

ATTACHMENT 1A

Conditions of Approval

APPROVAL OF THE FINAL MAP SUBDIVISION AND COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE TRACT MAP MAY BE FILED WITH THE 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 enclosed Department of Public Works referral dated **November 28, 2022**, 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. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the McKinleyville Community Services District stating that the project meets their requirements. This requirement 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 Arcata Fire Protection District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
6. 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 requirement shall be administered by the Department of Public Works.
7. 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 Development Plan items of the Public Works Subdivision Requirements, included herein as Exhibit A of Attachment 1, and the following site development details:
 - A. Mapping
 - (1) Topography of the land in 1-foot contours.
 - (2) Development standards for parcels: building "envelopes" (dwelling site locations with

applicable yard setbacks, maximum lot coverage, maximum building height), including parking area detail and improvements showing conformance with Section 314-109.1 HCC, County Subdivision Regulations and as restricted by LUD Subdivision Requirements.

- (3) Proposed improvements including streets, sidewalks, driveways, drainage facilities, community services corridors, access easements, recreational trails, parks, and emergency access and vehicle turn-around, as applicable.
- (4) Location of waterline, sewer, and drainage easements in favor of the McKinleyville Community Services District (MCSD) or the County of Humboldt.
- (5) Street lighting if required by MCSD.
- (6) Location of hydrants as required by the Arcata Fire Protection District.
- (7) Height limits, plan-, sectional-view and/or elevation details to demonstrate conformance with the Solar Access requirements of HCC Section 322.5. The Solar Shading Plan prepared by Spencer Engineering illustrates that, with the exception of Lots 75 and 85, the subdivision can meet solar access standards for one- and two-story lots. Refer to the Plan for height restrictions. A site-specific solar shading analysis shall be prepared for all development not specified in the Solar Shading Plan to show consistency with this standard.
- (8) Location of proposed 6-foot high solid fencing (or equivalent)/sound wall and berm to mitigate noise along School Road, along the School Road frontage and as required to meet noise standards.
- (9) Location of the USPS Neighborhood Box Unit (NBU), if applicable.
- (10) Location of zone of building exclusion identified within the Fault Evaluation Report prepared by SHN Consulting Engineers.
- (11) Stormwater detention basin identified on Parcel O.
- (12) Lots A and B dedicated for park use and Trail No. 38 on Windsor Avenue
- (13) Existing residences and structures on developed lots, including 64, 66, 70, 72, and 74.

B. Notation

- (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 Tribal Historic Preservation Officers from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe, as well as 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.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this requirement.

- (2) "Hours of construction activity shall be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."
- (3) "Utilities associated with the subdivision shall be placed underground, where feasible."
- (4) "Water and sewer connection fees are due and payable to the MCSD upon a request for services."
- (5) "The subdivision is subject to payment of parkland dedication in-lieu fees of \$69,834 or \$34,917.35, half the parkland dedication fee for all lots, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for second or secondary dwelling units on all lots. Release of the conveyance is contingent upon payment of the balance of the parkland fees. Alternatively, acceptance by the McKinleyville Community Services District of Lots A and B for park use satisfies the parkland requirements."
- (6) "A 6-foot high, solid fencing or sound wall with berm shall be installed along the School Road frontage and as required to mitigate for noise impact. These fences/sound walls/berms shall be maintained for the life of the project."
- (7) "One- and two-story residential structures up to a maximum height of 35 feet are normally permitted in the R-1 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 Plan has been prepared by Spencer Engineering, and development shall be consistent with the Plan to provide adequate solar access consistent with HCC Section 322.5. Development, including second dwelling units, detached accessory buildings and/or additions, at a height, footprint or location other than that specified in the Solar Shading Plan, shall require a site-specific solar shading analysis to demonstrate conformance with this standard."
- (8) "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.”

- (9) “Lots A and B for park use are to be dedicated to, and maintained by, the McKinleyville Community Services District. Lot A will be developed with picnic benches and an 8’ wide trail. Lot B will be improved with a fenced tot lot and an 8’ wide trail.”
8. The applicant shall cause to be recorded a combined “Notice of Development Plan and Notice of 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 (currently \$445.00 plus applicable recordation fees) will be required. The Development Plan and Geologic Report shall also be noticed on the Final Map.
9. 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 \$116.00 per parcel) as required by the County Assessor’s Office shall be paid to the Humboldt 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. Parkland dedication fees of \$69,834.71 shall be paid to the Humboldt County Community Development Services, 3015 H Street, Eureka. Alternately, \$34,917.35, half the parkland dedication fee for the 45 residential lots, 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. Release from the Conveyance and Agreement may be pursued upon payment of the 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 (currently \$445.00) will be required.

Or, the application of a \$69,734.71 credit shall be deemed to meet the required Parkland Dedication Fee requirements, upon acceptance of the dedication and improvements by the McKinleyville Community Services District (MCSD).

12. The applicant shall initiate action on a “Conveyance and Agreement” on forms provided by Humboldt County Community Development Services (Planning Division). Please contact the Planning Division regarding the preparation and scheduling of the necessary agreement. Document review fees will be required.
13. Sound barrier, i.e. 6-foot high fencing/sound wall and berm shall be installed along the School Road frontage and as required to reduce the outdoor noise level to a tolerable consistent with noise standards. These barriers shall be maintained for the life of the project.

14. All proposed residential development shall be consistent with the requirements/recommendations set forth in the R-1 Geologic Hazard Evaluation and Soils Report and the Fault Rupture Hazard Evaluation, including the zone of building exclusion, as approved by Giblin Associates.
15. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$50.00. This is a document handling fee in order to file a Notice of Determination.
16. Prior to recordation of the Final Map, the applicant shall submit a letter from the Regional Water Quality Control Board stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
17. Applicant shall pay to the Humboldt County Planning & Building Department any unpaid balance associated with the processing of this application. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.
18. The above conditions shall be separately satisfied for the Final Map to be recorded for each phase. This shall include the phasing requirements of the Department of Public Works, Land Use Division, in the Memorandum dated March 21, 2011.

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.

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. 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.
3. Site preparation and grading work for subdivision improvements will require a Grading Plan from the Land Use Division of Public Works. Please contact the Land Use Division at 445-7205 for more information concerning permit requirements and processing.
4. The term of the approved Tentative Map shall be 24 months from the effective date of the action except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 326-21 and 326-31 of the Humboldt County Code. The term of any associated permit or variance (e.g., Coastal Development, Special Permit, Planned Development Permit) shall coincide with the term of the approved Tentative Map. If necessary, an extension of the permit or variance may be requested in accordance with the provisions of Section 312-11.3 of the Humboldt County Code.