

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

**Resolution Number 24-**

**MINOR SUBDIVISION  
PROJECT NUMBER PLN-2023-18300  
ASSESSOR PARCEL NUMBER 303-121-034**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE FELMLEE TENTATIVE PARCEL MAP SUBDIVISION**

**WHEREAS**, the owner submitted an application and evidence in support of approving a Minor Subdivision; and

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

**WHEREAS**, the Planning Division, the lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that impacts of the project were analyzed and addressed during preparation of Environmental Impact Reports (EIR) for the 2017 Humboldt County General Plan (SCH#2007012089), in keeping with the criteria outlined within section 15183 of the Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Tentative Map subdivision (Case Number PLN-2023-18300); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on March 7, 2024.

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

**PROJECT DESCRIPTION**

1. **FINDING:** A Parcel Map Subdivision of an approximately 7.93-acre parcel into three parcels of approximately 0.40 acres (Parcel 1), 0.80 acres (Parcel 2) and 6.74 acres (Parcel 3). A Special Permit is requested to allow Parcel 1 to be less than the 20,000 square foot minimum lot size for the B-3 zone, and to allow proposed Parcel 3 to exceed the maximum lot size. The property is currently vacant and will be served with community water provided by Humboldt Community Services District and on-site wastewater treatment systems. The project will include widening of the shoulder of Eggert Road along the front of the parcel, prior to issuance of the first building permit for residential development on any of the resulting parcels.

**EVIDENCE:** a) Project File: PLN-2022-18300

**CEQA**

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has determined the

project is not subject to further environmental review pursuant to Section 15183 (Projects Consistent with a Community Plan or Zoning) of Article 12 (Special Situations) of the CEQA Guidelines.

- EVIDENCE:** a) Section 15183 of the CEQA Guidelines acknowledges CEQA's mandate that projects not be subject to additional environmental review when consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, noting that subsequent environmental review is only necessary where the Lead Agency determines any of the following circumstances apply:

project-specific environmental effects:

- are peculiar to the project or the parcel on which it is located
- are significant and were not analyzed as such in a prior EIR
- are off-site and/or cumulative and were not discussed in the prior EIR
- were identified in a prior EIR as significant but due to substantial new information (not known at the time the EIR was certified) are determined to have a more severe adverse impact than what was disclosed.

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

- b) There are no environmental effects that are peculiar to the project or the parcel on which the project is located. The parcel being divided was previously host to residential development, adjacent lands in the vicinity are similarly planned and zoned and are also developed and sized consistent with the applicable planned density and minimum lot size.
- c) Potential Impacts such as those common to the project were analyzed and addressed during preparation of the Programmatic Environmental Impact Report (SCH #2007012089) certified during adoption of the 2017 General Plan.
- d) There are no potentially significant environmental effects which were not analyzed in the 2017 General Plan EIR. The proposed subdivision would enable future build-out to the currently planned density for the area, which was confirmed during adoption of the 2017 General Plan. The project is also consistent with the applicable policies and standards of the General Plan, which are further discussed below.
- e) There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the above referenced EIR (SCH #2007012089). The proposed subdivision will facilitate build-out consistent with planned densities and applicable policies and standards found in the recently adopted General Plan.
- f) There is no substantial new information that would cause the project to result in a more severe adverse impact than what was known and disclosed at the time the General Plan EIR was certified.
- g) There is no substantial evidence, given the whole record before the agency, that the project may have a significant effect on the environment, as proposed.
- h) The project site is not located within a scenic vista area and will not impact

visual resources within the County. The parcel is currently vacant. The proposed minor subdivision will create two new parcels that can accommodate future residential development consistent with the assortment of uses and structures on surrounding parcels. The area of the property where Parcel 2 is proposed was previously host to a residence. The project will result in a less than significant impact to aesthetics.

