

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

Resolution Number 22-093

**Case Numbers PLN-2019-15937
Assessor Parcel Numbers 402-061-028**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Tawnya Morris Tentative Map Subdivision.

WHEREAS, Mike O'Hern, on behalf of the owners, submitted an application and evidence in support of approving the Minor Subdivision (Tentative Map); and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Tentative Map Subdivision (Case Number PLN-2019-15937); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on August 18th, 2022.

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

PROJECT DESCRIPTION

1. **FINDING:** A Minor Subdivision to divide an approximately 5.27-acre parcel into two parcels. The parcel being divided is currently vacant and was created through a previous parcel map filed on October 6, 1978. The proposed re-subdivision will result in two parcels of approximately 2.63 and 2.64 acres in size. Installation of individual on-site waste treatment systems (OWTS) for sewage disposal is anticipated to occur during future residential development and an existing well on an adjacent property will serve as the water source for both parcels. Access to proposed Parcel 1 is available from Pomeroy Hollow Road. Access to both parcels will also be provided using an existing private road on the adjacent property to the north (APN 402-061-012), which is proposed to be extended by approximately 250 feet to connect with the parcel being divided. A similar minor subdivision of 9.47-acres has been separately submitted on this parcel (PLN-2019-15935) and proposes division of a 9.47-acre parcel into three parcels. Pursuant to Section 325-9 of the Humboldt County Code, an exception to right of way width and improvements has been requested.

EVIDENCE: Project File: PLN-2019-15937

CEQA

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision is exempt from the provisions of CEQA per Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines.

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

project-specific environmental effects:

- are peculiar to the project or the parcel on which it is located
 - are significant and were not analyzed as such in a prior EIR
 - are off-site and/or cumulative and were not discussed in the prior EIR
 - were identified in a prior EIR as significant but due to substantial new information (not known at the time the EIR was certified) are determined to have a more severe adverse impact than what was disclosed.
- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel being divided is already host to residential development, adjacent lands in the vicinity are similarly planned and zoned and are also developed and sized consistent with the applicable planned density and minimum lot size. An unnamed seasonal watercourse and 50-foot riparian buffer will remain unaffected by the proposed subdivision. A Condition of Approval is included requiring that these features be identified on a Development Plan with notations acknowledging the requisite riparian protections from the County's Streamside Management and Wetlands Ordinance.
- c) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
- d) There are no potentially significant environmental effects which were not analyzed in the above referenced EIR's. The proposed subdivision would enable future build-out to the currently planned density for the area, which was confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.
- e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above reference EIR (SCH #2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the recently adopted General Plan.
- f) There is no substantial new information that would cause the project to result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.

- g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.
- h) The project site is not located within a scenic vista area and will not impact visual resources within the County. The parcel being divided is currently vacant. The proposed minor subdivision will create an additional parcel that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. Neighboring properties are characterized by a mixture of agricultural and residential development matching the density and land uses expected to result from this division, so a less than significant impact to aesthetics should result.
- i) The property is currently vacant and hosts an unnamed seasonal watercourse and wetland. A Condition of Approval is included requiring that these features be identified on a Development Plan with notations acknowledging the requisite riparian protections from the County's Streamside Management and Wetlands Ordinance. The parcel being divided is composed of a mixture of second and third-growth redwood and grazing land consisting of grasses and shrub species. A site visit with staff from the California Department of Fish & Wildlife (CDFW) was performed on March 15, 2021. During the site visit, review of the original subdivision design revealed that the tentative map proposed developing a new access road within the streamside management area buffer of the unnamed seasonal watercourse and wetland. CDFW staff encouraged the applicant to relocate the access route to avoid new development in these areas, and were otherwise supportive of the project. The tentative map has been revised to incorporate an alternate access route which avoids the wetland and riparian buffers. Consequently, impacts to these biological resources are now avoided.
- j) To date no cultural resources have been documented on the project site or its vicinity. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by Tribal agencies. Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers (THPO's) of all three Wiyot ancestral tribes. All three THPO's supported approval of the project and subject to compliance with standard protocols for handling inadvertent discovery of cultural resources during future ground disturbance. This notation will be included on the Development Plan.
- k) The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials. The project site is not located in an Airport Review Area. Murray Field is the closest airport and is located approximately 1.5 miles southwest of the project site.
- l) According to the Humboldt County Fire Hazard Severity map, the parcel is located in the high fire hazard severity areas. The site is within the Humboldt #1 Protection District for fire protection in the State Responsibility Area. Future development of the site will require compliance with the Uniform Fire Code and Uniform Building Code. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or

