AGENDA

RIO DELL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, OCTOBER 23, 2018 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.....*By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

1) 2018/1023.01 - Approve Minutes of the September 25, 2018 Regular Meeting **(ACTION)** 1

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

1) 2018/1023.02 - Adopt Resolution No. PC 134-2018 Approving Whitlow Lot-Line Adjustment- File No. 205-111-044 – Case No. LLA 18-02 **(ACTION)** 10

H. STAFF COMMUNICATIONS

I. ADJOURNMENT

In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

The next Regular Planning Commission meeting is scheduled for Tuesday, November 27, 2018 at 6:30 p.m.

RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 25, 2018

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:30 p.m.

Present were Commissioners Angeloff, Kemp, Marks, Woodall and Planning Commission Alternate Richter. Absent was Commissioner Strahan.

Others present were Community Development Director Caldwell and City Clerk Dunham

CONSENT CALENDAR

Motion was made by Kemp/Richter to approve the consent calendar including the minutes of the August 28, 2018 regular meeting. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-133-2018 Approving a Conditional Use Permit (CUP) for Chris Dazzi Subject to Conditions of Approval – File No. 052-021-008 - Case No. CUP-18-02

Community Development Director Caldwell reviewed the staff report recommending approval of an application for a Conditional Use Permit for an exception to the size and height limits for detached accessory buildings on parcels larger than 20,000 square feet. He noted that the size limitation for detached accessory buildings on parcels larger than 20,000 square feet is 1,500 square feet with a height of no more than 20 feet. Mr. Dazzi is proposing a detached 1,680 square foot metal building with a height of approximately 28 feet.

He explained that through the CUP process, the Planning Commission can modify the height and floor area requirements upon showing of good cause provided the required findings could be made.

Community Development Director Caldwell continued with review of the required findings and zoning/land use requirements for the Suburban Low (S) zone. He noted that the proposed project complies with the required 20-foot front, rear, and

side yard setbacks and complies with the 25% lot coverage requirements of the zone with the lot being approximately 3.7 acres. He said that based on the information submitted, staff believes the proposed structure would be compatible with the character of the surrounding neighborhood and consistent with the Suburban (S) land use designation and all other applicable provisions of the Zoning Regulations.

Community Development Director Caldwell noted that staff only received one call from a surrounding neighbor regarding the proposed project and said she was looking for more information, which she found online. He said the only recommended condition of approval is that the applicant pays the application processing fees within 30 days of billing.

Commissioner Woodall referred to the floor plan of the building with stairs on the outside going to the second floor and asked if the intent is to use the second story for living quarters.

Mr. Dazzi indicated that the second story of the building would be used as a weight room.

Commissioner Marks asked what the distance was from the building to the existing residential dwelling and asked if the call from a neighbor was related to a complaint.

Community Development Director Caldwell said the building would be located approximately 150 feet from the dwelling on an existing concrete slab. The person that called did not have a complaint but merely wanted to get more information about the proposed project.

Commissioner Marks commented that she thought that the maximum building height was 35 feet and asked what the proposed height is for this building.

Community Development Director Caldwell explained that the 35 foot height limitation only applies to residential structures; detached accessory buildings are limited to a height of 20 feet.

Mr. Dazzi commented that the height of his building from the ground to the peak is approximately 28 feet. He said his plan is to park a mini excavator inside the building, which is the reason for the requested height exception.

Commissioner Angeloff called for public comment on the proposed Conditional Use Permit application.

Sue Strahan asked for the location of the property due to the proximity of her mother's home on Nally Lane.

Mr. Dazzi explained that the address of the property is 131 Webster St. and driving up Webster St., his parcel is the first gravel driveway to the left. He said the building would be located approximately 130 feet south of his house.

Sue Strahan commented that Mr. Dazzi's house looks nice and the creek looks good so she had no objections to the proposed project.

Commissioner Marks said her only concern was that with the stairs to the second story located on the outside of the building, that the second story could potentially be converted to a secondary dwelling unit.

Community Development Director Caldwell explained that a secondary dwelling would be allowed under the current zoning regulations provided the proper building permits were obtained.

Motion was made by Kemp/Richter to approve *Resolution No. PC 133-2018 Approving a Conditional Use Permit (CUP) for Chris Dazzi Subject to Conditions of Approval.* Motion carried 5-0.

<u>Approve Resolution No. PC 132-2018 Recommending the City Council establish Vacation Dwelling Unit Regulations, Section 17.30.3354 of the Rio Dell Municipal Code (RDMC)</u>

Community Development Director Caldwell reviewed the staff report recommending approval of a resolution recommending the City Council establish Vacation Dwelling Unit Regulations.

He explained that he was approached by a local resident (Cindy Fisher), who was interested in renting out her second unit as a vacation dwelling unit. He said since

the City's current zoning regulations don't allow for Air B&B's or Vacation Dwelling Units, staff informed her that proposed regulations would be brought before the Planning Commission and City Council for consideration.

He reviewed the difference between Vacation Dwelling Units and Bed and Breakfast Inns and explained that the owner/operator does not have to reside in the Vacation Dwelling Unit or serve food such as they do in a Bed and Breakfast Inn.

He pointed out Bed and Breakfast Inns are allowed in the Town Center (TC), Neighborhood Center (NC), Suburban (S), Suburban Residential (SR), Rural (R), and Suburban Median (SM) zones within the City. He said staff worked with the Fire District in preparing the draft regulations and has incorporated their suggestions into the draft document.

Community Development Director Caldwell then reviewed the seven (7) potential talking points listed in the staff report and said provided the applicants comply with the provisions as adopted; approval of an application for the operation of a Vacation Dwelling Unit is ministerial.

Sue Strahan commented that putting a time frame on the length of time visitors are allowed on the premises is over-regulating them in her opinion.

Commissioner Woodall commented that she lives next door to a vacation rental and has no problem with it. She said the owner has limits on the number of people on the premises at one time however; there have been instances where there have been more people than what is allowed for things such as graduation parties and other family gatherings. She noted that there are more problems with dogs running up and down her neighborhood than activities associated with the vacation rental. She questioned the reason for requiring the applicant to designate an emergency contact that lives within 30 miles of the unit and that the emergency contact information is provided to property owners within 300 feet of the property.

Community Development Director Caldwell indicated the reason for having a close emergency contact is for emergencies such as plumbing problems etc.

Sue Strahan commented that when someone rents a vacation unit, they have contact information for the owner or agent.

Commissioner Marks said she didn't have a problem with providing neighbors with emergency contact information.

Commissioner Woodall expressed concern about imposing regulations on vacation rentals that aren't imposed on regular rental units.

Community Development Director Caldwell stated that he felt the regulations were reasonable and that they wouldn't discourage a potential applicant from applying for a permit to operate.

Sue Strahan indicated that there is an existing vacation rental next to where she lives and that the owner informed the neighbors and provided everyone with his contact information in the event there were any problems.

Councilmember Marks expressed concern regarding parking and referred to Lincoln City regulations.

Community Development Director Caldwell referred to the proposed parking regulation narrative under (7)(e) of the Development Standards, which stated, "*Existing off-street parking spaces shall be reserved for occupants of the vacation dwelling unit. Occupants shall be encouraged to park in existing, legal off-street parking spaces, in order to minimize impacts to on-street parking.* "

Commissioner Marks suggested the idea of imposing a penalty if the tenants don't comply with the parking regulations.

Community Development Director Caldwell noted that the current zoning regulations require two (2) off-street parking spaces per residential dwelling unit but not all parcels have two (2) spaces.

Commissioner Angeloff suggested inserting language to say that parking must remain within the perimeter of the property.

