Conditions of Approval
for the Steve Morris Minor Subdivision

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

Conditions of Approval:

1. All development shall conform to the project description and approved Tentative Map.

2. 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 tentative or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.

3. The conditions on the Department of Public Works memorandum dated May 10, 2021, and revised on May 26, 2022, included herein as Exhibit A, 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.

4. The Planning Division requires that two (2) copies of the Tentative Map be submitted for review and approval.

5. Prior to recordation of the Final Map, the applicant shall submit a letter from the Humboldt Fire Protection District No. 1, stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.

6. Prior to recordation of the Final Map, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements per their letter dated. This requirement shall be administered by the Department of Public Works.

7. Prior to submittal of the Final Map, the applicant shall provide a sign-off from the Post Office on the location of the NBU. Applicant shall cause to be dedicated on the subdivision map additional sidewalk easements as necessary to accommodate

the NBU. This requirement shall be administered by the Department of Public Works.

8. Construction plans shall be submitted for any required road, drainage, landscaping, and pedestrian improvements. Construction plans must be prepared by a Civil Engineer registered by the State of California. This requirement shall be administered by the Department of Public Works.

9. An encroachment permit is required to be obtained prior to construction from the Department of Public Works for all work within the right of way of a County maintained road. This requirement shall be administered by the Department of Public Works.

10. Grading within the subdivision or off-site rights of way shall **not** occur prior to approval of a grading plan by the Department of Public Works. Construction of improvements or grading for this project will not be allowed to occur between October 15 and April 15 without permission of the Department from Public Works.

11. The proposed improvements may require the undergrounding or relocation of existing facilities at the expense of the applicant. Undergrounding of existing facilities, relocation of existing facilities, or construction of new facilities shall be completed prior to constructing the structural section for the roadway. If any utilities are required to be installed as a condition of the tentative map, the utility work shall be completed prior to constructing the structural section for the road. All laterals shall be extended onto each lot and marked in a manner that they will be easily located at the time of individual hookups. A letter of completion of all work from each involved utility company shall be submitted prior to constructing the roadway structural section. Any utilities that need to be relocated shall be done solely at the subdivider's expense. This requirement shall be administered by the Department of Public Works.

12. 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 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.

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 after the Planning Commission and/or Board 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.

14. Unless subdivision improvements in Attachment 1, Exhibit A, are completed or a Subdivision Agreement is entered into prior to filing of the Tentative Map, a Notice of Subdivision Improvement Requirements shall be recorded for the subdivision pursuant to Government Code Section 66411.1. The Notice shall be on forms provided by the Planning Division and all applicable recording fees shall apply.

15. 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) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program;

(3) Development standards including setbacks, maximum lot coverage, maximum height and four (4) parking spaces on Parcel 1 and Parcel 2 consistent with Section 314-109.1 Humboldt County Code;

(4) The location of the seasonal wetland and drainage feature shown on the revised tentative map (dated 8-1-22), as well as the boundary of the streamside management area (SMA) and wetland setback, located at a distance of 50 feet from the edge of these features, measured from the top of bank or edge of riparian dripline, whichever is greater. The SMA and wetland setback shall be labeled “non-buildable”.

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 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 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) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday."

(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 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) "The subdivision is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."

(6) "Tree removal and vegetation clearing associated with the Project should be conducted outside of the bird breeding season (the nesting season is generally considered to be March 1 – August 15) in order to avoid 'take' as defined and prohibited by Fish and Game Code (FGC) §3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq.). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with CDFW to avoid take."

(7) Common development and land management activities that ordinarily are principally permitted (such as grading, residential development, tree removal, etc.) are highly restricted within the streamside management and wetland area setback shown on this plan. A Special Permit may first be required unless involving an exempt or authorized activity identified in the Streamside Management Area and Wetlands Ordinance (SMAWO - sections 314-61.1.4 and 314-61.1.9.2). Authorized activities include:

- Development permitted within stream channels authorized under Standard BR-S6 of the Humboldt County General Plan, including:

  A. Fishery, wildlife, and aquaculture enhancement and restoration projects.
  B. Road crossings consistent with Standard BR-S9, Erosion Control, of this section.

C. Flood control and drainage channels, levees, dikes, and floodgates.
D. Mineral extraction consistent with other County regulations.
E. Small-scale hydroelectric power plants in compliance with applicable County regulations and those of other agencies.
F. Wells and spring boxes, and agricultural diversions.
G. New fencing, so long as it would not impede the natural drainage or wildlife movement and would not adversely affect the stream environment or wildlife movement.
H. Bank protection, provided it is the least environmentally damaging alternative.
I. Other essential projects, including municipal groundwater pumping stations, provided they are the least environmentally damaging alternative, or necessary for the protection of the public's health and safety.

- Timber management and harvest activities under a timber harvesting plan or non-industrial timber management plan, or activities exempt from local regulation as per California Public Resources Code 4516.5(d), provided that cottonwoods are retained and remaining willows and alders, as well as other unmerchantable hardwoods or shrubs should be protected from unreasonable damage.
- Road, bridge, and trail replacement or construction, when it can be demonstrated that it would not degrade fish and wildlife resources or water quality, and that vegetative clearing is kept to a minimum.
- Removal of vegetation for disease control or public safety purposes.
- Normal, usual and historical agricultural practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.
- Normal, usual and historical agricultural and surface mining practices and uses which are principally permitted within the SMA shall not be considered development for the purposes of this standard.

Exempt activities include:

- Routine maintenance activities associated with existing public or private facilities such as the replacement of culverts and related structures pursuant to a Lake or Streambed Alteration Agreement (LSAA)
- removal of trees with a diameter of less than 12 inches (38-inch circumference)
- removal of trees from within a contiguous or non-contiguous area of less than 6,000 square feet as measured under the tree canopy
- grading and construction activities associated with onsite wells and sewage disposal systems for single-family dwellings which have received all required County and State permits.

Activities that could result in significant environmental impacts are not exempt from the SMAWO regulations and include work that will expose more than 2,000 square feet of soil to erosion or occur on slopes greater than 15%.

(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 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."

16. 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 (currently $435.00 plus applicable recordation fees) will be required. The Development Plan shall also be noticed on the Parcel Map.

17. All activities related to the removal of trees under this permit shall be in strict conformance with the applicable County's Small Woodland Performance Standards (copy available from the Planning Division) in addition to Forest Practice Rules Section 1038 and applicable sections of 1104.1. An executed copy of the Small Woodland Performance Standards shall be submitted to the Department prior to commencement of the harvest operation.

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 suspected archaeological resources are encountered during the project: 11. 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, the Calfire project representative (if applicable) and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and Cal-FIRE official 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.

3. 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.