



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street Eureka CA 9550
Phone (707) 445-7541

Hearing Date: September 5, 2019

To: Humboldt County Planning Commission

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

Subject: **Beau Pre Heights Final Map Subdivision Extension**
Application Number 15517
Case Numbers FMS-06-11XX/PLN-2019-15517
Assessor Parcel Numbers (APNs) 510-011-015-000, 511-161-004-000, 510-011-017-000, 511-111-059-000
McKinleyville area, on the north side of Murray Road, approximately 3200 feet east from the intersection of Murray Road and Central Avenue, on the property known as Norton Creek Estates

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Please contact Michael Wheeler, Senior Planner, at (707) 268-3730, or by email at mwheeler@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 5, 2019	Subject Final Map Subdivision Extension	Contact Michael Wheeler
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Project: A second two-year extension of a Final Map Subdivision of an approximately 197.3 acre parcel (formerly known as Norton Creek Estates, now termed Beau Pre Heights Subdivision) into 79 residential parcels ranging in size from 1.03 acres – 4.79 acres, and an open space parcel encompassing streamside management areas and wetlands. The Tentative Map will also protect an approximate 36-acre Sitka spruce forest stand deemed a “rare natural community” by the Department of Fish and Game. Pursuant to Section 322.5-1 et seq. H.C.C., an exemption to the solar access standards is requested for all lots based on the fact that all lots in the proposed development are greater than one acre and lot configuration does not constrain solar access. The proposed subdivision would include a small (3.4 acre) community park and series of trails, open to the general public for pedestrian and bicycle use. The project site is accessed from the south via Murray Road and from the north via Norton Road, both of which are two-lane roadways as they approach the site. A portion of the project area is located within the designated Approach Zone (Zone C) for the Arcata-Eureka Airport, however, the proposed densities do not exceed those currently allowed (4 units/acre) for this zone and should not impact the airport in any way. The Arcata-Eureka Airport is located approximately one mile to the northwest of the site. The project includes Street Name Assignments to name the proposed new unnamed access roads that are to serve the proposed subdivision. The project will be served by community water and on-site septic systems. **If approved, the extension will extend the life of the tentative map to June 14, 2021.**

Project Location: The project site is located in Humboldt County, in the McKinleyville Area, on the north side of Murray Road, approximately 3200 feet east from the intersection of Murray Road and Central Avenue, on the property known as Norton Creek Estates.

Present Plan Land Use Designation: Agricultural Suburban (AS), McKinleyville Community Plan (MCCP), Density: Slope Stability: Low Instability (1).

Present Zoning: (AG-B-7(0.5)-AP-N-WR) Agriculture General (AG), Minimum building site area 0.5 acres (B-7 (0.5)), Airport Safety Review (AP), Noise Impact (N), Streamside Management Areas and Wetlands (WR); (AG-B-7(0.5)-AP) Agriculture General (AG), Minimum building site area 0.5 acres (B-7 (0.5)), Airport Safety Review (AP)

Case Numbers: FMS-06-011XX/PLN-2019-15517

Application Number: 15517

Assessor Parcel Numbers: 510-011-015-000, 511-161-004-000, 510-011-017-000, 511-111-059-000

Applicant	Owner	Agent
McKinleyville Murray Road LLC DANCO 5251 Ericson Way Arcata, CA 95521	same as applicant	

Environmental Review: An EIR was certified with the original approval.

Major Issues: None

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

BEAU PRE HEIGHTS FINAL MAP SUBDIVISION EXTENSION
Case Numbers FMS-06-011XX/PLN-2019-15517
Assessor Parcel Numbers 510-011-015, 511-161-004, 510-011-017, 511-111-059

Recommended Planning 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.

Make all of the required findings for approval of the Final Map Subdivision Extension, based on evidence in the staff report and public testimony, and adopt the resolution approving the Beau Pre Heights project 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 (Filing of Final Map) and 312-11 (Extension of an Approval of a Development Permit or Variance) of the Humboldt County Code Zoning Regulations establishes the authority to grant time extensions for approved or conditionally approved tentative maps and discretionary permits, when it can be found that the findings and conditions of the original project have not changed significantly.

Recommendation:

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

Staff Analysis:

The original project consisted of a Final Map Subdivision of an approximately 197.3 acre parcel (formerly known as Norton Creek Estates, now termed Beau Pre Heights Subdivision) into 79 residential parcels ranging in size from 1.03 acres – 4.79 acres, and an open space parcel encompassing streamside management areas and wetlands. The Tentative Map also protects an approximate 36-acre Sitka spruce forest stand deemed a "rare natural community" by the Department of Fish and Game. Pursuant to Section 322.5-1 et seq. H.C.C., an exemption to the solar access standards was requested for all lots based on the fact that all lots in the proposed development are greater than one acre and lot configuration does not constrain solar access. The proposed subdivision would include a small (3.4 acre) community park and series of trails, open to the general public for pedestrian and bicycle use. The project site is accessed from the south via Murray Road and from the north via Norton Road, both of which are two-lane roadways as they approach the site. A portion of the project area is located within the designated Approach Zone (Zone C) for the Arcata-Eureka Airport, however, the proposed densities do not exceed those currently allowed (4 units/acre) for this zone and should not impact the airport in any way. The Arcata-Eureka Airport is located approximately one mile to the northwest of the site. The project includes Street Name Assignments to name the proposed new unnamed access roads that are to serve the proposed subdivision. The project will be served by community water and on-site septic systems. **No change to the original project is proposed.**

The applicant states the conditions of the property have not changed since the original application/approval of FMS-06-11. The subdivision received an automatic two year extension

per AB 208 to June 14, 2015, and an applicant requested two year extension to June 14, 2019. This is the second extension requested by the applicant, and, if approved, the extension will expire on June 14, 2021.

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 have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:**

1. The parcel's zoning, (AG-B-7(0.5)-AP-N-WR) Agriculture General (AG), Minimum building site area 0.5 acres (B-7 (0.5)), Airport Safety Review (AP), Noise Impact (N), Streamside Management Areas and Wetlands (WR); (AG-B-7(0.5)-AP) Agriculture General (AG), Minimum building site area 0.5 acres (B-7 (0.5)), Airport Safety Review (AP) for which a conformance finding was made, has not changed.
2. The General Plan Land Use designation, Agricultural Suburban (AS), for which a consistency findings 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. An Environmental Impact Report (SCH# 2008072050) was certified effective with the approval of the original project. No new evidence has arisen to indicate that additional review under the California Environmental Quality Act (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 and 312-11.3. 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.

Conditions of Approval

1. **The conditions of approval effective June 14, 2011, 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.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Case Numbers FMS-06-011XX/PLN-2019-15517;
Assessor's Parcel Numbers 510-011-015, 511-161-004, 510-011-017, 511-111-059**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Beau Pre Estates Final Map Subdivision Extension.

WHEREAS, McKinleyville Murray Road, LLC submitted an application and evidence in support of approving an extension to a previously approved Final Map Subdivision; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Commission on June 2, 2011 certified an Environmental Impact Report; 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 Extension request; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 22, 2019.

