



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: November 2, 2017

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **John Rotter Parcel Map Subdivision, Coastal Development Permit and Special Permit Extension**
Application Number 13407
Case Numbers PMS-13-011X, CDP-14-047X, SP-13-043X
Assessor Parcel Numbers (APNs) 517-261-002-000, 517-261-007-000
1948 Patricks Point Drive, Trinidad area

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Please contact Trevor Estlow at (707) 268-3740, or by email at ttestlow@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 2, 2017	Parcel Map Subdivision, Coastal Development Permit and Special Permit Extension	Trevor Estlow

Project: A two-year extension to a previously approved subdivision. The original project included a minor subdivision of an approximately 7.08 acre parcel into two parcels of approximately 5.6 acres and 1.48 acres in size. A Special Permit is requested to utilize Lot Size Modification pursuant to Section 313-99.1.1.2 of the Zoning Regulations to deviate from the 2-acre minimum parcel size for the resultant 1.48 acre parcel. The parcel is currently bisected by Patricks Point Drive which will act as the dividing line. The parcel is currently developed with a single family residence west of the road (proposed Parcel 1) and a secondary dwelling unit east of the road (proposed Parcel 2). A Coastal Development Permit issued by the California Coastal Commission is required for the approval of the subdivision. Also included is an after-the-fact Coastal Development Permit to correct a subdivision violation that resulted when a 40-foot wide strip of land (a portion of Parcel 2 created by Parcel Map No. 335) was separately conveyed by a previous property owner without benefit of local review. A Notice of Subdivision Map Act violation has been recorded for the conveyance parcel (APN 517-261-004-000) and the remedy will be merger with that owner's adjoining legal parcel (APN 517-261-005-000). Water is provided by the Parvin Creek Mutual Water System as well as a spring on proposed Parcel 1. An on-site wastewater treatment system exists on each parcel. **No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on January 7, 2019.**

Project Location: The project site is located in the Trinidad area, on both sides of Patricks Point Drive, at the intersection of Patricks Point Drive and Seawood Drive, on the property known as 1948 Patricks Point Drive.

Present Plan Land Use Designation: Rural Residential (RR(a)); Trinidad Area Plan (TAP). Density: one unit per 2 acres. Slope Stability: Low, Moderate and High Instability.

Present Zoning: Rural Residential Agriculture with a two-acre minimum parcel size including combining zones for Archaeological Resources, Design Review and Offshore Rocks and Intertidal Areas (RA-2/A,D,O).

Case Numbers: PMS-13-011X, CDP-14-047X, SP-13-043X

Application Number: 13407

Assessor Parcel Numbers: 517-261-002-000, 517-261-007-000

Applicant

John Rotter and Jeannette Gavin
PO Box 1250
Trinidad, CA 95570

Owner

same as applicant

Agent

Environmental Review: Project requires environmental review.

Major Issues: None

State Appeal Status: Project is appealable to the California Coastal Commission.

ROTTER PARCEL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT EXTENSION

Case Numbers PMS-13-011X, CDP-14-047X, SP-13-043X
Assessor Parcel Numbers 517-261-002-000, 517-261-007-000

RECOMMENDED COMMISSION ACTION:

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

"I move to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions of approval."

Staff Analysis of the Evidence Supporting the Required Findings

Sections 66452.6(e) and 66463.5(c) of the California Government Code (Subdivision Map Act) and Sections 326-21 and 326-31 (Filing of Final and Parcel Maps) of the Humboldt County Code Zoning Regulations establishes the authority to grant time extensions for approved or conditionally approved tentative maps when it can be found that the findings and conditions of the original project have not changed significantly.

Recommendation:

The findings and conditions of the original project have not changed significantly based on the following analysis.

Staff Analysis:

