

ATTACHMENT 1A

CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned on the following Development Restrictions, General Conditions, and Ongoing Requirements.

A. Development Restrictions Which Must be Satisfied Before Site Development or Initiation of Operations.

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,764.00. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2023, 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 CDFW website at 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 \$2,764.00 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.
2. The project shall be developed and operated in accordance with the Project Description and Operations and Maintenance Plan (Attachment 1C), the Site and Utility Plan (Attachment 1D), and the Mitigation and Monitoring Report (Attachment 1B).
3. The applicant shall obtain from the Building Division any Building or other required permits prior to commencing construction activities or the approved use (i.e., grading, building, plumbing, electrical, mechanical, fences and gates over six feet in height, etc.).
4. The applicant shall enter into a license agreement with the Humboldt Bay Municipal Water District (HBMWD) to allow HBMWD to utilize the proposed 15-foot-wide maintenance road adjacent to the 30-foot waterline easement (Easement), and where the maintenance road no longer borders the Easement, a 15-foot-wide strip of land along the south side of the Easement, to allow access to and maintenance of the water lines, on the condition that (1) HBMWD may use the 15-foot-wide maintenance road and/or 15-foot-wide strip only when it is not reasonably able to confine its activities to the Easement; and (2) if HBMWD removes any portion of the project perimeter fence in connection with its use of the 15-foot-wide maintenance road and/or 15-foot-wide strip, the fence shall be promptly replaced at the expense of HBMWD. The license agreement shall include an exhibit depicting the license area, standard insurance, indemnity, and reserved rights provisions, and shall terminate automatically at such time that the project is decommissioned. Except in the event of an uncured default, as specified in the license agreement, the license shall be irrevocable while the project remains in operation and shall bind any successors of applicant.
5. The applicant shall seed at least 10 acres with an appropriate local native seed mix sourced from the North Coast Ecoregion in coordination with CDFW.

6. All signage shall comply with Section 314-87.2 of the Humboldt County Code and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
7. The applicant must apply for and obtain an encroachment permit for commercial driveway on Foster Avenue. The permit will require the driveway entrance to be surfaced with asphalt concrete or portland cement concrete. The paved area shall extend a minimum of 50 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the county road. The driveway shall intersect the county road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. shall be responsible to correct any involved drainage problems to the satisfaction of the Humboldt County Department of Public Works Land Use Division.
8. The applicant shall be responsible to correct any involved drainage problems within the county road right of way associated with the driveway improvements to the satisfaction of the Humboldt County Department of Public Works Land Use Division.
9. The county road is not constructed to allow on-street parking. All parking must be developed on-site, or applicant must construct a parking lane along the county road in a manner approved by the Humboldt County Department of Public Works Land Use Division. All parking required by Humboldt County Code must be constructed prior to final issued building permit.
10. If there needs to be any rearrangement of existing PG&E facilities on the property, the owner/applicant will bear the burden of that cost.

B. General Conditions.

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. 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 Planning and Building 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.
3. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

C. Ongoing Requirements Which Must be Satisfied for the Life of the Project.

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description and Operations and Maintenance Plan, the approved Site and Utility Plan, the Mitigation and Monitoring Report, and these operational conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. No development, mowing, or removal of native vegetation shall occur within the setback buffers surrounding the wetlands or environmental avoidance area as depicted on the Site and Utility Plan.
3. The intersection of the access driveway and Foster Avenue shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
4. Mowing the project area shall not be permitted during the blooming period (March-August).
5. Any outdoor construction activity and use of heavy equipment outdoors shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.

Informational Notes:

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Humboldt County Code.
2. If suspected archaeological resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact would be made to the County, a professional archaeologist and representatives from the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, Wiyot Tribe, and any other tribe that may be identified by the NAHC as traditionally or culturally affiliated with the Project area. The professional archaeological resource consultant, Tribes, and County officials would coordinate provide an assessment of the find and determine the significance and recommend next steps.

If human remains are discovered during Project activities, work would stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate

dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.