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

1. The Planning Commission did certify an Environmental Impact Report for the original project on June 2, 2011 pursuant to CEQA and finds that there is no substantial evidence that the proposed project extension will have a significant effect on the environment; and
2. The Planning Commission makes the findings in H.C.C. [§ 326-21] in the Planning Division staff report for Case Numbers: FMS-06-011XX/PLN-2019-15517 based on the submitted evidence; and
3. The Planning Commission approves the proposed Final Map Subdivision Extension as recommended and conditioned in the Planning Division staff report for Case Numbers: FMS-06-011XX/PLN-2019-15517.

Adopted after review and consideration of all the evidence on August 22, 2019.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

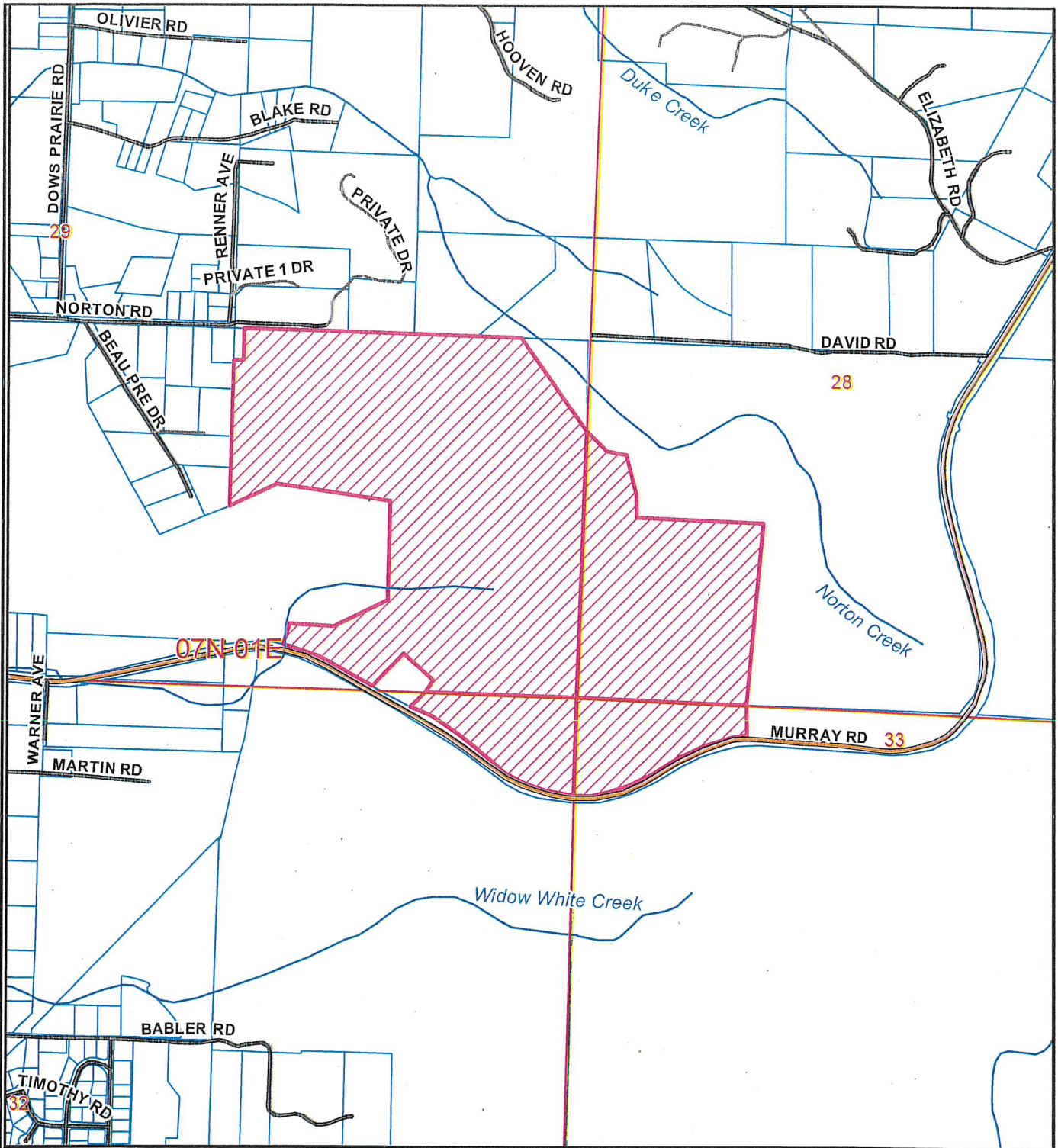
DECISION:

I, John 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 1

Location, Zoning, Topo, Aerial and Assessor Parcel Maps



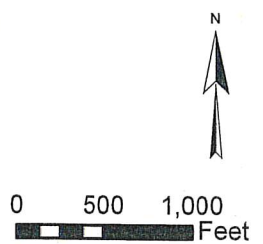
LOCATION MAP

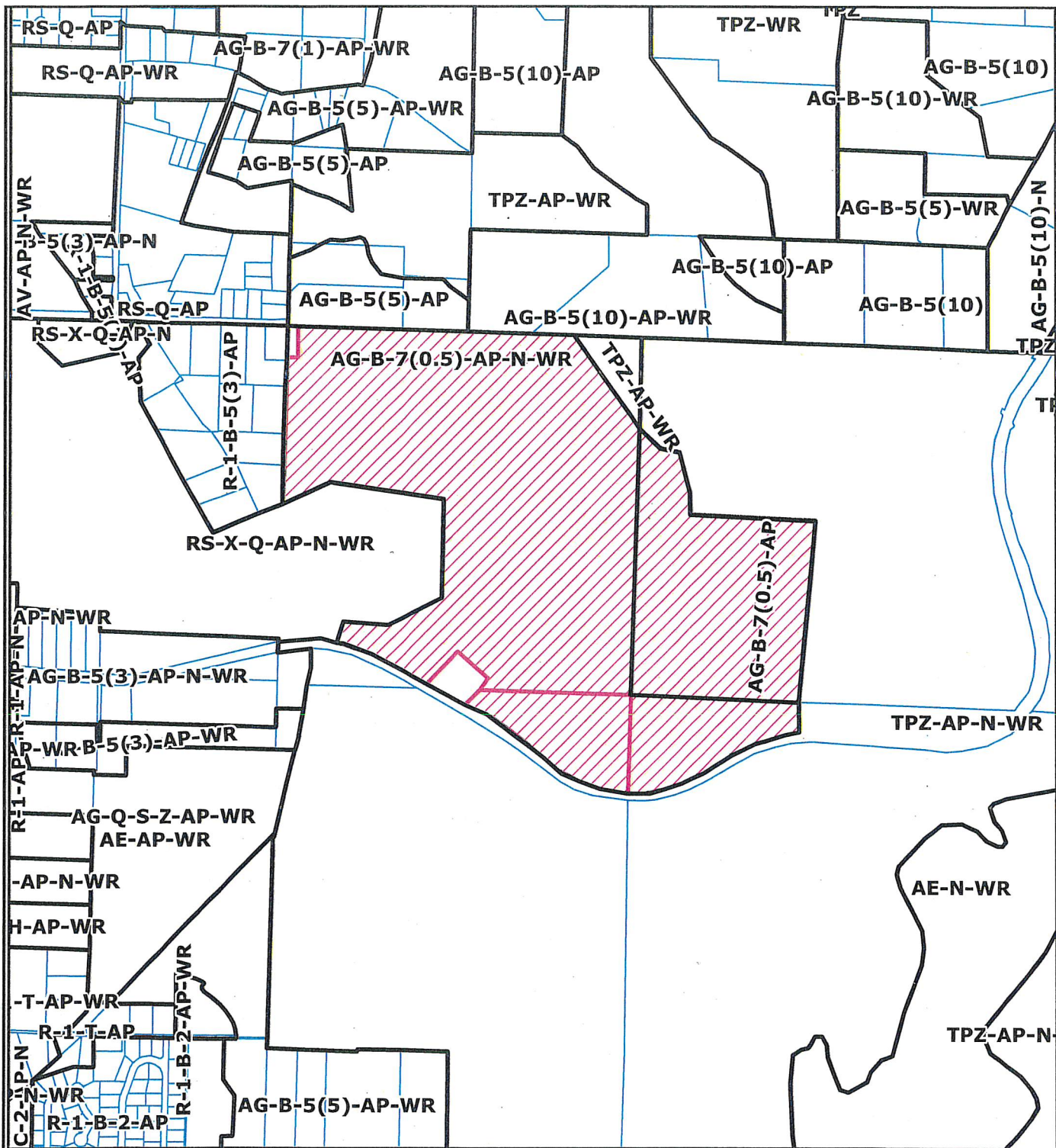
**PROPOSED MCKINLEYVILLE MURRAY ROAD LLC
 FINAL MAP SUBDIVISION EXTENSION
 MCKINLEYVILLE AREA
 PLN-2019-15517
 APN: 510-011-015 et al**