A two-year extension of a Parcel Map Subdivision, Coastal Development Permit and Special Permit (PMS-13-011X, CDP-14-047X, SP-13-043X) originally approved December 4, 2014. The project consisted of a subdivision of an approximately 7.08 acre parcel into two parcels of approximately 5.6 acres and 1.48 acres in size. A Special Permit is requested to utilize Lot Size Modification pursuant to Section 313-99.1.1.2 of the Zoning Regulations to deviate from the 2-acre minimum parcel size for the resultant 1.48 acre parcel. The parcel is currently bisected by Patricks Point Drive which will act as the dividing line. The parcel is currently developed with a single family residence west of the road (proposed Parcel 1) and a secondary dwelling unit east of the road (proposed Parcel 2). A Coastal Development Permit issued by the California Coastal Commission is required for the approval of the subdivision. Also included is an after-the-fact Coastal Development Permit to correct a subdivision violation that resulted when a 40-foot wide strip of land (a portion of Parcel 2 created by Parcel Map No. 335) was separately conveyed by a previous property owner without benefit of local review. A Notice of Subdivision Map Act violation has been recorded for the conveyance parcel (APN 517-261-004-000) and the remedy will be merger with that owner's adjoining legal parcel (APN 517-261-005-000). Water is provided by the Parvin Creek Mutual Water System as well as a spring on proposed Parcel 1. An on-site wastewater treatment system exists on each proposed parcel. **No change to the original project is proposed.**

The applicant states that the conditions of the property have not changed since the original application/approval of PMS-13-011, CDP-14-047, SP-13-043. This is the first applicant requested extension and, if approved, the tentative map will expire on January 7, 2019.

The Planning Department has circulated requests for input relative to the extension petition and has received no comments against the petition being granted. It is staff's opinion that **the findings and**

conditions of the original project, effective January 7, 2015, have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:

1. The parcel's zoning, Rural Residential Agriculture with a two-acre minimum parcel size including combining zones for Archaeological Resources, Design Review and Offshore Rocks and Intertidal Areas (RA-2/A,D,O), for which a conformance finding was made, has not changed.
2. The General Plan Land Use designation, Rural Residential (RR(a)), for which a consistency finding was made, has not changed.
3. The applicable development standards, for which the original project was evaluated, have not changed.
4. The applicable design standards, for which the project was evaluated, have not changed.
5. All other standards and requirements to which the project is subject and as administered by other departments or agencies have not changed.
6. The original project was subject to environmental review and a Mitigated Negative Declaration was adopted by the Planning Commission as required by Section 15074 (b) of the CEQA Guidelines. The County has received no evidence indicating that additional review under CEQA is necessary.

Referral agencies have recommended approval of the extension.

ALTERNATIVES: The Planning Commission could elect not to approve the extension. This alternative should be implemented if your Commission is unable to make all of the required findings per H.C.C. Sections 326-21 or 326-31. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

Note: If the extension is denied, a fifteen calendar day appeal begins the next business day. Appeals must be filed with both the Planning Division and the Clerk of the Board of Supervisors. There is no appeal period for approved map extensions.

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

Resolution Number 17-

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE ROTTER PARCEL MAP SUBDIVISION, COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT EXTENSION APPLICATION.

**CASE NUMBER: PMS-13-011X, CDP-14-047X, SP-13-043X;
ASSESSOR PARCEL NUMBERS: 517-261-002-000, 517-261-007-000**

WHEREAS, John Rotter, submitted an application and evidence in support of approving the Parcel Map Subdivision, Coastal Development Permit and Special Permit Extension; and

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

WHEREAS, at their December 4, 2014 hearing, the County Planning Commission adopted a Mitigated Negative Declaration for the subject project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Parcel Map Subdivision, Coastal Development Permit and Special Permit Extension request;

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

1. The Planning Commission considered the previously adopted Mitigated Negative Declaration; and
2. The findings in H.C.C. [§ 326-21] in the Planning Division staff report for Case Numbers: PMS-13-011X, CDP-14-047X, SP-13-043X support approval of the project based on the submitted evidence.
3. Approves the proposed project as recommended and conditioned in the Planning Division staff report for Case Numbers: PMS-13-011X, CDP-14-047X, SP-13-043X.

