

Conditions of Approval

Approval of a Coastal Development Permit is conditioned upon the following terms and requirements which must be fulfilled before a Building Permit may be issued or initiated.

1. All development shall be in accordance with approved plot plan, project description, and elevations. Changes to the approved design may be approved if in conformance with Section 312-11, Minor Deviations.
2. Applicant shall adhere to the terms of the State Fire Safe Regulations, including maintenance of all fuel modification and construction mitigations for the life of the project.
3. Applicant shall adhere to the Recommendations provided by Pacific Affiliates, Inc. in the R-2 Soils Report dated April 6, 2022. The recommended measures include:
 - a. All construction shall be in accordance with the most recently approved California Building Code, County of Humboldt Municipal Code and meet current criteria for the appropriate Seismic Design Category.
 - b. Maximum allowable soil bearing pressure shall be 1,500 psf for live and dead loads.
 - c. All topsoil shall be removed from footing and slab locations prior to construction. All fill beneath footings must meet a minimum 95% relative compaction test.
 - d. Footing trenches and pads shall be excavated to a minimum depth of 12 inches into the native bearing material as specified in this report. Footings are to be inspected by a Registered Civil Engineer prior to the placement of concrete.
 - e. Foundations shall be set back from slopes in accordance with the most recently approved California Building Code. Structures should be set back a distance equal to the minimum of $H/2$ or 15 feet from the toe of a slope and $H/3$ or 40 feet from the top of a slope, where H = height of slope.
 - f. Areas of concrete slab construction shall be proof rolled prior to placing base material. Contractors are encouraged to have compaction tests completed on fill placed under slabs, although it is not required.
 - g. Concrete slabs shall have structural separations (i.e. footings) at a maximum of 25 foot intervals. Slabs shall be designed for a bearing pressure of no more than 1,000 psf unless a proper engineered design is provided.
 - h. No fill shall be allowed on site unless engineered by a Registered Civil Engineer, with the exception of material that meets Caltrans Standard Specification 26-1.02B for Class 2 aggregate base. Fill shall be free of organic and deleterious material and clasts larger than three inches (3") in diameter.

- i. If any fill material, including areas with organic debris or uncompacted materials, or areas of low density, noncohesive material is encountered during excavations, construction is to be discontinued until the excavations and materials are inspected by a Registered Civil Engineer or Certified Engineering Geologist.
 - j. Cut slopes shall be as flat as possible, but not exceed 2: 1 for well consolidated, tight clay soils; cut slopes shall not exceed 3: 1 in sandy or gravelly deposits.
 - k. Excavations into the native soils may encounter caving soils and possibly perched water, depending on the final depth of excavation. Individual contractors should be made responsible for designing and constructing stable, temporary excavations as required to maintain stability of the excavation sides and bottom and to provide human safety.
 - l. All site drainage shall be controlled and directed away from the buildings to minimize erosion. Best Management Practices shall be employed during the rainy season to minimize sediment transfer off the site.
 - m. Impacted areas shall be reseeded prior to the first winter using a Caltrans erosion control mix or equal.
4. Applicant shall adhere to recommendations made by California Department of Fish & Wildlife (CDFW) pertaining to landscaping, including avoiding invasive species listed in the Cal-IPC Inventory (<https://www.cal-ipc.org/plants/inventory>). Ideally, landscaping plants will be appropriate to coastal northern California.
5. The applicant shall adhere to the referral comments provided by Public Works:
- a. The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission (or Zoning Administrator). [Reference: National Pollutant Discharge Elimination System (NPDES) General Permit For Waste Discharge Requirements (WDRS) for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, Section E.12; Humboldt Low Impact Development Stormwater Manual version 3.0 (08/18/2021), Part A, Table 1]
 - b. Applicant must apply for and obtain an encroachment permit for the construction of a residential driveway on Red Crest Court. [reference: County Code section 411-11 (a)(b)]
 - c. The permit will require the driveway entrance to be surfaced with asphalt concrete or Portland cement concrete. The paved area shall extend a minimum of 20 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the County road. The driveway shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. [reference:

County Code sections 313-109.1.3.2.5 and 411-51 (b)(3)]

- d. The County road is not constructed to allow on-street parking. All parking must be developed on-site or applicant must construct a parking lane along the County road in a manner approved by this Department. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code section 313-109.1 et seq.]
- e. Site visibility must be maintained at the driveway entrance. [reference: County Code section 341-1 et seq.]
- f. All retaining walls shall be constructed on the property. **NO retaining walls shall be constructed in the County right of way.**
- g. After the building pad and driveway have been rough graded, the applicant shall contact the Public Works inspector to ensure that the proposed driveway grades are in conformance with County Code, prior to construction of the building foundation and/or driveway. [reference: County Code section 411-15]
- h. Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of this Department.
- i. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission (or Zoning Administrator). [Reference: National Pollutant Discharge Elimination System (NPDES) General Permit For Waste Discharge Requirements (WDRS) for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, Section E.12; Humboldt Low Impact Development Stormwater Manual version 3.0 (08/18/2021), Part A, Table 1]

Development of property is also required to comply with provisions for point source discharges of stormwater and non-point source waste discharges as specified in the General Exception to the California Ocean Plan for select Discharges into Areas of Special Biological Significance (ASBS), Including Special Protections for Beneficial Uses, Sections I.A and I.B (State Water Resources Control Board Resolution 2012-0031 as amended 6/19/2012).

6. If suspected archaeological resources are encountered during the project:

- a. Stop work within 50' of the find.
- b. Call the County project representative, a professional archaeologist and representatives from the represented Tribes.
- c. The professional historic resource consultant, Tribes and County officials will coordinate provide an assessment of the find and determine the significance and recommend next steps.

7. If human remains are encountered:

- a. All work shall stop and per CA Health and Safety Code Section 7050.5:
- b. Call the Humboldt County Coroner: (707) 445-7242
- c. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American, then;
- d. The Humboldt County Coroner will contact the Native American Heritage Commission within 24 hours.
- e. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. Within 48 hours the MLD may contact the landowner, and with landowner permission inspect the location, making subsequent recommendations regarding the most appropriate disposition of their descendent.

Ongoing Requirements/Development Restrictions which Must be Satisfied for the Life of the Project:

1. The project shall be conducted in accordance with the project description and approved project site plan.
2. All new outdoor lighting shall be directed within the property boundaries.
3. New utilities shall be installed underground, when feasible.
4. Alteration to natural landforms shall be minimized.

Informational Notes:

1. If cultural 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.

Precontact materials which could be encountered include obsidian and chert debitage or formal tools, grinding implements, (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic archaeological discoveries may include nineteenth century or early twentieth century farming machinery, building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal or other materials found in buried pits, wells or privies.

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, ground stone 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 is ultimately responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such

anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

4. This merger does not guarantee that developable lots will result. Issuance of a building permit will require demonstration of all applicable development standards at the time a permit is requested.
5. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, if applicable.
6. The term of this approval shall be thirty-six (36) months from the date of the Planning Director's action on this request.