Project Area = 

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.

T07N R01E S28, 29, 32, & 33 HB&M (Arcata North)





ZONING MAP

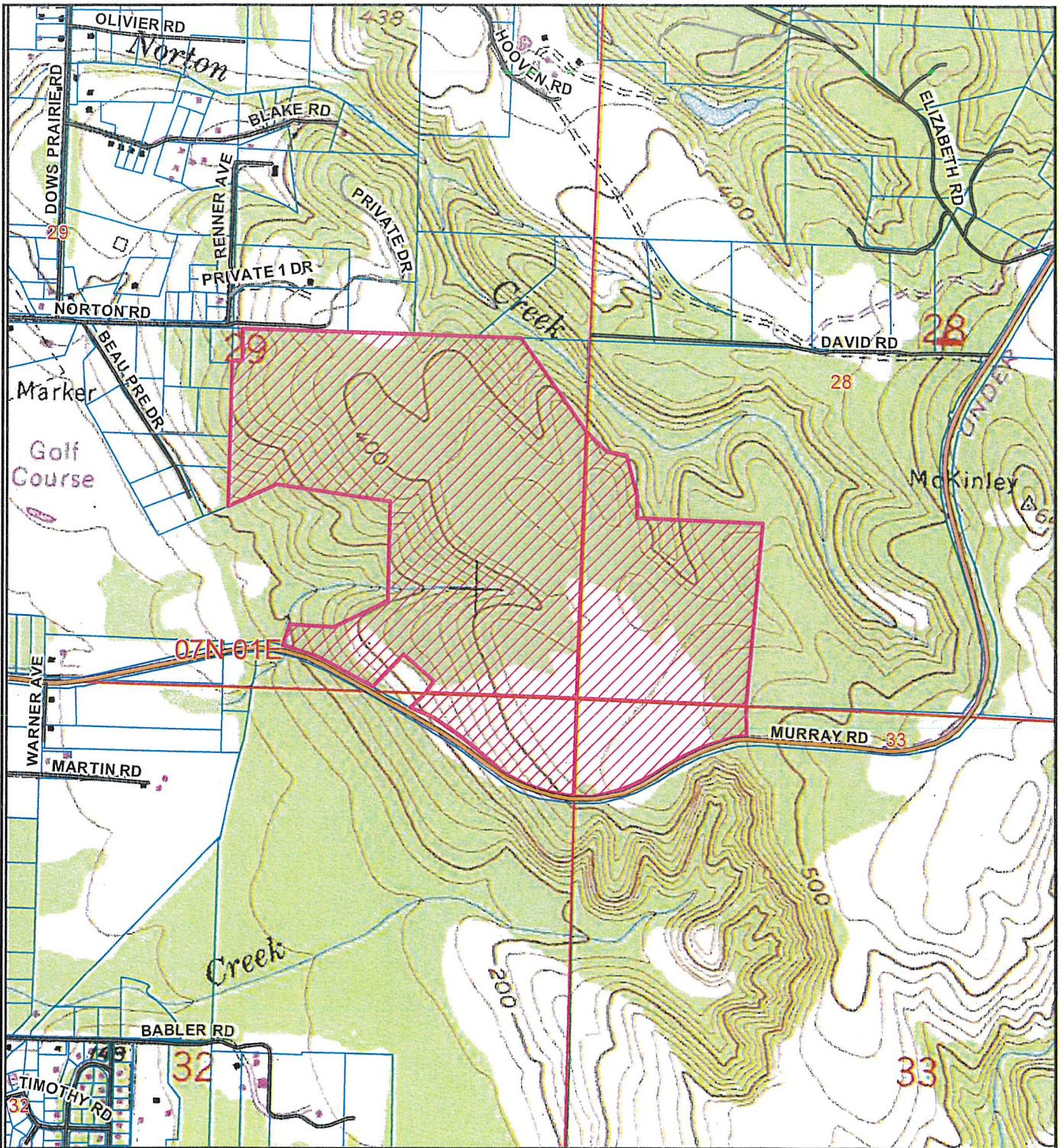
**PROPOSED MCKINLEYVILLE MURRAY ROAD LLC
 FINAL MAP SUBDIVISION EXTENSION
 MCKINLEYVILLE AREA
 PLN-2019-15517
 APN: 510-011-015 et al**

Project Area = 

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T07N R01E S28, 29, 32, & 33 HB&M (Arcata North)





TOPO MAP

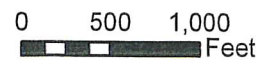
**PROPOSED MCKINLEYVILLE MURRAY ROAD LLC
 FINAL MAP SUBDIVISION EXTENSION
 MCKINLEYVILLE AREA
 PLN-2019-15517
 APN: 510-011-015 et al**

