

CONDITIONS OF APPROVAL

Conditions of Approval for the Subdivision

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

1. The applicant must record a Notice of Lot Line Adjustment prior to the recordation of the Parcel 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 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.
4. The conditions on the Department of Public Works memorandum dated September 19, 2024, included herein as Exhibit B, 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.
5. As recommended by the drainage report prepared by Candor Rock, Inc on February 23, 2024, prior to developing each new parcel, the developer shall mitigate the potential changes to stormwater runoff based on proposed development footprint. These mitigations shall be consistent with the recommendations of the drainage report, but alternatives may be explored with future analysis from an engineer. The recommended mitigations are dependent on an assumed development footprint of 3,000 square feet on each parcel.

The recommended mitigations are a self-retaining swale on Parcel 1 and self-retaining depressed areas on Parcels 2 through 4. Please review the drainage report for recommended dimensions.

6. As requested by CDFW, the applicant shall plant locally appropriate native species in the wetland and its 50 foot streamside management area buffer in an effort to reduce the impact of the reed canary grass present in the wetland and increase biodiversity.
7. As requested by CalFIRE, the proposed residence on Parcel 1 shall be constructed in accordance with requirements from Chapter 7A of the California Building Code, maintaining defensible space extending out to 30 from the residence or to the property line, whichever is closer, and installing hardscaping or another non-combustible material extending five feet from the furthest extent of the building perimeter. Any future development requiring exemptions from CalFIRE shall conform to the requirements requested by CalFIRE for each exemption.
8. Prior to recordation of the Parcel Map, the applicant shall submit a letter from the Humboldt No. 1 Fire Protection District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
9. The applicant shall review the demolition and construction conditions listed in the referral response from Humboldt Community Services District (HCSD) dated July 25, 2024, attached herein as Attachment 4.
10. The Planning Division requires that two (2) copies of the Parcel Map be submitted for review and approval.
11. 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.
12. The applicant shall submit at least three copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give the detailed specifications as to the development and improvement of the site and the following site development details:
 - a. Mapping:
 - i. Topography of the land in 10 foot contour intervals;
 - ii. Details showing conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. HCC), including but not limited to:
 - (1) Road and driveway access standards (i.e., road width, roadway surface, roadway grades, roadway structures, etc.)

- (2) Signing and building numbering standards (i.e., road name signs, building address signs, etc.)
- (3) Emergency water standards (i.e., placement of fire hydrants, 2,500 gallon individual emergency water supply, etc.)
- (4) Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.)
- iii. The location of all necessary easements, including water line and other utility easements as necessary;
- iv. Four off-street parking spaces on all lots consistent with Section 314-109.1 of Humboldt County Code;
- v. The location of the wetland and the 50 foot Streamside Management Area buffer surrounding said wetland, as identified in the Botanical Resources Assessment prepared by Kyle Wear in June 2023.
- vi. Proposed improvements including streets, sidewalks, driveways, drainage and stormwater detention facilities, community services facilities, and access easements, as applicable, including areas designated as treatment areas for Low Impact Development techniques and demonstrating compliance with the MS4 program.

b. Notes to be placed on the Development Plan:

- i. "If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call the Calfire project representative, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe; 3. The professional historic resource consultant, Tribes and Calfire 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. 5. 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 is ultimately responsible for ensuring compliance with this condition.”

- ii. “To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as described in Section 3111-1 et seq. of Humboldt County Code. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection.”
- iii. “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.”
- iv. “Construction activities shall be restricted to hours between 7:00 am and 6:00 pm, Monday through Friday, and 9:00 am and 6:00 pm on Saturday. No construction activity may occur on Sunday. All proposed uses must comply with the noise standards identified in Table 13-C of the General Plan.”
- v. If applicable, “Development rights for accessory 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 and application for and 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.”
- vi. “Any tree removal, such as that necessary for defensible space, should be conducted outside of nesting season (generally March 15 through August 15) to avoid impacts to native resident and migratory bird species. If tree removal

outside of nesting season is unfeasible, the property owner or permittee shall contract with a qualified biologist to survey for active bird nests no more than seven days prior to tree removal or significant trimming. If an active nest is found the property owner or permittee shall 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.”

