

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

Resolution Number 23-056

**SUBDIVISION APPROVAL
CASE NUMBER PLN-2020-16281
ASSESSOR PARCEL NUMBER 511-141-017**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY
APPROVING THE MITCHELL MINOR SUBDIVISION**

WHEREAS, LACO Associates, on behalf of the owners, submitted an application and evidence in support of approving a Parcel 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 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's) for the McKinleyville Community Plan (SCH# 1998082024) and 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

WHEREAS, as lead agency, the Planning Division completed an initial study checklist for the project and has determined that:

1. there are no environmental effects that are peculiar to the project or the parcel on which the project is located;
2. there are no potential environmental effects which were not analyzed in the above referenced EIR's;
3. there are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above reference EIR's;
4. there are no previously identified significant effects which are determined to have a more severe adverse impact than discussed in the above EIR's, due to new information not known at the time the EIR's were certified; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on July 6, 2023; and

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

PROJECT DESCRIPTION

FINDING:

A Minor Subdivision of an approximately 8.12-acre parcel into 3 parcels ranging from 2.5 to 3.12 acres in size. The property to be divided is predominantly vacant except for perimeter fencing and was created through an earlier 4-parcel subdivision which included a Development Plan (PMS-57-88) reserving 40% of the land as open space. This restriction currently affects the northern portion of the property to be divided. The applicant is seeking to retain 40% of the property as open space while reconfiguring the location and distribution of the reserved area. Modification of Parcel 1 of the Development Plan is included with this request. The modification proposes reconfiguration of the reserved open space to ensure greater retention of Sitka Spruce trees and larger wildlife corridors while facilitating further subdivision and residential development meeting required setbacks. No further changes to reserved open space are proposed and all of the remaining parcels (2, 3, and 4) are already residentially developed at this time. Access to all three parcels will be provided by Olivier Road, a private road approximately 0.25 miles in length within a 50-foot-wide right-of-way. The proposed parcels would receive community water service from the McKinleyville Community Services District and utilize individual onsite wastewater treatment systems.

EVIDENCE:

Project File: PLN-2020-16281

CEQA

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 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.
- c) 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.
- d) 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.
- e) The project site is not located within a scenic vista area and will not impact visual resources within the County. The proposed minor subdivision will create two additional parcels that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. The project will result in a less than significant impact to aesthetics.
- f) The parcel being divided is composed of grassland mixed with scattered trees (Shore pine, and Douglas fir, and Red alder). The parcel was created through an earlier 4-parcel subdivision (PMS-57-88) which included provisions for retention of 40% of the land as open space. This restriction currently affects the northern portion of the property to be divided. The applicant is committed to retaining 40% of the property as open space while reconfiguring the location and distribution of the reserved area. Modification of Parcel 1 of the Development Plan is included with this request. The modification proposes reconfiguration of the reserved open space to ensure greater retention of shore pine trees and larger wildlife corridors while facilitating further subdivision and residential development meeting required setbacks.
- g) Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers (THPO's) of all three Wiyot ancestral tribes. The Blue Lake THPO requested that a survey of the property be performed. In October 2021, an archaeological survey was completed by Nick Angeleoff of Archaeological Research and Supply Company. No archaeological resources were discovered during the survey. Following this, all three THPO's supported approval of the project and subject to compliance with standard protocols for handling inadvertent discovery should cultural resources be discovered during future ground disturbance. This notation will be included on the modified Development Plan.

- h) 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 located in an Airport Review Area. The California Redwood Coast-Humboldt County Airport in McKinleyville is the closest airport and is located approximately 2,000 feet west of the project site. The property is located in Safety Zone 6, which does not include any residential density restrictions.
- i) 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 Arcata Fire 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.
- j) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Future development of the proposed parcels will receive water service from the McKinleyville Community Services district. The siting and design of future septic systems is subject to compliance with the Basin Plan.
- k) 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 Memo dated 07/19/2021. 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.
- l) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. 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 1 unit per acre of the Residential Estates (RL1) land use designation established during adoption of the 2017 General Plan. The division of one parcel into three 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)

FINDING All lots shall be suitable for their intended uses.