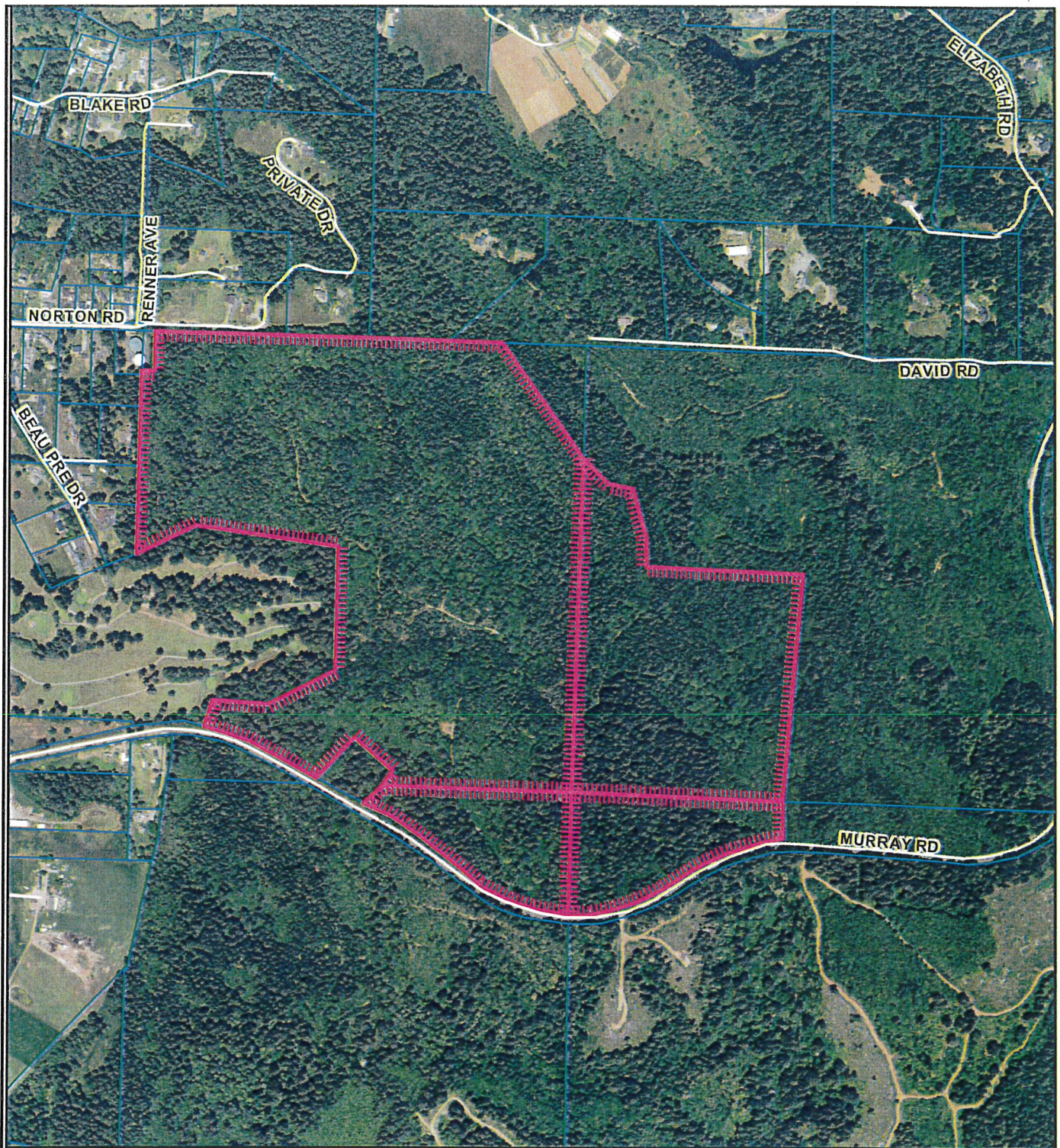
Project Area = 



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T07N R01E S28, 29, 32, & 33 HB&M (Arcata North)





AERIAL MAP

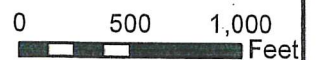
**PROPOSED MCKINLEYVILLE MURRAY ROAD LLC
 FINAL MAP SUBDIVISION EXTENSION
 MCKINLEYVILLE AREA
 PLN-2019-15517
 APN: 510-011-015 et al**

Project Area = 



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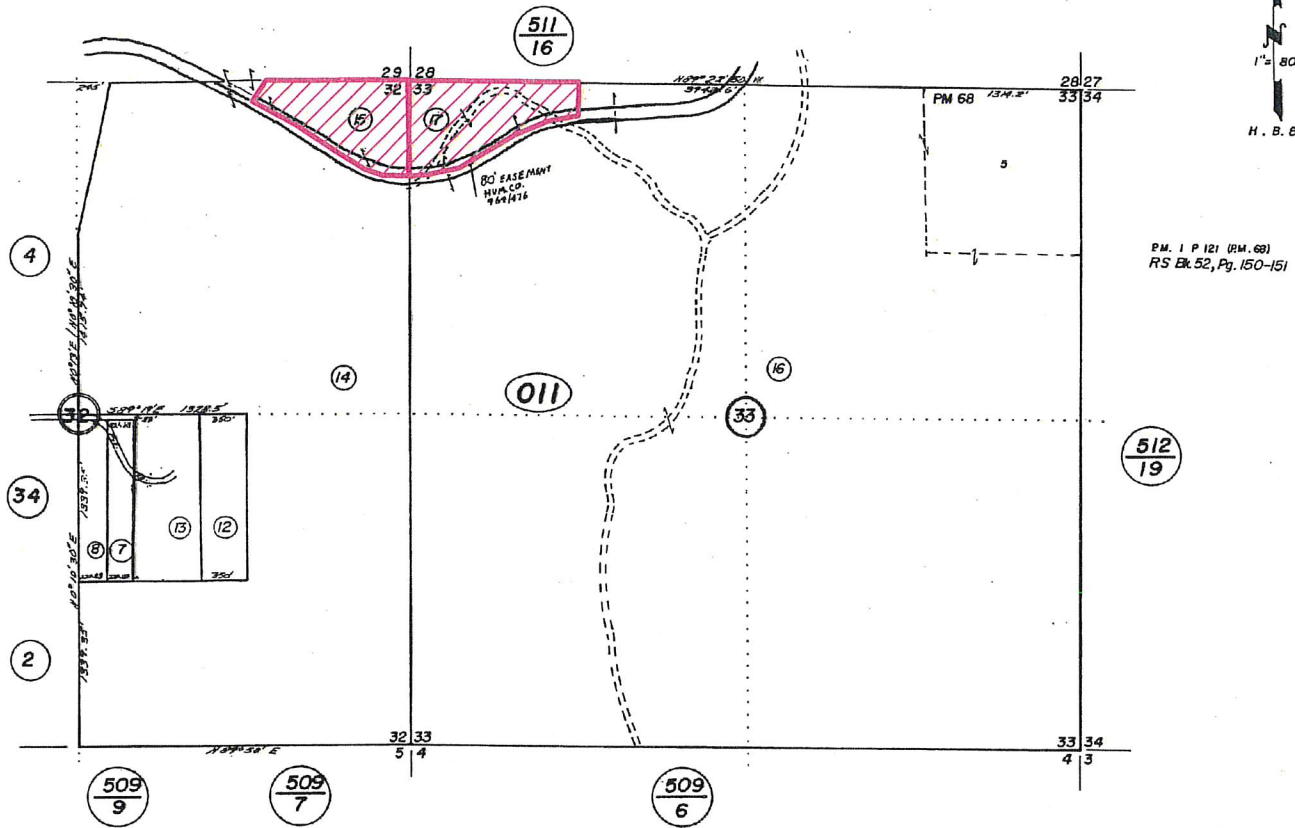
T07N R01E S28, 29, 32, & 33 HB&M (Arcata North)



SEC. 33 & POR. SEC.32 T.7N., R.1E.

