

## **ATTACHMENT 1A**

### Conditions of Approval

Approval of the Conditional Use Permit, Special Permit, and Notice of Merger is conditioned on the following terms and requirements which must be satisfied before work is initiated or during project implementation, accordingly:

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, Recreation and Landscape Master Plan, and the Proposed Mitigation Measures, Monitoring, and Reporting Program (including the replacement of Mitigation Measure #10) included in the MND, and these conditions (Attachment 1B, 2 and 3).
2. The applicant shall record a Notice of Merger on forms provided by the Department. All applicable document review, Assessor and recording fees shall apply.
3. Prior to issuance of grading permit, a riparian and wetland habitat restoration plan shall be submitted to the department for approval. The content of this plan must comply with the form, information, analysis, and any other requirements based on the hearing officer's conditional approval. At minimum, the restoration plan shall include:
  - a) A complete statement of the restoration objectives.
  - b) A complete description of the restoration site including a map of the project site, at a mapping scale no smaller than 1" = 200' (one-inch is equal to 200 feet).
  - c) Resource Inventory and Impact Analysis of all plant, fish, and wildlife habitat values that would be affected by the stormwater runoff from the access road, grading or filling, and including:
    - i. Any changes in plant and animal natural species diversity, abundance, and composition and an assessment of how, if at all, these affect the long-term stability of the ecosystem (i.e., natural species, diversity, abundance and composition are generally unchanged as a result of the project);
    - ii. Any impacts to rare or endangered species or their habitat;
    - iii. Any impacts to a species or habitat essential to the natural biological functioning of the wetland or the riparian ecosystem; and,
    - iv. Any significant reduction to non-consumptive values such as water quality and research opportunity, values of the wetland or riparian ecosystem.
  - d) Restoration Schedule. At a minimum, a clear statement of when restoration work will commence and be completed, a schedule for inspection, and a maintenance schedule shall be provided. Restoration shall commence simultaneously with project construction and be completed prior to commencement of operation of the proposed project.
  - e) A complete restoration description with scaled, detailed diagrams, and including:
    - i. Description of site preparation; i.e., excavation, grading, stockpile of topsoil, removal of stumps, etc. This grading plan shall depict any alterations to topography, natural land forms, and drainage channels and areas where existing fill and debris will be removed;

- ii. A vegetation preparation plan including a list of plant species to be eliminated and a list of plant species to be introduced on the restoration site, and describing the methods of plant preparation, including source of plantings and any treatment with rooting hormone, and proposing a schedule for eliminating and establishing vegetation.
  - iii. Use of mulch and/or fertilizers.
  - iv. Identify any necessity of irrigation and/or fencing.
  - v. Other measures necessary to achieve restoration objectives and to protect the restoration site from adverse impacts of adjacent development and use.
- f) The implementation of the restoration plan shall include a description for adherence with the following performance standards:
- i. Year one – 80% tree species viable and achieving at least 4 inches of growth from initiation of planting.
  - ii. Year three – plugs of native riparian vegetation shall cover at least 30% of project site.
  - iii. Monitoring Requirements– (standard is five years of monitoring) typically conducted in June or as necessary, conducted during the appropriate time of year for monitoring of a specific species.
  - iv. Annual reporting – The County and CDFW shall receive an annual monitoring report.
  - v. Photos shall be included in the annual monitoring report.
4. The conditions on the Department of Public Works referral dated **October 17, 2018**, included herein as Attachment 5, as may be modified by the decision maker, shall be completed or secured to the satisfaction of that department. These include:
- a. The applicant must apply for and obtain an encroachment permit to construct improvements within the County right of way
  - b. The permit will require the existing concrete driveway apron on APN 510-171-039 to be removed and replaced with a Portland Cement Concrete (PCC) Caltrans Type A2-6 curb and gutter, and ADA compliant sidewalk.
  - c. There is no parking allowed on the south side of Murray Road fronting APN 510-171-039 and the curb is currently painted red. Applicant shall paint the section of the new curb, in compliance with the MUTCD, after construction is completed.
  - d. Pursuant to the Airport Land Use Compatibility Plan, a deed notice is required to be dedicated to the County of Humboldt.
  - e. Applicant shall be responsible to correct any involved drainage problems to the satisfaction of the department.
  - f. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property will be required to comply with the MS4 requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission.
5. A Deed Notice is required in addition to disclosure to prospective residents about the potential noise impacts related to overflight. The project site is approximately 1 mile from the nearest airport and located within airport compatibility zone D, an area identified as having negligible risk and potential annoyance from overflights (Humboldt County General Plan table 14-A). Property owner shall also disclose to all prospective park tenants that there is potential for some overflight noise.

