



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: August 24, 2017

To: Humboldt County Planning Commission

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

Subject: **Frank Parcel Map Subdivision and Special Permit Extension**  
Application Number 11846  
Case Numbers: PMS-08-002X, SP-08-009X  
Assessor Parcel Number (APN) 303-071-007  
6188 Avalon Drive, Eureka Area

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Please contact Tricia Shortridge at (707) 268-3704, or by email at [tshortridge@co.humboldt.ca.us](mailto:tshortridge@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 24, 2017	Parcel Map Subdivision and Special Permit Extension	Tricia Shortridge

**Project:** A two-year extension of a Parcel Map Subdivision, of an approximately 31,911 square foot parcel into four parcels. The subject parcel is developed with legal non-conforming residences. Upon approval of the subdivision, all of the residences will be situated on separate, legal parcels and conform to all zoning regulations including setbacks. Proposed Parcel 1 will be approximately 5,683 square feet (net) and is developed with a single-residence and an attached secondary dwelling unit. Proposed Parcel 2 will be approximately 9,018 square feet (net) and is developed with a single family residence and an attached secondary dwelling unit. Proposed Parcel 3 will be approximately 7,562 square feet (net) and is developed with a single family residence. Proposed Parcel 4 will be approximately 5,791 square feet (net) and is currently vacant. Besides improvements associated with the subdivision, no new development is proposed at this time. Minimal grading is anticipated and one tree, within the proposed access road right of way, is proposed to be removed as a part of this project. Water and sewer services are provided by the Humboldt Community Services District. A Special Permit is required for an exception to the minimum lot size requirement per Humboldt County Zoning Code Section 314-99.1.2 for proposed Parcels 1 and 4 and for the secondary dwelling unit on proposed Parcel 1. The secondary unit on proposed Parcel 2 is principally permitted. The applicant has also requested approval of an exception to allow for a reduced frontage for proposed Parcel 1 and 3 as well as an exception to the right of way width requirement per Section 325-9 of the Subdivision Regulations. **No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on December 30, 2018.**

**Project Location:** The project site is located in Humboldt County, in the Eureka area, on the west side of Avalon Drive, approximately 350 feet north from the intersection of Avalon Drive with Ridgewood Drive, on the property known as 6188 Avalon Drive.

**Present Plan Designation:** Resident Low Density (RL), Eureka Community Plan (ECP). Density: 1-6 dwelling units per acre. **Slope Stability:** Low (1) Instability.

**Present Zoning:** Residential One-Family specifying a 6,000 square foot minimum parcel size (R-1\*).

**Case Numbers:** PMS-08-002X, SP 08-009X

**Application Number:** 11846

**Assessor Parcel Number:** 303-071-007

**Applicant**

Nick Frank  
PO BOX 1235  
Trinidad, CA 95570-1235

**Owner(s)**

Nick Frank & Nina Groth  
(Same as Applicant)

**Agent**

Atkins Drafting  
2814 G Street  
Eureka CA 95501

**Environmental Review:** A Mitigated Negative Declaration of Environmental Impact (SCH# 2008112032) was adopted December 18, 2008.

**Major Issues:** None

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission.

## FRANK PARCEL MAP SUBDIVISION AND SPECIAL PERMIT EXTENSION

Case Number PMS-08-002X, SP-08-009X

Assessor Parcel Number 303-071-007

### 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:

#### **No change to the previously approved original project is proposed.**

This project proposes a subdivision of an approximately 31,911 square foot parcel into four parcels. The subject parcel is developed with legal non-conforming residences. Upon approval of the subdivision, all of the residences will be situated on separate, legal parcels and conform to all zoning regulations including setbacks. Proposed Parcel 1 will be approximately 5,683 square feet (net) and is developed with a single-residence and an attached secondary dwelling unit. Proposed Parcel 2 will be approximately 9,018 square feet (net) and is developed with a single family residence and an attached secondary dwelling unit. Proposed Parcel 3 will be approximately 7,562 square feet (net) and is developed with a single family residence. Proposed Parcel 4 will be approximately 5,791 square feet (net) and is currently vacant. Besides improvements associated with the subdivision, no new development is proposed at this time. Minimal grading is anticipated and one tree, within the proposed access road right of way, is proposed to be removed as a part of this project. Water and sewer services are provided by the Humboldt Community Services District. A Special Permit is required for an exception to the minimum lot size requirement per Humboldt County Zoning Code Section 314-99.1.2 for proposed Parcels 1 and 4 and for the secondary dwelling unit on proposed Parcel 1. The secondary unit on proposed Parcel 2 is principally permitted. The applicant has also requested approval of an exception to allow for a reduced frontage for proposed Parcel 1 and 3 as well as an exception to the right of way width requirement per Section 325-9 of the Subdivision Regulations. The Applicant states the conditions of the property have not changed since the original application/approval. This is the first extension and, if approved, the extension will expire on December 30, 2018.

