County Division of Environmental Health stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
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 shall include Items 6(a) through 6(h) of the Public Works Memorandum dated December 8, 2005 (Revised May 2, 2006), included herein as Exhibit A of Attachment 1, and the following site development details:



#### A. Mapping

1. Topography of the land in 10-foot contours.
2. Details showing conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. H.C.C.), including but not limited to:
  - a. Road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)
  - b. Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
  - c. Emergency water standards (i.e., placement of fire hydrants, 2,500 gallon individual emergency water supply, etc.)
  - d. Fuel modification standards (i.e., setbacks for structure defensible space, greenbelts, etc.).
3. Building "envelopes" (building site locations with applicable yard setback, maximum lot coverage and building height standards), including dimensioned setbacks to property lines and easements. Parking area detail showing conformance with parking requirements of Humboldt County Code and County Subdivision Regulations, and as restricted by the County Land Use Division and the Humboldt No.1 Fire Protection District. Note: Applicant shall obtain approval from the California Department of Forestry and Fire Protection for an exception request to the 30-foot setback requirements for structure defensible space.
4. Proposed circulation improvements including streets, driveways, turnouts, and emergency vehicle turn-arounds.
5. Location of waterline, sewer and drainage easements in favor of the Humboldt Community Services District (HCSD) or the County of Humboldt. Location of on-site sewage disposal systems.
6. Street lighting as required by HCSD
7. Location of hydrants as required by the Humboldt No. 1 Fire Protection District
8. Location and details of drainage system and associated improvements consistent with the R-2 Geologic/Soils Report and as approved by LUD.
9. Gulch and other sensitive habitats.
10. Subdivision phasing.

#### B. Notes to be placed on the Development Plan:

1. "All flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be disposed of by chipping, burying, burning or removal to a landfill site approved by the County."
2. "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A(2) of the Development Plan Details, above. Compliance with these

provisions is subject to inspection by the California Department of Forestry and Fire Protection."

3. "The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. Exceptions to the 30-foot setback requirement may be pursued upon demonstration of providing the "same practical effect" of the setback through a combination of construction material choices, non-flammable vegetative buffers, and other design features. Applicant shall obtain approval from the California Department of Forestry and Fire Protection for an exception request to the 30-foot setback requirements for structure defensible space."
4. "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:
  - a. 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, and protective cover).
  - b. Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted."
5. "Hours of construction activity shall be restricted to the hours of 8:00 am to 6:00 pm, Monday through Friday, 9:00 am to 5:00 pm on Saturday with no construction activity on Sunday."
6. "Driveway access shall be consistent with the County's Fire Safe Ordinance Regulations."
7. "Proposed development shall conform with the recommendations of the R-2 Geologic/Soils Report dated prepared by LACO Associates. LACO Associates must review and comment on all final drafts of grading, foundation and landscape plans."
8. "All new and existing outdoor lighting, including sign illumination, shall be compatible with the existing setting and directed within the property boundaries, and shall produce no glare on adjacent properties or rights-of-way."
9. "Utilities associated with the subdivision shall be placed underground, where feasible."
10. "Water connection fees are due and payable to the HCSD upon a request for services."
11. "On-site sewage disposal systems shall be as approved by the County Division of Environmental Health."
12. "The drainage system and associated improvements shall be constructed as approved by the Department of Public Works."
13. "One- and two-story residential structures up to a maximum height of 35 feet are permitted in the RA zone."
14. "The site is constrained by gulches. Development shall comply with the Streamside Management Area Ordinance and General Plan policies regulating gulches and other sensitive habitats."
15. "Development rights for secondary dwelling units and further subdivision of Lots 8, 11, and 12 have been conveyed to the County of Humboldt until such time as the access has been upgraded to Road category 4 standard to the satisfaction of the Department of Public Works."

16. "The parcels created by this subdivision have utilized the lot size modification provisions of Section 325-11 of the Humboldt County Code. These provisions have enabled the subdivision to create parcels substandard to the zoning minimum parcel size subject to the overall subdivision compliance with General Plan density and other requirements. Any future action to alter one or more of the parcels created by this subdivision (e.g., lot line adjustment) will require that the requested change be viewed in the context of maintaining compliance with the provisions of Section 325-11 for all parcels within this subdivision."
17. "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. "Per the Humboldt No.1 Fire District, the circular cul-de-sac shall be designated and indicated as a "No Parking Area" to allow emergency vehicle access and turnaround capability."
11. The applicant shall cause to be recorded a "Notice of Development Plan and Geologic Report" 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 (currently \$146.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map.
12. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
13. The recommendations set forth in the R-2 Geologic/Soils Report, with amendments, shall be implemented as a condition to the issuance of permits or other grants of approval for the development or improvement of the site.
14. Completion of the mitigation measures as set forth in the Mitigated Negative Declaration. The applicant shall be responsible for all staff costs involved in carrying out responsibilities for mitigation. These costs shall be charged using the most current County burdened hourly rate. A deposit may be collected to cover anticipated costs, if required by the Planning Director.
15. The January 1, 2004 document, "Project Review Input Basic to All Development Projects" is considered part of any input from the California Department of Forestry and Fire Protection (CDF) regarding this project. CDF suggests that the applicant have access to that document's input at the earliest contact possible. Handouts that describe that document are available from Community Development Services.
16. Prior to recordation of the Final Map, applicant shall provide documentation that the project meets the requirements of the California Regional Water Quality Control Board.
17. Applicant shall obtain approval from the Planning Department approval of a street name for the new interior road, and shall pay fees as set forth in the schedule of fees and charges.
18. 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 \$77.00 per parcel) as required by the County Assessor's Office shall be paid to the Humboldt 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.