impair implementation of or physically interfere with, an adopted emergency response plan.

- m) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. The project proposes to share use of a recently installed well on an adjacent neighboring property (APN 402-061-012) to the north. A well completion report and leachfield soil testing has been reviewed and approved by the Environmental Health Division. The siting and design of future septic systems is subject to compliance with the Basin Plan.
- n) A Drainage Report and access road improvement plans are required to be prepared by a Civil Engineer registered within the State of California, and will be submitted for review and approval prior to commencement of the project. This is noted in the Department of Public Works Revised memo dated 05/26/2022. Proposed Parcel 1 will host an unnamed drainage course as well as a pond it connects with. There is no evidence that the project will be inconsistent with the planned build-out of the area nor will it result in a significant effects to utilities and service systems.
- o) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. The Department finds there is no evidence that the proposed subdivision and future residential development will result in significant changes in vehicle miles traveled not already contemplated in the EIR prepared during adoption of the 2017 General Plan. The proposed project will not result in a change in air traffic patterns, will not result in vehicle miles traveled beyond that anticipated, and has adequate on-site circulation and parking capacity.

The project is consistent with the development density of 2.5-5 acres per unit per acre of the Residential Estates (RE) land use designation established during adoption of the Freshwater Community Plan (FWCP) and upheld in 2017 following adoption of the General Plan update (GPU). The development of one (2) additional parcels is consistent with mitigations for induced population growth as described in Impact 3.1.3.4. of the 2017 Environmental Impact Report (EIR) to reasonably obtain the projected goals of the Regional Housing Needs Allocation (RHNA) through the use of alternative subdivision standards and the facilitation of opportunities for second residential units.

The growth impacts of this project are not anticipated to create peculiar, specific, or more severe impacts effects which the GPU EIR failed to analyze as significant effects or failed to evaluate.

SUBDIVISION FINDINGS

(Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)

3. FINDING All lots shall be suitable for their intended uses.

EVIDENCE: a) The project will result in a total of two (2) parcels. The parcels will be 2.64 and 2.63 acres in size. Both parcels will be suitable for single-family residential development and agricultural uses.

4. **FINDING** Improvements shall be required for the safe and orderly movement of people and vehicles.
- EVIDENCE:** a) An existing driveway crosses through the neighboring property to the north (APN 402-061-012) and is approximately 2000 feet in length. The applicant intends to use this driveway to provide the access to both parcels and proposes establishing a 25-foot easement and completing a series of improvements in service of widening this road to meet the Category 4 standard (20 feet in width). The applicant also proposes to extend the road through the neighboring parcel as well as through proposed parcel 1 of this division. It is worth noting that the parcel being divided was created through an earlier subdivision and currently holds the right to use Pomeroy Hollow Road for access to the parcel.
5. **FINDING** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.
- EVIDENCE:** a) Satisfaction of the requirements found in the Memo from the Land Use Division of Public Works (DPW) is required by the project Conditions of Approval. Section 3.0 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of DPW and requires that a hydraulic report and drainage plan for the subdivision be submitted to DPW for review and approval.
6. **FINDING** Sewer and water systems shall be constructed to appropriate standards.
- EVIDENCE:** a) Locations for a primary and reserve leachfield have been identified on the two proposed vacant parcels to be created. A recently installed well near the southwest corner of the neighboring property (APN 402-061-012) is proposed to be shared with the neighboring parcels and used as a water source for the two proposed parcels of this division. A well completion report and leachfield soil testing has been reviewed and approved by the Environmental Health Division. The siting and design of future septic systems is subject to compliance with the Basin Plan.
7. **FINDING** The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated, and in conformance with the requirements of the current zoning regulations and the Humboldt County General Plan.
- EVIDENCE:** The size and configuration of the proposed parcels complies with width, depth, and minimum lot size requirements of the AG zone.

