

## CONDITIONS OF APPROVAL

Approval of the Tentative Map and Planned Development Permit is conditioned on the following terms and requirements which must be satisfied before the final map may be filed.

### 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 **December 21, 2020**, 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. Prior to filing of the Final 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 filing of the Final Map, the applicant shall submit a letter from the Humboldt #1 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.
8. Parkland dedication fees of \$10,610 shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. Alternately, a parkland dedication fee of \$5,305 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 Lots 1 - 5. Release from the Conveyance and Agreement may be pursued upon payment of the \$5,305 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 Department upon the election of this option by the applicant once the Final 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 will be required for each parcel.

Parkland dedication in-lieu fees were calculated by the Assessor's Office to be \$150,000/acre. The dedication fee calculation per Section 314-110 of the Humboldt County Code is as follows:  $5(2(130 \times 2.37/43,560)) \times \$150,000 = \$10,610$  without the conveyance of secondary dwelling unit rights; or \$5,305 with the conveyance of secondary dwelling unit rights on all parcels.

9. 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 2-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) Four (4) off-street parking spaces on all lots consistent with Section 314-109.1 Humboldt County Code;
    - (6) Location of all Sensitive Natural Communities as identified in the Botanical Survey Report prepared by Caitlyn Allchin dated 8/31/21. These areas shall be labeled as non-buildable and protected from clearing or vegetation removal.

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) "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) (If applicable) "Development rights for secondary dwelling units 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."

- (5) “Tree removal and vegetation clearing shall occur outside of the bird nesting season (March 1 through August 15) in order to avoid take of listed species as defined and prohibited by Fish and Game Code (FGC) Section 3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq). Alternatively, if work must be done during the nesting season, a qualified ornithologist shall survey the area no more than seven days prior to clearing/removal to determine whether active nests are present. If active nests are present, appropriate buffers shall be developed in consultation with CDFW to avoid take of species.”
  - (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.”
10. The applicant shall cause to be recorded a "Notice of Development Plan and Geologic Report" 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.
12. Prior to the Final Map filing, 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.
13. 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.