Adopted after review and consideration of all the evidence on November 2, 2017

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

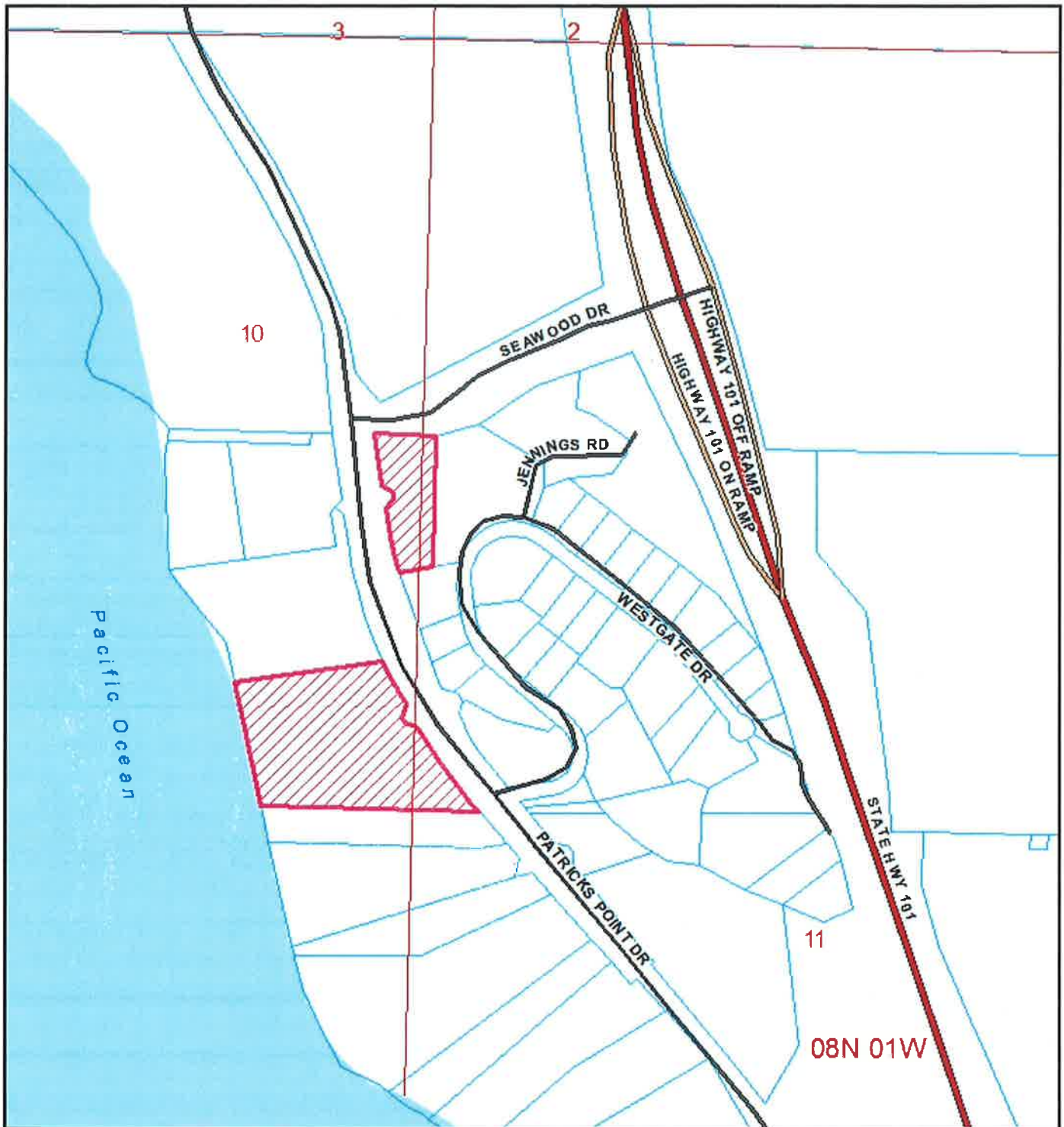
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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