EVIDENCE: a) The project will result in a total of three (3) parcels.
Lot 1 will be 3.19 acres in size (gross), Lot 2 will be 2.37 acres in size (gross), and Lot 3 will be 2.56 acres in size (gross). All parcels comply exceed the minimum parcel size of the zone (1 acre) and will be suitable for single-family residential development. The subdivision creates 2 new residential lots. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes.

FINDING Improvements shall be required for the safe and orderly movement of people and vehicles.

EVIDENCE: a) Access to all three parcels will be provided by Ollivier Road, a private gravel road approximately 0.25 miles in length within a 50-foot-wide right-of-way. Conditions of Approval from the Land Use Division of Public Works include a requirement that the first fifty (50) feet of Ollivier Rd. be paved from the edge of the County Road (Dows Prairie Road). Public Works is also requiring that a stop sign and limit line striping be installed at its intersection, and that pruning of encroaching vegetation be performed to return the roads functional width to at least 20 feet. A Road Maintenance Association (RMA) has been established for parcels utilizing Ollivier Road for access, including the property being divided. A Condition of Approval has been included requiring that the new parcels being created be annexed into the existing RMA or form a new one if annexation proves impossible.

FINDING Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.

EVIDENCE: a) A Drainage Report and access road improvement plans are required to 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 Memo dated 07/19/2021. 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.

FINDING Sewer and water systems shall be constructed to appropriate standards.

EVIDENCE: a) The parcels will receive community water provided by the McKinleyville Community Services District. Project approval is conditioned upon satisfaction of the requirements of MCSD.

b) The parcels will be served by on-site waste treatment systems. On-site septic suitability evaluation and testing performed by LACO Associates in February 2008 and February 2020 indicates each lot proposed is suitable for a Class A disposal system consisting of a gravity fed dual disposal field with a 100 percent reserve area.

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.

Govt. Code §66474.02 Structural Fire Protection

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 is located in a State Responsibility Area for Fire Protection and is located in an area of High Fire Hazard Severity and is within the boundaries of the Arcata Fire Protection District, who provide structural fire protection. The project was referred to the district for review and did not result in an comments or issues being raised with the proposal.

Applicable General Plan and Community Plan Findings

Humboldt County General Plan - McKinleyville Community Plan (MCCP)

- FINDING** The proposed development is consistent with Urban Land Use policies for the McKinleyville Community Planning Area which require that development be served by urban services and adequate circulation systems (MCCP 2600).
- EVIDENCE** a) The subdivision creates 45 residential lots. The subdivision is served by community water provided by the McKinleyville Community Services District (MCSD). Individual sewage disposal systems will be developed on each of the parcels. All three parcels will have access onto Ollivier Rd, a 20-foot wide private road located within a 50 foot easement.
- FINDING** The proposed development is consistent with the residential planned land use designations applied to this parcel by the General Plan and Community Plan; which include Residential Low Density (RL1) GP 4.8, MCCP 2732).
- EVIDENCE** a) The project subdivides 8.12 acres into three (3) residential lots. The subdivision is consistent with the planned density of the area and the residential development of the area.
- FINDING** The proposed development will not pose a hazard to proposed structures and their occupants (MCCP 3211)
- EVIDENCE** a) 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 Arcata Fire 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 parcel is located within Safety Zone 6 under the Airport Plan. A Condition of Approval has been included requiring that the property owner execute an avigation easement.
- FINDING** The proposed development will conform with the County Flood Insurance Program (MCCP 3220).
- EVIDENCE** a) The project site is not located in an area of flooding. The Building Inspection Division did not identify any site concerns relating to site suitability for residential development. Future development must meet County Building regulations.
- FINDING** The proposed development will be consistent with the Land Use/Noise Compatibility Standards, including those applicable to those specific noise impact areas identified in Figure 8 of the plan (MCCP 3240).

