

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

**Resolution Number 24-064**

**Furtado Parcel Map Subdivision and Special Permits**

**Record Number PLN-2024-18990**

**Assessor Parcel Number 509-201-047**

**Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Furtado Parcel Map Subdivision and Special Permits.**

**WHEREAS**, the owners submitted an application and evidence in support of approving the Parcel Map Subdivision and Special Permits; 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 of the Humboldt County Board of Supervisors, has determined that impacts from projects of this sort 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**, a public notice was sent via mail to all owners and occupants of property within 300 feet of the boundaries of the project; 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 Parcel Map Subdivision and Special Permits (Record Number PLN-2024-18990); and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for the Parcel Map Subdivision and Special Permits, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

**1. FINDING:**

**Project Description:** A Parcel Map Subdivision to divide an approximately 0.62-acre parcel into two parcels of approximately 0.40 acres (Parcel 1) and 0.22 acres (Parcel 2). No new site development or improvements are proposed. Pursuant to Section 314-99.1.2 H.C.C., a Special Permit is required for Lot Size Modification to allow Parcel 2 to be created below the 10,000 square foot minimum parcel size. An additional Special Permit is required to allow an existing accessory structure on proposed Parcel 2 prior to the construction of a primary residence pursuant to Section 314-43.1 H.C.C. The parcel is served with community water and sewer provided by the McKinleyville Community Services District. The two lots were previously created by an approved Parcel Map Subdivision (Case No.: PMS-12-96) by Edward Schillinger per Book 30 of Parcel Maps, Pages 7- 8 (1997). This project essentially reverses a portion of a later approved lot line adjustment between the subject property and what is now APN's 509-201-045 & 509-201-046, administratively approved on May 2, 2000, and illustrated on a Record of Survey by Edward Schillinger per Book 60 of Surveys, Page 26 (2000).

**EVIDENCE:** a) Project File: PLN-2024-18990

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**2. FINDING:**

The requirements of the California Environmental Quality Act (CEQA) have been met. The Humboldt County Planning Commission has considered the project and finds the proposed subdivision requires no further environmental review 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 acknowledges CEQA's mandate that projects require no 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, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

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.

The residential density specified in the McKinleyville Community Plan was utilized for analysis conducted during development of the Environmental Impact Report prepared for the current Humboldt County General Plan, which includes all the required elements specified in Section 65302 of the Government Code. The EIR for the General Plan was certified during adoption of the plan in 2017.

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. Neighboring development on adjacent parcels is composed of the same, or greater density as the subject parcel. The proposal is consistent with the planned density and is currently developed with low-density residential uses. The development pattern and design included in the concept provided by the applicant has been found to be acceptable by the Land Use Division of Public Works and Planning Division.
- c) Potential Impacts such as those common to projects of this sort 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).
- 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 re-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

referenced EIR's (SCH# 1998082024 & 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 proposed minor subdivision will create a total of two 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.
- i) During analysis of the previous subdivision, in a project review conducted by the Northwest Information Center, the project site was indicated as having the possibility of containing unrecorded archaeological resources and a study was recommended. The project was then referred to the Natural Resources Division of the Department of Public Works (NRPW). NRPW recommended against a Phase 1 archaeological study because the Division's data bank contained no recorded sites within the project site. NRPW further noted that an aerial photograph from 1941 showed that the site was previously forested, but then logged and developed, and that if any resources ever existed, they would most likely have been destroyed by the logging and subsequent development. Based on the recommendation from NRPW, no archaeological study was required. Nevertheless, the standard inadvertent archaeological discovery protocols have been made a condition of project approval.
- j) 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. Arcata Eureka Airport is the closest airport and is located approximately 2.2 miles north-northwest of the project site.