- i) To date no cultural resources have been documented on the project site or its vicinity. The "Inadvertent Archaeological Discovery Protocol" condition has been placed on the project, as requested by Tribal agencies. Project referrals were sent to both the Northwest Information Center and the Tribal Historic Preservation Officers (THPO's) for the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. No objections to the proposal were received and the Blue Lake Rancheria THPO supported approval of the project subject to compliance with standard protocols for handling inadvertent discovery of cultural resources encountered during future ground disturbance. This notation will be included on the Development Plan.
- j) The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials. The project site is not located in an Airport Review Area. Murray Field is the closest airport and is located approximately 5 miles northeast of the project site.
- k) According to the Humboldt County Fire Hazard Severity map, the parcel is located in a moderate fire hazard severity area. The surrounding lands are all mapped as being with an area of High Fire hazard Severity. The parcel and neighboring lands are all served by Humboldt #1 Protection District for structural fire protection. Future development of the site will require compliance with the Uniform Fire Code and Uniform Building Code. The Department finds no evidence that the project will create, or expose people or property to, hazardous materials, or impair implementation of or physically interfere with, an adopted emergency response plan.
- l) The project will not violate any water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality or degrade groundwater supplies. Residential development located on the parcels being created already receives water and sewer service provided by the Humboldt Community Services District.
- m) A Drainage Report and access road improvement plans are required to be prepared by a Civil Engineer registered within the State of California and will be submitted for review and approval prior to commencement of the project. This is noted in the current Department of Public Works memo dated 02/20/2024.
- n) The project will not conflict with any adopted program, ordinance, or policy addressing transportation systems within the County or result in inadequate emergency access. Department finds there is no evidence that the proposed subdivision and future residential development will result in significant changes in vehicle miles traveled not already contemplated in the EIR prepared during adoption of the 2017 General Plan. The proposed project will not result in a change in air traffic patterns, will not result in vehicle miles traveled beyond that anticipated, and has adequate on-site circulation and parking capacity.
- o) The project is consistent with the development density of 1-7 units per acre of

the Residential Low Density (RL) land use designation established during adoption of the Eureka Community Plan (ECP) and upheld in 2017 following adoption of the General Plan update (GPU). The establishment and development of two (2) additional parcels is consistent with mitigations for induced population growth as described in Impact 3.1.3.4. of the 2017 Environmental Impact Report (EIR) to reasonably obtain the projected goals of the Regional Housing Needs Allocation (RHNA) through the use of alternative subdivision standards and the facilitation of opportunities for second residential units.

The growth impacts of this project are not anticipated to create peculiar, specific, or more severe impacts effects which the GPU EIR failed to analyze as significant effects or failed to evaluate.

### **SUBDIVISION FINDINGS**

#### **(Section 66474 of the State Subdivision Map Act and Title III Division 2 of the Humboldt County Code)**

3. **FINDING:** All lots shall be suitable for their intended uses.
- EVIDENCE:** a) The project will result in a total of three (3) parcels.
- Proposed Parcel 1 will be 0.40 acres (net) in size, proposed Parcel 2 will be 0.80 acres (net) in size, and proposed Parcel 3 will be 6.74 acres (net) in size.
- A Special Permit is being requested to allow for proposed Parcel 1 to be less than the 20,000 square foot minimum parcel size of the R-1-B-3 zone in which the property is located. Additionally, Parcel 3 is proposed to be over 1.8 times larger than the minimum parcel size of the zone. The design and sizing of these two parcels is partly being driven by steep terrain at the rear of the property. The design also matches the rough configuration of neighboring parcels on Eggert Road in the vicinity of the project.
4. **FINDING:** Improvements shall be required for the safe and orderly movement of people and vehicles.
- EVIDENCE:** a) All three of the proposed parcels enjoy forty or more feet of frontage on Eggert Road. According to the Humboldt County Public Works road log, the first 0.58 miles of the road are maintained by the county.
- b) The Recommended Conditions of Approval prepared by the Land Use Division of Public Works include the minimum requirement that Eggert Road be constructed having a typical section comprised of two 10 foot wide travel lanes, and a 5 foot paved shoulder along the frontage of the property.
- c) The development timing provisions of the Recommended Conditions require that all of the frontage improvements be completed prior to issuance of the first building permit for residential development. This will help ensure that the roads are sufficiently designed and improved prior to new residential development occurring.
5. **FINDING** Flood control and drainage facilities affording positive storm water disposal shall be designed and provided by the subdivider.
- EVIDENCE:** a) Section 3.0 of the Public Works Conditions of Approval Memo informs the

applicant of their responsibility to correct any drainage problems associated with subdivision to the satisfaction of DPW and requires that a hydraulic report and drainage plan be prepared by a California-licensed Civil Engineer for the subdivision and be submitted to DPW for review and approval.

