

Attachment 1A
Conditions of Approval
PLN-2025-19246

APPROVAL OF THE PARCEL MAP SUBDIVISION AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL MAP MAY BE RECORDED.

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 **August 11, 2025 (revised 03/05/2026)**, included herein as Attachment 1C, as may be modified by the 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. Prior to filing 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.
5. Prior to filing 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.
6. 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 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.

6. A Condition & Mitigation Monitoring deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors shall be paid to the Humboldt 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 obtain all required grading, building, plumbing, electrical and mechanical permits and or Agricultural Exemptions.
8. The applicant shall record a permanent conservation easement or other instrument ensuring the biological resource values of the wetland areas will be maintained or enhanced in perpetuity.
9. The applicant shall adhere to and implement recommendations included in the Geotechnical Investigation Report prepared by SHN dated April 18, 2025, during all phases of work.
10. The applicant shall adhere to all recommendations, mitigation measures, and monitoring protocols described in the Mitigation and Monitoring Plan prepared by GHD dated April 3, 2023. Minor changes to the proposed wetland layout may be approved provided a letter or similar documentation prepared by a qualified biologist is submitted to the Planning Department verifying the changes do not alter the conclusions or recommendations of the Mitigation and Monitoring Plan and will not result in adverse impacts to wetlands. Alterations shall be subject to review and approval by the Planning Director or their authorized designee.
11. The applicant shall record a deed restriction that requires payment of \$1,232 per residential unit or dedication of 0.0077 acres of parkland per residential unit (or a combination of both) prior to issuance of building permits for residential units. The average number of persons per household used in the parkland dedication calculations may be amended for development consisting of senior housing, based on demographic research and available County Census data from the United States Bureau of the Census and at the discretion of the Director of the Planning and Building Department.
12. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:

A. Mapping

- 1) Topography of the land in 1-foot contour intervals;
- 2) Proposed access, parking lanes and pedestrian ways;
- 3) The location of all drainage improvements and related easements;

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."
- 2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
 - Prohibition of open fireplaces.
 - Heating should be provided using clean fuels (electricity or natural gas), when feasible.
 - If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."
- 3) "Development allowed within the Wetland Buffer shall be consistent with the Justification for Development within Wetland Buffer Areas prepared by GHD dated February 18, 2026 and is limited to the following:
 - A stormwater bioretention and detention basin
 - An earthen berm separating the mitigation wetland from the stormwater features

- A paved walking trail along the top of the earthen berm to provide pedestrian access for residents to view wetland habitat
 - A utility pole located approximately 45 feet from the mitigation wetland boundary”
- 4) “No wood burning fireplaces are permitted within future residential units. If wood burning heaters/stoves are planned, these shall comply with EPA’s list of certified wood heaters as identified in the 2020 New Source Performance Standard for New Residential Wood Heaters.”
 - 5) “Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes. All construction equipment will be maintained and properly tuned in accordance with manufacturer’s specifications and will be checked by a certified visible emissions evaluator

The construction permits will not be issued until these requirements are shown on the construction plans. The inspector for this area shall conduct periodic review of the site (at least three times per week) to ensure these requirements are being complied with.”

- 6) “No more than one week prior to commencement of tree removal, vegetation clearance, grading, or the initiation of any construction activity, the developer shall retain a qualified wildlife biologist to conduct surveys for the presence of northern red-legged frog within 50 feet of suitable habitat (habitat suitability will be determined by a qualified biologist). If the survey results are negative, a letter report confirming absence will be prepared and submitted to the Humboldt County Planning and Building Department and no further mitigation is required. If the survey is positive, a qualified biological monitor shall be retained to be present during initial grading to monitor activities. The monitor shall be authorized to move individual northern redlegged frogs out of harm’s way if individual frogs do not move in a sufficient time as determined by the biologist.”
- 7) “No more than 24 hours prior to commencement of ground disturbing activities, a qualified biologist shall conduct an environmental awareness training session for all construction personnel. At a minimum, the training shall include a description of special-status species potentially occurring in the project vicinity, including, but not limited to, special-status plant species, northern red-legged frog,

western bumble bee, roosting bats, and nesting birds and raptors. Their habitats, general measures that are being implemented to conserve species as they relate to the project, and the boundaries within which construction activities will occur will be explained. Informational handouts with photographs clearly illustrating the species' appearances shall be used in the training session. All new construction personnel shall undergo this mandatory environmental awareness training. The qualified biologist will train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work each day, the monitor will check for animals under any equipment such as vehicles and stored pipes within active construction zones. The monitor will also check all excavated steep-walled holes or trenches greater than one foot deep for trapped animals. If a special-status species is observed within an active construction zone, the qualified biologist will be notified immediately and all work within 50 feet of the individual will be halted and all equipment turned off until the individual has left the construction area. Individual future project applicant(s) shall be responsible for submitting evidence of completion of this training to the Humboldt County Planning and Building Department, where it will be kept on file, prior to initiation of any ground disturbing activities."

