

Conditional Certificate of Compliance

Draft Conditions

Before a building permit or other approval for development may be granted to a parcel not created by a parcel or final map in accordance with the State Subdivision Map Act, the property owner must complete those conditions the County would have applied to the subdivision of the land had it been lawfully subdivided. The following are tentative conditions that would be applied to properties seeking subdivision certifications on Titlow Hill.

Legal and Adequate Access

- Provide evidence of insurable, legal access to the property from a County maintained road.
- Demonstrate access consistent with the County Subdivision Regulations and the State SRA Fire Safe Regulations. Requirements include minimum roadway width, maximum roadway grade, vehicular turnouts, and if the access road is a dead-end road, the road shall not exceed the maximum dead-end road length under the Fire Safe Regulations unless an exception is secured from CALFIRE. Road improvements shall be made in accordance with the parcel-specific Road Plan developed for the Titlow Hill General Plan and Zone Reclassification Amendment Project. Security for implementation of the parcel's fair share agreement for capital improvement costs shall be provided to the satisfaction of the Department of Public Works and the agreement shall be recorded against the subject real property.
- Provide evidence that the property owner has formed/joined the Road Maintenance Association (RMA) or Associations for the improvement and maintenance of the road network serving the parcel consistent with the Public Works Road Plan.
- Demonstrate that the driveway serving the parcel meets the standards of the Fire Safe Regulations unless an exception is secured from CALFIRE.

Domestic Water Supply

- Provide evidence of dry weather water production testing, in accordance with County Division of Environmental Health (DEH) Standards, demonstrating that DEH minimum requirements for water production can be met. If water is obtained from an off-site source, evidence of recorded easements and deeded water rights shall be submitted. The location of the water source and all easements shall appear on the Development Plan.
- If the domestic water source is a surface water diversion, to include a stream, spring or hydrologically-connected shallow well, provide a copy of the Lake and Stream Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and if applicable the Small Domestic Use Registration from the State Department of Water Resources. If the LSAA requires forbearance during the summer low flow period, demonstrate that the parcel will have sufficient water storage for the specified time period. If metering of the diversion is required by the LSAA this requirement shall also appear on the Development Plan.

On-Site Waste Treatment System

- Provide evidence of wet weather onsite wastewater disposal suitability testing in accordance with County Division of Environmental Health (DEH) Standards, or an alternate acceptable to DEH, demonstrating that minimum requirements for on-site waste treatment systems (OTWS) can be met. A suitable reserve leachfield location shall be identified. The location of the primary and reserve leachfield areas shall appear on the Development Plan.

Suitable Building Site

- Submit a geotechnical report (R-1 or R-2 as dictated by the Geologic Hazard Matrix) addressing geologic hazards and identifying that there is a suitable and appropriate building site shall be submitted for review and approval. The report shall be based on site specific studies and be prepared consistent with land use regulations (Title III, Land Use and Development, Division 3, Building regulations, Chapter 6 –Geologic Hazards). The report shall demonstrate that the site development for roads, sewage disposal systems, water storage and building pads and other improvements will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards. If the report recommends specific development setbacks these shall be made part of the Development Plan.
- Complete any remedial actions contained in the conclusions and recommendations set forth in the approved geotechnical report.
- Demonstration of conformance with provisions of the County's Fire Safe Regulations (Section 3111-1 et seq. H.C.C.), 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.); and 4) Fuel modification standards (i.e., setbacks for structure defensible space of at least 30 feet, greenbelts, etc.).