Community Development Director said another option would be to require that all units with two (2) or more bedrooms have two (2) off-street parking spaces.

Commissioner Woodall reiterated her concern that the proposed regulations for vacation rentals have more requirements than regular rental units have and

pointed out that regular rentals are not inspected to make sure they have smoke alarms and carbon monoxide detectors.

Commissioner Marks commented that insurance companies require periodic inspections of rental properties.

Community Development Director Caldwell pointed out that vacation dwelling units are similar to hotels.

Sue Strahan commented that she agreed with Commissioner Woodall that the proposed regulations over-regulate vacation rentals.

Commissioner Angeloff questioned the City's liability by not requiring such things as smoke alarms.

Community Development Director Caldwell noted that the City would likely be liable if it allowed a vacation dwelling unit to be in operation without requiring those things and were to burn down. He noted that the Building Code requires verification of proper smoke and carbon monoxide alarms when improvements over $1,000 are done on a residential dwelling unit.

Commissioner Woodall said her concern is more about the lack of regulations for regular rental units, which is getting away from the item being discussed.

Community Development Director Caldwell indicated that a Rental Inspection Program might be something to bring to the City Council for possible consideration.

Related to the proposed Vacation Dwelling Regulations, Commissioner Marks said she would like to see the parking requirements better defined.

Commissioner Richter said with regard to the requirement to provide all property owners within a 300 foot radius, emergency contact information, suggested it be amended to include notification only to properties that are contiguous to the vacation dwelling unit and perhaps properties directly across the street.

Community Development Director Caldwell noted that it would probably include properties within 100-foot radius.

Sue Strahan asked if an applicant would be required to fill out a new application each time the dwelling was rented.

Community Development Director Caldwell explained the applicant would only be required to complete the initial application.

Kathleen Kemp asked if there would need to be a limit on the total number of vacation dwelling units in the City.

Commissioner Angeloff commented that the regulations could always be amended if that became a problem.

Commissioner Angeloff asked if residents would be notified once the new regulations are in effect.

Community Development Director Caldwell indicated that the information could be included in the next City Newsletter.

Community Development Director Caldwell reviewed the suggested modifications to the draft regulations, which included the following:

- **Emergency Contact** – Emergency contact information shall be provided to property owners **within 100 feet** of the property.

- **Notice** – Property owners **within 100 feet** of the property shall be notified of the approval of the Vacation Dwelling Unit.

- **Visitors** – There shall be no restrictions on visiting hours.

- **Parking** – Vacation Dwelling Units must comply with current residential parking standards, which are two on-site parking spaces for each Vacation Dwelling Unit.

A brief discussion continued regarding fees for Life-Safety inspections, Business License fees, and Transient Occupancy Tax requirements.

Motion was made by Woodall/Angeloff to approve *Resolution PC 132-2018 Recommending the City Council Establish Vacation Dwelling Unit Regulations, Section*

17.30.335 of the Rio Dell Municipal Code (RDMC) as amended. Motion carried 5-0.

STAFF COMMUNICATIONS

Commissioner Angeloff commented that he missed the County Board of Supervisors meeting regarding the ADA Library and asked Sue Strahan for an update on results of that discussion.

Sue reported that the Board reviewed the options and both she and Councilmember Garnes addressed the Board on the need to retain the library in Rio Dell. Chris Dart from Danco was called requesting a 2-week extension for the Board to make a decision on whether to abandon the idea of including space for a library at the Danco site on Rigby. She indicated that the Board did not seem supportive of the Danco option for the library. At the end of the discussion, the Board voted unanimously to continue the discussion until their next meeting on October 9 to allow the County and the City to form a potential partnership to place a modular library unit at City Hall.

Commissioner Marks commented that she would like to see the City purchase 255 Wildwood Ave. and renovate the property for a multi-purpose community center/library.

Community Development Director Caldwell explained the process involved in cleaning up a Brownfields site and the process for obtaining grant funding to facilitate the cleanup.

Commissioner Angeloff asked if the Planning Commission could direct staff to bring back information on the matter.

Community Development Director Caldwell said he would bring the subject up at the next staff meeting.

ADJOURNMENT

The meeting adjourned at 7:35 p.m. to the October 23, 2018 regular meeting.

_____
Nick Angeloff, Chair

Attest:

_____
Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

For Meeting of: October 23, 2018

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: October 15, 2018

Subject: **Whitlow Lot Line Adjustment:** An application for a lot line adjustment between two parcels where about 22,700 square feet will be adjusted from one parcel to the other parcel. The approved lot line adjustment will result in two parcels of 1.11 acres and 2.01 acres.

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment;

2. Open the public hearing, receive public input, close the public hearing and deliberate;

3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building regulations and is Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations

4. Adopt Resolution No. PC 134-2018 approving the proposed lot line adjustment.

Summary

Randy Whitlow recently submitted an application for a lot line adjustment between two parcels where about 22,700 square feet will be adjusted from one parcel to the other parcel. The approved lot line adjustment will result in two parcels of 1.11 acres and 2.01 acres. A copy of the Referral is included as Attachment 1.

Based on a review of the Preliminary Title Report, current deeds and creation documents, staff has determined that the parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations. Although there are four Assessor Parcel Numbers (APN's), there are only two legal parcels. The existing parcels were created by lot line adjustment when the parcels were within the County's jurisdiction. A notice of Lot Line Adjustment and Certificate of Subdivision Compliance was recorded for the resulting parcels on August 15, 2011, Document No. 201-17119-5.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments ***shall*** be approved if the required findings can be made. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 16.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment **shall** be approved or conditionally approved when there is compliance with all of the following approval criteria:

(1) The application is found to be complete; and

(2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and

(3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

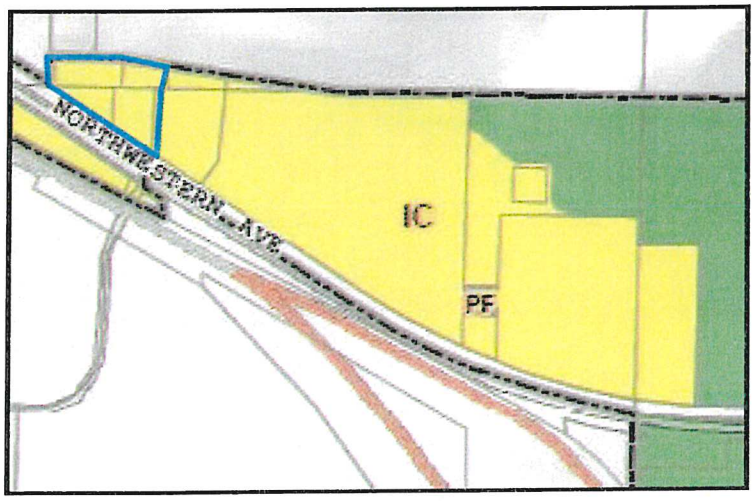
The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deeds, creation documents and copies of a Preliminary Title Report (PTR) for each of the parcels.

2. Subdivision Map Act Compliance

As previously indicated, the parcels were created in compliance with State and local regulations. The current and creation deeds/documents are included as Attachment 2.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. The minimum parcel size is 20,000 square feet.



A copy of the Industrial Commercial development standards are included as Attachment 3.

The proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities.