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 December 30, 2008, have not changed significantly based on the following staff analysis, and are applicable to the proposed extension because:**

1. The parcel's zoning, Residential One Family (R-1) specifying a 6,000 square foot minimum parcel size, for which conformance findings were made, has not changed.
2. The General Plan Land Use designation, Residential Low Density (RL), for which consistency findings were 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. A Mitigated Negative Declaration of Environmental Impact (SCH# 2008112032) was adopted effective with the approval of the original project. No new evidence has arisen to indicate that additional review under the California Environmental Quality Act (CEQA) is necessary.

Referral agencies have recommended approval of the extension.

**ALTERNATIVES:** The Planning Commission could elect not to approve the extensions. 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-**

**CASE NUMBERS: PMS-08-002X/SP-08-009X;  
ASSESSOR PARCEL NUMBER: 303-071-007-000**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE FRANK PARCEL MAP SUBDIVISION AND SPECIAL PERMIT EXTENSION APPLICATION**

**WHEREAS**, Nicholas Frank, submitted an application and evidence in support of approving the Parcel Map Subdivision 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**, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, the County Planning Commission on December 18, 2008, adopted a Mitigated Negative Declaration; 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 and Special Permit Extension request;

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

1. A Mitigated Negative Declaration for the original project was adopted on December 30, 2008 pursuant to CEQA and finds that there is no substantial evidence that the proposed project extension will have a significant effect on the environment;
2. The findings in H.C.C. [§ 326-21 & § 312-11.3] in Attachment 2 of the staff report support approval for Case Numbers: PMS-08-02X/SP-08-09X based on the submitted evidence.
3. Approves the proposed Parcel Map Subdivision and Special Permit Extension as recommended and conditioned in the Planning Division staff report for Case Numbers: PMS-08-002X, SP-08-009X.

Adopted after review and consideration of all the evidence on August 24, 2017.

The motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

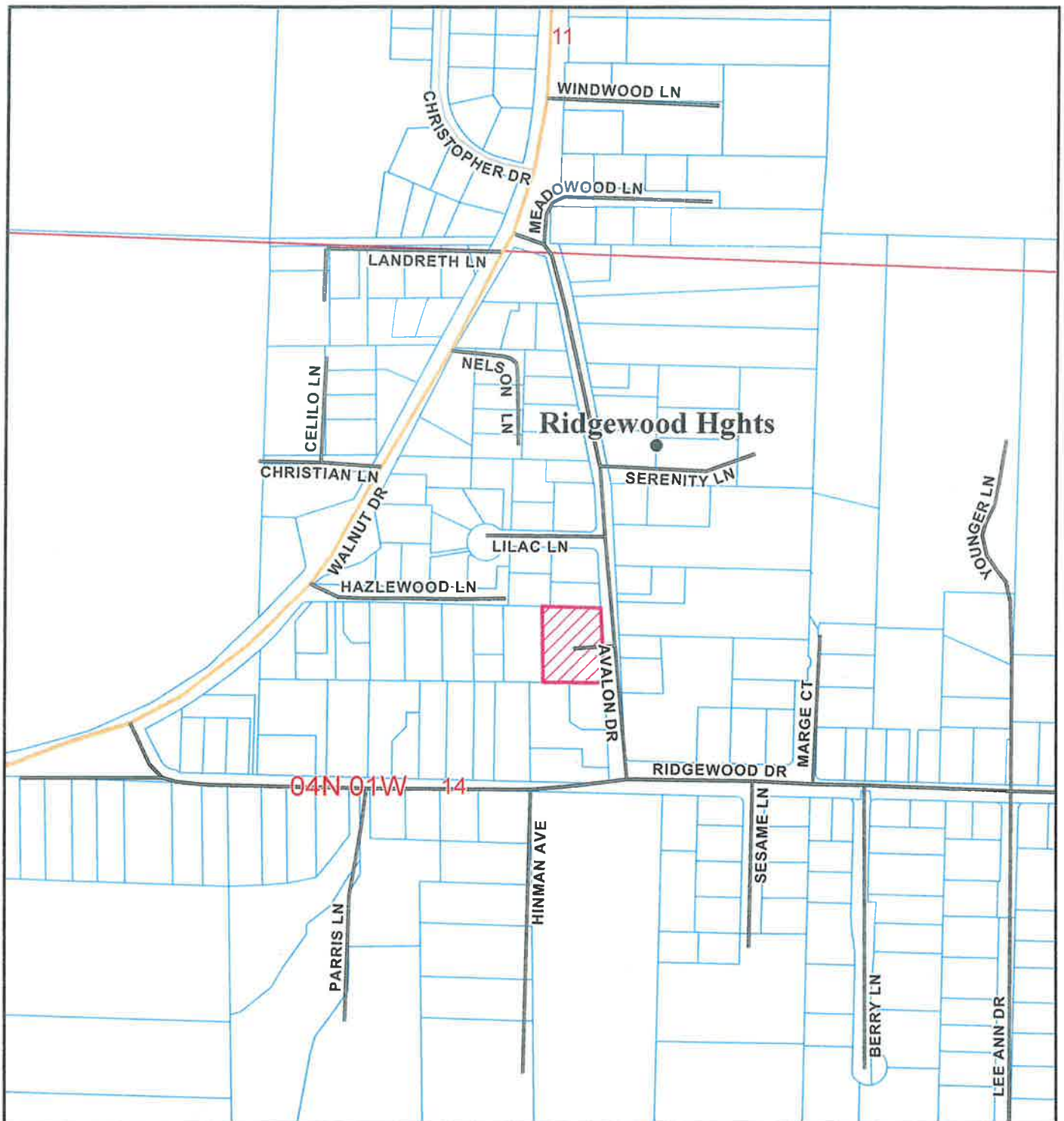
ABSENT: Commissioners:

DECISION:

I, John 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 Ford,  
Director, Planning and Building Department