Tax Area Code

510-01



L.S. 10 Pg. 42.5
L.S. 13 Pg. 168
R.S. Bk. 33, Pg 6

Assessor's Maps Bk. 510 - Pg. 01
County of Humboldt, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

ASSESSOR PARCEL MAP

**PROPOSED MCKINLEYVILLE MURRAY ROAD LLC
FINAL MAP SUBDIVISION EXTENSION
MCKINLEYVILLE AREA
PLN-2019-15517
APN: 510-011-015 et al**

Project Area = 

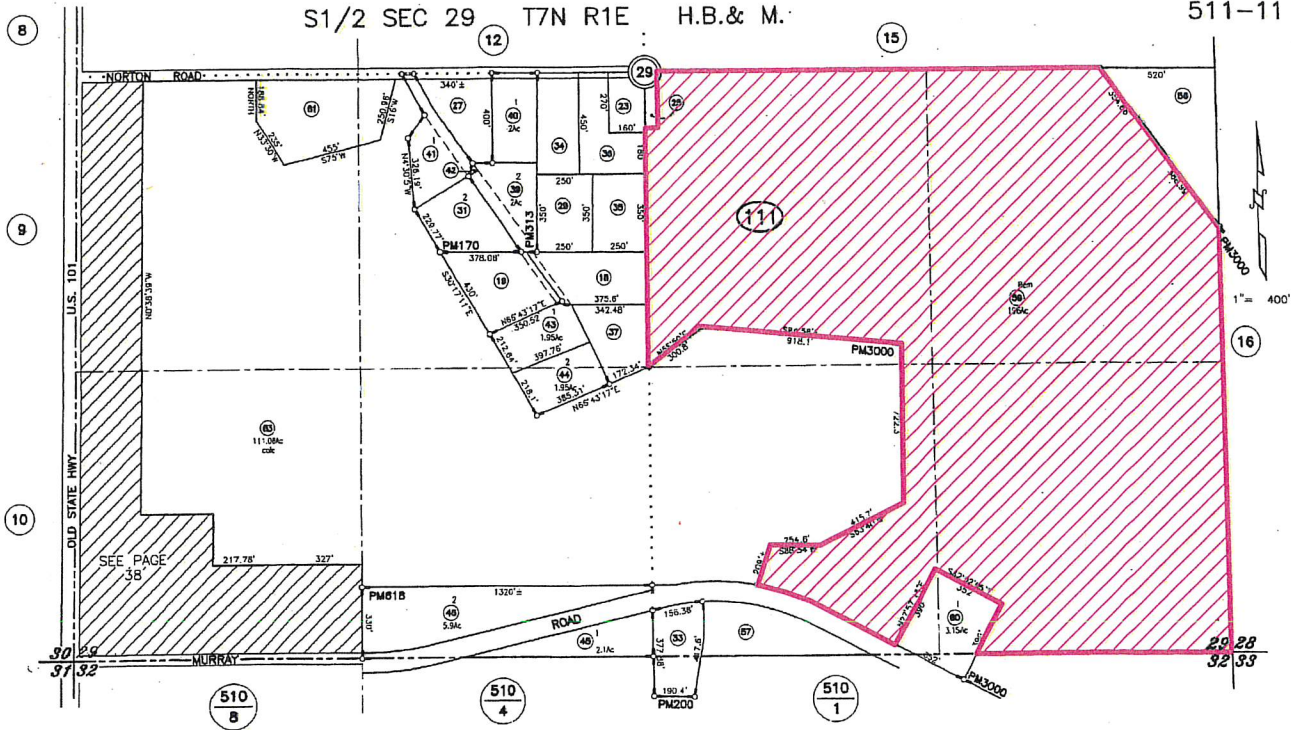
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T07N R01E S28, 29, 32, & 33 HB&M (Arcata North)

MAP NOT TO SCALE

S1/2 SEC 29 T7N R1E H.B.& M.

511-11

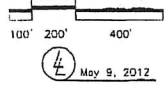


RS, Bk 2B of surveys, Pg 51
 RS, Bk 4 of surveys, Pg 84
 RS, Bk 10 of surveys, Pgs 24-25
 PM170 of PM Bk 2, Pg 77
 PM200 of PM Bk 2, Pg 108
 PM313 of PM Bk 3, Pg 73
 PM326 of PM Bk 3, Pg 86
 PM618 of PM Bk 5, Pg 97

RS, Bk 52 of surveys, Ps 150-151
 RS, Bk 55 of surveys, Pgs 126-127
 PM3000 of PM Bk 27, Pgs 110-111

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.511, Pg.11
 County of Humboldt, CA.




ASSESSOR'S PARCEL MAP
 THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSES ONLY.
 NO LIABILITY IS ASSUMED FOR
 THE ACCURACY OF THE DATA SHOWN.
 ASSESSOR'S PARCELS MAY NOT
 COMPLY WITH LOCAL LOT-SPLIT
 OR BUILDING SITE ORDINANCES.