LOCATION MAP

PROPOSED ROTTER PARCEL MAP SUBDIVISION EXTENSION TRINIDAD AREA

PMS-13-011X/CDP-14-047X/SP-13-043X

APN: 517-261-002, -007

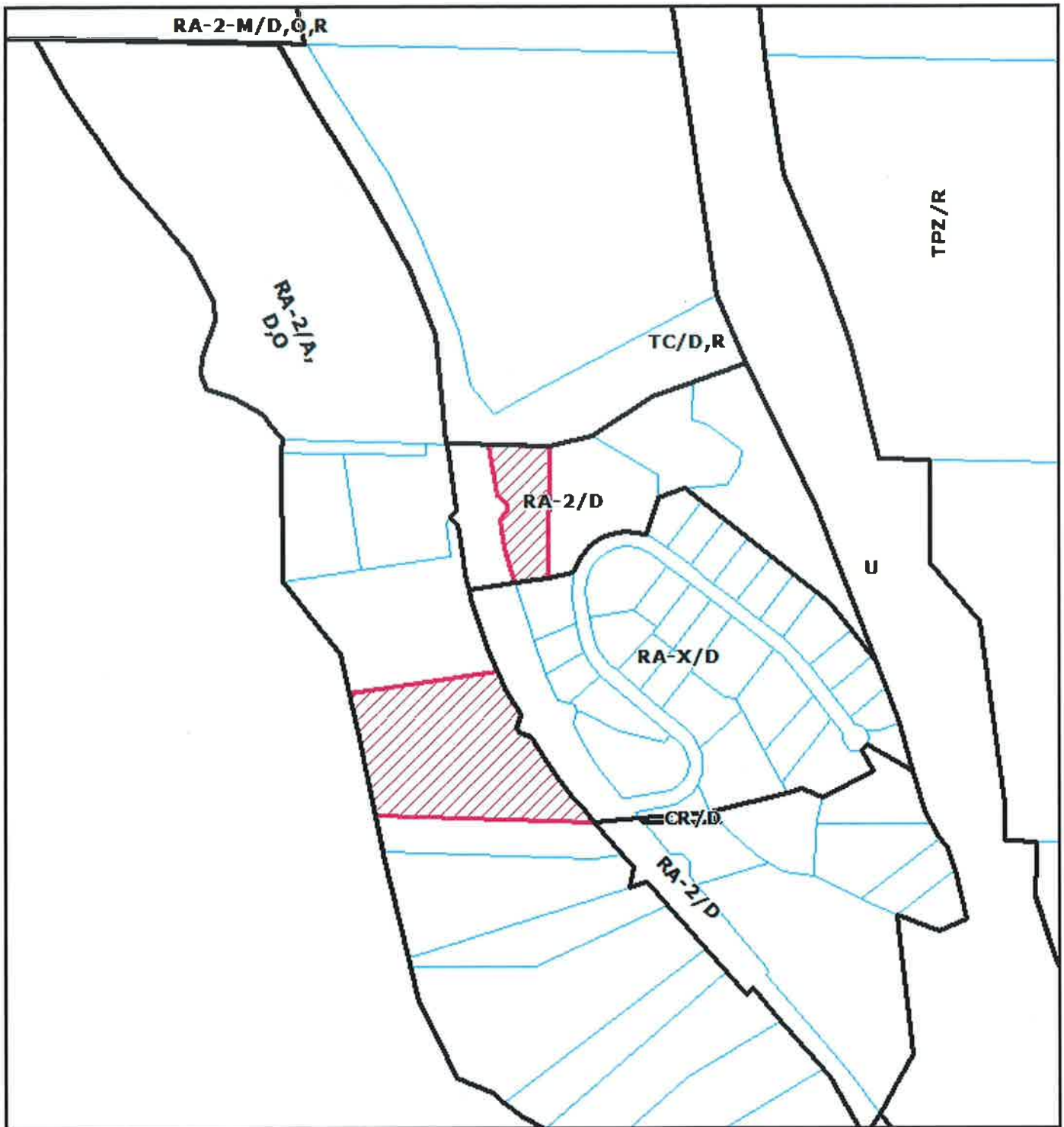
T08N R01W S10,11 HB&M (Trinidad)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 Feet