§325-9 Findings for Exceptions

8. **FINDING** That there are special circumstances or conditions affecting said property.
- EVIDENCE:** a) An existing driveway crossing through an adjacent neighboring property to the north (APN 402-061-012) is approximately 2000 feet in length. The applicant intends to utilize this driveway as the access to both parcels and proposes establishing a 25-foot easement and completing a series of improvements in service of widening this road to meet the Category 4 standard (20 feet in width). The applicant also proposes to extend the road through the neighboring parcel as well as through proposed parcel 1 of this division. Public Works supports the exception request, noting that the areas

development potential and physical constraints of the property being divided prohibit a wider right of way from being established or necessary.

FINDING That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

EVIDENCE: a) Allowing establishment of a narrower right-of-way will help preserve sufficient land is available for siting future residential development. This is particularly important to proposed Parcel 1 which is crossed by the proposed extension of the right-of-way.

FINDING That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the subject property is located.

EVIDENCE: a) Reduction of right-of-way width is not uncommon in cases involving similar circumstances. The proposed width reduction is consistent with the access roads on neighboring properties, including the 3-parcel Crossan subdivision (PM 896) immediately north of the subject property.

Govt. Code §66411.1 Improvement Timing

9. **FINDING** Unless the subdivider voluntarily enters into an agreement with the County establishing the timing of the work, fulfillment of reasonable on and off-site construction requirements are deferred until issuance of a permit or other grant for development of the created lot, except where found to be necessary for the public health and safety or for orderly development of the surrounding area. If not completed prior to parcel map recordation or under agreement with the County, a Notice of Construction Requirements shall be filed concurrently with the parcel map.

EVIDENCE: a) Section 2.12 of the Public Works memo informs the applicant of which improvements can be deferred until after filing of the map, as well as the timeframe and trigger for when those improvements must be completed, and the requirement to file a Notice of Construction Requirements with the Parcel Map when choosing to defer improvements.

Govt. Code §66474.02 Structural Fire Protection

10. **FINDING** Where approving subdivision of land (not for open space purposes) within a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone, the project must be consistent with state or local Fire Safe Regulations and be located within an area where structural fire protection and suppression services will be available from a qualified entity (County, City, Special District, or other political subdivision or entity) that is monitored and funded by a County or other public entity, and organized solely to provide fire protection services, or through contract with the Department of Forestry and Fire Protection pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

EVIDENCE: a) The property lies within the jurisdiction of Humboldt #1 Fire Protection District, which provides structural fire protection within its boundaries. The parcel is also located in the State Responsibility Area for Fire Protection and in an area mapped as having the potential for High Fire Hazard Severity. The project

was referred to both agencies for review and comment and neither raised any issues with the proposal.