ASSESSOR PARCEL MAP

**PROPOSED MCKINLEYVILLE MURRAY ROAD LLC
 FINAL MAP SUBDIVISION EXTENSION
 MCKINLEYVILLE AREA
 PLN-2019-15517**

APN: 510-011-015 et al

Project Area = 

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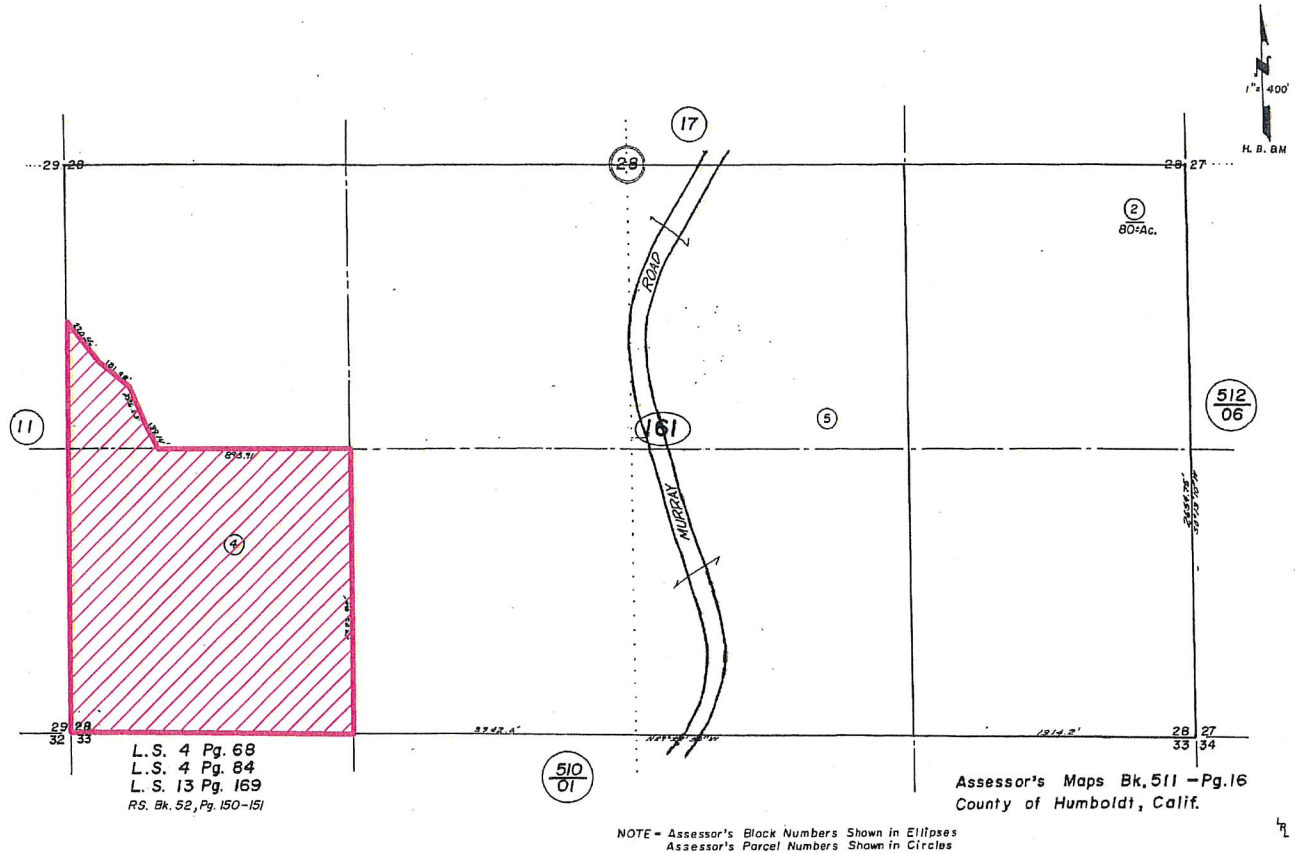
T07N R01E S28, 29, 32, & 33 HB&M (Arcata North)

MAP NOT TO SCALE



S.1/2, SEC. 28, T.7N., R.1E.

Tax Area Code 511-16



ASSESSOR PARCEL MAP

**PROPOSED MCKINLEYVILLE MURRAY ROAD LLC
FINAL MAP SUBDIVISION EXTENSION
MCKINLEYVILLE AREA
PLN-2019-15517
APN: 510-011-015 et al**

Project Area = 



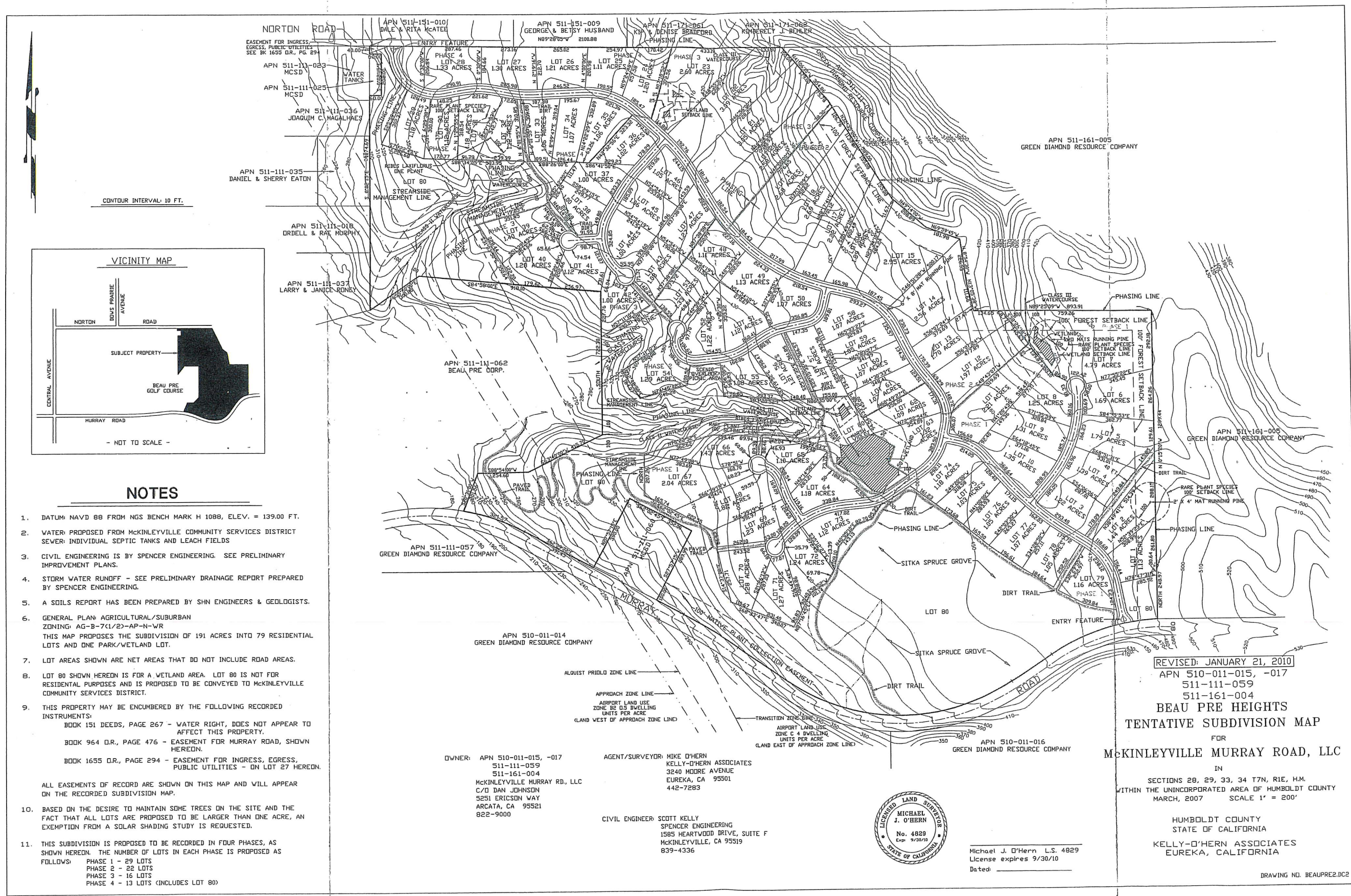
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T07N R01E S28, 29, 32, & 33 HB&M (Arcata North)

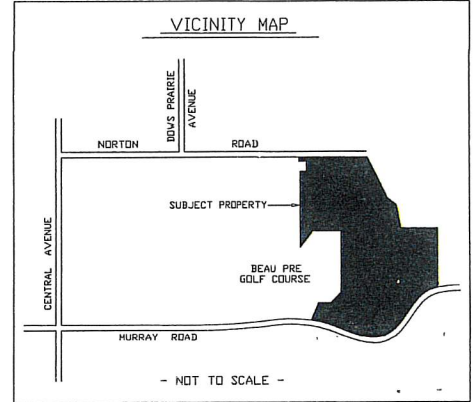
MAP NOT TO SCALE

ATTACHMENT 2
Tentative Map

(INSERT)



CONTOUR INTERVAL 10 FT.