8) "Suitable foraging and nesting habitat for Western bumble bee is present within the project boundary. One of the following options shall be implemented prior to vegetation removal:

- Seasonal Avoidance: Clear vegetation and conduct ground-disturbing activities outside of the colony active period (March through August) to avoid peak flight season and discourage bumble bees from nesting in the project area. Section 3.0 Changes to the Draft EIR 3-4 EMC Planning Group McKinleyville Town Center Zoning Amendment Final EIR August 22, 2025.
- Assume presence of Western bumble bee: Assume presence and obtain Incidental Take Authorization from the California Department of Fish and Game (Section 2081 of the Fish and Game Code. Avoidance measures identified in the permit will be implemented. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required.
- Conduct focused surveys for Western bumble bee: If seasonal avoidance is not possible, consultation with the California Department of Fish and Wildlife shall occur at least one year prior

to ground disturbance to evaluate potential impacts and other feasible avoidance measures, including habitat assessments and/or surveys.

Surveys shall occur during the colony active period for the western bumblebee (March through August) prior to tree removal, vegetation clearance, grading, or the initiation of any construction activity in any undeveloped area of the project site, developers of future individual projects shall hire a qualified biologist to conduct a pre-construction survey of small mammal burrows and thatched/bunch grasses. If the survey results are negative (i.e., no bumble bee activity observed), a letter/report confirming absence shall be prepared and submitted to the Humboldt County Planning and Building Department, where it will be kept on file, and no further mitigation is required.

If bumble bee nests are detected and the area can be avoided, a qualified biologist shall supervise the installation of protective fencing/flagging a minimum of 50 feet around the nest area prior to construction and phase vegetation removal, to retain patches of floral resources during construction. The fencing/flagging will be checked at least once per week by a biological monitor until construction is complete to ensure that the protective fencing/flagging remains intact. The qualified biologist can conduct the weekly checks or train a biological monitor selected from the construction crew by the construction contractor (typically the project foreman) to check the fencing/flagging and provide weekly updates. Documentation of the fencing/flagging installation shall be provided to the County prior to the start of ground disturbance activities. Documentation of the weekly checks and timely maintenance of fencing/flagging (if needed) shall be provided to the Humboldt County Planning and Building Department quarterly during construction.

If bumble bee nests are detected and the area cannot be avoided, the qualified biologist shall coordinate with the California Department of Fish and Wildlife to obtain Incidental Take Authorization. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required. After it has been confirmed that the habitat area is no longer occupied, a letter report will be prepared and submitted to the Humboldt County Planning and Building Department. Individual project applicants shall be responsible

for implementation of this mitigation measure with oversight by the Humboldt County Planning and Building Department.”

- 9) “Approximately 15 days prior to tree removal, vegetation clearance, building demolition, grading, or the initiation of any construction activity in any area of the project site with potentially suitable habitat for special status bats, developers shall retain a qualified wildlife biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be removed, in buildings and trees within 50 feet of the construction footprint, and surrounding structures situated within 50 feet of disturbance activities by the project. Bats potentially roosting on the exteriors of buildings on the project site may be disturbed by construction activities. In the event that construction activities are suspended for 15 consecutive days or longer, including the time period between development activities at each respective lot or parcel, these surveys shall be repeated if disturbance is occurring in an area with potentially suitable habitat for special status bats. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the biologist to the Humboldt County Planning and Building Department, where it will be kept on file, and no further mitigation is required. If bats or roosting sites are found, a letter report and supplemental photos and documents detailing the location and species shall be provided by the biologist to the Humboldt County Planning and Building Department prior to ground disturbance activities and the following monitoring, exclusion, and habitat replacement measures shall be implemented:
- If bats are found roosting outside of the nursery season (May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a

maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

- If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If preconstruction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g., oneway doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.”

- 10) “To avoid impacts to nesting birds during the nesting season (March 15 through August 15), construction activities that include any tree removal, vegetation clearance, or ground disturbance (such as grading or grubbing), shall be conducted between August 16 and March 14, which is outside of the bird nesting season. If construction activities must commence during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction.

- A survey for active nests of such birds shall occur within 10 days prior to start of construction. Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Individual project developers shall submit evidence of completion of the preconstruction survey to the Humboldt County Planning and Building Department prior to initiation of ground disturbing activities.
- If the qualified biologist documents active nests at the project site, an appropriate buffer between each nest and active construction shall be established in coordination with CDFW. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. This measure shall be implemented by the project developer prior to initiation of ground disturbing activities.”