6. **FINDING:** Sewer and water systems shall be constructed to appropriate standards.
- EVIDENCE:**
- a) Residential development located on the parcels being created will receive water service provided by the Humboldt Community Services District. This is confirmed and clarified in a letter from HCSD dated September 7, 2023.
  - b) Soil testing for future individual on-site waste treatment systems on each parcel was completed by Pacific Affiliates. The report identifies potential primary and reserve leachfield locations on each of the parcels being created. The testing and system designs have been reviewed and approved by the Environmental Health Division, who are recommending approval of the proposed subdivision.
7. **FINDING:** The size and shape of lots shall be such as is proper for the locality in which the subdivision is situated, and in conformance with the requirements of the current zoning regulations and the Humboldt County General Plan.
- EVIDENCE:**
- a) The size and configuration of the proposed parcels complies with width, depth requirements of the R-1 zone.
  - b) A Special Permit is being requested to allow for proposed Parcel 1 to be less than the 20,000 square foot minimum parcel size of the R-1-B-3 zone in which the property is located. Additionally, Parcel 3 is proposed to be over 1.8 times larger than the minimum parcel size of the zone. The design and sizing of these two parcels is partly being driven by steep terrain at the rear of the property. The design also matches the rough configuration of neighboring parcels on Eggert Road in the vicinity of the project.

#### **Govt. Code §66474.02 Structural Fire Protection**

8. **FINDING:** Where approving subdivision of land (not for open space purposes) within a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone, the project must be consistent with state or local Fire Safe Regulations and be located within an area where structural fire protection and suppression services will be available from a qualified entity (County, City, Special District, or other political subdivision or entity) that is monitored and funded by a County or other public entity, and organized solely to provide fire protection services, or through contract with the Department of Forestry and Fire Protection pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.
- EVIDENCE:**
- a) The property is not located in a State Responsibility Area for Fire Protection and is located in an area of Moderate Fire Hazard Severity and is within the boundaries of Humboldt #1 Fire Protection District, who provide structural fire protection. The project was referred to the district for review and did not result in any comments or issues being raised with the proposal.

**Community Plan Findings - Eureka Community Plan**

9. **FINDING:** The proposed development is consistent with the Eureka Community Planning Area (ECP). New construction shall be built to help protect occupants from geologic hazards (ECP 3200-3220).
- EVIDENCE:** a) Humboldt County Geologic Hazard maps show that the upper portions of the property (above the break in slope) are located in a zone of low instability.
- b) A site visit was conducted on September 20, 2023 with staff from the Planning Division and California Department of Fish & Wildlife, during which the entirety of the property was traversed and no evidence of instability was observed.

**FINDINGS APPLICABLE TO ALL PERMITS**

10. **FINDING:** The proposed development is in conformance with the County General Plan.
- EVIDENCE:** a) The property is planned and zoned for residential development at a density of up to 7 units per acre.
- b) The proposed subdivision would result in the creation of three new parcels with the potential for up to six (6) new dwelling units or a total of nine when should each be host to a junior accessory dwelling unit (JADU). This would result in a maximum density of 1.13 units per acre under the current proposal.
- c) Each resulting parcel contains sufficient area above the break in slope to accommodate future residential development outside of the gulch, greenway and open space portions of the property.
- d) A Condition of Approval is included requiring that a Detailed Development Plan map be prepared and submitted for review and approval by the Planning and Building Department. This plan will be kept on file with the Department. The Conditions of Approval also require that a Notice of Development Plan be filed with the Recorder's Office to alert future owners of the presence of the Development Plan and its potential bearing on future development of the parcels.

**ZONE PURPOSE**

11. **FINDING:** The proposed development is consistent with the purposes of the existing zone in which the site is located.