NOTES

- DATUM NAVD 88 FROM NGS BENCH MARK H 1088, ELEV. = 139.00 FT.
- WATER PROPOSED FROM MCKINLEYVILLE COMMUNITY SERVICES DISTRICT SEWER; INDIVIDUAL SEPTIC TANKS AND LEACH FIELDS
- CIVIL ENGINEERING IS BY SPENCER ENGINEERING. SEE PRELIMINARY IMPROVEMENT PLANS.
- STORM WATER RUNOFF - SEE PRELIMINARY DRAINAGE REPORT PREPARED BY SPENCER ENGINEERING.
- A SOILS REPORT HAS BEEN PREPARED BY SHN ENGINEERS & GEOLOGISTS.
- GENERAL PLAN AGRICULTURAL/SUBURBAN ZONING AG-B-7(1/2)-AP-N-WR THIS MAP PROPOSES THE SUBDIVISION OF 191 ACRES INTO 79 RESIDENTIAL LOTS AND ONE PARK/WETLAND LOT.
- LOT AREAS SHOWN ARE NET AREAS THAT DO NOT INCLUDE ROAD AREAS.
- LOT 80 SHOWN HEREON IS FOR A WETLAND AREA. LOT 80 IS NOT FOR RESIDENTIAL PURPOSES AND IS PROPOSED TO BE CONVEYED TO MCKINLEYVILLE COMMUNITY SERVICES DISTRICT.
- THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:
 BOOK 151 DEEDS, PAGE 267 - WATER RIGHT, DOES NOT APPEAR TO AFFECT THIS PROPERTY.
 BOOK 964 D.R., PAGE 476 - EASEMENT FOR MURRAY ROAD, SHOWN HEREON.
 BOOK 1655 D.R., PAGE 294 - EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES - ON LOT 27 HEREON.
- ALL EASEMENTS OF RECORD ARE SHOWN ON THIS MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.
- BASED ON THE DESIRE TO MAINTAIN SOME TREES ON THE SITE AND THE FACT THAT ALL LOTS ARE PROPOSED TO BE LARGER THAN ONE ACRE, AN EXEMPTION FROM A SOLAR SHADING STUDY IS REQUESTED.
- THIS SUBDIVISION IS PROPOSED TO BE RECORDED IN FOUR PHASES, AS SHOWN HEREON. THE NUMBER OF LOTS IN EACH PHASE IS PROPOSED AS FOLLOWS:
 PHASE 1 - 29 LOTS
 PHASE 2 - 22 LOTS
 PHASE 3 - 16 LOTS
 PHASE 4 - 13 LOTS (INCLUDES LOT 80)

OWNER: APN 510-011-015, -017
 511-111-059
 511-161-004
 MCKINLEYVILLE MURRAY RD, LLC
 C/O DAN JOHNSON
 5251 ERICSON WAY
 ARCATA, CA 95521
 822-9000

AGENT/SURVEYOR: MIKE O'HERN
 KELLY-O'HERN ASSOCIATES
 3240 MOORE AVENUE
 EUREKA, CA 95501
 442-7283

CIVIL ENGINEER: SCOTT KELLY
 SPENCER ENGINEERING
 1595 HEARTWOOD DRIVE, SUITE F
 MCKINLEYVILLE, CA 95519
 839-4336



Michael J. O'Hern L.S. 4829
 License expires 9/30/10
 Dated: _____

REVISED: JANUARY 21, 2010

APN 510-011-015, -017
 511-111-059
 511-161-004
BEAU PRE HEIGHTS
TENTATIVE SUBDIVISION MAP
 FOR
MCKINLEYVILLE MURRAY ROAD, LLC

IN
 SECTIONS 28, 29, 33, 34 T7N, R1E, H.M.
 WITHIN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
 MARCH, 2007 SCALE 1" = 200'

HUMBOLDT COUNTY
 STATE OF CALIFORNIA
 KELLY-O'HERN ASSOCIATES
 EUREKA, CALIFORNIA

DRAWING NO. BEAUPRE2.DOC2

ATTACHMENT 3
Conditions of Approval

ATTACHMENT A
RECOMMENDED CONDITIONS OF APPROVAL FOR THE FINAL MAP SUBDIVISION

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS THAT MUST BE SATISFIED BEFORE THE FINAL 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 on the Department of Public Works referral dated March 9, 2010 (as revised on June 2, 2011 and subject to a requirement that the trail surface through the spruce forest shall be of materials acceptable to the Department of Fish and Game), herein as Exhibit A of Attachment 1, 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 for each phase, identifying both net and gross parcel areas, be submitted for review and approval. The Final Map shall disclose that Lot 80 is created for open space purposes in accordance with Section 2634 of the McKinleyville Community Plan.
- (4) Prior to recordation of the Final Map for each phase, the applicant shall submit a letter from the McKinleyville Community Services District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- (5) Prior to recordation of the Final Map for each phase, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- (6) Prior to recordation of the Final Map for each phase, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements per their letter dated. This requirement shall be administered by the Department of Public Works.
- (7) The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The development plan shall be legibly drawn to a convenient scale on 22"x34" (or 24"x36") in black ink, unless approved otherwise by the Department of Public Works. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include the development plan mapping requirements of the Department of Public Work Subdivision Requirements for the Development Plan (6.1, 6.2, and 6.3) in their memo dated March 9, 2010, and the following site development details:
 - A. Mapping
 - (1) Topography of the land in 2-foot contours.
 - (2) Development standards for parcels: building "envelopes" (dwelling site locations with applicable yard setbacks, maximum lot coverage, maximum building height), including shading projections and offsets to demonstrate compliance with solar access provisions, dimensioned setbacks to property lines and easements, and parking area detail and improvements showing conformance with Section 314-109.1 HCC and as specified by LUD Subdivision Requirements.
 - (3) Proposed improvements including streets, sidewalks, driveways, drainage facilities, community services corridors, access easements, recreational trails, and emergency access and vehicle turn-around, as applicable.

- (4) Location of waterline and drainage easements in favor of the McKinleyville Community Services District (MCSD) or the County of Humboldt.
- (5) Street lighting if required by MCSD.
- (6) Location of hydrants as required by the Arcata Fire Protection District.
- (7) Height limits, plan-, sectional-view and/or elevation details to demonstrate conformance with the Solar Access requirements of HCC Section 322.5.
- (8) Parking spaces as specified by HCC Section 314-109.1.
- (9) Residence set back at least 80 feet from the centerline of Murray Road.
- (10) The Earthquake Fault Zone labeled as "non-buildable".
- (11) All Streamside Management Area (SMA), Wetland Buffer, and Rare Plant Species setback lines.