6. New manufactured homes shall be certified to limit interior noise levels to 45 dB CNEL-Ldn in all habitable rooms and 60 dB CNEL-Ldn outside. A 6-foot wood fence along the park boundary abutting Highway 101 and the Murray Road exit off-ramp has been constructed. Gaps between planks and between the bottom of the fence and the ground need to be filled to meet the noise requirements. An acoustic study was completed showing that these requirements will be met once gaps both between planks and between the bottom of the fence and the ground are filled/covered with additional planks along the whole western boundary of the park. This condition shall be met prior to occupancy of any new homes on the western expansion parcel.
7. Prior to the issuance of grading permit, the applicant shall submit 2 copies of a stormwater management plan demonstrating compliance with the County's Storm Water Permit for post-construction storm water runoff. This plan should address North Coast Regional Water Quality Control Board's comments that were not addressed in the preliminary plan, specifically it should demonstrate how stormwater from the proposed access road would enter Widow White Creek without causing erosion to Widow White Creek.
8. Applicant shall incorporate Low Impact Design (LID) into the project by complying with County's MS4 (storm water quality) permit requirements set forth in County Code Section 337- 1 et seq.
9. Prior to issuance of a grading permit, the applicant must have a 401 Certification from the Regional Water Quality Control Board.
10. To address North Coast Regional Water Quality Control Board's comments, the following additional measures must be implemented into the proposal:
  - a. Fencing around bioretention basins shall be used, only if NCRWQCB deems the use necessary to protect wildlife and public safety.
  - b. The design of the bioretention basins should reduce drawdown time to reduce standing water and therefore reduce vectors being drawn to the basins in order to be compliant with local Vector Control District requirements.
  - c. Permeable pavement must be regularly maintained according to the maintenance schedule included with the applicant's evidence titled Pervious Paving Maintenance Plan. If the pavement is clogged and cannot be repaired, it must be replaced.
  - d. The disturbance envelope during construction should be minimized as much as possible to minimize disturbance to the riparian area.
  - e. Stage construction so that the road access construction will only occur during the dry season.
11. Only minimal grading will be required to develop the access roads and manufactured home pads. All grading work will be done in accordance with the Humboldt County Grading Ordinance and applicable Best Management Practices, including watering to control fugitive dust. The project must comply with NCUAQMD fugitive dust emission standards.
12. The proposed expansion areas are required to be consistent in design with the design features of the existing park. The height, bulk, and area of buildings within the expansion area are to be consistent with the existing buildings. All setbacks from property lines of the expansion should be consistent with the existing setbacks. The external colors, textures, and materials of the proposed homes within the expansion area should be consistent with the existing homes, as well as the type, pitch, and material of roofs. The type, size, and location of signs should be consistent with the existing signs in the park. Some of the landscaping in the existing parcel will be altered for the Proposed Mitigation Measures, Monitoring, and Reporting Program.

13. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the buildout of the entire Ocean West Manufactured Home park. The following details shall be included:

A) Mapping

- (1) The location of all existing and proposed pedestrian paths and recreation areas and amenities for the entire 30.38-acre park. Include a line item listing of the types of amenities and their exact area.
- (2) Proposed auto ingress and egress for park residents.
- (3) All manufactured home sites identified with their space numbers, envelopes and easements consistent with the submitted tentative map;
- (4) The location of all drainage improvements and related easements;
- (5) Two (2) off-street parking spaces on all lots consistent with Section 314-107.1 Humboldt County Code;
- (6) Location of on-site guest parking consistent with Section 314-107.1 Humboldt County Code;
- (7) The location of the Streamside Management Area restoration and related split rail boundary fencing.
- (8) Location and description and type of noise attenuation barrier (i.e., solid board fence, masonry wall, earthen berm, etc).
- (9) Landscaping and restoration plan consistent with the Mitigation Measures, Monitoring, and Reporting Program included in the MND, and the Riparian and Wetland Mitigation Plan, Revision 2 prepared by SHN.

B) Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
  - If 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 contacted."
- (2) "The project is located in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, additional emission from the project could exacerbate air quality problems, including non-attainment of ambient air quality standards. In order to address potential effects to air quality the District recommends:
  - Prohibition of open fireplaces.

- Heating should be provided using clean fuels (electricity or natural gas), when feasible.
- If wood heating must be used, only US Environmental Protection Agency (EPA) certified heating appliances should be permitted in new construction."

(3) "Hours of construction activity shall be limited to Monday through Friday from 7:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday"

(4) "Subject to landscaping plan"

(5) "Development of open space is prohibited in SMA restoration area"

14. The applicant shall cause to be recorded a "Notice of Development Plan" for the property 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 \$415.00 plus applicable recordation fees) will be required.