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot lines adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

Attachment 1: Project Referral and Maps
Attachment 2: Current Deeds, Title Report and Notice of Lot Line Adjustment
Attachment 3: Industrial Commercial Development Standards
Attachment 4: Conditions of Approval
Attachment 5: Resolution No. PC 134-2018

CITY OF RIO DELL CALIFORNIA

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

Community Development Department

Project Referral

Date: October 9, 2018

To:
- ☑ Public Works
- ☑ Rio Dell Fire District
- ☑ Rio Dell Police Department
- ☐ County Environmental Health
- ☐ County Planning Department
- ☐ Regional Water Quality Control Board
- ☑ Fortuna Fire District
- ☑ Rio Dell City Manager
- ☐ Department of Toxics and Substance Control
- ☐ Caltrans District #1
- ☐ Fish and Wildlife
- ☑ Applicant/Agent

Applicant: Randy Whitlow
Address: P.O. Box 767
City/State/Zip: Miranda, CA. 95553
Telephone:
Email:

Agent: Wally Wright
Address: 1660 Newburg Road
City/State/Zip: Fortuna, CA. 95540
Telephone: 725-9490
Email: wew4851pls@gmail.com

Assessor Parcel Number(s): 205-111-044, 051 and 205-171-013, -014

General Plan/Zoning: Industrial Commercial

Project Description: . A lot line adjustment between two parcels where about 22,700 square feet will be adjusted from one parcel to the other parcel. The approved lot line adjustment will result in two parcels of 1.11 acres and 2.01 acres.

Project Location: The project site is located at the former Eel River Sawmill site, just off of Northwestern Avenue on properties known as 625 and 675 Northwestern Avenue.

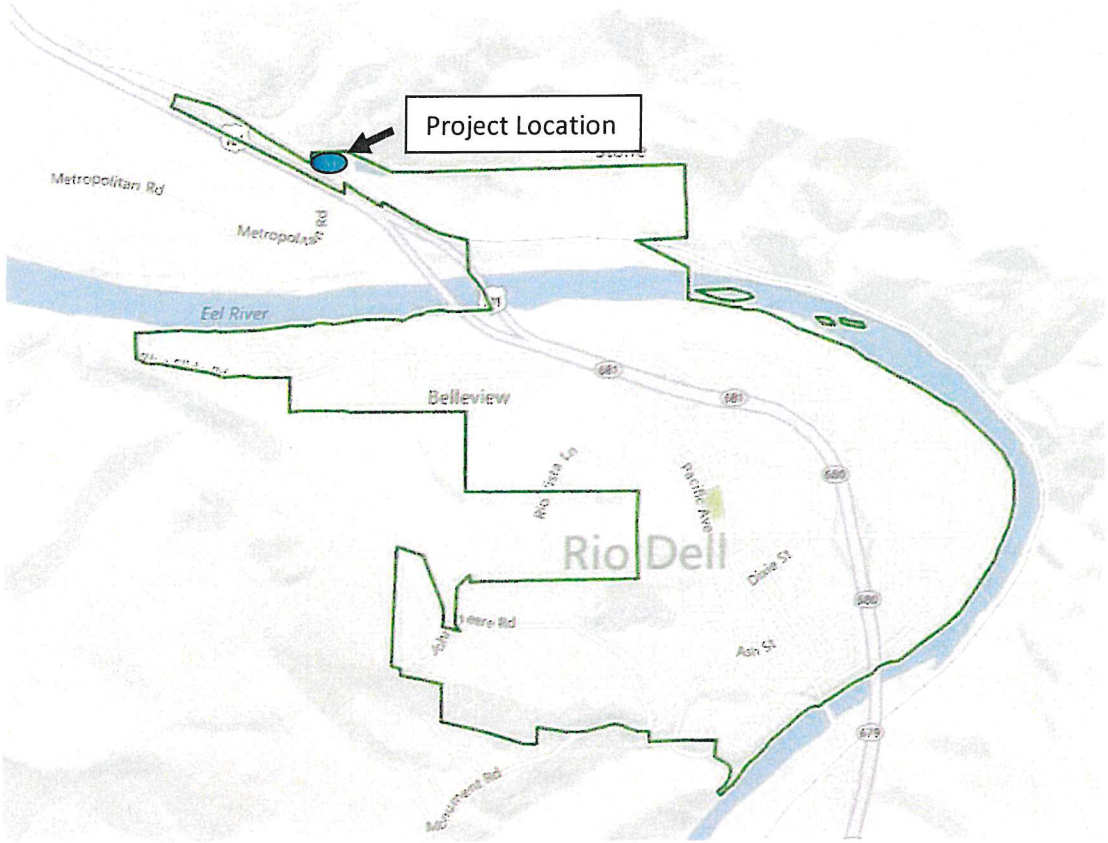
Please review the attached information regarding the above referenced project and provide your comments with any recommended conditions of approval **within 10 working days** of the above date. If no response is received or a request for an extension is not received within 10 working days of the above date, it will be assumed that your agency has no comments or concerns regarding the project. **The project is scheduled to be heard at the Planning Commission meeting of October 23, 2018.**

If you have any questions concerning the project, please contact Kevin Caldwell, Community Development Director between 8:00 a.m. and 5:00 p.m. Monday through Thursday at (707) 764-3532.

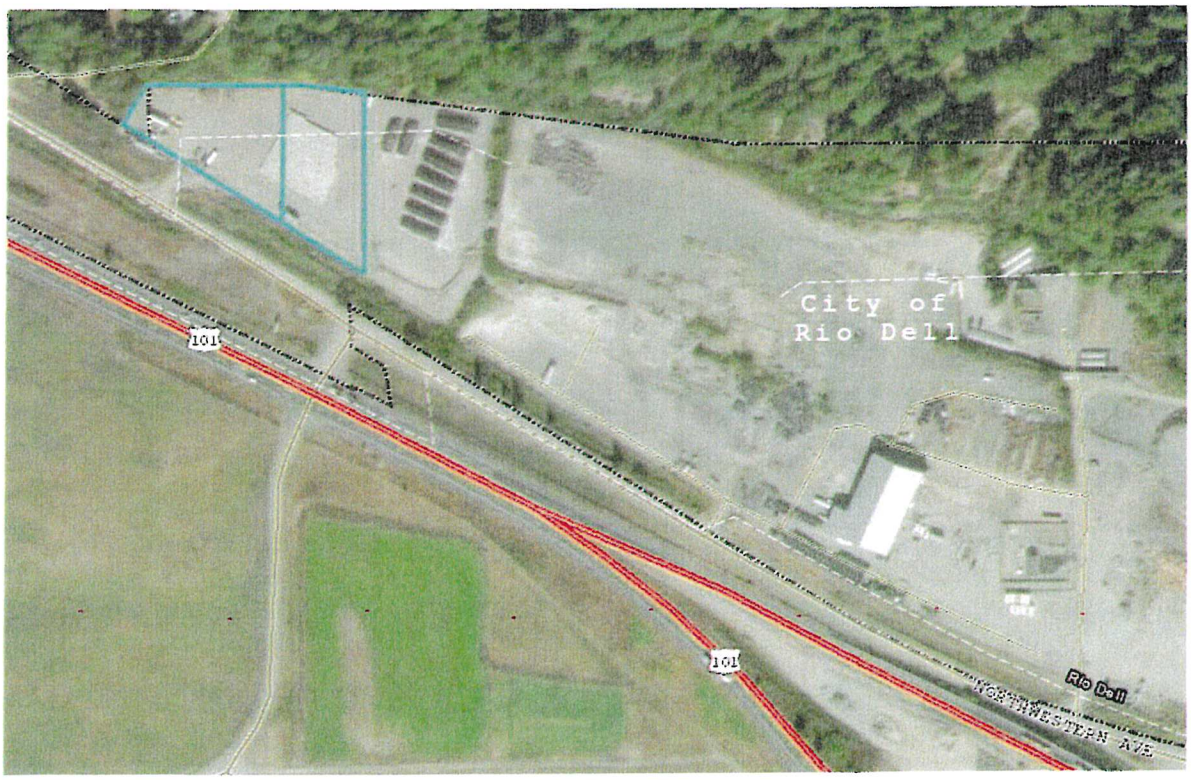
We have reviewed the above referenced application and recommend the following (please check one):