B. Notation

- (1) "The site of the residential subdivision 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 Section 7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.
- (2) "Hours of construction activity shall be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."
- (3) "Water and sewer connection fees are due and payable to the MCSD upon a request for services."
- (4) Development shall be consistent with the following McKinleyville Design Policies:

*"7. All designs shall include the protection of natural land forms through minimizing alteration caused by cutting, filling, grading or clearing.

8. All designs shall screen or soften the visual impact of new development through the use of landscaping. If appropriate, species common to the area and known fire resistant plants should be used.

9. Where feasible, new utilities shall be underground. When aboveground facilities are the only feasible alternative, they shall be sited as unobtrusively as possible.

10. Signs shall be limited in size, scale and number."*
- (5) "Development shall conform fully with the Mitigation Measures as set forth in the adopted Final Environmental Impact Report (FEIR) and the Mitigation Monitoring Program. In particular, conformance with the following *individual lot development mitigation measures* shall be demonstrated to the satisfaction of the Planning Division before any

development activities, including vegetation clearing and grubbing, are initiated by the property owner or plot plan approval is granted by the County: Mitigation Measure 4.1.2b (SMA Buffer setbacks); 4.2.1a (Visual Impacts); 4.2.2a (Scenic Resources) – lot clearing limited to curtilage area (100 feet from residence); 4.3.1a (Special Status Species Habitat); 4.3.1b (Storm Water Management Plan); 4.3.1c (Low Impact Development Strategy); 4.3.2a (Wildlife Permeable Fencing); 4.3.3b (SRA Defensible Space Restrictions); 4.7.1a (Construction Air Quality Measures); 4.7.1b (Area Source Emissions) that include use of EPA-approved wood stoves, no open burning permitted, homes fitted with outlets on exterior walls, and residential energy efficiency 20% beyond Title 24 requirements; 4.8.1a (Road Noise Impacts) - Residences shall be set back at least 80 feet from the centerline of Murray Road to address potential traffic noise impacts; 4.8.2a (Construction Days and Hours Limitation); 4.11.1b-f (Conformance with Geological Report Recommendations); 4.11.4 (Wastewater Feasibility Report); and 4.12.4a (Undocumented Hazardous Materials Discovery). The Planning Division will review the Mitigation Monitoring Program to document conformance with these measures before authorizing any development permits. The Building Division will maintain a copy of these measures on file for Building Plan Check purposes.”

- (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.”
- (8) The applicant shall cause to be recorded a “Notice of Development Plan and Geological 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 \$190.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map for each phase.
- (9) 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 \$100.00 per parcel) 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.
- (10) 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.
- (11) Applicant shall comply with the mitigation measures discussed in the Final Environmental Impact Report.
- (12) Parkland dedication in-lieu fees shall be paid in accordance with the provisions of the parkland dedication ordinance. Parkland dedication in-lieu fees shall be paid: **\$60,593** with the conveyance of further residential development rights. (Parkland dedication in-lieu fees are **\$121,186** without the conveyance of further residential development rights). 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 \$190.00) will be required. Note: The requirement to pay parkland in-lieu fees may be fulfilled by dedication of parkland (0.6059 acres or prorated if a lesser amount) and the acceptance of the dedicated parkland by a public agency, e.g. MCSD, to be managed as public park.
- (13) Common open space is proposed as shown on the development plan and landscaping plan. This

requires the formation of a homeowners association or other suitable entity to manage this open space dedication. The applicant shall provide documentation of the establishment of a homeowners association for the maintenance of open space and commons areas.

- (14) Prior to recordation of the final map for the first subdivision phase the applicant shall obtain approval for and develop the off-site water tank currently proposed on adjacent land (portion of APN 511-161-05) under a separate permit application.
- (15) **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 \$2,889.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus a \$50 document handling fee.
- (16) Road name assignments shall be obtained from the Planning Division for all unnamed access roads.
- (17) Pursuant to the Humboldt County Fire Safe Regulations, Section 3112-3, Road Width, the applicant shall convey future development rights to the County of Humboldt for secondary dwelling units and further subdivision of all lots not served by an access road meeting Road Category 4 standards (18 to 20 foot wide travel way). Release from this conveyance may be pursued at such time that road access from the County Road to the lot 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 \$190.00) will be required.
- (18) The applicant shall convey future development rights to the County of Humboldt for Lot 80 for any use other than open space purposes consistent with Section 2634 of the McKinleyville Community Plan. 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 \$190.00) will be required.
- (19) The applicant shall convey an Overflight Easement to the County of Humboldt per the requirements of the adopted Airport Land Use Compatibility Plan (ALUCP).

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) 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.
- (3) Site preparation and grading work for subdivision improvements will require a Grading Plan from the Land Use Division of Public Works and shall conform to the adopted Mitigation Monitoring Program.

Please contact the Land Use Division at 445-7205 for more information concerning permit requirements and processing.

- (4) The tentative map approval shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code.

ATTACHMENT 4
Notice of Determination per CEQA

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street
PO Box 3044
Sacramento CA 95812-3044

County of Humboldt
County Clerk
825 Fifth Street
Eureka CA 95501

From: County of Humboldt
Community Development Services Planning Division
3015 H Street
Eureka CA 95501

Contact: Michael Wheeler
Telephone: 707-268-3730

Lead Agency (if different from above)
Address:

Contact:
Telephone:

Applicant: Danco Group
Attn: Chris Dart

APN: 510-011-15 et seq
Case No.: FMS-06-11

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number 2008072050

Project Title: Beau Pre Heights Final Subdivision

Project Location: The project site is located in Humboldt County, in the McKinleyville Area, on the north side of Murray Road, approximately 3200 feet east from the intersection of Murray Road and Central Avenue, on the property known as Norton Creek Estates.

Project Description: The Alternative Tentative Map was approved and is a Final Map Subdivision of an approximately 197.3 acre parcel (formerly known as Norton Creek Estates, now termed Beau Pre Heights Subdivision) into 79 residential parcels ranging in size from 1.03 acres – 4.79 acres, and an open space parcel encompassing streamside management areas and wetlands. The Alternative Tentative Map will also protect an approximate 36-acre Sitka spruce forest stand deemed a "rare natural community" by the Department of Fish and Game.

This is to advise that the, Lead Agency or Responsible Agency, Humboldt County Planning Commission has approved the above described project on June 2, 2011 and has made the following determinations regarding the above described project:

1. The project will will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Planning Division, 3015 H St, Eureka, CA 95501

Signature: Michael E. Wheeler

Title: Senior Planner

Date: 6-14-11

Date Received for filing at OPR: _____

931501
CAROLYN CRNICH
Humboldt County Clerk
JUL 07 2011
BY [Signature]

POSTED THROUGH
SEP 05 2011
Humboldt County Clerk