FINDINGS APPLICABLE TO ALL PERMITS

- 11. FINDING** The proposed development is in conformance with the County General Plan.
- EVIDENCE** a) The proposed development is consistent with the Residential Estates (RE) land use designation. The project will facilitate the construction of additional residential development. The RE designation (Chapter 4.8, Land Use Designations) is used for lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. Single family units on individual lots are the dominant use, but the development of an Accessory Dwelling Unit or Guest House is also allowed. The Density Range is 1-5 acres per unit and the maximum floor area ratio is 0.20. The proposed subdivision will increase the number of parcels that allow single-family residences and accessory dwelling units in the area and would not result a change in floor area ratio. New development on the two vacant parcels will be served by an established well and a new septic system and leach field will be developed on each of the new parcels. Therefore, the project is in conformance with the County General Plan (Chapter 4, Land Use Element).
- 12. FINDING** The proposed development is consistent with the Freshwater Community Planning Area (FWCP).
- EVIDENCE** a) The land use designation for the parcel within the FWCP conforms with the General Plan land use designation.
- b) The FWCP Agriculture Grazing Land Use states that Very low intensity residential uses may be allowed if they are incidental to the property and if they support agricultural activities, or are necessary for the enhancement and protection of the natural resources of the area. Building sites shall be clustered adjacent to existing developed areas or on portions of the land least suited for agricultural use with the least adverse effects on the environment. The location and zoning of the proposed project parcel is consistent. The current project will facilitate new residential development on the two vacant parcels being created under the proposal.
- 13. FINDING** The proposed development is consistent with the purposes of the existing Agriculture General (AG) zone in which the site is located.
- EVIDENCE** a) The property zoning designation of Agriculture General (AG) includes single-family residential and accessory dwelling units as a principally permitted use. The proposed lot sizes are consistent with the required minimum lot size of 2.5 acres and required minimum width and depth requirements for the zone. The proposed parcels' minimum widths are as follows: Parcel 1 - approximately 349 feet (avg.), Parcel 2 – approximately 319 feet (avg) – both widths exceed the 60 foot minimum found in the AG zone. No maximum lot depth is specified in the AG zone. (HCC 314-7.2)
- 14. FINDING** The proposed subdivision will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE** a) The proposed subdivision will divide a 9.47-acre parcel into three (3) parcels, and result in the creation of two (2) new undeveloped parcels eligible for

residential and agricultural development. The proposed parcel sizes and resulting density is consistent with that planned for the area.

- b) The parcel being divided is currently vacant.

The two parcels being created are designed to be 2.63 and 2.64 in size, in compliance with the 2.5-acre minimum parcel size of the zone. Future residential development of these parcels is consistent with the planned uses authorized under the current AG zoning and RE land use designation,

Given that the proposed is consistent with the planned development of the area, the proposed subdivision is not anticipated to have negative impacts on the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.

15. FINDING

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

- a) The parcel's General Plan land use designation (RE 2.5-5) and zoning (AG) allow limited residential development. The project will positively impact compliance with Housing Element law. The project will increase the available housing in the Freshwater Community Plan area and will comply with the density range of the RE 2.5-5 land use designation, with a maximum density of 1-5 acres per dwelling unit. The proposed development is consistent with the Humboldt County General Plan (Section 4.8, RESIDENTIAL ESTATES (RE)).

DECISION

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

1. Approves the proposed Minor Subdivision, determining that no further environmental review environmental review is required per Section 15183 of the CEQA Guidelines (Projects consistent with General Plan, Community Plan, or Zoning), and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. Makes the findings in support of approving the Minor Subdivision (Record Number: PLN-2019-15937) based on the submitted evidence; and
3. Approves the Minor Subdivision (Record Number: PLN-2019-15937) subject to the conditions of approval included in Attachment 1.

Adopted after review and consideration of all the evidence on **August 18th, 2022**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Melanie McCavour and following the ROLL CALL vote:

AYES: Commissioners: Alan Bongio, Noah Levy, Brian Mitchell, Thomas Mulder, Peggy O'Neill, Melanie McCavour, Mike Newman

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion Carries 7/0

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

Conditions of Approval for the Tawnya Morris Minor Subdivision

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE TENTATIVE MAP MAY BE RECORDED:

Conditions of Approval:

1. All development shall conform to the project description and approved Tentative Map.
2. 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 tentative or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
3. The conditions on the Department of Public Works memorandum dated May 10, 2021, and revised on May 26, 2022, included herein as Exhibit A, 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.
4. The Planning Division requires that two (2) copies of the Tentative Map be submitted for review and approval.
5. Prior to recordation of the Final Map, the applicant shall submit a letter from the Humboldt Fire Protection District No. 1, 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, 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. Prior to submittal of the Final Map, the applicant shall provide a sign-off from the Post Office on the location of the NBU. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate the NBU. This requirement shall be administered by the Department of Public Works.
8. 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. This requirement shall be administered by the Department of Public Works.
9. An encroachment permit is required to be obtained prior to construction from the Department of Public Works for all work within the right of way of a County maintained road. This requirement shall be administered by the Department of Public Works.
10. Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by the Department of Public Works. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of the Department from Public Works.

11. 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 the 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. This requirement shall be administered by the Department of Public Works.
12. 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 \$116.00 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.
13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the Planning Commission and/or Board decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
14. Unless subdivision improvements in Attachment 1, Exhibit A, are completed or a Subdivision Agreement is entered into prior to filing of the Tentative Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.
15. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:

A. Mapping

- (1) Topography of the land in 1-foot contour intervals;
- (2) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program;
- (3) Development standards including setbacks, maximum lot coverage, maximum height and four (4) parking spaces on Parcel 1 and Parcel 2 consistent with Section 314-109.1 Humboldt County Code;
- (4) The location of the seasonal wetland and drainage feature shown on the revised tentative map (dated 8-1-22), as well as the boundary of the streamside management area (SMA) and wetland setback, located at a distance of 50 feet from the edge of these features, measured from the top of bank or edge of riparian dripline, whichever is greater. The SMA and wetland setback shall be labeled "non-buildable".

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

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

The applicant and successors are ultimately responsible for ensuring compliance with this condition."

(2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:

- Prohibition of open fireplaces.
- Heating should be provided using clean fuels (electricity or natural gas), when feasible.
- If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."

(3) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday."

(4) If applicable "Development rights for secondary dwelling units have been conveyed by the subdivider to the County of Humboldt. The terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for 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) "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."
- (7) Common development and land management activities that ordinarily are principally permitted (such as grading, residential development, tree removal, etc.) are highly restricted within the streamside management and wetland area setback shown on this plan. A Special Permit may first be required unless involving an exempt or authorized activity identified in the Streamside Management Area and Wetlands Ordinance (SMAWO - sections 314-61.1.4 and 314-61.1.9.2). Authorized activities include:
- Development permitted within stream channels authorized under Standard BR-S6 of the Humboldt County General Plan, including:
 - A. Fishery, wildlife, and aquaculture enhancement and restoration projects.
 - B. Road crossings consistent with Standard BR-S9, Erosion Control, of this section.
 - C. Flood control and drainage channels, levees, dikes, and floodgates.
 - D. Mineral extraction consistent with other County regulations.
 - E. Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.
 - F. Wells and spring boxes, and agricultural diversions.
 - G. New fencing, so long as it would not impede the natural drainage or wildlife movement and would not adversely affect the stream environment or wildlife movement.
 - H. Bank protection, provided it is the least environmentally damaging alternative.
 - I. Other essential projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.
 - Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(d), provided that cottonwoods are retained and remaining willows and alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage.
 - Road, bridge, and trail replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
 - Removal of vegetation for disease control or public safety purposes.
 - Normal, usual and historical agricultural practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.
 - Normal, usual and historical agricultural and surface mining practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.

Exempt activities include:

- Routine maintenance activities associated with existing public or private facilities such as the replacement of culverts and related structures pursuant to a Lake or Streambed Alteration Agreement (LSAA)
- removal of trees with a diameter of less than 12 inches (38-inch circumference)
- removal of trees from within a contiguous or non-contiguous area of less than 6,000 square feet as measured under the tree canopy
- grading and construction activities associated with onsite wells and sewage disposal systems for single-family dwellings which have received all required County and State permits.