- ☐ Recommend approval. The Department has no comment at this time.
- ☐ Recommend conditional approval. Suggested conditions attached.
- ☐ Other comments:

Print Name: _____ Date: _____

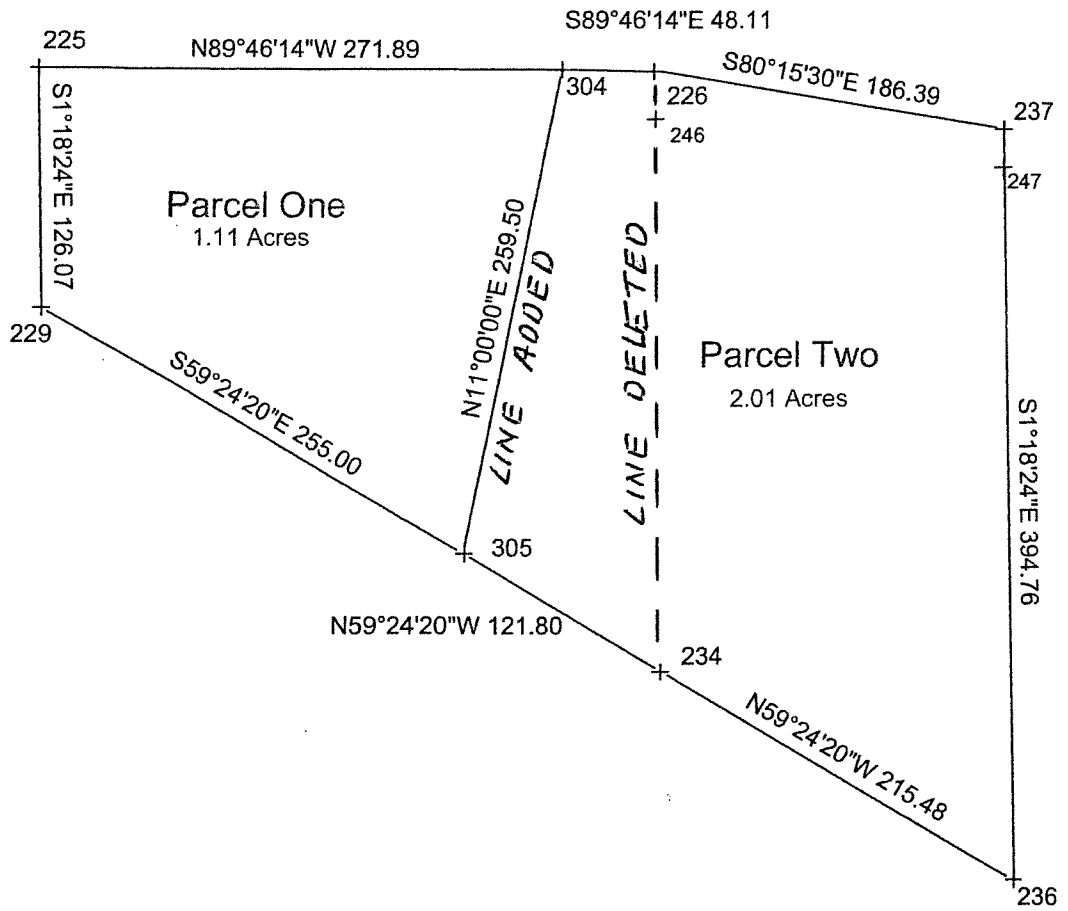


Vicinity Map



Whitlow Lot Line Adjustment October 2018

Whitlow Lot Line Adjustment



RECORDING REQUESTED BY
Humboldt Land Title Company
WHEN RECORDED RETURN TO
AND MAIL TAX STATEMENTS TO:

Name Randy Whitlow
Address Elizabeth Ann Pellandini
P.O. Box 767
Miranda, CA 95553

Order No. 00152037-001-SW

164684-AU

2015-022682-3
Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HLTCO
Rec Fee: $19.00

Doc Trf Tax: $336.60
Clerk: LH Total: $355.60
Dec 4, 2015 at 11:23:02

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
City of unincorporated area
Parcel No. 205-111-044/045, 205-171-018/013

Documentary Transfer Tax is $336.60
☑ computed on full value of interest or property conveyed, or
☐ full value less value of liens or encumbrances remaining at the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Wendt Construction Co., Inc., a California corporation,

hereby GRANT(s) to

Randy Whitlow, an unmarried man; and

Elizabeth Ann Pellandini, an unmarried woman, as Joint Tenants,

the following real property in the City of ~~unincorporated area,~~ Rio Dell County of **Humboldt**, State of **California**:

See Exhibit A attached hereto and made a part hereof.

Dated: January 22, 2015

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Wendt Construction Co., Inc.

Dennis Wendt

Dennis Wendt, President

State of California
County of Humboldt

On December 2, 2015 before me, Kathryn Vogel
a Notary Public, personally appeared
Dennis Wendt

who proved to me on the basis of satisfactory evidence to be the person(s)whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s)on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

KATHRYN VOGEL
COMM. #2125663
NOTARY PUBLIC - CALIFORNIA
HUMBOLDT COUNTY
My Comm. Expires Sept. 30, 2019

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kathryn Vogel

My commission expires: September 30, 2019

(This area for official notorial seal)

DESCRIPTION

That real property situate in the County of Humboldt, State of California, City of Rio Dell, described as follows:

All that real property located in the Northeast Quarter of Section 36, Township 2 North Range 1 West, Humboldt Meridian, County of Humboldt, State of California, described as follows:

PARCEL ONE:

BEGINNING at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 at a point located North 1° 18' 24" West, 150 feet from the Southwest corner thereof;

thence South 89° 46' 14" East (described as "East" in Instrument No. 2008-8706-5, Parcel 'M', Sub Parcel One), 320 feet;

thence South 1° 18' 24" East, 316.61 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, Page 452, Humboldt County Records;

thence along said line, North 59° 24' 20" West, 376.80 feet to the West line of the Northwest Quarter of the Northeast Quarter of said Section 36;

thence North 1° 18' 24" West, 126.07 feet to the Point of beginning.

RESERVING therefrom a non-exclusive easement 24 feet wide for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said easement is described as follows:

BEGINNING at a point where the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 intersects the North line of the 4 rod strip of land conveyed for railroad purposes per Book 12 of Deeds, Page 452, Humboldt County Records;

thence South 59° 24' 20" East along said railroad land, 155 feet to the true point of beginning of the Easement herein described;

thence continuing South 59° 24' 20" East, 221.79 feet to the Easterly line of Parcel One.

ALSO RESERVING to the Grantor, in gross, an easement over the following described parcel of land, for the right to take water from an existing water well, for domestic and commercial purposes, together with the right for ingress, egress, public and/or private utilities, inspection, maintenance, repair and replacement of said well and appurtenances thereto, including the right to convey the right to take water from said well to others, located on the land described as follows:

BEGINNING at a point where the North line of the Southwest Quarter of the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Humboldt Meridian, intersects the 4-rod strip of land conveyed for railroad purposes per Book 12 of Deeds, Page 452, Humboldt County Records;

thence along the Northerly line of said strip of land, South 59 degrees 24 minutes 20 seconds East, 90 feet to the true point of beginning of the land herein described;

thence continuing, South 59 degrees 24 minutes 20 seconds East along said line 100 feet;

thence at right angles North 30 degrees 35 minutes 40 seconds East 48 feet;

thence at right angles North 59 degrees 24 minutes 20 seconds West 100 feet;

thence at right angles South 30 degrees 35 minutes 40 seconds West 48 feet to the true point of beginning.