- k) According to the Humboldt County Fire Hazard Severity map, the parcel is not located within a fire hazard severity area. The site is located within the Arcata Fire Protection District. 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.
- l) 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 residential development of the parcels being created will receive water and sewer service provided by the McKinleyville Community Services District. A hydraulic report and drainage plan are required to be prepared by a Civil Engineer registered within the State of California and will be submitted to the Land Use Division of Public Works (PW) for review and approval prior to commencement of the project. While the subject property is located within the municipal separate storm sewer system boundary area, the subdivision itself is exempt from low impact development requirements as the proposed impervious area is 2,500 SF of impervious area being created.
- m) The California Natural Diversity Database does not indicate that any species of concern have been identified on the subject parcel, the parcel is part of a previous residential subdivision, and is developed with one residential-type building, accessory structure, and is fully landscaped. There is mapped habitat for coast cutthroat trout associated with Mill Creek to the south of the parcel; however, the parcel is approximately 135 feet outside of the mapped Streamside Management Area and no impacts are expected. The County GIS shows the approximate south half of the parcel as containing mapped "Mill Creek Wetlands" and shows the parcel 215 feet outside wetland to the south mapped by the National Wetland Inventory. The Initial

Study prepared for the previous subdivision of the property in 1997 found that the subdivision would have no impact on wetland habitat. During this analysis Staff conducted a field inspection, and a review of relevant references in the Department and determined that Mill Creek was located more than 300 feet from the property boundaries and, therefore, will not require specific setbacks to be delineated. The project was referred to the California Department of Fish and Wildlife who did not respond with any specific concerns.

### **312-1.1.2 Legal Lot Requirement**

- 3. FINDING:** The lot that was created in compliance with all applicable state and local subdivision regulations.

**EVIDENCE:** a) Per LLA-22-20 the subject parcel has been determined to be one legal parcel as described in Notice of Lot Line Adjustment 2000-15500.

### **SUBDIVISION FINDINGS - Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code**

- 4. FINDING:** All lots shall be suitable for their intended uses.

**EVIDENCE:** a) The project will result in a total of two parcels. The parcels will range between 0.22 to 0.40 acres in size. The newly created parcels will be served community water and sewer by the McKinleyville Community Services District. The lots are large enough to comply with all required setbacks for existing and proposed structures.

- 5. FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.

**EVIDENCE:** a) Access to the parcel being divided is currently provided by Sutter Road (County Road No. C4L810) and Blackhawk Lane, a private drive. Conditions from the Land Use Division of Public Works (PW) recommends that the owner construct an Urban Driveway #1 at the end of the non-County maintained road and the west property line to connect the existing pedestrian network. Alternatively, the owner may construct one of the following: 1. Construct a concrete accessible crossing adjacent

to the subject property line, from the existing sidewalk on the northside to the existing sidewalk on the southside with a mountable curb (rolled curb) on the westside, or 2. Construct two ADA compliant opposing curb ramps adjacent to the subject property line, or 3. Construct a curb ramp with bulb out (southside of Blackhawk Lane) and replace existing non-compliant curb ramp (northside of Blackhawk Lane) to create an accessible crossing approximately one hundred feet (100') west of the subject property line.

**6. 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 8/7/2024 memo from the Land Use Division of Public Works (PW) is required by the project Conditions of Approval. Sections 3.1 and 3.2 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of PW and requires that a hydraulic report and drainage plan for the subdivision be submitted to PW for review and approval.

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

**EVIDENCE:** a) The McKinleyville Community Services District supports approval of the project and is prepared to provide water and sewer service to future development of the parcels. Residential development located on the parcels being created already receives water and sewer service provided by the McKinleyville Community Services District.

**8. 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:** a) The size and configuration of the proposed parcels complies with size, width and depth requirements of the R-1-B-2 zone with the requested Lot Size Modification.

**9. FINDING:**

Section 314-99-1.2 H.C.C.: Minimum lot size may be modified down to 1,500 square feet but cannot create a parcel greater than 1.8 times the allowed minimum.

Section 325-11 H.C.C.: (a) the lots are in harmony with the topography; (b) soil conditions will not be adversely affected; (c) hydrologic conditions will not be adversely affected; (d) traffic patterns and emergency vehicle access will not be adversely affected; (e) the subdivision design with the LSM is in the interest of the public welfare; (f) the existing character of the area will not be adversely affected; (g) wetlands will not be adversely affected; (h) the subdivision conforms to the General Plan.