- vii. “Invasive plant species shall not be utilized for landscaping. The Cal-IPC Inventory provides a list of the most problematic species. Native plant species appropriate to coastal northern California are encouraged and provide aesthetic and habitat values while requiring minimal watering and maintenance.”
- viii. “Notice is given pursuant to Government Code Section 66411.1 that the subdivision improvement requirements in Exhibit A to Attachment 1 of PLN-2024-19033 shall be completed to the satisfaction of the Department of Public Works, pursuant to Section 2.15 of the above-mentioned Subdivision Requirements.”
- ix. “This 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.”
- x. “The policies of the Eureka Community Plan (Section 4420.2) require at least five acres of usable parkland be dedicated for parkland. The land dedication shall be required when at least 51 lots are created through subdivision. While the dedication of parkland shall not be required until 51 lots are created, no subdivision of land shall occur without a determination being made as to where the park will be located in the future plan.”
- xi. “Prior to developing each new parcel, the developer shall mitigate the potential changes to stormwater runoff based on proposed development footprint. These mitigations shall be consistent with the recommendations of the drainage report, but alternatives may be explored with future analysis from an engineer.

The recommended mitigations are a self-retaining swale on Parcel 1 and self-retaining depressed areas on Parcels 2 through 4. Please review the drainage

report prepared by Candor Rock, Inc. on February 23, 2024, for recommended dimensions.”

- xii. “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.”

13. The applicant shall ensure the Development Plan is referenced on the Parcel 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 A.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, no fee is required, provided the applicant enters into a Conveyance and Agreement of development rights with the County of Humboldt for accessory dwelling units on Parcels 1-3. Release from the Conveyance and Agreement may be pursued upon payment of the \$6,177.69 parkland dedication fee balance. A copy of the Conveyance and Agreement for with *pro rata* updated dedication payment amounts for each lot calculated will be provided by the Planning Division upon the election of this option by the applicant after 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 an accessory 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 \$460) will be required.
16. 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 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 must be contacted.

B. REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE LOT LINE ADJUSTMENT:

1. A Record of Survey shall be filed unless this requirement is waived by the County Surveyor. The requirement for a Record of Survey may be waived if, in the opinion of the County Surveyor, any one of the following findings can be made:
 - a. The new boundary line(s) are already adequately monumented of record.
 - b. The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
 - c. The new boundary line(s) can be accurately described and located from existing monuments of record.
 - d. The new boundary is based upon physical features (i.e., roads, creeks, etc.) which themselves monument the line.

2. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" form for each parcel.
 - d. 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 per notice plus \$300.00 for each additional legal description plus applicable recordation fees).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
4. 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 \$108.00 per parcel) as required by the County Assessor 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.
5. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, if applicable.
6. Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been 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 Notice of Lot Line Adjustment to satisfy this condition. Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

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 Planner on Duty, or 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. 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. 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.

4. Parkland Dedication Fee Calculations

	<i>130</i>	<i>130 square feet of parkland dedication per person for new subdivisions</i>
<i>×</i>	<i>2.30</i>	<i>Persons per average household (per 2020 U.S. Census)</i>
<i>=</i>	<i>299</i>	<i>Parkland dedication per average household in square feet</i>
<i>÷</i>	<i>43,560</i>	<i>Square feet per acre</i>
<i>=</i>	<i>0.00686</i>	<i>Parkland dedication per average household in acres</i>
<i>×</i>	<i>3</i>	<i>Number of new parcels being created by the subdivision</i>
<i>×</i>	<i>2</i>	<i>Number of dwellings per legal parcel or lot, including potential second units</i>
<i>×</i>	<i>100%</i>	<i>Percentage of these parcels within the ECP Area</i>
<i>×</i>	<i>\$150,000</i>	<i>Value of one acre of land in the vicinity of the subdivision project</i>
	<i>\$6,177.69</i>	<i>Parkland Dedication in lieu Fee</i>

Conditions of Approval for the Lot Line Adjustment

C. APPROVAL OF THE LOT LINE ADJUSTMENT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE COMPLETION OF THE PROJECT

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
 - d. 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 per notice plus \$300 for each additional legal description, plus applicable recordation fees).
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. 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 \$108.00 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.
4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been 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 Notice**

of Lot Line Adjustment to satisfy this condition. *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.*

6. 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 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 must be contacted.

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed. Issuance of a building permit will require demonstration of applicable development standards at the time a permit is requested.

3. This permit, including the Lot Line Adjustment shall expire and become null and void at the expiration of three (3) years after all appeal periods have lapsed (see "Effective Date"). This approval may be extended in accordance with the Humboldt County Code.