This description is based upon the Survey for Wendt Construction Co., Inc., recorded on August 15, 2011 in Book 69 of Surveys, Page 50, Humboldt County Records.

This description includes the land or portions of the land described in the following Deeds:

Book 257 of Deeds, Page 234, recorded on October 19, 1942;

Book 29, Page 316, recorded on January 23, 1948, Humboldt County Official Records.

PARCEL TWO:

BEGINNING at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 at a point located North 1° 18' 24" West, 150 feet from the Southwest corner thereof;

thence South 89° 46' 14" East (described as "East" in Instrument No. 2008-8706-5, Parcel 'M', Sub Parcel One), 320 feet to the true point of beginning of the land herein described;

thence South 1° 18' 24" East, 316.61 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, Page 452, Humboldt County Records;

thence along said line, South 59° 24' 20" East, 215.48 feet;

thence leaving said line, North 1° 18' 24" West, 394.76 feet to the North line of the land conveyed by Silvio and Louise Mozzetti to Eel River Sawmills, Inc. by Deed recorded on August 11, 1980, in Book 1618, Page 1192, Humboldt County Official Records;

thence along said line, North 80° 15' 30" West, (North 80° 52' 11" West, according to said deed to Eel River Sawmills, Inc.) 186.39 feet to the true point of beginning.

RESERVING therefrom a non-exclusive easement 24 feet wide easement for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the southwesterly line of said easement is the Southwesterly line of Parcel Two.

PARCEL THREE:

INCLUDING a non-exclusive easement 24 feet wide for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said Easement is described as follows:

BEGINNING at a point where the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 intersects the North line of the 4 rod strip of land conveyed for railroad purposes per Book 12 of Deeds, Page 452, Humboldt County Records;

thence South 59° 24' 20" East along said railroad land, 155 feet to the true point of beginning of the Easement herein described;

thence continuing South 59° 24' 20" East, 221.79 feet to the Westerly line of Parcel Two.

This description includes the land or portions of the land described in the following Deeds:

Book 355, Page 552, recorded on September 7, 1955;
Book 29, Page 316, recorded on January 23, 1948;
Book 1618, Page 1192, recorded August 11, 1980, all Humboldt County Official Records.

Humboldt Land Title

A division of Fidelity National Title Company of California
Sue Bosch, President
1034 Sixth Street, Eureka, CA 95501
Phone (707) 443-0837 • Fax (707) 445-5952

PRELIMINARY REPORT

Chicago Title Insurance Company

Your Ref.: Wiener
Our No.: 00164684-001-AU-RJ

Direct your reply to: **Andie Ullsmith, Escrow Officer**
Russell Janak, Title Officer

Dated as of August 17, 2018 at 7:30 A.M.

In response to the above referenced application for a policy of title insurance, **HUMBOLDT LAND TITLE COMPANY** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception in Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in the attached list. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in the attached list of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The form of policy of title insurance contemplated by this report is:

ALTA Standard Owners Policy

Countersigned:

Authorized Signature

By:

Randy Quirk, President

Attest:

Michael Gravelle, Secretary

RJ/dk

DESCRIPTION

That real property situate in the County of Humboldt, State of California, City of Rio Dell, described as follows:

All that real property located in the Northeast Quarter of Section 36, Township 2 North Range 1 West, Humboldt Meridian, County of Humboldt, State of California, described as follows:

PARCEL ONE:

BEGINNING at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 at a point located North 1° 18' 24" West, 150 feet from the Southwest corner thereof;

thence South 89° 46' 14" East (described as "East" in Instrument No. 2008-8706-5, Parcel 'M', Sub Parcel One), 320 feet;

thence South 1° 18' 24" East, 316.61 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, Page 452, Humboldt County Records;

thence along said line, North 59° 24' 20" West, 376.80 feet to the West line of the Northwest Quarter of the Northeast Quarter of said Section 36;

thence North 1° 18' 24" West, 126.07 feet to the Point of beginning.

RESERVING therefrom a non-exclusive easement 24 feet wide for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said easement is described as follows:

BEGINNING at a point where the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 intersects the North line of the 4 rod strip of land conveyed for railroad purposes per Book 12 of Deeds, Page 452, Humboldt County Records;

thence South 59° 24' 20" East along said railroad land, 155 feet to the true point of beginning of the Easement herein described;

thence continuing South 59° 24' 20" East, 221.79 feet to the Easterly line of Parcel One.

ALSO RESERVING to the Grantor, in gross, an easement over the following described parcel of land, for the right to take water from an existing water well, for domestic and commercial purposes, together with the right for ingress, egress, public and/or private utilities, inspection, maintenance, repair and replacement of said well and appurtenances thereto, including the right to convey the right to take water from said well to others, located on the land described as follows:

BEGINNING at a point where the North line of the Southwest Quarter of the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Humboldt Meridian, intersects the 4-rod strip of land conveyed for railroad purposes per Book 12 of Deeds, Page 452, Humboldt County Records;

thence along the Northerly line of said strip of land, South 59 degrees 24 minutes 20 seconds East, 90 feet to the true point of beginning of the land herein described;

thence continuing, South 59 degrees 24 minutes 20 seconds East along said line 100 feet;

thence at right angles North 30 degrees 35 minutes 40 seconds East 48 feet;

thence at right angles North 59 degrees 24 minutes 20 seconds West 100 feet;

thence at right angles South 30 degrees 35 minutes 40 seconds West 48 feet to the true point of beginning.

This description is based upon the Survey for Wendt Construction Co., Inc., recorded on August 15, 2011 in Book 69 of Surveys, Page 50, Humboldt County Records.

This description includes the land or portions of the land described in the following Deeds:

Book 257 of Deeds, Page 234, recorded on October 19, 1942;

Book 29, Page 316, recorded on January 23, 1948, Humboldt County Official Records.

PARCEL TWO:

BEGINNING at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 at a point located North 1° 18' 24" West, 150 feet from the Southwest corner thereof;

thence South 89° 46' 14" East (described as "East" in Instrument No. 2008-8706-5, Parcel 'M', Sub Parcel One), 320 feet to the true point of beginning of the land herein described;

thence South 1° 18' 24" East, 316.61 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, Page 452, Humboldt County Records;

thence along said line, South 59° 24' 20" East, 215.48 feet;

thence leaving said line, North 1° 18' 24" West, 394.76 feet to the North line of the land conveyed by Silvio and Louise Mozzetti to Eel River Sawmills, Inc. by Deed recorded on August 11, 1980, in Book 1618, Page 1192, Humboldt County Official Records;

thence along said line, North 80° 15' 30" West, (North 80° 52' 11" West, according to said deed to Eel River Sawmills, Inc.) 186.39 feet to the true point of beginning.

RESERVING therefrom a non-exclusive easement 24 feet wide easement for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the southwesterly line of said easement is the Southwesterly line of Parcel Two.

PARCEL THREE:

INCLUDING a non-exclusive easement 24 feet wide for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said Easement is described as follows:

BEGINNING at a point where the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 intersects the North line of the 4 rod strip of land conveyed for railroad purposes per Book 12 of Deeds, Page 452, Humboldt County Records;

thence South 59° 24' 20" East along said railroad land, 155 feet to the true point of beginning of the Easement herein described;

thence continuing South 59° 24' 20" East, 221.79 feet to the Westerly line of Parcel Two.