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

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

17. The applicant shall contact THPOs from Blue Lake Rancheria, the Wiyot Tribe, and the Bear River Band of the Rohnerville Rancheria to give them opportunities to salvage native strawberry plants prior to any ground disturbing work, including restoration work.

18. Prior to issuance of grading permit, and in accordance with Humboldt County Zoning Ordinance §314.107.1.6, a landscaping and fencing plan shall be provided to Planning Division for approval. At a minimum, the landscaping plan shall include native tree species, which are non-pyrophytic, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. Landscaping shall not affect visibility and shall conform to the visibility ordinance as required by the Department of Public Works. All undeveloped areas within the park expansion shall be landscaped except for the habitat restoration area.

19. Current residents of Ocean West expressed concern about the absence of street signs in the park for emergency personnel and guests to navigate the internal streets in the park. The applicant shall put street signs on every appropriate internal corner throughout the existing park, and throughout the proposed expansion of Ocean West.
20. Current residents expressed concern about the lack of ADA-compliant emergency access exits in the park. The sidewalk of the emergency exit on Murray Road on the northwest corner of the western expansion must be ADA-compliant, as stated in the Public Works Memo (Attachment 5). The Murray Road emergency access point will have a gate, Knox box for emergency personnel, and provide vehicle access.
21. For mail delivery to not be impeded by parked cars, the applicant shall either install neighborhood box units instead of individual mailboxes, or postal workers would need to deliver primarily by foot throughout the park instead of driving between each individual mailbox. The applicant shall work with the appropriate Post Master to decide the best option if mail delivery becomes impeded by curbside parked cars.
22. Arcata Fire Protection Service District and the County Building Department recommended conditional approval of this project. The condition is that the emergency ingress/egress from McKinleyville Ave be maintained. The road connecting the emergency access point on McKinleyville Ave and the internal road (Driftwood Drive) shall be paved, and it shall be maintained so vegetation does not block access. The gate shall have a Knox box for emergency personnel and the sidewalk shall be ADA compliant.
23. The McKinleyville Community Services District recommended conditional approval of this project. The District requires approval of water and sewer mainline design and inspection during installation.
24. The project is to comply with the Humboldt County Building Code Flood Ordinance.
25. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,480.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the California Department of Fish and Wildlife (CDFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2021 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the DFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,480.25 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.

*Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).*

26. 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 upon file close out after the Planning Commission 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.

27. The following required Mitigation Measures for development within a Streamside Management Areas, detailed in BR-S8 of the Humboldt County General Plan, shall at a minimum, include, and shall be conducted:
  - a. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations or for public health and safety reasons. The felling must be approved by the Planning Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.
  - b. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
  - c. Erosion control measures (as per Standard BR-S9- Erosion Control).
  - d. Maximum feasible retention of overstory canopy in riparian corridors.
28. The following required erosion control measures for development within a Streamside Management Areas, detailed in BR-S9 of the Humboldt County General Plan, shall at a minimum, include, and shall be conducted:
  - a. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.
  - b. Consistent with BR-S8, construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per mitigations as recommended in writing by the lead agency with native or non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.
  - c. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.
  - d. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.
  - e. Runoff shall be controlled to prevent erosion by on-site or off- site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.
  - f. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board requirements.
  - g. Winter operations (generally October 15 thru April 15) shall employ the following special considerations: Slopes will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

29. Short fencing shall be placed to demarcate the trails from the restoration areas, along with signs notifying people to not disturb the restoration area.
30. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916- 653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

31. The final plan needs to comply with the recreation space requirement of 1,500 square feet of recreation space per acre of the park (Zoning Code 313-107.1.3.2). This means that the 30.38- acre park would require a total of 45,570 square feet of recreation space.
32. The applicant shall apply for an LSAA with CDFW, if necessary.
33. The applicant shall apply for a 404 Permit with the U.S. Army Corps of Engineers, if necessary.

**On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

34. The project shall be developed, operated, and maintained as described in the Project Description, Plan of Operations, site plan, elevations and as conditioned herein. Changes in the project other than Minor Deviations from the Plot Plan as provided in Humboldt County Code Section 312-11.1 shall require a modification of this permit.
35. All lighting on the property, shall be installed to avoid overspill beyond the parcel boundaries. Lights for the appurtenant signage shall be dim enough to prevent glare into auto traffic from any direction. Lighting within fifty (50) feet of the habitat restoration area shall be down shielded and low wattage so as to minimize impacts to wildlife.
36. The applicant is responsible for receiving all necessary permits and/or approvals from state and local agencies.

**Informational Notes:**

1. 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 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.

2. The Conditional Use Permit and Special Permit shall be effective for 12 months from the date to coincide with the term of the approved Tentative Map. Extensions of this term may be requested in conformance with provisions of the Humboldt County Code.