



# COUNTY OF HUMBOLDT

For the meeting of: 8/10/2021

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File #: 21-1014

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**SUBJECT:**

Town of Samoa Subdivision Phase 1, APN 401-031-055, Samoa Area consisting of 136 lots

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Declare the subdivision as complete, subject to deferred improvements, and approve and accept the subdivision map for filing with the County Recorder;
2. Accept the dedications to the County of Humboldt of Bayview Avenue, Cadman Court, Cutten Street, Fenwick Avenue, Murphy Avenue, Pacific Court, Rideout Street, Samoa Court, Sunset Avenue, Sunset Circle and Sunset Extension for public utility easements only; Parcel D as public Utility Easement; and Public Utility and Sidewalk Easement all as shown on the subdivision map;
3. Certify to the abandonment of those easements, streets and public access rights acquired by the County of Humboldt per Book 5 of Maps, page 74; Book 93 Deeds, page 151; Book 139 Deeds, page 42; Book 190 Deeds, page 463 all as described on said subdivision map;
4. Authorize the Chair to enter into the attached Final Map Subdivision Agreement, in duplicate, for deferred subdivision improvements;
5. Authorize the Director of Public Works or their designee to release the agreement securities to the subdivider upon satisfactory completion of the requirements of the Final Map Subdivision Agreement;
6. Direct the Clerk of the Board to retain one executed agreement original and transmit the second original to the subdivider via the Public Works Department Land Use Division;
7. Direct the Clerk of the Board to sign the subdivision map on behalf of the Board and transmit the subdivision map and Notice of Development Plan to the County Recorder for filing and recording, respectively; and
8. Direct the Department of Public Works to transmit the subdivision bonds to the County Treasurer-Tax Collector for safe keeping.

**SOURCE OF FUNDING:**

General Fund (1100)

**DISCUSSION:**

A Tentative Map for the phased subdivision along with a Planned Unit Development Permit was approved by the Planning Commission on Feb. 20, 2020. The 332-lot subdivision is located in Humboldt County in the Samoa area and encompasses approximately 185 acres. On July 9, 2020, the Planning Commission approved a Coastal Development Permit (CDP) and Development Agreement, pursuant to Section 65864 et seq. of the Government Code. All development will comply with the Samoa Town Master Plan Overlay requirements and the development standards specified for Samoa in the Coastal Zoning Regulations.

Pursuant to Government Code Section 66458(a), the subdivider, Samoa Pacific Group, LLC., requests that the Board of Supervisors approve this phase of the subdivision as complete and accept the subdivision map (Attachment 1) for filing with the County Recorder. This phase of the subdivision consists of 136 lots and includes the newly constructed apartments and the existing town area. The new town area of the project is the remainder and will be subdivided by one or more phases in the future under the tentative map approved on Feb. 20, 2020.

The subdivider has not completed the subdivision improvements required by the conditions of approval. Therefore, pursuant to Government Code Section 66499(a), the subdivider is requesting to enter into a Subdivision Agreement and bond to defer the construction of the uncompleted subdivision improvements. The Subdivision Agreement requires that the improvements be completed within 24 months from the filing date of the map. The subdivider has signed the county's Subdivision Agreement (Attachment 3) form and has provided security in the amount approved by Public Works. The County Treasurer - Tax Collector has determined that the surety company has adequate financial strength.

Pursuant to County Code Section 326-13, the Subdivider has placed a deposit on file with the Department of Public Works to cover review and inspection of the project.

The Planning & Building Department - Current Planning Division has provided notice that all conditions of tentative map approval, other than those required by the Department of Public Works, have been satisfied. The Planning & Building Department requires the recording of a Notice of Development Plan (Attachment 2) to be recorded concurrently with the filing of the subdivision map.

Public Works - Land Use Division have determined that the subdivider has met all conditions of subdivision approval and within the required time limits. The subdivider has entered into a Subdivision Agreement and has provided bonds to ensure completion of the deferred improvements ; thus, satisfying the conditions of approval.

The County Treasurer - Tax Collector or his designee has signed the map indicating that all taxes have been paid or secured to their satisfaction.

**FINANCIAL IMPACT:**

There is no impact to the General Fund. All dedicated roads are accepted for Public Utility Easements only. Roads and other infrastructure will be maintained by the Samoa Community Services District and the Homeowners Association.

Pursuant to County Code Section 326-13, the actual cost for the Department of Public Works to review and inspect the project will be deducted from the deposit.

In the event that the subdivider fails to construct the improvements within the timelines of the Subdivision Agreement, the county will ensure completion of the improvements using the security provided by the subdivider.

In the event that the constructed improvements have failed or become damaged within the warranty period and the subdivider fails to repair/replace the failed/damaged improvements, the county will ensure repair/replacement of the improvements using the security provided by the subdivider.

In the event that the subdivider fails to install the monumentation shown as “to be set” on the subdivision map, the county will ensure that monuments are set using the security provided by the subdivider.

The security provided also includes an amount to cover reasonable expenses, fees and attorney fees incurred in successfully enforcing the Subdivision Agreement.

**STRATEGIC FRAMEWORK:**

This action supports your Board’s Strategic Framework by enforcing laws and regulations to protect residents .

**OTHER AGENCY INVOLVEMENT:**

Planning & Building Department  
County Treasurer - Tax Collector  
County Recorder  
Samoa Community Services District

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board may determine that the map does not conform to all the requirements of the Subdivision Map Act and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. By doing so the Board shall disapprove the map in accordance with Government Code Section 66458(a). This action is not recommended.

**ATTACHMENTS:**

1. Subdivision Map
2. Notice of Development Plan
3. Final Map Subdivision Agreement

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A  
Meeting of: N/A  
File No.: N/A