This description includes the land or portions of the land described in the following Deeds:

Book 355, Page 552, recorded on September 7, 1955;
Book 29, Page 316, recorded on January 23, 1948;
Book 1618, Page 1192, recorded August 11, 1980, all Humboldt County Official Records.

SCHEDULE A

Order No. 00164684-001-AU-RJ

1. The estate or interest in the land hereinafter described or referred to covered by this Report is:

   A FEE AS TO PARCEL ONE
   AN EASEMENT AS TO PARCEL TWO

2. Title to the said estate or interest in the land at the date hereof is vested in:

   RANDY WHITLOW, an unmarried man; and
   ELIZABETH ANN PELLANDINI, an unmarried woman, as joint tenants

3. The land referred to in this Report is situated in the State of California, County of Humboldt, City of Rio Dell and is described as follows:

   See Exhibit A attached hereto and made a part hereof.

SCHEDULE B

Order No. 00164684-001-AU-RJ

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in the policy form designated on the face page of this Report would be as follows:

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019.

2. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

3. Rights of Gustaf Einar Rickter to construct tanks and cisterns and to dig ditches for and lay pipes to conduct the water across said Section 36, the location of which is not disclosed of record, as conveyed by Deed recorded August 2, 1930 in Book 198 of Deeds, Page 93, under Recorder's Serial No. 3376, Humboldt County Records.

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	John Voll and Aldon LaBeck, doing business as Voll Lumber Company
Purpose:	drainage ditch
Recording Date:	December 21, 1953
Recording No:	in Book 274 of Official Records, Page 430, under Recorder's Serial No. 15836, Humboldt County Records
Affects:	the Westerly and Southerly portions of said land

The exact location and extent of said easement is not disclosed of record.

5. The effect of a "CERTIFICATION OF REZONING (NOTICE OF TIMBERLAND PRODUCTION ZONE STATUS)", recorded January 16, 2009 as Instrument No. 2009-741-3, Humboldt County Records.

Affects: The Northerly portion of said land.

6. A Lien in the amount of $99,137.97 filed by The State of California Department of Toxic Substances Control, recorded August 28, 2009, as Instrument No. 2009-19838-5, Humboldt County Records.

Affects: A portion of the land described herein and other land.

7. A Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded August 15, 2011 as Instrument No. 2011-17119-5, Humboldt County Records.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as delineated on or as offered for dedication on

Map/Plat:	Record of Survey
Recording No:	in Book 69 of Surveys, Page 50, Humboldt County Records
Purpose:	access
Affects:	a strip of land 24 feet in width

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by:	Wendt Construction Co., Inc., a California corporation
Purpose:	ingress, egress, drainage, public and/or private utilities
Recording Date:	December 4, 2015
Recording No:	as Instrument No. 2015-022682-3, Humboldt County Records
Affects:	a strip of land 24 feet in width as shown on the Record of Survey in Book 69, Page 50, Humboldt County Records

10. Notwithstanding the Covered Risks as set forth in the policy, the Company does not insure against loss or damage by reason of a lack of a right of access to and from the Land.

11. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$252,589.00
Dated:	November 30, 2015
Trustor/Grantor	Randy Whitlow, an unmarried man; and Elizabeth Ann Pellandini, an unmarried woman
Trustee:	Humboldt Land Title Company, a California corporation
Beneficiary:	Wendt Construction Co., Inc., a California corporation
Loan No.:	n/a
Recording Date:	December 4, 2015
Recording No:	as Instrument No. 2015-022683-6, Humboldt County Records
Affects:	The herein described Land and other land.

12. Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

Tax Identification No.:	205-111-045-000
Fiscal Year:	2017-2018
1st Installment:	$513.65
2nd Installment:	$513.65
Exemption:	$0.00
Land:	$94,860.00
Improvements:	$0.00
Personal Property:	$0.00
Code Area:	007-009

13. Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

Tax Identification No.:	205-171-018-000
Fiscal Year:	2017-2018
1st Installment:	$307.45
2nd Installment:	$307.45
Exemption:	$0.00
Land:	$56,100.00
Improvements:	$0.00
Personal Property:	$0.00
Code Area:	007-008

END OF SCHEDULE B

RJ/dk

Assessor's Map Bk. 205, Pg. 11
County of Humboldt, CA.

PTN SEC 36, T2N R1W, HB&M

205-11

NOTE – Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Small Circles.

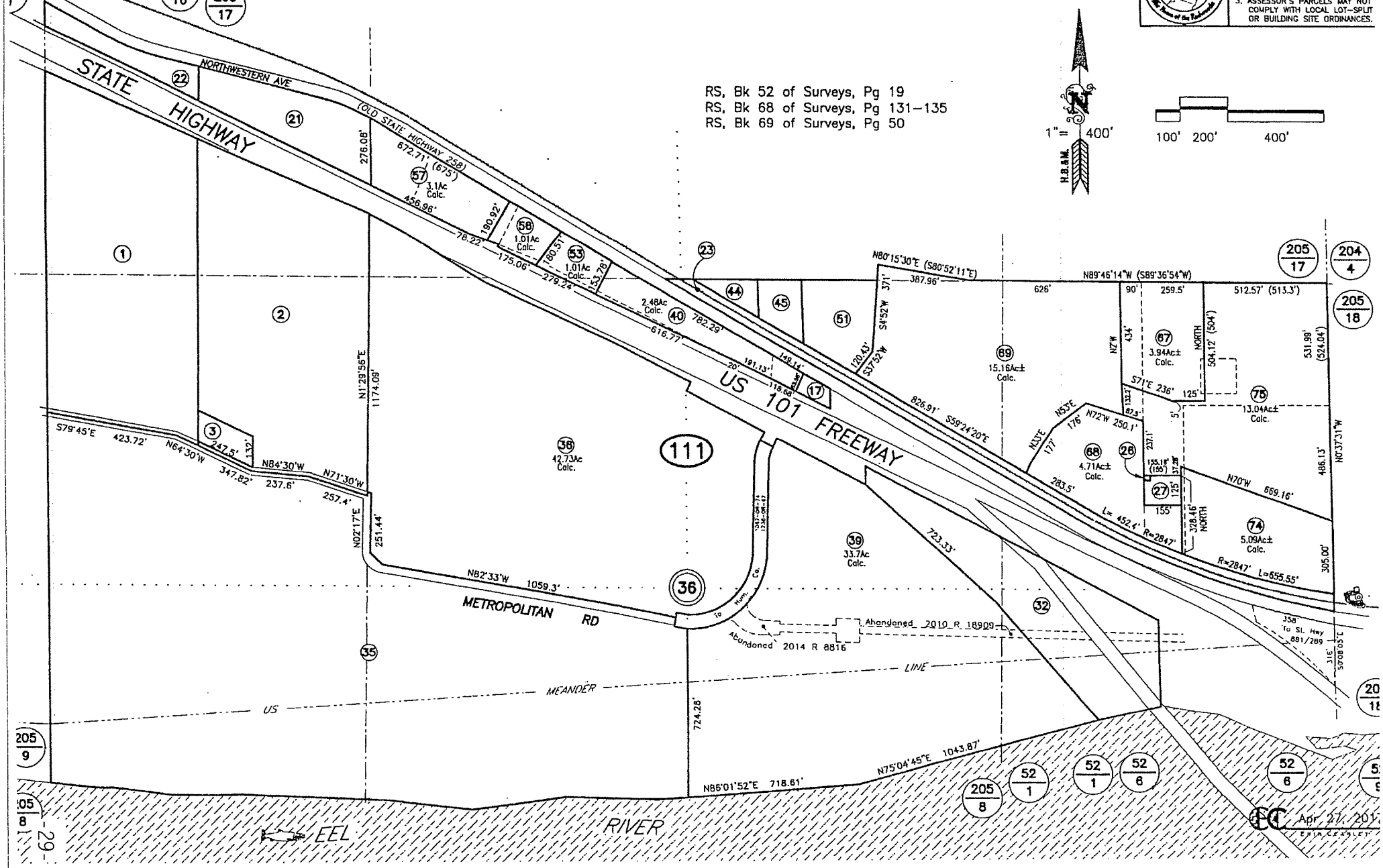
ASSESSOR'S PARCEL MAP

1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

RS, Bk 52 of Surveys, Pg 19
RS, Bk 68 of Surveys, Pg 131–135
RS, Bk 69 of Surveys, Pg 50