**314-6.2 Residential One-Family (R-1)**

The R-1 Zone is intended to be applied in areas of the County in which topography, access, utilities and public services make the area suitable and desirable for low density residential development.

- EVIDENCE:** a) The project will result in a total of three parcels for residential development, with possibility for re-subdivision in the future should sewer service be extended to the area.

**314-22.2 Greenway and Open Space (GO)**

The GO Combining Zone is intended to be applied to sensitive habitat areas historically known as gulches. The regulations are intended to set forth standards for development and to retain the lush vegetation and habitat

values for numerous wildlife species through retaining these areas in a relatively undeveloped state.

- b) Eastern portions of the property being divided are characterized by steeper slopes and the headwaters of seasonal watercourses connecting to the upper reaches of Ryan Creek, which drains into Freshwater and Eureka sloughs east of Myrtle town.
- c) Each resulting parcel contains sufficient area above the break in slope to accommodate future residential development outside of the gulch, Greenway and Open Space portions of the property.
- d) Approximately 6 acres of the eastern part of the property are composed of Greenway and Open Space gulch features, including a greenway bench area. A Biological Assessment was prepared for the project site and presented to the California Department of Fish & Wildlife (CDFW) for review. On September 20, 2023 a site visit was conducted with staff from the Planning Division and CDFW, during which the entirety of the property was traversed. The Department of Fish & Wildlife saw no plants or areas of concern within the upper non-gulch areas of the property. Portions of the site below the break in slope showed evidence of recent timber harvest activities.
- e) A Condition of Approval is included requiring that a Detailed Development Plan map be prepared and submitted for review and approval by the Planning and Building Department. This plan will be kept on file with the Department. The Conditions of Approval also require that a Notice of Development Plan be filed with the Recorder's Office to alert future owners of the presence of the Development Plan and its potential bearing on future development of the parcels.

12. **FINDING:** The proposed development is consistent with the parkland dedication policies of the Eureka Community Plan (ECP).

**Section 4420 Parkland**

<b>EVIDENCE:</b>	a) <i>Parkland Dedication Fee Calculations</i>	
	130.00	Eureka Community Plan requires 130 square feet of parkland dedication per person for new subdivisions
	X 2.30	Persons per average Eureka household (Source: 2020 U.S. Census)
	299.0	Parkland dedication per average household in square feet
	/ 43,560	Square feet per acre
	0.00686	Parkland dedication per average household in acres
	X 6	Number of potential new units being created by the subdivision,
	X 100% (1.0)	Percentage of these parcels within the Eureka Community Planning Area
	-----	
	0.04118	Acres of parkland for subdivision
	X \$150,000	Value of one acre of land in the vicinity of the subdivision project
	\$6,177.69	Parkland Dedication In-lieu Fee for the Felmlee Subdivision

13. **FINDING:** The proposed development conforms with all applicable standards and requirements of the zoning regulations.

**EVIDENCE:** a) All parcels being created by the proposed subdivision are of sufficient size to accommodate essential infrastructure, parking areas, and residential development while meeting the minimum required setbacks from property lines, rights of way, and riparian areas, including setbacks for defensible space.

#### **PUBLIC HEALTH, SAFETY, & WELFARE**

14. **FINDING:** The proposed subdivision will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE:** a) The property is planned and zoned for residential use.  
b) The parcel being divided is bordered on all sides by existing residential development of a similar density.  
c) Conditions of approval are included requiring dedication and improvement of the access road.  
d) A Development Plan will be created identifying the precise location of the Gulch and Greenway areas on the parcel which will serve as notice to future development of the resulting parcels.

#### **HCD MINIMUM DENSITY**

15. **FINDING:** The proposed project does not reduce the residential density for the parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** a) The property being divided was not targeted for residential development in the current Housing Inventory and therefore has no targeted density for development. The proposed subdivision would result in the creation of three new parcels with the potential for up to six (6) new dwelling units or a total of nine when should each be host to a junior accessory dwelling unit (JADU). This would result in a density of 1.13 units per acre. Future re-subdivision may be possible should sewer service be extended to this area.