# LOCATION MAP

## PROPOSED FRANK PARCEL MAP SUBDIVISION EXTENSION EUREKA AREA

PMS-08-02X/SP-08-09X

APN: 303-071-007

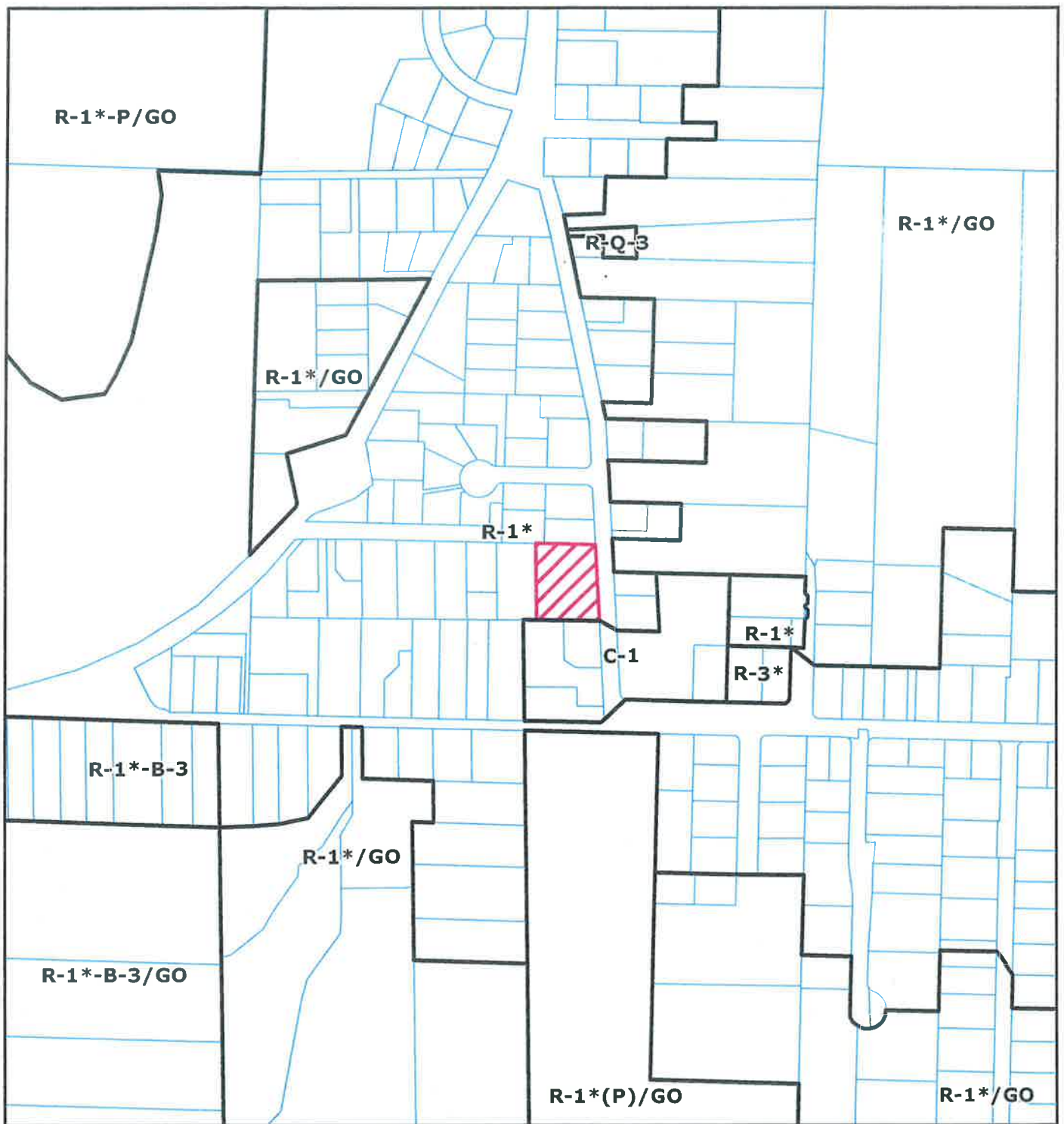
T04N R01W S14 HB&M (Fields Landing)

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  