**EVIDENCE:**

- a) The subdivision is meant to create two parcels. Parcel 2 will be encumbered by half of an access easement resulting in a net lot size of 0.197 acres. None of the created parcels will exceed 1.8 times the allowed minimum lot size of 0.41-acres. Created Parcel 2, at 0.197 net lot acres in size, will be approximately 1,419 square feet smaller than the 10,000 square-foot minimum lot size for the R-1-B-2 zone. The granting of the Lot Size Modification will allow the created Parcel 2 to accommodate for the split access easement for the benefit of both parcels

The Lot Size Modification (LSM) is consistent with the findings of Section 325-11 H.C.C.: (a) the lots are in harmony with the topography; (b) there is no evidence that soil conditions will be adversely affected; (c) hydrologic conditions will not be adversely affected as there are no mapped watercourses on or near the subject parcel; (d) by utilizing existing and required road and access improvements the impact to traffic patterns and emergency vehicle access is minimized; (e) the subdivision design with the LSM is in the interest of the public welfare in that it considers the physical constraints and allows for optimum use of the site; (f) the existing character of the area will not be adversely affected in that the subdivision design with the LSM is consistent with residential development pattern of the area; (g) wetlands will not be adversely affected as there are no mapped wetlands on or within close proximity to the subject parcel; and (h) the subdivision conforms to the General Plan density.

## FINDINGS APPLICABLE TO ALL PERMITS

**10. FINDING:** The proposed development is in conformance with the County General Plan and McKinleyville Community Plan.

**EVIDENCE:** a) The proposed development is consistent with the Residential Low Density (RL1-7) land use designation. The project will allow for the creation of two parcels for existing and proposed single-family residential development within the 0.62-acre parcel. The RL1-7 designation specifies a density of one to seven units for every one acre.

b) *McKinleyville Community Plan – Stormwater*

Satisfaction of the requirements found in the 8/7/2024 memo from the Land Use Division of Public Works (PW) is required by the project Conditions of Approval. Sections 3.1 and 3.2 of their memo informs the applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of PW and requires that a hydraulic report and drainage plan for the subdivision be submitted to PW for review and approval. While the subject property is located within the municipal separate storm sewer system boundary area, the subdivision itself is exempt from low impact development requirements as the proposed impervious area is 2,500 SF of impervious area being created.

*Parkland §4420 (MCCP)*

c) *Parkland Dedication Fee Calculations*

	130.00	McKinleyville Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
X	2.578	Persons per average McKinleyville household (Source: 2020 U.S. Census)
	335.14	Parkland dedication per average household in square feet
/	43,560	Square feet per acre
	0.00769	Parkland dedication per average household in acres
X	3	Number of new units being created by the subdivision and Planned Unit Development,

X	100% (1.0)	Percentage of these parcels within the McKinleyville Community Planning Area
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	0.023	Acres of parkland for subdivision
X	\$160,000	Value of one acre of land in the vicinity of the subdivision project
	\$3,692.98	Parkland Dedication In-lieu Fee for the Furtado Minor Subdivision

**11. FINDING:**

The proposed project is consistent with the purposes of and meets all the applicable development standards of the Residential One-Family Zone with a Special Building Site Combining Zone and combining zones for Manufactured Home and Streamside Management Areas and Wetlands (R-1-B-2-T-WR).

**EVIDENCE:**

- a) The property zoning designation of R-1-B-2 allows for residential uses as Principally Permitted on lots greater than 10,000 square feet in size. The proposed creation of lots less than 10,000 square feet is allowable with the Special Permit for the Lot Size Modification that is being requested.
- b) One existing accessory structure will remain on proposed Parcel 2 prior to the development of a main building, which is allowable with the Special Permit that is being requested.
- c) (T) A manufactured home is not proposed as part of the project.
- d) (WR) The County GIS shows the approximate south half of the parcel as containing mapped "Mill Creek Wetlands" and shows the parcel 215 feet outside wetland to the south mapped by the National Wetland Inventory. The Initial Study prepared for the previous subdivision of the property in 1997 found that the subdivision would have no impact on wetland habitat. During this analysis Staff conducted a field inspection, and a review of relevant references in the Department and determined that Mill Creek was located more than 300 feet from the property boundaries and, therefore, will not require specific setbacks to be delineated.

**12. 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 0.62-acre parcel into two parcels with a build out total of two units and two Accessory Dwelling Units. The proposed parcel sizes are permitted with the zoning and the resulting density is consistent with that planned for the area.
- b) The parcel being divided is currently host to an existing single-family residence that will remain on proposed Parcel 1, and an existing accessory structure that will remain on proposed Parcel 2. Public water and sewer service is available through the McKinleyville Community Services District. The parcel has been planned and zoned for single-family residential development for over 30 years and is surrounded by parcels with the same or greater density. Single-family residential development is principally permitted under the parcel's current zoning. None of the referral agencies oppose the project and there is no information to suggest that approval of the project would potentially be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity.