ZONING MAP

PROPOSED ROTTER PARCEL MAP SUBDIVISION EXTENSION TRINIDAD AREA

PMS-13-011X/CDP-14-047X/SP-13-043X

APN: 517-261-002, -007

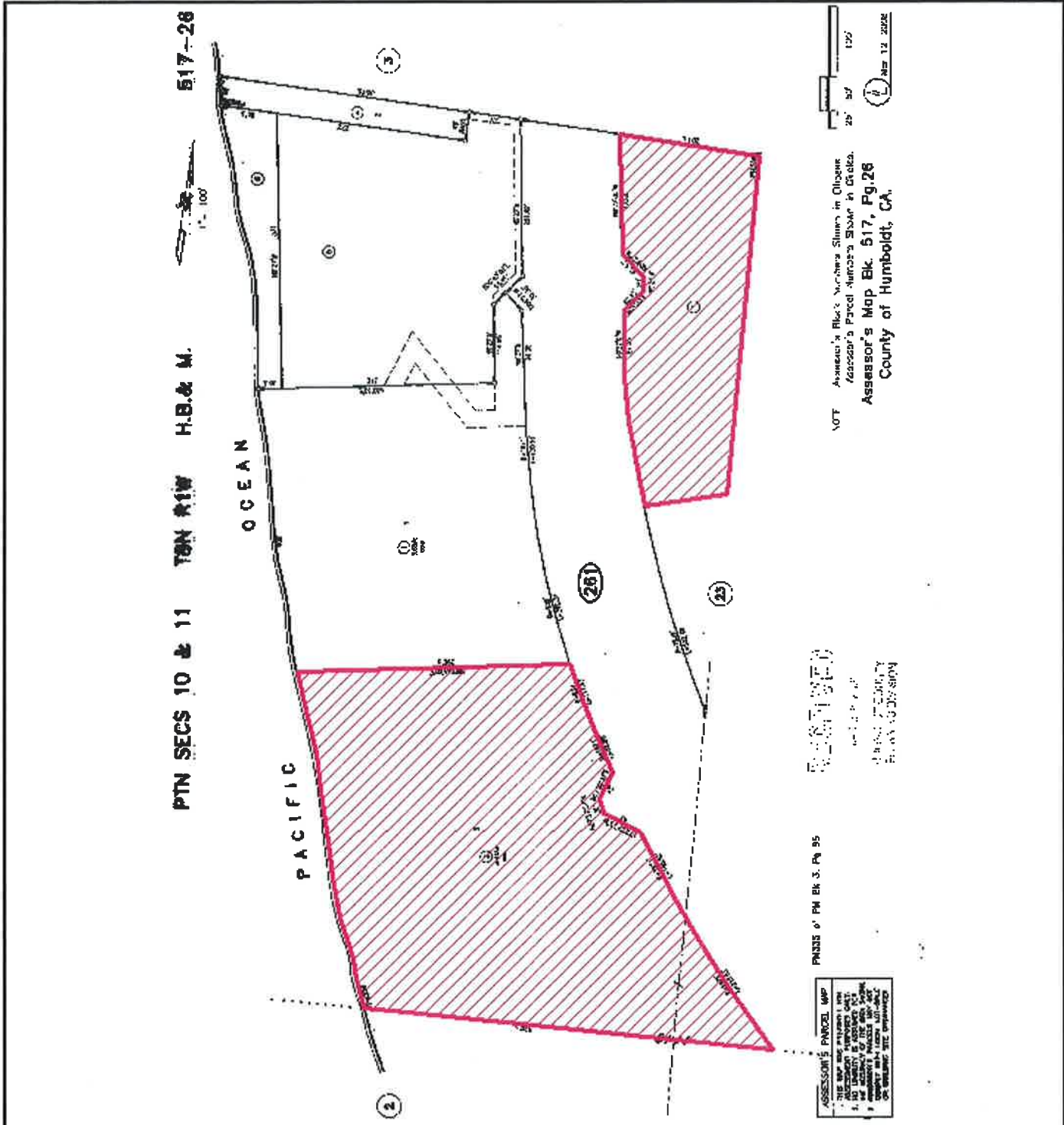
T08N R01W S10,11 HB&M (Trinidad)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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Feet



Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

ASSESSOR PARCEL MAP
PROPOSED ROTTER
PARCEL MAP SUBDIVISION EXTENSION
TRINIDAD AREA
PMS-13-011X/CDP-14-047X/SP-13-043X
APN: 517-261-002, -007
T08N R01W S10,11 HB&M (Trinidad)



MAP NOT TO SCALE



AERIAL MAP

PROPOSED ROTTER PARCEL MAP SUBDIVISION EXTENSION TRINIDAD AREA

PM S-13-011X/CDP-14-047X/SP-13-043X

APN: 517-261-002, -007

T08N R01W S10,11 HB&M (Trinidad)