Feet



# **ZONING MAP**

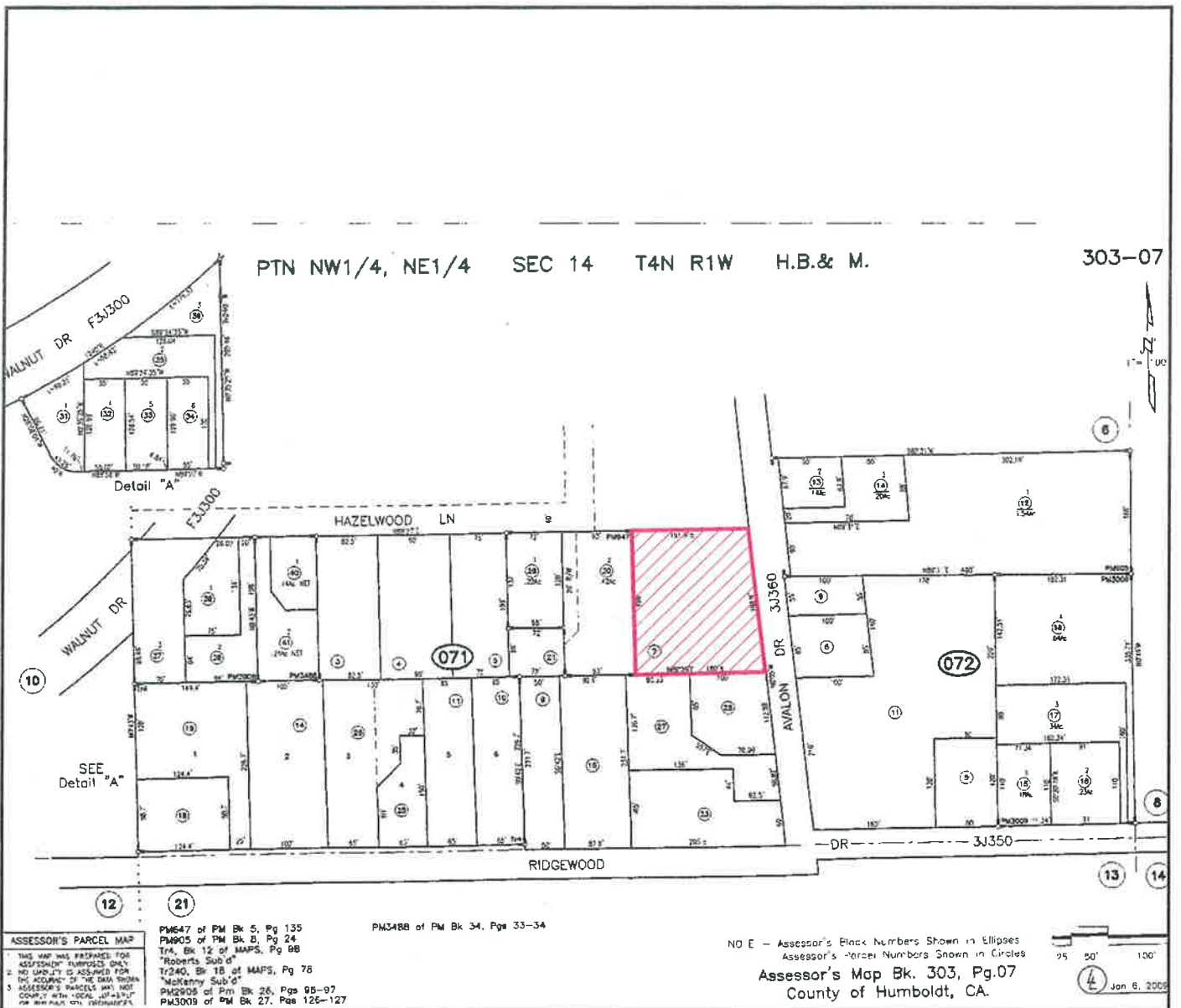
**PROPOSED FRANK  
PARCEL MAP SUBDIVISION EXTENSION  
EUREKA AREA  
PMS-08-02X/SP-08-09X  
APN: 303-071-007  
T04N R01W S14 HB&M (Fields Landing)**