**13. 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.

**EVIDENCE:**

- a) The parcel's General Plan land use designation (RL) and zoning (R-1) allow single-family residential development. The project will positively impact compliance with Housing Element law. The project will increase the available separately owned housing in the McKinleyville Community Plan area and will comply with the density range of the RL1-7 land use designation, which includes a maximum density of seven units per acre. The parcel is not included within the 2019 Housing Element inventory so there is no risk of the density falling short of the target required.

## DECISION

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

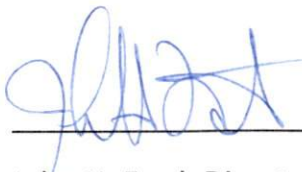
- Adopt the findings set forth in this resolution; and
- Approve the Furtado Parcel Map Subdivision and Special Permits (PLN-2024-18990) subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **September 19, 2024.**

The motion was made by COMMISSIONER SARAH WEST and second by COMMISSIONER JEROME QIRIAZI and the following vote:

AYES: COMMISSIONERS: Sarah West, Jerome Qiriazzi, Iver Skavdal, Thomas Mulder,  
Peggy O'Neill, Lorna McFarlane  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS: Noah Levy  
ABSTAIN: COMMISSIONERS:  
DECISION: Motion carried 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.



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John H. Ford, Director  
Planning and Building Department

## **CONDITIONS OF APPROVAL**

**APPROVAL OF THE TENTATIVE PARCEL MAP AND SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL MAP MAY BE FILED WITH THE COUNTY 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 Department of Public Works referral dated 8/7/2024, included herein as Attachment 1B, 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 copies of the Parcel Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. To better accommodate circulation and siting of future building sites, minor adjustments to the design of the tentative map (parcel boundaries, driveway & road locations, etc.) may be performed, subject to review and approval by the Planning Division and Public Works Land Use Division.
5. Prior to filing of the Parcel Map, the applicant shall submit a letter from the McKinleyville Community Services District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. Prior to filing of the Parcel Map, the applicant shall submit a letter from the Arcata Fire Protection District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
7. Prior to filing of the Parcel Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements, including appropriate labeling and description of Public Utility Easements. This requirement shall be administered by the Department of Public Works.

8. Prior to filing of the Parcel Map, the applicant shall submit a letter from the United States Postal Service stating that the project meets their requirements for mailbox units. This condition shall be administered by the Department of Public Works.
9. Prior to filing of the Final Map, the Applicant shall make payment for all outstanding Humboldt County Planning Department fees. A Cost report will be made available at the Humboldt County Planning Department.
10. 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 \$129.00 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.
11. Parkland dedication fees of \$3,692.98 shall be paid to the Humboldt County Planning and Building Department, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$1,230.99 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 on Parcels 1 and 2. Release from the Conveyance and Agreement may be pursued upon payment of the \$1,230.99 parkland dedication fee balance per parcel. 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 Parcel 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 will be required.

Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$160,000/acre. The dedication fee calculation per Section 314-110 of the Humboldt County Code is as follows:  $3(130 \times 2.578/43,560) \times \$160,000 = \$3,692.98$ .

12. The applicant is required to pay for permit processing on a time and material basis as set forth in the latest 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 decision and upon file close out. 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.

### Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence\* of compliance with all the items listed as conditions of approval in this Attachment that are administered by the Planning Division (Namely: Conditions 3-11). The applicant should submit the listed item(s) for review as a package as soon as possible before the desired date for final map checking and recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges. Copies of all required forms and written instructions are included in the final approval packet.

\* Each item evidencing compliance should note in the upper right-hand corner:

Assessor's Parcel No. \_\_\_\_\_, Exhibit "A", Condition \_\_\_\_\_.  
(Specify) (Specify)

2. If archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area 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.

3. 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.

4. As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.
5. The term of the approved Tentative Parcel 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.
6. The Special Permits shall be effective for 24 months to coincide with the term of the approved Tentative Map. Extensions of this term may be requested in conformance with the provisions 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

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Rodney Yandell, Senior Planner

FROM: Kenneth Freed, Assistant Engineer

*JKF* 09/13/2024

RE: SUBDIVISION REQUIREMENTS - IN THE MATTER OF THE  
BLACKHAWK SUBDIVISION, APPLICATION # 2024-18990 PMS, APN 509-  
201-047, FOR APPROVAL OF A TENTATIVE MAP, CONSISTING OF 0.62  
ACRES INTO 2 PARCELS

DATE: 06/05/2024  
08/07/2024 revised  
09/13/2024 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 tentative map prepared by Schillinger Engineering dated May 09, 2024 and dated as received by the Humboldt County Planning Division on May 09, 2024.