EVIDENCE a) The property is not located within one of the noise impact areas.

FINDING The proposed development will be developed so that downstream peak flows will not be increased (GP 5.4, M CCP 3301).

EVIDENCE a) 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 Memo dated 07/19/2021. 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.

FINDING The proposed development is designed to protect sensitive and critical habitats, including migratory deer winter range, Roosevelt elk range, sensitive avian species rookery and nest sites, streams and streamside areas, wetlands, and habitat necessary for the protection of rare, threatened, and endangered species (GP 10.3, M CCP 3420).

EVIDENCE a) Review of County resource maps indicate there are no watercourses or other biological resources within or adjacent to the project site. The California Department of Fish and Game visited the site and did not have any concerns about biological resources that could be affected by the project. CDFW input was used to inform design of the open space reservation exhibit which is designed to retain as many shore pine as is possible.

FINDING The proposed development is consistent with the goals and policies relating to public services and facilities, including the requirement that subdivisions provide road access to County maintained roads (M CCP 4100).

EVIDENCE a) The subdivision will be served by community water and sewer provided by MCSD. The subdivision is accessed from Ollivier Rd., a private road, which intersects with Dows Prairie Road, a public road. Project approval is conditioned upon satisfaction of the requirements set by LUD, AFPD, MCSD and other utility companies.

FINDING The proposed development is consistent with the goals and policies designed to focus, time, and facilitate growth in the urban development areas with public service capacity, including connection to public water and wastewater systems (GP 5.4, M CCP 2630).

EVIDENCE a) The parcels will be served by community water provided by the McKinleyville Community Services District. Project approval includes Conditions requiring that the subdivision improvements and lot development be performed to the satisfaction of MCSD.

FINDING

The proposed development is consistent with the goals and policies of relating to Airport Safety, including applicable density restrictions, and noise and land use criteria (MCCP 3250, ALUCP)

EVIDENCE

- a) The parcel being divided is located approximately 2000 feet west of the California Redwood Coast-Humboldt County Airport, within Safety Zone 6. There are no specialized density restrictions applicable to residential development nor restrictions on the range of uses permitted. A Condition of Approval has been included requiring that the property owner execute an aviation easement.

FINDINGS APPLICABLE TO ALL PERMITS

FINDING The proposed development is in conformance with the County General Plan.

EVIDENCE a) The proposal divides a 8.12-acre parcel into three (3) parcels. The subdivision is served by community water and the parcels will be served by individual on-site waste treatment systems. The subdivision is accessed from Ollivier Road, a private road. Staff site inspections and referral agency comments indicate that the proposed parcels are suitable for residential purposes. The Density Range is 1 unit per acre and the proposal is consistent with the planned density of the area and the residential development of the area.

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) which agricultural uses as well as single-family residential and accessory dwelling units as a principally permitted use. The proposed lot sizes are consistent with the required 1-acre minimum lot size as well as the minimum width and depth requirements for the zone.

FINDING The proposed development complies with the Parkland Dedication requirements of the zoning regulations.

EVIDENCE a) 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: $(3)(2)(1)(130 \times 2.6/43,560) \times \$100,000 = \$4,655.65$ or $\$2,327.82$ with the conveyance of second dwelling units on the 3 residential lots.

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) All development will be served by public water provided by the McKinleyville Community Services District and site-specific septic testing shows that each lot can easily accommodate a future on-site waste treatment system. All reviewing referral agencies have approved or conditionally approved the proposed project design. The project as proposed and conditioned is consistent with the general plan, community plan, and zoning ordinance; and the proposed project is designed to avoid causing significant environmental damage.