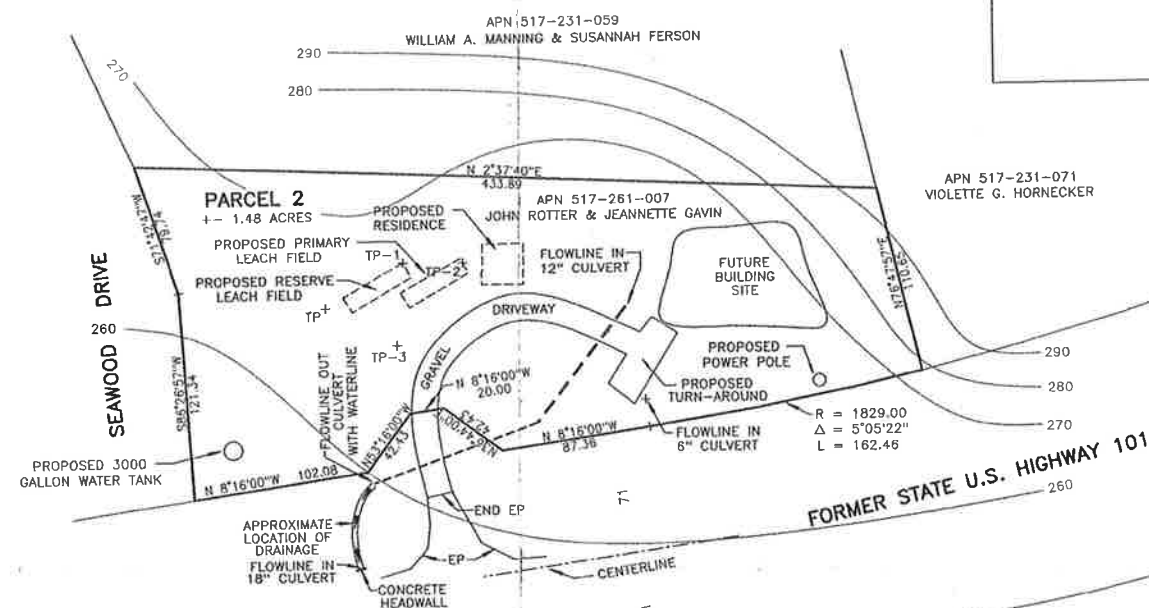
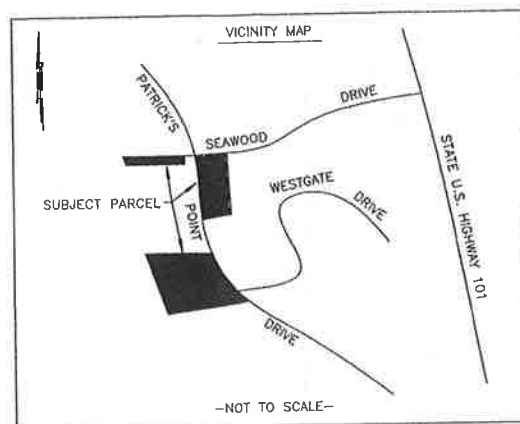
Project Area =



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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Feet



NOTES

1. THIS TENTATIVE MAP PROPOSES THE SUBDIVISION OF AN EXISTING 7.08 ACRE PARCEL INTO TWO PARCELS.
2. WATER AND SEWER SERVICES:
PARCEL 1 - EXISTING PRIVATE WATER SYSTEM AND SPRING AND EXISTING SEPTIC TANKS AND LEACH FIELDS
PARCEL 2 - EXISTING PRIVATE WATER SYSTEM AND PROPOSED LEACH FIELDS
3. CONTOUR INTERVAL: SCALED CONTOURS PER MID HUMBOLDT COUNTY TOPOGRAPHIC MAPPING, BY CLAIR A. HILL & ASSOCIATES, DATED 1969.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED FOR THIS MAP.
5. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:
BOOK 166 O.R., PAGE 211 - HIGHWAY ACCESS RIGHTS AND WAIVER OF DAMAGES
BOOK 797 O.R., PAGE 53 - LACK OF ABUTTERS RIGHTS FOR THE HIGHWAY
BOOK 894 O.R., PAGE 532 - WAIVER OF CLAIMS FOR DAMAGES FOR HIGHWAY CONSTRUCTION AND MAINTENANCE
INSTRUMENT NO. 2007-4918-4 - DEED RESTRICTIONS FOR COASTAL DEVELOPMENT
INSTRUMENT NO. 2007-8330-16- DEED RESTRICTIONS FOR COASTAL DEVELOPMENT
ALL EASEMENTS OF RECORD ARE SHOWN ON THE TENTATIVE MAP AND WILL APPEAR ON THE RECORDED SUBDIVISION MAP.
6. ADDRESS: 1948 PATRICK'S POINT DRIVE

AGENT/SURVEYOR:
MIKE O'HERN
KELLY-O'HERN ASSOCIATES
3240 MOORE AVENUE
EUREKA, CA 95501
442-7283

OWNER:
JOHN ROTTER & JEANNETTE GAVIN
1948 PATRICK'S POINT DRIVE
TRINIDAD, CA 95570
677-3272

REVISED OCTOBER 7, 2014

APN 517-261-002,-007
TENTATIVE PARCEL MAP
FOR
**JOHN R. ROTTER AND
JEANNETTE P. GAVIN**

IN
SECTIONS 10 & 11 T8N, R1W, HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
SEPTEMBER, 2013 SCALE 1" = 50'

Humboldt County
State of California
Kelly-O'Hern Associates
Eureka, California

DRAWING NO.: ROTTER.DC2

ATTACHMENT 1

Conditions of Approval

The conditions of approval effective January 7, 2015, shall remain in full force and effect and are not affected by this extension.