1" = 400'

100' 200' 400'



2011-17119-5
Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by HUMBOLDT LAND TITLE CO.
Rec Fee 25.00
Clerk: LH Total: 25.00
Aug 15, 2011 at 10:00

RECORDING REQUESTED BY:
Humboldt County
Community Development Services
Return to:
Humboldt County
Community Development Services
3015 H Street
Eureka, CA 95501-4484

NOTICE OF LOT LINE ADJUSTMENT AND CERTIFICATE OF SUBDIVISION COMPLIANCE

ASSESSOR'S REFERENCE NUMBER(S):
205-111-015,016-205-171-008,012

PROPERTY OWNER(S) OF RECORD
Wendt Costruction, Inc., Humboldt Land Recovery, Inc.

LLA-07-30

Number of Resulting Parcels Certified: 4
Identified herein as Parcels A, B, C, D

NOTICE IS HEREBY GIVEN that the real properties described in the attached EXHIBIT "A" are the result of a Lot Line Adjustment in accordance with Section 66412 (d) of the Government Code of the State of California, and that any portions of prior parcels contained within said resultant parcel descriptions have been merged into the single parcels described herein as Parcel A, Parcel B, Parcel C and Parcel D.

THIS NOTICE IS GIVEN by the person(s) whose name(s) is/are subscribed on page 2 of this instrument as the owners(s) of record of the real properties described in the attached EXHIBIT "A".

THIS CERTIFICATE relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto and no further compliance with the Subdivision Map Act is necessary. However, development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

THIS CERTIFICATE DOES NOT CERTIFY that the real property for which this notice has been given is suitable for development in accordance with existing or future regulations.

On this 16th day of May, 2011, I HEREBY CERTIFY that the Lot Line Adjustment for which this Notice is given has been executed with the approval of the County of Humboldt and that the parcels or units of land resulting from the Lot Line Adjustment complies with the provisions of the California Subdivision Map Act and County of Humboldt Ordinances enacted pursuant thereto:

BY Kirk Girard
Kirk Girard, Director of Community Development Services, County of Humboldt

ACKNOWLEDGEMENT

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On June 6, 2011, before me, Kathleen C Boham, Notary Public, personally appeared Kirk Girard, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

Kathleen C Boham #1919269 Jan. 26, 2015
SIGNATURE OF NOTARY REGISTRATION NO. EXPIRES

KATHLEEN C. BOHAM
Commission # 1919269
Notary Public - California
Humboldt County
My Comm. Expires Jan 26, 2015

1

H.C.P.D. File No. LLA-07-30
APN: 205-111-015 et al

OWNER'S REPRESENTATION

I hereby represent that we are the owners of record of the real properties described in the attached EXHIBIT "A", and that we have consented to and executed the Lot Line Adjustment for which we have given the notice herein.

signature Dennis Wendt
Sign Above Wendt Construction Inc., By: Dennis Wendt, President
As to Parcels A, B and C, Hereon

signature Dennis Wendt
Sign Above Humboldt Land Recovery Inc., By: Dennis Wendt, President
As to Parcel D, Hereon

ACKNOWLEDGEMENT

STATE OF CALIFORNIA }
COUNTY OF Humboldt }

On 3-10-11, before me, S. Wallace, a Notary Public,

personally appeared Dennis Wendt,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or enity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

S. WALLACE
Commission # 1861439
Notary Public - California
Humboldt County
My Comm. Expires Aug 30, 2013

signature of Notary

SEAL

OPTIONAL DATA

CAPACITY CLAIMED BY SIGNER

DOCUMENT
[] INDIVIDUAL(S)
[] CORPORATE OFFICER(S)

TITLE(S)
[] PARTNER(S) [] LIMITED [] GENERAL
[] ATTORNEY-IN-FACT

[] TRUSTEE(S)
[] GUARDIAN/CONSERVATOR
[] OTHER:

DESCRIPTIONS OF ATTACHED

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

2011-17119-5

(2)

EXHIBIT 'A'
PROPERTY DESCRIPTION

All that real property located in the Northeast Quarter of Section 36, Township 2 North Range 1 West, Humboldt Meridian, County of Humboldt, State of California, described as follows:

PARCEL 'A'

BEGINNING at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 at a point located North 1° 18' 24" West, 150 feet from the Southwest corner thereof;
thence South 89° 46' 14" East (described as "East" in Instrument No. 2008-8706-5, Parcel 'M', Sub Parcel One), 320 feet;
thence South 1° 18' 24" East, 316.61 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, page 452, Humboldt County Records;
thence along said line, North 59° 24' 20" West, 376.80 feet to the West line of the Northwest Quarter of the Northeast Quarter of said Section 36,
thence North 1° 18' 24" West, 126.07 feet to the Point of Beginning.

SUBJECT TO a non-exclusive easement 24 feet wide for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said easement is described as follows:

BEGINNING at a point where the west line of the Northwest Quarter of the Northeast Quarter of said Section 36 intersects the North line of the 4 rod strip of land conveyed for railroad purposes per Book 12 of Deeds, page 452, Humboldt County Records;
thence South 59° 24' 20" East along said railroad land, 155 feet to the TRUE POINT OF BEGINNING of the Easement herein described;
thence continuing South 59° 24' 20" East, 221.79 feet to the easterly line of PARCEL 'A'.

This description includes the land or portions of the land described in the following deeds: Book 257 of Deeds, page 234, recorded on October 19, 1942; Book 29, page 316, recorded on January 23, 1948 Humboldt County Official Records.

PARCEL 'B'

BEGINNING at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 at a point located North 1° 18' 24" West, 150 feet from the Southwest corner thereof;
thence South 89° 46' 14" East (described as "East" in Instrument No. 2008-8706-5, Parcel 'M', Sub Parcel One), 320 feet to the TRUE POINT OF BEGINNING of the land herein described;
thence South 1° 18' 24" East, 316.61 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, page 452, Humboldt County Records;
thence along said line, South 59° 24' 20" East, 215.48 feet;
thence leaving said line, North 1° 18' 24" West, 394.76 feet to the North line of the land conveyed by Silvio and Louise Mozzetti to Eel River Sawmills, Inc. by deed recorded on August 11, 1980, in Book 1618, page 1192, Humboldt County Official Records;
thence along said line, North 80° 15' 30" West, (North 80° 52' 11" West, according to said deed to Eel River Sawmills, Inc.) 186.39 feet to the True Point of Beginning.