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 is included in the most recent housing inventory from 2019, which lists the realistic capacity as one (1) residential unit. The proposed subdivision would result in two additional parcels, exceeding the realistic capacity used in 2019 housing inventory. The current land use designation allows for a maximum density of 1 dwelling unit per acre. When factoring in that 40% of the parcel must remain reserved for open space, the realistic developable acreage of the parcel is 4.87 acres. Consequently, the true resulting density from the proposal is 1.62 acres per dwelling unit. Additionally, each of the parcels could be developed with secondary dwelling units, thereby achieving an even greater overall density.

DECISION

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

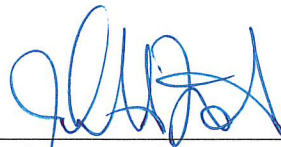
1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Parcel Map Subdivision (Record Number: PLN-2020-16281) based on the approved tentative map on file for the project dated March 2, 2020 and dated as received by the Humboldt County Planning Division on March 6, 2020, and also based on the Open Space Reconfiguration Exhibit dated April 17, 2023, and subject to the Conditions of Approval. The Tentative Map, Open Space Reconfiguration Exhibit, and Conditions of Approval are attached hereto as Attachments 1A, 1B, and 1C and are incorporated herein by reference.

Adopted after review and consideration of all the evidence on **July 6, 2023**.

The motion was made by Commissioner Brian Mitchell and seconded by Commissioner Lonyx Landry.

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

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford,
Director, Planning and Building Department

Conditions of Approval

APPROVAL OF THE PARCEL MAP SUBDIVISION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE MAP MAY BE FILED WITH THE RECORDER:

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the enclosed Department of Public Works Memo dated **July 19, 2021**, 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 Parcel Map be submitted for review and approval, said map to identify net and gross acreage for each parcel.
4. Prior to recordation of the Parcel Map, 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 Parcel Map, 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 Parcel Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
7. The applicant shall submit at least three (3) copies of a modified Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site, and shall include Development Plan items of the Public Works Subdivision Requirements, included herein as Exhibit A of Attachment 1, and the following site development details:
 - A. Mapping
 - (1) Topography of the land in 1-foot contours.
 - (2) Development standards for parcels: building "envelopes" (dwelling site locations with applicable yard setbacks, maximum lot coverage, maximum building height), including parking area detail and improvements showing conformance with Section 314-109.1

HCC, County Subdivision Regulations and as restricted by LUD Subdivision Requirements.

- (3) Proposed improvements including driveways and drainage facilities, 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 if required by the Arcata Fire Protection District.
- (7) Location of the USPS Neighborhood Box Unit (NBU), if applicable.
- (8) Location of all areas of Reserved Open Space, as shown on the Open Space Reconfiguration Exhibit, dated April 17, 2023.

B. Notation

- (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 suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the Tribal Historic Preservation Officers from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe, as well as the County Planning and Building Department; 3. The professional archaeologist, Tribes and County officials 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.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this requirement.

- (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) "Utilities associated with the subdivision shall be placed underground, where feasible."

- (4) "Water connection fees are due and payable to the MCSD upon a request for services."
 - (5) "The subdivision is subject to payment of parkland dedication in-lieu fees of \$4,655.65 or \$2,327.82, half the parkland dedication fee for all lots, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on all lots. Release of the conveyance is contingent upon payment of the balance of the parkland fees."
 - (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 combined "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 \$445.00 plus applicable recordation fees) will be required. The Development Plan and Geologic Report shall also be noticed on the Final Map.
 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 \$116.00 per parcel) as required by the County Assessor's Office shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
 10. Parkland dedication fees of \$4,655.65 shall be paid to the Humboldt County Planning & Building Department, 3015 H Street, Eureka. Alternately, \$2,327.82, half the parkland dedication fee for the 3 parcels, may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units. Release from the Conveyance and Agreement may be pursued upon payment of the parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Department upon the election of this option by the applicant once the Final Map is prepared and approved for recordation. These fees may be paid for by individual lot owners on a *pro-rata* basis at the time individual lot owners apply for a permit to construct a second or secondary dwelling unit. Should the applicant elect to enter into a Conveyance and Agreement, legal document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$445.00) will be required.
 11. The applicant shall initiate action on a "Conveyance and Agreement" on forms provided by Humboldt County Community Development Services (Planning Division). Please contact the Planning Division regarding the preparation and scheduling of the necessary agreement. Document review fees will be required.
 12. Applicant shall pay to the Humboldt County Planning & Building Department any unpaid balance associated with the processing of this application. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.