11) “Prior to ground disturbance activities in addition to the requirements of the Q-Zone, the project developer shall demonstrate permits or clearances have been issued by U.S. Army Corps of Engineers, and the Regional Water Quality Control Board. If impacts to a federally jurisdictional features may occur, a Clean Water Act Section 404 Nationwide Permit may be needed. If the proposed activity would not otherwise qualify for a Nationwide Permit, individual project developers shall proceed with obtaining an Individual Permit from the USACE. If impacts to a wetland not subject to federal jurisdiction, but subject to state jurisdiction may occur, fill authorization shall be sought from the North Coast Regional Water Quality Control Board.

A Water Quality Certification (Section 401 of the Clean Water Act) from the North Coast Regional Water Quality Control Board must also be obtained if determined necessary through the wetland assessment and subsequent regulatory agency consultation.”

- 12) “Sensitive Natural Communities identified on site shall be protected through the following mitigation measures:

Option 1. Avoid disturbance to the sensitive natural community found on the site.

Option 2. If avoidance cannot be accommodated within project plans, on-site and/or off-site mitigation for the loss of sensitive natural communities is recommended. If off-site mitigation is preferred, similar habitat as that lost as a result of the project shall be protected in perpetuity through a conservation easement or similar instrument for conservation at a minimum 1:1 preserved to impacted acreage ratio. If on-site mitigation is preferred, then applicants shall implement the following mitigation prior to the issuance of any grading permit. A habitat mitigation plan shall be designed by a qualified biologist and shall include the following:

- (a) A qualified biologist shall oversee selection of an appropriate on-site mitigation area that shall be protected in perpetuity through a conservation easement. To mitigate impacts to sensitive natural communities, the mitigation area after restoration shall contain acreage at a minimum 1:1 replacement ratio for the habitat lost due to project implementation.
- (b) A maintenance and monitoring program shall be established for a minimum of five years to implement restoration and verify that activities have been successful. Maintenance activities performed by a qualified restoration or native landscaping company may include irrigation, planting, and removal of non-native plants. Monitoring shall include quarterly reports for the first year and annual reports for the remaining four years.
- (c) If site performance requirements are not met within five years, then remedial restoration measures and

contingency planning shall be necessary along with additional maintenance and monitoring.

Compliance with this measure shall be documented and submitted to the Planning Department Director prior to ground disturbance for any subject individual project.”

- 13) “Future development shall be constructed as all-electric. Construction/installation of permanent natural gas plumbing/infrastructure is prohibited. Future Development shall include EV support infrastructure consistent with the Tier 2 standards contained in the CALGreen code in effect at the time individual project applications are deemed complete by the County. Plans for all future individual projects shall be reviewed by the County of Humboldt Chief Building Official or Chief Building Official’s designee prior to approval of individual project entitlements to ensure that the performance standards are incorporated into project plans. Verification of development consistent with the performance standards shall be assured prior to approval of occupancy permits.”

- 14) The following best management practices shall be applied during periods of project construction for all future individual projects and other activities within the site needed to support future development. The management practices shall be included in all construction documents, subject to review and approval by Planning and Building Director prior to issuance of a demolition or grading permit:
 - a) Construction activities shall not occur outside the hours of 8:00 am to 5:00 pm and shall be prohibited on Sundays and holidays;
 - b) All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source;
 - c) Noise-producing equipment shall not be operating, running, or idling while not in immediate use;
 - d) All noise-producing construction equipment shall be located and operated, to the extent possible, at the

greatest possible distance from noise-sensitive land uses;
and

e) To the extent possible, construction staging areas shall be located at the greatest possible distances from nearby noise-sensitive land uses.”

15) “Applicants proposing commercial uses directly adjacent to existing off-site and/or existing on-site or future constructed on-site noise sensitive uses shall, at the discretion of the Director of Planning and Building, prepare an acoustical analysis based on the Director of Planning and Building’s determination as to whether land use noise compatibility impacts are likely. The acoustical analysis shall define the site-specific potential impacts of associated stationary noise sources. If potentially significant impacts are identified, mitigation measures shall be identified to reduce impacts to less than significant by ensuring compliance with the County noise standards. Mitigation could include, but may not be limited to: site design to separate commercial uses from adjacent sensitive residential uses, building setbacks, noise equipment enclosures, etc. The acoustical analyses shall be subject to review and approval of the Director of Planning and Building prior to approval of entitlements for future commercial projects.”

16) “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.”

13. The applicant shall cause to be recorded a "Notice of Development " 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 will be required. The Development Plan shall also be noticed on the Parcel Map.

14. The recorded Parcel Map shall depict the final wetland footprint and associated buffers.

15. Prior to the Parcel Map recordation, 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.
16. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.

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: Condition(s) 3-12). 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 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.

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.

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. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Subdivision Approval shall be effective for 24. Extensions of this term may be requested in conformance with provisions of the Humboldt County Code.
6. The applicant is responsible for obtaining all necessary County and State permits, and for meeting all requirements set forth by other regulatory agencies.
7. Development approved under the Special Permit for wetland relocation and restoration must meet requirements imposed by the Development Plan notes outlined in Condition of Approval 12.B.1-18, as applicable.