**DECISION**

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

1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Minor Subdivision (Record Number: PLN-2022-18300) based on the tentative map on file for the project dated July 2023 and dated as received by the Humboldt County Planning Division on January 17, 2024, subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **March 7, 2024**.

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

## ATTACHMENT 1A

### 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:

#### **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 enclosed Department of Public Works referral dated **February 20, 2024**, 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, said map to identify net and gross acreage 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 recordation of the Parcel Map, the applicant shall submit a letter from the Humboldt Community Services District indicating that the project conforms to its requirements dated November 24, 2010. 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 Humboldt Fire District No. 1 stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
7. Prior to recordation of the Parcel Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements. This condition shall be administered by the Department of Public Works.
8. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.
9. 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.
10. 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.

11. 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.
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 shall include the following site development details:

A. Mapping

- (1) Topography of the land in 1-foot contours.
- (2) Proposed access, parking lanes and pedestrian ways
- (3) Two (2) off-street parking spaces on both lots consistent with Section 314-109.1 Humboldt County Code.
- (4) Building locations and easements
- (5) Future on-site waste treatment locations

ON PROPOSED PARCEL 3

- (5) The slope break (greater than 15%)
- (6) Delineation of the Greenway and Open Space gulch feature
- (7) The dripline of any riparian vegetation adjacent to nearby gulch features

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 suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, and the County Planning and Building Department; 3. The professional archaeologist, Tribes and County officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.
  - If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5; 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 4. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of

the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

- (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 (construction potential of six (6) single family residences) 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) "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."
  - (4) "Development rights for accessory dwelling units on Parcels 1, 2, and 3 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 an accessory 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."
  - (5) "Development below the break in slope on Parcel 3 may require a Special Permit if located within the riparian buffers prescribed under the County Streamside Management Area and Wetlands Ordinance. Prior to considering any proposal to site new development below the break in slope, a Biological Report shall be prepared following completion of a site visit and fieldwork by qualified Biologist evaluating the location and extent of any wetland and riparian areas within lower portions of the property.
  - (6) Landscaping shall primarily utilize native plants appropriate to coastal northern California, which provide aesthetic and habitat values while requiring minimal watering and maintenance. Invasive species spread into adjacent natural areas and compete with native plants. Use of invasive plant species in landscaping is prohibited, if listed in the Cal-IPC Inventory of problematic species.
  - (7) "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 superceded 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 Plan" on forms provided by the Humboldt County Community Development Services—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 **\$460.00** plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Final Map.
14. 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 shall be paid to the

Humboldt County Community Development Services—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 minimize the cost for this review.

15. Parkland dedication fees of \$6,177.69 shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$3,088.85 may be paid, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on Parcels 1 and 2. Release from the Conveyance and Agreement may be pursued upon payment of the \$3,088.85 parkland dedication fee balance. A copy of the Conveyance and Agreement form with *pro-rata* dedication payments amounts for each lot calculated will be provided by the Planning Division 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, a legal document review and County notary fee (currently \$460.00) shall be paid to the County, along with the applicable recordation fees.
16. Should the applicant elect to enter into a Conveyance and Agreement, the owner shall execute a Conveyance and Agreement of Development rights with the County of Humboldt conveying rights to residential development of accessory dwelling units on each parcel on forms provided by the Planning Division. Terms of the agreement will stipulate that reconveyance of ADU development rights for each parcel shall not occur until such time payment of any outstanding parkland dedication fees has been completed.
17. 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.
18. Prior to map recordation, the applicant shall provide an updated exhibit showing the location of primary and reserve leachfields on proposed Parcel 1.
19. CDFW strongly recommends that any vegetation removal be done outside of the nesting bird season (generally March 15 – August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, removal may be authorized if a qualified biologist has surveyed 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.
20. Future landscaping shall primarily utilize native plants appropriate to coastal northern California, which provide aesthetic and habitat values while requiring minimal watering and maintenance. Invasive species spread into adjacent natural areas and compete with native plants. Use of invasive plant species in landscaping is prohibited, if listed in the Cal-IPC Inventory of problematic species.

**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. 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. Approval of the tentative map shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code.