13. To the satisfaction of the County Aviation Department, the property owner shall execute an avigation and/or overflight easement on forms provided by the County.

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.

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. Please contact the Land Use Division at 445-7205 for more information concerning permit requirements and processing.
4. The term of the approved Tentative Map shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code. The term of any associated permit or variance (e.g., Coastal Development, Special Permit, Planned Development Permit) shall coincide with the term of the approved Tentative Map. If necessary, an extension of the permit or variance may be requested in accordance with the provisions of Section 312-11.3 of the Humboldt County Code.



EXHIBIT A

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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
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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

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

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE MITCHELL, APPLICATION # PLN-2020-16281 PMS, APN 511-141-017, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 8.12 ACRES INTO 3 PARCELS

DATE: 07/19/2021

The following requirements and standards are applicable to this project and must be completed to the specifications and satisfaction of the Department of Public Works (Department) before the subdivision map may be filed with the County Recorder. If there has been a substantial change in the project since the last date shown above, an amended report must be obtained and used in lieu of this report. Prior to commencing the improvements indicated below, please contact the Subdivision Inspector at 445-7205 to schedule a pre-construction conference.

These recommendations are based on the tentative map prepared by LACO Associates dated November 2019, and dated as received by the Humboldt County Planning Division on March 6, 2020.

NOTE: All correspondence (letters, memos, faxes, construction drawings, reports, studies, etc.) with this Department must include the Assessor Parcel Number (APN) shown above.

READ THE ENTIRE REPORT BEFORE COMMENCING WORK ON THE PROJECT

1.0 MAPPING

1.1 EXPIRATION OF TENTATIVE MAP: Applicant is advised to contact the Planning & Building Department to determine the expiration date of the tentative map and what time extension(s), if any, are applicable to the project. Applicant is responsible for the timely filing of time extension requests to the Planning & Building Department.

Applicant is responsible for completing all of the subdivision requirements prior to expiration of the tentative map. Applicant is advised to promptly address all of the subdivision requirements

in order to avoid the tentative map expiring prior to completion of the subdivision requirements. Applicants are encouraged to contact a land development professional for advice on developing a realistic schedule for the processing of the project.

- 1.2 MAP TYPE:** Applicant must cause to be filed a subdivision map showing monumentation of all property corners to the satisfaction of this Department in compliance with Humboldt County Code Section 326-15. Subdivision map checking fees shall be paid in full at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County Recorder for filing. The subdivision map must be prepared by a Land Surveyor licensed by the State of California -or- by a Civil Engineer registered by the State of California who is authorized to practice land surveying.

All Department charges associated with this project must be paid in full prior to the subdivision map being submitted to the County Recorder for filing.

Applicant shall submit to this Department four (4) full-size copies of the subdivision map as filed by the County Recorder.

Prior to submitting the subdivision map to the County Surveyor for map check, applicant shall submit the subdivision map to the utility providers to provide input on necessary public utility easements. Copies of the responses from the utility providers shall be included with the first submittal of the subdivision map to the County Surveyor.