**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  
Feet







# **AERIAL MAP**

## **PROPOSED FRANK PARCEL MAP SUBDIVISION EXTENSION EUREKA AREA**

**PMS-08-02X/SP-08-09X**

**APN: 303-071-007**

**T04N R01W S14 HB&M (Fields Landing)**

**Project Area =**

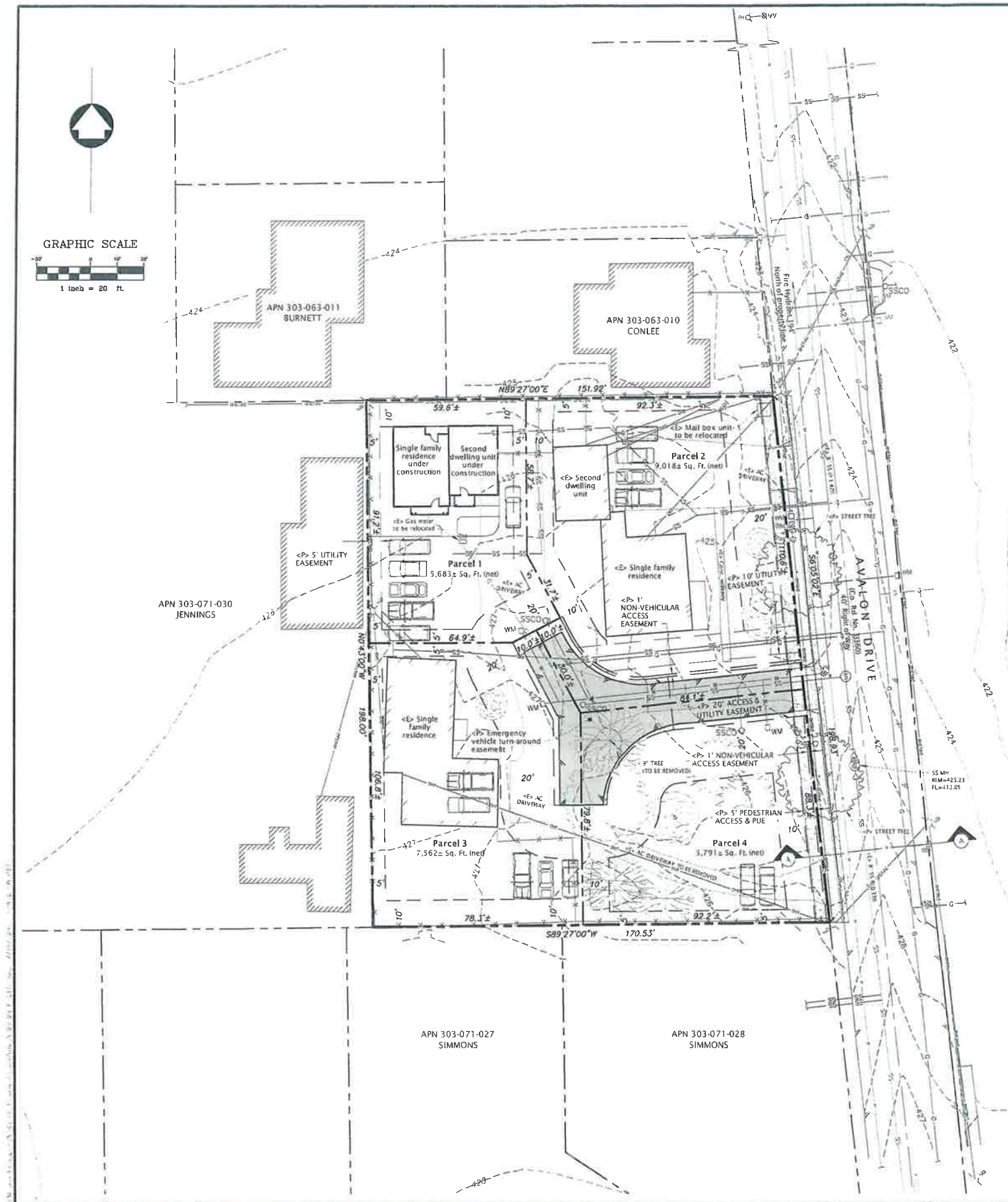


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Feet

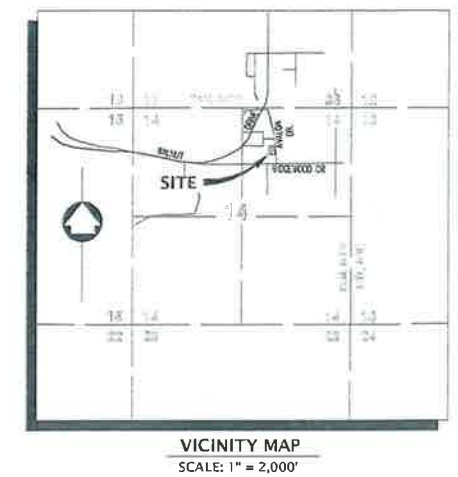
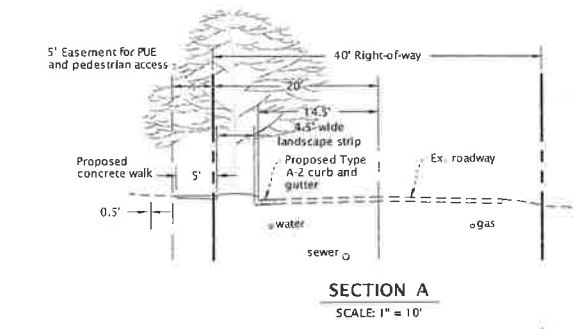




- LEGEND**
- SUBJECT PARCEL BOUNDARY
  - PROPOSED LOT LINES
  - ADJACENT PARCEL LINES
  - EXISTING EASEMENTS
  - PROPOSED EASEMENTS
  - BUILDING SETBACK LINE
  - EXISTING DRIVEWAY
  - PROPOSED AC PAVEMENT
  - PROPOSED CONCRETE CURB, GUTTER & WALK
  - EXISTING OVERHEAD CABLE TV LINE
  - EXISTING OVERHEAD ELECTRIC LINE
  - EXISTING OVERHEAD TELEPHONE LINE
  - EXISTING OVERHEAD TELEPHONE & CABLE
  - EXISTING OVERHEAD ELECTRIC, TELEPHONE & CABLE LINES
  - EXISTING JOINT UTILITY POLE
  - EXISTING GAS LINE
  - EXISTING GAS METER
  - EXISTING SANITARY SEWER LINE
  - PROPOSED SANITARY SEWER LINE
  - EXISTING SANITARY SEWER MANHOLE
  - PROPOSED SANITARY SEWER MANHOLE
  - EXISTING SANITARY SEWER CLEANOUT
  - PROPOSED SANITARY SEWER CLEANOUT
  - EXISTING WATER LINE
  - PROPOSED WATER LINE
  - EXISTING WATER METER
  - PROPOSED WATER METER
  - EXISTING WATER VALVE
  - PROPOSED WATER VALVE
  - EXISTING FIRE HYDRANT

