

CONDITIONS OF APPROVAL

APPROVAL OF THE FINAL MAP SUBDIVISION, CONDITIONAL USE PERMIT, AND PLANNED DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE TRACT MAP MAY BE FILED WITH THE COUNTY RECORDER.

Conditions of Approval:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
2. The conditions on the Department of Public Works referral dated **January 9, 2023**, included herein as Attachment 1B, as may be modified by the decision maker, 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 Final Map be submitted for review and approval. Gross and net lot area shall be shown for each parcel.
4. To better accommodate circulation and siting of future building sites, minor adjustments to the design of the tentative map (parcel boundaries, driveway & road locations, etc.) may be performed, subject to review and approval by the Planning Division and Public Works Land Use Division.
5. Prior to filing of the Final Map, the applicant shall submit a letter from the McKinleyville Community Services District stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
6. Prior to filing of the Final 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. A hydrant must be installed within the boundaries of the property being divided or along the frontage of Pickett or Gwin Road.
7. Prior to filing of the Final Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
8. Prior to the Final 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.

9. Prior to filing of the Final Map, the Applicant shall make payment for all outstanding Humboldt County Planning Department fees. A Cost report will be made available at the Humboldt County Planning Department.
10. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$129.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
11. 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 (currently \$750.00) 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.
12. Parkland dedication fees of \$76,322.06 shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. Parkland fees to be paid were based on the number of new units planned to be developed on each parcel under the Planned Development Permit; with a total of 62 new residential units planned spread across 18 parcels.

Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$160,000/acre. The dedication fee calculation per Section 314-110 of the Humboldt County Code is as follows: $62(130 \times 2.578/43,560) \times \$160,000 = \$76,322.06$

13. If tree removal proves necessary, it must be done outside of the nesting bird season (generally March 15 – August 15). Alternately, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.
14. 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) Building envelopes and easements consistent with the submitted tentative map;
 - (4) The location of all drainage improvements and related easements;

- (5) off-street parking spaces consistent with the approved tentative map;
- (6) Height limits, plan-, sectional-view and/or elevation details to demonstrate conformance with the Solar Access requirements of HCC Section 322.5. The Solar Shade Study dated September 19, 2022 (received) illustrates that adequate solar access can be provided. Development, including second dwelling units, additions at a greater height or different footprint, other than that specified in the Solar Shade Study, requires a site-specific solar shading analysis to show conformance.

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 archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.
- The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at (916)653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at (707)445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

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

- (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) “Hours of construction activity shall be limited to Monday through Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday.”
 - (4) “One- and two-story residential structures up to a maximum height of 35 feet are normally permitted in the R-3 zone. However, State and local subdivision requirements require that, to the greatest extent feasible, adequate solar access be provided to new building sites. Specifically, sunlight must reach at least 80% of the south-facing wall of a primary building between the hours of 10:00 am and 2:00 pm on December 21st. A Solar Shading Plat dated June 16, 2023 was submitted to illustrate solar exposure. The Solar Shade Study illustrates that adequate solar access consistent with HCC Section 322.5 is possible for the proposed development configuration, height, and footprint. Development, including second dwelling units, detached accessory buildings and/or additions, at a height, different footprint or location other than that specified in the Solar Shade Plat, shall require a site-specific solar shading analysis to demonstrate conformance with this standard.”
 - (5) Landscaping shall utilize native plants appropriate to coastal northern California. At minimum. The planting palette shall avoid invasive species listed in the Cal-IPC Inventory.
 - (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.”
 - (7) Accessory Dwelling Units on Lots 1-4 are prohibited. Each of the four half-plexes on Lots 1-4 are limited to the existing footprint.
15. The applicant shall cause to be recorded a "Notice of Development Plan" 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 Final Map.
 16. To the satisfaction of the County Aviation Department, the property owner shall execute an avigation and/or overflight easement on forms provided by the County.
 17. The applicant is required to pay for permit processing on a time and material basis as set forth in the latest schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision and upon file close out. 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.

18. Where subdivision and/or development is pursued in a phased fashion, prior to completion of each phase, all necessary improvements and infrastructure must be installed to the satisfaction of the Planning & Building Department and Land Use Division of Public Works.
19. The two-bedroom townhome style apartments proposed on Lots 5, 6, 7, 17, 18, & 19 may be constructed to a width ranging from 80 feet (maximum) to 64 feet (minimum).
20. The following are requirements of the Planned Unit Development:
 - A. Mailboxes for the development shall be clustered in the center of the site.
 - B. One bike storage locker shall be provided on the ground level for each of the two-story one-bedroom units.
 - C. All lighting shall be directed downward and shall not allow light spill over onto adjacent property or create a glow in the sky above the lights.
 - D. Construction traffic access shall be limited to Pickett Road.
 - E. A common screened trash enclosure shall be constructed on the common lot and be of sufficient size to adequately serve all multifamily units. The design of the enclosure area shall include features to ensure that it is secure from access by wildlife.
21. The following improvements shall be required prior to issuance of any construction permits for the second phase of the project (excluding half-plexes on Pickett Road):
 - A. An Urban Driveway shall be constructed at the entry on both Pickett Road and Gwin Road.
 - B. Two speed bumps shall be installed on both Pickett Road and on Gwin Road, located at streetlights subject to approval by Public Works. Alternatives to speed bumps may be used instead of speed bumps or with speed bumps if they are more effective in reducing traffic speed subject to review and approval of Public Works. A crosswalk shall be installed on Pickett Road at a location approved by Public Works.
 - C. In the event the applicant is unable to form a Road Maintenance Association for Gwin Road, the applicant shall contribute their fair share of improvements to Gwin Road by making improvements to the condition of Gwin Road based on a cost estimate from a licensed engineer.
22. The following are restrictions and requirements of the Conditional Use Permit:
 - A. The four half-plexes are limited to the existing footprint and Accessory Dwelling Units are prohibited.
 - B. Prior to recordation of the final map, the applicant shall create a Homeowners Association with CC&Rs to maintain the common areas and Jack Road.

C. The multi-family buildings may be modified to be 64 feet wide and have a height of up to 26 feet and the locations of the buildings may adjusted to address the reductions in footprint and size.

23. Prior to issuance of the first building permit, the applicant shall cause to be established a Homeowner's Association for all parcels resulting from the subdivision. The Homeowner's Association shall be tasked with various responsibilities including but not limited to:
- establishing and enforcing rules and guidelines for owners and tenants of the development
 - establishing and collecting monthly or annual fees to pay for common area maintenance, repair, and upkeep of common areas and facilities such as:
 - landscaping
 - roadways & parking areas
 - stormwater management infrastructure
 - shared sewer, water, and electrical infrastructure
 - shared garbage and laundry facilities

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 archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at (916)653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at (707)445-7242. If the Coroner determines the remains

to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

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

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. The Planned Development Permit and Conditional Use 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.