Protection of Open Space

- Submit a cultural resources survey, prepared by a qualified archaeologist, for review and approval of both Humboldt County in consultation with the affected Tribal Government's Tribal Historic Preservation Officer (THPO). The survey must be able to demonstrate, to the satisfaction of the County and the THPO that there will be no impacts significant cultural resources as a result of existing post-divisional development activities or future development of the parcels. Should there be recommendations for avoidance from ground disturbing activities or requiring on-site cultural monitors during grading or construction this shall be noted on the Development Plan.
- Submit a biological report prepared by a qualified biologist addressing the presence of sensitive habitat (as defined in Section 3420 of the Framework General Plan) and/or special status plant and animal species for review and approval by the Planning Director in consultation with the California Department of Fish and Wildlife (CDFW). The report shall be based on site specific studies and be prepared in accordance with standards acceptable to the CDFW. Mapped sensitive areas and buffers in accordance with the report's recommendations and restrictions for new development of the parcels shall be made part of a Development Plan.
- If the biological report determines that remedial measures to restore habitat affected by development which occurred post-division, a restoration plan prepared by the biologist shall be submitted for review and approval by the Planning Director in consultation with the CDFW. The plan shall include performance criteria, schedule, cost estimate. A performance security to ensure completion of the work shall be provided. If restoration activities are located in any of the

mapped Streamside Management Areas or Other Wet Areas, a Special Permit must be obtained before certification of the parcel.

Other Requirements

- o The property owner shall submit three (3) copies [4 copies if using on-site water or waste water systems] of a Development Plan for the property to the Planning and Building Department for review and approval. [One (1) copy of the plan will be forwarded to the Division of Environmental Health for their approval.] The Development Plan controls the development and use of the property, and the requirements are binding and enforceable by the County unless subsequently modified by the Planning Director. The plan shall be drawn to scale and give detailed specifications as to the development and improvement requirements applicable to the site, and shall include the following site development details:

A. Mapping

- (1) Topography of the land in ___-foot contours.
- (2) Details showing conformance with provisions of the State Fire Safe Regulations
- (3) All easements, including off-site water source and transmission lines
- (4) Location of primary and reserve leachfield areas
- (5) Development setbacks for geologic safety
- (6) Streamside Management Area and Other Wet Area and buffers

B. Notes to be placed on the Development Plan

- (1) "To ensure continued compliance, property owners are responsible for annual maintenance of the parcels to Fire Safe and wildfire protection standards as required for those items listed under A(2) of the Development Plan Details, above. Compliance with these provisions is subject to inspection by the California Department of Forestry and Fire Protection."
- (2) "The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq.*) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas. Exceptions to the 30-foot setback requirement may be pursued upon demonstration of providing the "same practical effect" of the setback through a combination of construction material choices, non-flammable vegetative buffers, and other design features. Contact the Planning and Building Department for further information."
- (3) [insert inadvertent discovery protocol here]
- (4) [insert forbearance agreement period and restriction if required by LSAA for diversionary surface water source]
- (5) [insert note requiring conformance with cultural resources report recommendation, if applicable]
- (6) "Development activities, including grading and construction, shall adhere to the following best practices:
 - a. [insert here the tree cutting restriction during nesting season unless a survey has been conducted for nest by a qualified biologist]
 - b. Fuel shall be stored and handled in compliance with all applicable state and local laws and regulations, including the County of Humboldt's Certified United Program Agency (CUPA) Program, and in such a way that no spillage occurs.
 - c. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp,

coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring or strangling wildlife.

- d. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
 - e. All refuse shall always be contained in wildlife-proof storage containers and shall be disposed of at an authorized waste management facility.
 - f. Obtain all necessary County and State permits and licenses for the work, as applicable, and meet all other requirements set forth by other regulatory agencies.
- (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 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."

- o The property owner shall record a "Notice of Development Plan" 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 \$135.00 plus applicable recordation fees) will be required.
- o The property owner shall execute and file with the Planning Division the statement titled "*Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County*", ("Right to Farm" ordinance) as required by Section 314-43.2 of the Humboldt County Code and available at the Planning Division.
- o Submit a Record of Survey prepared by a qualified person documenting the property boundaries or demonstrate to the satisfaction of the County Surveyor that the subject real property can be described using existing survey data.
- o Submit a processing deposit and Department referral fees as necessary for the review of the above listed information.