**PROJECT NOTES**

1. This project proposes a minor subdivision of APN 303-071-007, a 31,922± square foot parcel into four parcels ranging in size from 5,683± square feet up to 9,018± square feet (net).
2. A lot size modification is requested for proposed Parcel 1, to create a parcel smaller than 6,000 square feet. Exceptions have been requested to minimum lot frontage and right of way width requirements.
3. Proposed Parcel 1 is currently developed with a single family residence that has been partially burned and which will be rebuilt; proposed Parcel 2 is currently developed with a single family residence and a second dwelling unit; proposed Parcel 3 is developed with a single family residence and proposed Parcel 4 is currently undeveloped. Future development of Parcel 4 will be single family residential.
4. All easements of record are shown hereon and will appear on the recorded subdivision map.
5. Utilities shown hereon are based on a combination of field ties to visible appurtenances and record drawings provided by PG&E and Humboldt Community Services District. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.
6. Each new lot is required to have separate utility connections. Details of new utility lines to be run shall be shown on Subdivision Improvement Plans.
7. Bearings shown hereon are based on Book 32 of Surveys, Page 7 and are tied to record monuments shown thereon. Monuments recovered in the field are shown hereon.
8. Elevations shown hereon are NAVD88 based on ties to Survey Report of the City of Eureka & Humboldt Community Services District, 2000 GPS Control Survey for GIS. Contours shown hereon are derived from a Digital Elevation (DEM) supplemented by elevations collected in the field.



**PROJECT DATA**

Owner / Applicant: Nick Frank and Nina Groth  
 APN: 303-071-007  
 Mailing Address: PO Box 1235  
 Trinidad, CA 95570  
 Phone: 707.677.3920

General Plan: Residential Low Density  
 Principal Zoning: Residential Single Family  
 6000 sf minimum parcel size

Building Setbacks: Front: 20'  
 Interior Side: 5'  
 Exterior Side: 5'  
 Rear: 10'

Agent: Jesse Buffington  
 Points West Surveying Company  
 1385 Fischer Road  
 McKinleyville CA 95519  
 Phone: 707.840.9510  
 Fax: 707.840.9542  
 Email: buffington@pointswestsurveying.com

**APPLICANT/OWNER**  
 NICK FRANK & NINA GROTH  
 PO BOX 1235  
 TRINIDAD, CA 95570

**APN 303-071-007**  
**TENTATIVE MAP**  
 FOR  
**AVALON DRIVE**  
**MINOR SUBDIVISION**

SECTION 14, T.4N., R.1W., H.M.  
 CUTTEN, HUMBOLDT COUNTY, CA

SCALE: 1" = 20' SHEET 1 OF 1

**POINTS WEST SURVEYING CO.**  
 1385 Fischer Rd, McKinleyville, CA 95519 707.840.9510

## **ATTACHMENT 1**

### **Conditions of Approval**

**The conditions of approval effective December 30, 2008, 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 1**  
**RECOMMENDED CONDITIONS OF APPROVAL**

APPROVAL OF THE TENTATIVE MAP IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PARCEL MAP MAY BE RECORDED:

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 condition on the Department of Public Works referral dated September 23, 2008, included herein as Exhibit A of Attachment 1, 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 recordation of the Parcel Map, the applicant shall submit a letter from the Humboldt Community Services District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
5. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the PG&E stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Humboldt Fire District #1 stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
7. 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 \$92.00 per parcel = \$368) as required by the County Assessor's Office shall be paid to the County Community Development Services Department, 3015 H Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
8. 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 and Building Department, 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 minimize the cost for this review.
9. Parkland dedication fees of \$ 5,849.36 shall be paid to the County Planning and Building Department, 3015 H Street, Eureka, CA. Alternately, a parkland dedication fee of \$ 4,457.29 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for secondary dwelling units on Parcels 3 and 4. Release from the Conveyance and Agreement may be pursued upon payment of the \$ 1,392.07 parkland dedication fee balance (\$788.35 for Lot 3 and \$603.72 for Lot 4). A copy of the Conveyance and Agreement form with *pro-rata* updated 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 (currently \$366.00) will be required.