Activities that could result in significant environmental impacts are not exempt from the SMAWO regulations and include work that will expose more than 2,000 square feet of soil to erosion or occur on slopes greater than 15%.

- (8) "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 superseded 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."
16. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$435.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
17. All activities related to the removal of trees under this permit shall be in strict conformance with the applicable County's Small Woodland Performance Standards (copy available from the Planning Division) in addition to Forest Practice Rules Section 1038 and applicable sections of 1104.1. An executed copy of the Small Woodland Performance Standards shall be submitted to the Department prior to commencement of the harvest operation.

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. 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 suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, the Calfire project representative (if applicable) and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and Cal-FIRE official will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 4. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

3. 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.

EXHIBIT A



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

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

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

	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409		
ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Lazar, Senior Planner

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

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE APPLICATION MORRIS, APPLICATION # PLN-2019-15937 PMS, APN 402-061-028, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 5.27 ACRES INTO 2 PARCELS

DATE: 05/10/2021
05/26/2022 revised

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 revised tentative map prepared by Kelly-O'Hern dated October 27, 2021 and not dated as received by the Humboldt County Planning Division.

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 326-31. 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 PROOF OF LEGAL ACCESS:** Access shall be noted on the Parcel Map pursuant to County Code Section 324-3.
- 1.5 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.
- 1.6 PRIVATE ROADS:** Pursuant to County Code Section 324-2(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 324-2(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."

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

(a) PRIVATE ROAD: UNNAMED ACCESS ROAD

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 within the subdivision in a manner approved by this Department. The easement shall be 25 feet in width.

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

Culverts & Bridges: In addition, the access easement shall include a 50 foot wide strip centered on the existing creek/stream/river for a length of 50 feet.

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

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

Development right can be restored on a lot by lot basis as the road(s) serving a proposed subdivision are improved to minimum Category 4 road standards.

(b) 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.

1.8 LINES OF OCCUPATION: Applicant shall provide prospective buyers with notice of any fences that are not on the property lines.

2.0 IMPROVEMENTS

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

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

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

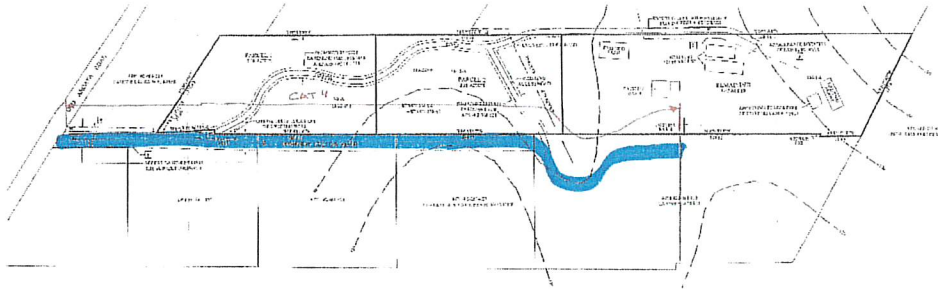
Unless otherwise waived by this Department, record drawing ("As-Built") plans shall be submitted for any road, drainage, landscaping, and pedestrian improvements that are constructed as part of this project. Record drawing plans must be prepared by a Civil Engineer registered by the State of California.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

- 2.2 CONSTRUCTION PERIOD:** Construction of improvements for this project will not be allowed to occur between October 15 and April 15 without permission of this Department.
- 2.3 ROAD NAMES:** The access road(s)/street(s) shall be named as approved by the Planning & Building Department - Planning Division.
- 2.4 TRAFFIC CONTROL DEVICES & 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) A stop sign shall be installed on Pomeroy Hollow Road at its intersection with Myrtle Avenue. When the road is paved, a "stop" pavement marking and limit line shall be installed.
 - (b) Pursuant to County Code Section 324-2(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.
 - (c) Street name signs shall be provided at all road intersections. In State Responsibility Areas, street name signs shall also comply with County Code Section 3113-11.