NOTE: THE ORIGINAL STAFF REPORT AND SUPPORTING DOCUMENTATION IS ON FILE WITH THE PLANNING DIVISION AND AVAILABLE FOR PUBLIC INSPECTION.

ATTACHMENT 2

Original Conditions of Approval

ATTACHMENT 1A

CONDITIONS OF APPROVAL

Approval of the tentative map is conditioned on the following terms and requirements which must be satisfied before completion of the project.

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 included herein as Exhibit A dated **April 21, 2014 December 4, 2014 revised by Planning Commission**, 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. Gross and net lot area shall be shown for each parcel.
4. 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 \$96.00 per parcel) as required by the County Assessor shall be paid to the Planning and Building Department, 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.
5. Prior to recordation of the Parcel Map, the applicant shall submit a letter from PG&E stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95.00) shall be paid to the County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1. below for suggestions to reduce the cost for this review.
7. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and shall include the following site development details:
 - A. Mapping
 - (1) Topography of the land in 1-foot contours.
 - (2) Development standards for parcels: building "envelopes" (location of existing structures and proposed building sites including identified sewage disposal areas).
 - (3) Proposed improvements including waterline easements, driveways, access easements and emergency access and vehicle turn around, as applicable.

B. Notes to be placed on the Development Plan:

(1) The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

- If cultural resources are encountered, all work must cease and a qualified cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, protective cover).
- Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

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

(2) Hours of construction for on-site improvements shall be restricted to Monday thru Friday from 7:00 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) Notice is given pursuant to Government Code Section 66411.1 that the improvement requirements in Exhibit A to Attachment 1 for the subdivision shall be completed to the satisfaction of the Department of Public Works upon the following events:

- (a) Issuance of building permits for development on Parcel 2; or
- (b) Within 24 months of the filing of the parcel map for Parcel 1.

(This Note shall appear on the Development Plan unless a Subdivision Agreement is voluntarily entered into between the subdivider and the County prior to filing of the Parcel Map.)

(5) These parcels were created utilizing Lot Size Modification pursuant to Section 313-99.1.1.2 of the Zoning Regulations.

(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 superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed.

8. The applicant shall cause to be recorded a "Notice of Development Plan" 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 \$292.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
9. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,231.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant

prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Wildlife Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2014 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,181.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Wildlife Code).

10. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.
11. Unless subdivision improvements in Attachment 1, Exhibit A, are completed or a Subdivision Agreement is entered into prior to filing of the Parcel Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.

Informational Notes

1. To reduce 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 (Namely: Conditions 3-13). 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 (currently \$95.00). Please contact the Planning Division for copies of all required forms and instructions.

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

Assessor's Parcel No. _____, Exhibit "A", 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 707-445-7205 for more information concerning permit requirements and processing.
4. The term of the approved Tentative Map, Coastal Development Permit and Special permit 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.
5. 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) will 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 is ultimately responsible for ensuring compliance with this condition.

ATTACHMENT 1B

CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT

Approval of the Coastal Development Permit and Special Permit is Conditioned on the following terms and requirements:

1. All exterior lighting shall be shielded such that it is not directed off of the parcel.
2. All development pursued under this coastal development permit is subject to the environmental impact mitigation measures included in the Mitigated Negative Declaration.

(To apply if second residence is to be constructed prior to recordation of parcel map)

3. Applicant shall comply with the provisions, development and design standards of §313-87.1, Second Residential Unit (HCC) for the life of the project.
4. Both the primary residence and the second dwelling unit shall remain under the same ownership; the second dwelling unit shall not constitute a subdivision of the parcel.
5. This permit is restricted to a single residence in addition to the existing residence on the subject parcel (APN 517-261-002).

Informational Notes:

1. The Coastal Development Permit for construction of one single family residence (or secondary dwelling unit prior to the filing of the Parcel Map) on proposed Parcel 2 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.