10. Available utilities shall be extended onto each lot to the specifications of the affected agencies providing the facilities and utilities and to the satisfaction of the Department of Public Works. The improvements shall be inspected by the affected agency and a certificate of acceptance of the improvements from the agency shall be filed with the County Public Works Department prior to recordation of the map.
11. 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 Items 6.1 through 6.6 of the Public Works Memorandum dated **September 23, 2008**, included herein as Exhibit A of Attachment 1, and the following site development details:

A. Mapping

- (1) Development standards for parcels: building "envelopes" (location of existing structures with applicable yard setbacks, maximum lot coverage, maximum building height), dimensioned setbacks to property lines and easements. Note: The front yard setback for Parcel 4 may be reduced to 10 feet per Section 314-99.1.3.5 and the exterior side setback may be reduced from 20 feet to 10 feet if the main residence is developed at least 25 feet from the rear lot line.
- (2) Parking area detail and improvements: Six (6) parking spaces shall be shown on Lot 1, four (4) parking spaces shall be shown on Lot 2, five (5) parking spaces shall be shown on Lot 3 and two (2) parking spaces on Lot 4, outside of the front yard setback consistent with Humboldt County Code Section 314-109.1.
- (3) Proposed improvements including streets, sidewalks, driveways, drainage and storm water detention facilities, community services facilities, access easements, recreational trails, and emergency access and vehicle turn-around, as applicable.
- (4) Topography of the land in 1-foot contour intervals.
- (5) Emergency turnaround area for Lots 1 and 3.
- (6) Non-vehicular access strip along the exterior side of Parcel 2 and along the frontage of Parcel 4.

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) Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday. All proposed uses must comply with the noise standards identified in Figure 3-2 of the General Plan.
- (3) (If applicable) "Development rights for secondary dwelling units on Lot or Parcel (number(s) to be inserted before recording) have been conveyed by the subdivider to the County of Humboldt. The

terms and conditions of the Conveyance and Agreement must be satisfied in order for the County to accept an application for a secondary dwelling unit on any of the involved parcels. Please refer to the recorded Conveyance and Agreement for the specific requirements. Questions regarding this note should be directed to the Humboldt County Planning Division."

- (4) "The lots in this subdivision were created using a Lot Size Modification Exception."
  - (5) "The front yard setback for Parcel 4 may be reduced to 10 feet per Section 314-99.1.3.5 and the exterior side setback may be reduced from 20 feet to 10 feet if the main residence is developed at least 25 feet from the rear lot line."
  - (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."
12. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning and Building Department (enclosed in the final approval packet). 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 \$366.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.
  13. Prior to the recordation of the Parcel Map, the subdivider shall enter into a reimbursement agreement with the County for the developer's proportional share of the cost of the striping, signage and traffic control markings for the Walnut/Hemlock/Dolbeer intersection and ordinances/stripping for traffic flow on Walnut from Hemlock to Cypress, including possible turn lane at Cypress, in accordance with the preliminary project plan approved by the City of Eureka and Humboldt County Public Works. The plan will address short-term traffic management issues to provide and maintain a Level of Service (LOS) at or above LOS C during peak traffic periods consistent with the Eureka Community Plan standard. The Department of Public Works will furnish the Reimbursement Agreement form. The reimbursement collected under this agreement shall be placed into the Humboldt County Road Fund to off-set actual expenditures by the County. The reimbursement amount under the agreement is \$1,575 per vacant lot (= **\$1,575**).
  14. **Within five (5) working days of the approval date of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$1,926.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus a \$50 document handling fee. This fee is effective through December 31, 2008 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFG by phone at (707) 445-6493 or through the DFG website at [www.dfg.ca.gov](http://www.dfg.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If DFG concurs, a form will be provided exempting the project from the \$1,876.75 fee payment requirement. In this instance, only a copy of the DFG 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 Game Code).*

**Informational Notes:**

1. To minimize costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.

Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

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

2. 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 might 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.

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 Special Permit 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 provisions of the Humboldt County Code.