For streets that will not be named, address signs shall be posted at the intersection. In State Responsibility Areas, the address signs shall comply with County Code Section 3113-11. In the event that addresses are not available at the time that the subdivision map is filed with the County Recorder, then a note shall be added to the development plan indicating that street address signs shall be posted prior to issuance of a building permit.

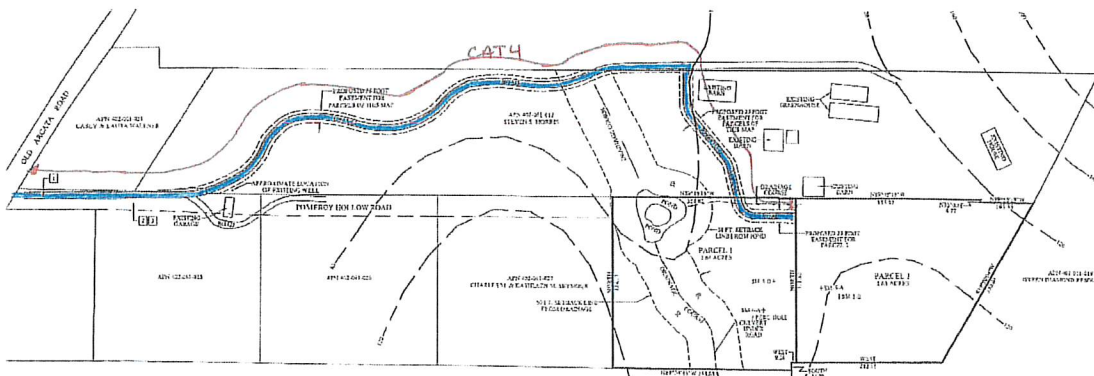
- (d) Fire hydrants shall be identified with a retroreflective blue colored raised pavement marker. In State Responsibility Areas, street name signs shall also comply with County Code Section 3114-5.
 - (e) Additional signing and striping may be required by the Department upon review of the improvement plans. This includes, but is not limited to, centerline striping, two way left turn lane striping, bicycle lane striping, edge lines, dead end road signs, no outlet signs, speed limit signs, warning signs, etc....
- 2.5 ACCESS ROADS:** The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:

- (a) **POMEROY HOLLOW ROAD** from Myrtle Avenue to the easterly line of Parcel 1 shall be improved to Road Category 4 standards being 20 feet in width.



Above: diagram showing the required road improvements to Pomeroy Hollow Road. Note that the route shown is for illustration purposes only.

As an alternative, if the applicant is able to secure an easement across APN 402-061-012, [and 402-061-023](#) it may be used to provide access to the subdivision and shall be improved to Road Category 4 standards (being 20 feet in width) from Myrtle Avenue to the easterly line of Parcel 1.



Above: diagram showing the required road improvements to Pomeroy Hollow Road and the Alternative Unnamed Access Road. Note that the route shown is for illustration purposes only.

- (b) The intersection of Pomeroy Hollow Road and Myrtle Avenue shall be constructed in conformance with the standards for a private road intersection as illustrated in Caltrans standards. The access opening must conform to Humboldt County Code Section 341 regarding visibility. The existing neighborhood mailbox units must be relocated out of the visibility triangle.

When the County road is paved, the access road shall be paved for a minimum of 50 feet from the edge of the County road. The existing pavement is in poor condition and the first 50 feet of the road must be re-paved as part of the subdivision.

- (c) 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.

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

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

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

- (e) Nothing is intended to prevent the applicant from constructing the improvements to a greater standard.
- (f) 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.
- (g) All road intersections shall conform to Humboldt County Code Section 341 regarding visibility.
- (h) The surface of the access road(s) shall conform to the *Structural Section* requirements within this document.

2.6 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 feet of Caltrans Type A 1/2" 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.
- (c) **For unpaved road surfaces**, the structural section shall include a minimum, of 0.5 foot of Caltrans Class 2 aggregate base. Paved surfaces are required for grades in excess of 16%.