INCLUDING a non-exclusive easement 24 feet wide for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said easement is

PARCEL 'B' (continued)

described as follows:

BEGINNING at a point where the west line of the Northwest Quarter of the Northeast Quarter of said Section 36 intersects the North line of the 4 rod strip of land conveyed for railroad purposes per Book 12 of Deeds, page 452, Humboldt County Records;

thence South 59° 24' 20" East along said railroad land, 155 feet to the TRUE POINT OF BEGINNING of the Easement herein described;

thence continuing South 59° 24' 20" East, 221.79 feet to the westerly line of PARCEL 'B'.

SUBJECT to a non-exclusive easement 24 feet wide easement for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said easement is the southwesterly line of PARCEL 'B'.

This description includes the land or portions of the land described in the following deeds: Book 355, page 552, recorded on September 7, 1955; Book 29, page 316, recorded on January 23, 1948; Book 1618, page 1192, recorded August 11, 1980 all Humboldt County Official Records.

PARCEL 'C'

BEGINNING at a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 36 at a point located North 1° 18' 24" West, 150 feet from the Southwest corner thereof;

thence South 89° 46' 14" East (described as "East" in Instrument No. 2008-8706-5, Parcel 'M', Sub Parcel One), 320 feet;

thence South 80° 15' 30" East along the North line of the land conveyed by Silvio and Louise Mozzetti to Eel River Sawmills, Inc. by deed recorded on August 11, 1980, in Book 1618, page 1192, Humboldt County Official Records, (South 80° 52' 11" East according to said deed) 186.39 feet to the TRUE POINT OF BEGINNING of the land herein described;

thence South 1° 18' 24" East, 394.76 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, page 452, Humboldt County Records;

thence along said line, South 59° 24' 20" East, 248.38 feet;

thence leaving said line, North 37° 52' East, 120.43 feet;

thence North 4° 52' East, 371 feet to the North line of said land conveyed to Eel River Sawmills, Inc.;

thence along said line North 80° 15' 30" West (North 80° 52' 11" West according to said deed to Eel River Sawmills, Inc.), 333 feet to the True Point of Beginning.

INCLUDING a non-exclusive easement 24 feet wide for ingress, egress, drainage and public and/or private utilities and all other purposes incidental thereto, the Southwesterly line of said easement is described as follows:

BEGINNING at a point where the west line of the Northwest Quarter of the Northeast Quarter of said Section 36 intersects the North line of the 4 rod strip of land conveyed for railroad purposes per Book 12 of Deeds, page 452, Humboldt County Records;

thence South 59° 24' 20" East along said railroad land, 155 feet to the TRUE POINT OF BEGINNING of the Easement herein described;

thence continuing South 59° 24' 20" East, 437.27 feet to the westerly line of PARCEL 'C'.

EXHIBIT 'A' (continued)

PARCEL 'C' (continued)

This description includes portions of the land described in the following deeds: Book 29, page 316, recorded on January 23, 1948; Book 1618, page 1192, recorded on August 11, 1980; Book 159, page 342, recorded on February 11, 1951, all Humboldt County Official Records.

PARCEL 'D'

BEGINNING at a point on the North line of the South Half of the Northeast Quarter of said Section 36 located North 89° 46' 14" West, 11.71 chains (772.86 feet) from the Northeast corner thereof;

thence along said line, North 89° 46' 14" West, 715.99 feet to the intersection with the line described as "South 80° 52' 11" East, 907.35 feet to the South line of said subdivision" in the deed from Silvio and Louise Mozzetti to Eel River Sawmills, Inc. by deed recorded on August 11, 1980, in Book 1618, page 1192, Humboldt County Official Records;

thence along said line, North 80° 15' 30" West (North 80° 52' 11" West according to said deed), 387.96 feet to a point located South 80° 15' 30" East, 519.39 feet from the True Point of Beginning described in said deed from Mozzetti to Eel River Sawmills, Inc.;

thence South 4° 52' West, 371 feet;

thence South 37° 52' West, 120.43 feet to the Northerly line of the 4 rod wide strip of land conveyed for railroad purposes, Book 12 of Deeds, page 452, Humboldt County Records;

thence along the Northerly line of said railroad, South 59° 24' 20" East, 1106.91 feet;

thence continuing along said railroad, on a curve to the Left with a radius of 2847 feet, through an angle of 5° 42' 29" and a Length of 283.63 feet to a point lying South of the Point of Beginning;

thence North, 1091.56 feet to the Point of Beginning.

This description includes portions of the land described in the following deeds: Book 29, page 316, recorded on January 23, 1948; Book 1618, page 1192, recorded on August 11, 1980; Book 159, page 342, recorded on February 11, 1951, all Humboldt County Official Records.

NOTE: A Record of Survey is being prepared for this EXHIBIT 'A'.

Wallace E. Wright Date: 3-07-2011

Wallace E. Wright, PLS 4851
License Expires: 10-31-2010

LICENSED LAND SURVEYOR WALLACE E. WRIGHT No. 4851 STATE OF CALIFORNIA

Page 3 End Description

2011-17119-5

5

Community Development Department
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

Industrial Commercial Zone Development Standards
Section 17.20.120 Rio Dell Municipal Code

17.20.110 Industrial Commercial or IC zone.

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

(1) Principal Permitted Uses, including, but not limited to:

(a) Industrial uses as described in the industrial land use designation and compatible commercial uses described in the community commercial land use designation;

(b) Public facility needs such as a wastewater treatment plant;

(c) Motor vehicle repair, maintenance and fueling; and

(d) Telecommunications facilities and manufacturing.

(2) Uses Permitted with a Use Permit.

(a) Lodging; and

(b) Child care.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.110 for development standards for the IC zone.

Table 17.20.110 Development Standards in the Industrial Commercial or IC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area	20,000 square feet
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Proportion of lot area: 1.5 on 20% and 0.35 on 80%
Minimum Lot Width:	Not applicable
Minimum Open Space	10%
Minimum Yard	
Front:	10 feet
Rear:	0 unless abutting residential, in which case 10 feet
Side:	0 unless abutting residential, in which case 10 feet.
Maximum Building Height:	4 stories or 65 feet

Whitlow Lot Line Adjustment
File No. 205-111-044; Case No. LLA 18-02

Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion 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.

5. The applicants shall provide documentation form 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 payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels 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 submitting the required conditions of approval.

6. The applicant shall pay the application processing fees within 30 days of billing.

Informational Note:

1. Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

RESOLUTION NO. PC 134-2018

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL APPROVING THE WHITLOW LOT LINE ADJUSTMENT

WHEREAS Randy Whitlow has made application for a lot line adjustment between two parcels, where about 22,700 square feet will be adjusted from one parcel to the other parcel; and

WHEREAS the lot line adjustment will result in two parcels of 1.11 acres and 2.01 acres; and

WHEREAS both parcels are currently vacant. However one of the parcels is developed with an on-site well, which is used for retail sales of water; and

WHEREAS the parcels are planned and zoned Industrial Commercial (IC); and

WHEREAS the Industrial Commercial zone requires a minimum parcel size of 20,000 square feet; and

WHEREAS the resulting parcels comply with the requirements of the applicable zones; and

WHEREAS based on a review of the Preliminary Title Report, current deeds and creation deeds, staff has determined that the two parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations; and

WHEREAS the proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the

proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations; and

WHEREAS the area being adjusted has an average slope of less than 20%; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment complies with all of the following required findings:

1. That the proposed lot line adjustment application was found to be complete; and

2. That the parcels involved in the lot line adjustment were created in compliance with the Subdivision Map Act;

3. That the proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances; and

4. That the proposed lot line adjustment Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the proposed lot line adjustment subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of October 23, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 134-2018 adopted by the Planning Commission of the City of Rio Dell on October 23, 2018.

_____

Karen Dunham, City Clerk, City of Rio Dell