- 1.3 DEPOSIT:** Applicant shall be required to place a security deposit with this Department for inspection and administration fees as per Humboldt County Code Section 326-13 prior to review of the improvement plans, review of the subdivision map, or the construction of improvements, whichever occurs first.
- 1.4 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 FURTHER SUBDIVISION:** At least some of the parcels may be further divided; therefore, the applicant shall conform to Humboldt County Code Section 323-6(a)(5), Statements to Accompany a Tentative Subdivision Map.
- 1.7 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."

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

(a) PRIVATE 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 50 feet in width.

(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.

1.9 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 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 Olliver Road at its intersection with Dow Prairie Road. 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) A "Dead End" sign shall be installed on Olliver Road.

(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....

2.2 ACCESS ROADS: The access road(s) serving the subdivision shall be constructed to the satisfaction of this Department as follows:

- (a) Road maintenance on Ollivier Road shall be performed to restore the road width to 20 feet wide.
- (b) Ollivier Road shall be paved for a minimum length of 50 feet from the edge of the County road.
- (c) The intersection of the Ollivier Road and the Dows Prairie 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.
- (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 (including driveways) 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.

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

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

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

2.4 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.

2.5 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.

2.6 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.

- 2.7 NEIGHBORHOOD BOX UNIT (NBU) MAILBOXES:** When clustered mailboxes (neighborhood box units) are required by the Post Office, applicant shall obtain approval for the location of the mailbox unit from the Post Master. The pad for the mailbox unit shall be constructed as part of the subdivision and shall be encompassed by a sidewalk easement or other easement, as approved by this Department. 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.

- 2.8 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:

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- (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 following note shall be placed on the development plan:

"This subdivision was approved with requirements to construct improvements. At the time the parcel map was filed, the improvements were not completed. The subdivision improvements must be completed within the timelines specified in the *Notice of Construction Requirements*. Building permits or other development permits cannot be obtained until the required improvements are constructed to the satisfaction of the County. The improvements required in the *Notice of Construction Requirements* are shown on the improvement plans prepared by _____, dated _____, and are signed as approved by the County on _____. Contact the Land Use Division of the Department of Public Works for details."

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

In McKinleyville, the drainage report shall address increased runoff from all development that occurred after 12/10/2002.

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

- 3.5 DRAINAGE FEES:** Applicant must conform to Humboldt County Code Section 328.1-16 regarding McKinleyville Drainage Area Fees.
- 3.6 LOW IMPACT DEVELOPMENT (LID):** The subdivision is required to comply with County Code Section 337-13. The applicant shall submit a Storm Water Information Sheet for review and approval by the County. The improvement plans must incorporate LID strategies for the entire subdivision, including roads, lots, and other areas.

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

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

Each lot in the subdivision is considered a regulated project.

4.0 GRADING

<NONE>

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 all facilities within the proposed subdivision.
- A maintenance plan for the non-county maintained road known as Olliver Road.

If a maintenance association currently exists for the access road, applicant shall attempt to the satisfaction of this Department to annex the subdivision into the existing road maintenance association. That portion of this condition regarding road maintenance may be waived if the applicant provides evidence satisfactory to this Department that the subject property already belongs to a maintenance association for the access road(s).

A maintenance plan is not required for driveways; as driveways serve only one parcel. A maintenance plan is *optional* for roads that serve only two parcels. A maintenance plan is required for roads serving three or more parcels.

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

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

- (f) For infiltration basins, wet weather testing of the percolation rate of the basin consistent with Department of Environmental Health standards for determining the percolation rates for septic systems. Percolation rate testing shall be done every five (5) years.

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

6.0 DEVELOPMENT PLAN

<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
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ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
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CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTER OFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner

FROM: Robert W. Bronkall, Deputy Director 

DATE: 07/19/2021

RE: MITCHELL APN 511-141-017 PLN-2020-16281 PMS

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

OLIVIER ROAD: The road is constructed on a prism that supports a Category 4 road. It appears that over time, the width of the road has shrunk due to encroachment of roadside vegetation. Road maintenance work is necessary to restore the roadway width to road category 4 standards.

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.

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