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 County Code §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 an electronic copy of the subdivision map, in pdf format, as filed by the County Recorder. [Reference: Government Code §66466(f)]

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 County Code §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 §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 §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 §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."  
(use this paragraph private roads are within the distinctive border.)

## 1.7 DEDICATIONS

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

### (a) BLACKHAWK LANE (PRIVATE ROAD):

Sidewalks: Applicant shall cause to be dedicated on the subdivision map a non-exclusive 10 foot wide easement for sidewalk purposes lying adjacent to the right of way of the access roads within the subdivision. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department.

(b) **DRAINAGE.** If necessary, applicant shall cause to be dedicated on the subdivision map drainage easements for existing storm drain infrastructure. Said easement shall be for the benefit of the parcels/lots within the subdivision and shall be dedicated in manner, width, and location as approved by this Department.

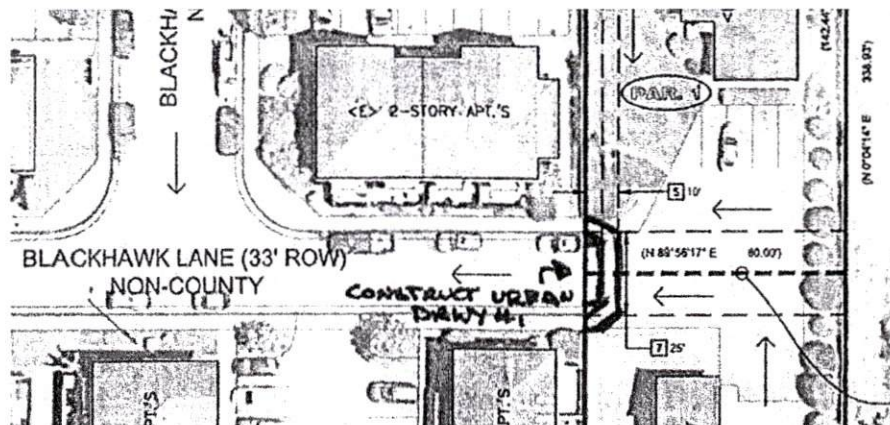
## 1.8 LINES OF OCCUPATION

Applicant shall provide prospective buyers with notice of any fences that are not on the property lines.

## 2.0 IMPROVEMENTS

### 2.1 PEDESTRIAN FACILITIES

- a) Construct an Urban Driveway #1 at the end of the non-County maintained road and the west property line to connect the existing pedestrian network.



Alternatively, owner may construct one of the following listed below (b thru d):

- b) Construct a concrete accessible crossing adjacent to the subject property line, from the existing sidewalk on the northside to the existing sidewalk on the southside with a mountable curb (rolled curb) on the westside,  
c) Construct two ADA compliant opposing curb ramps adjacent to the subject property line,

- d) Construct a curb ramp with bulb out (southside of Blackhawk Lane) and replace existing non-compliant curb ramp (northside of Blackhawk Lane) to create an accessible crossing approximately one hundred feet (100') west of the subject property line.

All pedestrian facilities shall be ADA compliant. This includes, but is not limited to, providing curb ramps at intersections and sidewalks behind driveway aprons (or ADA compliant driveway aprons).

## **2.2 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) Pursuant to County Code §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. (last paragraph for private roads)

## **2.3 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 § 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 (1) public health and safety, or (2) orderly development of the area. The following improvements are necessary for the public health and safety, or orderly development of the area and shall be completed: (1) within two (2) years 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> [revised 09/13/2024 by DPW]

- (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:

<NONE>

- (c) The following improvements shall be completed: (1) within two (2) years 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:

Items 2.1 and 2.2 [revised 09/13/2024 by DPW]

## **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 shall 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 DRAINAGE FEES**

Applicant must conform to Humboldt County Code § 328.1-16 regarding McKinleyville Drainage Area Fees.

### **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 § 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 Blackhawk Lane.

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>