19. Prior to reduction of the setback requirements from 30 feet minimum to those prescribed by the zone, the applicant shall obtain approval of the Exception Request for reduced setbacks from the California Department of Forestry and Fire Protection.
20. Tree removal shall be limited to road and utility extensions associated with this Final Map conducted under a valid grading permit from the County. All other tree removal shall conform to the provision of the Zoning Regulations and may require a Coastal Development Permit and Special Permit. The applicant is responsible from securing all necessary permits from CDF in addition to these requirements.
21. Prior to recordation of Final Map, applicant shall pay to the Humboldt County Community Development Services any unpaid balance associated with the processing of this application.
22. Within five (5) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division in the amount of \$25.00 (document handling fee) pursuant to Section 711.4 of the Fish and Game Code.
23. The applicant shall convey future development rights to the County of Humboldt for secondary dwelling units and further subdivision of Lots 8, 11 and 12. Release from this conveyance may be pursued at such time that road access from the County Road to the parcels is upgraded to "Road Category 4" standards. The applicant shall initiate action on a "Conveyance and Agreement" 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 (currently \$146.00) will be required.
24. The property owner shall execute and file with the Planning Division the statement titled "*Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County*" as required by Section 313-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.
25. A portion of the subdivision will occur in an area of retained State CDP jurisdiction. The applicant shall secure a CDP or waiver from the California Coastal Commission.

**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 Division. 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. If conifer trees are to be removed from the parcels to clear areas for house sites, then the applicant is requested to contact the California Department of Forestry and Fire Protection Resource Management Office at 677-0761 regarding applicable permits.
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 ap-

plicant 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. Site preparation and grading work for subdivision improvements will require a Grading Plan from the Land Use Division of Public Works. Please contact the Land Use Division at 445-7205 for more information concerning permit requirements and processing.
5. The parcels created by this subdivision have utilized the lot size modification provisions of Section 325-11 of the Humboldt County Code. These provisions have enabled the subdivision to create parcels substandard to the zoning minimum parcel size subject to the overall subdivision compliance with General Plan density and other requirements. Any future action to alter one or more of the parcels created by this subdivision (e.g., lot line adjustment) will require that the requested change be viewed in the context of maintaining compliance with the provisions of Section 325-11 for all parcels within this subdivision.
6. The term of the Coastal Development Permit and Special Permit shall run concurrent with the approved tentative map and be valid for a period of 24 months from the effective date of approval. If necessary, an extension of the Tentative Map and Permit may be requested in accordance with the provisions of Humboldt County Code.

**ATTACHMENT 1B  
RECOMMENDED CONDITIONS OF APPROVAL**

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SECURED BEFORE A BUILDING PERMIT MAY BE ISSUED:

**Conditions of Approval:**

1. The applicant shall obtain approval of a grading plan from the Land Use Division. The grading plan shall specify and employ all suitable erosion control measures as contained in the *Construction Best Management Practices Handbook*, compiled by the State of California Regional Water Quality Control Board 1993, or other recognized erosion and sediment control mitigation techniques.
2. Applicant shall provide verification that the project meets the requirements of the California Regional Water Quality Control Board.
3. Construction activities shall be restricted to the hours between 8:00 A.M. and 6:00 P.M., Monday through Friday, and between the hours of 9:00 A.M. and 5:00 P.M. on Saturdays, with no construction activity on Sundays.
4. The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and (2) the use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land. Compliance with this measure shall be to the satisfaction of the NCUAQMD.

**On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:**

1. All new and existing outdoor lighting, including sign illumination, shall be compatible with the existing setting and directed within the property boundaries, and shall produce no glare on adjacent properties or rights-of-way.
2. Alterations to natural landforms shall be minimized.

**Informational Notes:**

1. Water services are proposed to be provided by the Humboldt Community Services District. On-site sewage disposal shall be constructed as approved by the County Division of Environmental Health."
2. Wood-burning appliances used on the project site for space-heating purposes shall meet Environmental Protection Agency or state requirements for particulate emissions. "Wood-burning appliances" shall include all of the following: any fireplace, or any wood-fired heater that burns wood, pelleted wood, or any other non-gaseous or non-liquid fuels, or any similar device burning any solid fuel used for aesthetic or space-heating purposes, and which has a heat input less than one million British Thermal Units per hour to the satisfaction of the NCUAQMD.
3. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be



contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

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

4. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
5. Initiation of the use authorized by this permit shall occur within two years of the recordation of the Final Map for Phase 1 of the subdivision; i.e. construction of the proposed single family residences shall begin within two years. This permit shall expire two years after the recordation of the Final Map, except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
6. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Humboldt County Code (H.C.C.), shall require a permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.