2.7 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.

2.8 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.

2.9 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.

2.10 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 Postmaster. 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. If the NBUs will not be installed by the Post Office, the subdivider shall install the NBUs as part of the subdivision.

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

2.11 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.

2.12 COMPLETION OF IMPROVEMENTS ON PARCEL MAP SUBDIVISION: When improvements are not constructed before the subdivision map is filed with the County Recorder, the following apply:

- (a) Pursuant to Government Code section 66411.1 (improvement timing), fulfillment of reasonable on-site and off-site construction requirements may be imposed prior to Parcel Map filing with the County Recorder if found necessary for the public health or safety or orderly development of the area. The following improvements are necessary for the public health or safety or orderly development of the area and shall be completed: (1) within twenty-four (24) months after the filing date of the Parcel Map, or (2) prior to issuance of a building permit on any property subject to this notice, or (3) prior to any other grant of approval for any property subject to this notice, whichever occurs first:

<NONE>

- (b) The following improvements shall be completed: (1) prior to issuance of a building permit on any property subject to this notice, or (2) prior to any other grant of approval for any property subject to this notice, whichever occurs first:

1. Item 2.5

- (c) The following improvements shall be completed: (1) within twenty-four (24) months after the issuance of a Building Permit on any property subject to this notice, or (2) prior to issuance of an Occupancy Permit for any property subject to this notice, whichever occurs first:

<NONE>

- (d) 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. The report and plan must be prepared by a Civil Engineer registered by the State of California. This may require the construction of drainage facilities on-site and/or off-site in a manner and location approved by this Department.

4.0 GRADING

<NONE>

5.0 MAINTENANCE

5.1 MAINTENANCE OF IMPROVEMENTS: The improvements to be constructed as part of this subdivision will not be maintained by the County. Pursuant to Humboldt County Code Section 324-2 (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.

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

A maintenance plan for the non-county maintained road known as **Pomeroy Hollow Road**. If the alternative road through APN 402-061-012 is used, a road maintenance association will also be required for the **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.

6.0 DEVELOPMENT PLAN

<NONE>

7.0 LANDSCAPING

<NONE>

// END //



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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

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


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

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

LAND USE	445-7205
----------	----------

LAND USE DIVISION INTER OFFICE MEMORANDUM

TO: Steve Lazar, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

DATE: 05/26/2022

RE: MORRIS, APN 402-061-028, PLN-2019-15937

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

ROAD NAME: The tentative map indicates the property takes access from Old Arcata Road. The correct road name is Myrtle Avenue.

EXCEPTION REQUEST FOR RIGHT OF WAY WIDTH: Based upon the development potential of Unnamed Access Road, and the physical constraints that prohibit a wider right of way from being established, the Department can support the proposed exception request.

RIGHT OF WAY: The tentative map proposes a 25 foot right of way for Unnamed Access Road. The subdivision ordinance specifies a 50 foot wide right of way for a category 4 road.

NON-COUNTY MAINTAINED ROAD NOTE: The project will be taking access from an existing non-county maintained road. If a road maintenance association currently exists, this Department recommends that the applicant secure an agreement for annexation prior to the project being presented to the Planning Commission. If an agreement for annexation cannot be reached, then the issue of road maintenance should be discussed/addressed at the Planning Commission meeting.

PROOF OF LEGAL ACCESS: The project has legal access from Pomeroy Hollow Road through an easement across Parcel Map No. 1391 (12 PMB 59). -There is an issue that structures on APN 402-061-025 were constructed within this access easement. Per the title report submitted for the project, it does not appear that provisions have been made for the subject property to use the road that circumbulates the structures. The applicant is not proposing to use Pomeroy Hollow Road to access the proposed subdivision.

Instead, access for APN 402-061-028 is proposed across APN 402-061-012 and APN 402-061-023. **The project should not be presented to the Planning Commission until proof of legal access has been provided.**

// END //