

CONDITIONS OF APPROVAL (REVISED 7-13-2023)

APPROVAL OF THE SPECIAL PERMIT IS GRANTED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE USE MAY BE INITIATED AND FOR THE LIFE OF THE PROJECT

A. General Conditions

1. The applicant shall apply for a business license with the Humboldt County Treasurer-Tax Collector.
2. The applicant shall work with the Humboldt County Planning & Building Department – Building Division to determine whether the proposed use of the existing residence ~~and cottage~~ as a bed & breakfast will be considered a “Change of Occupancy”. The applicant shall complete any required improvements prior to lease of the facility on a transient (less than monthly) basis.
3. The applicant shall submit a detailed parking plan demonstrating that adequate parking facilities exist to concurrently serve the existing residential use and guests of the Bed & Breakfast.
4. The applicant shall submit a plan of operations for the Bed & Breakfast rental use. The report shall be prepared to the satisfaction of the Director of Planning & Building, detailing:
 - A. Seasonal Operational Information
 - B. Minimum Length of stay information
 - C. Routine service Intervals for the rental facility
 - D. Rules for Guests
 - E. Methods and Measures for controlling potential for nuisance to neighboring residential development.
5. The owner or operator of the Bed & Breakfast must reside on the premises. The owner/operator must provide their name, address and telephone number to all occupied residences within a 300-foot radius of the rental unit. The notice shall be mailed to property owners prior to initial rental of rooms and periodically thereafter as contact information changes. The owner/operator or contact person must be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of this permit and other applicable provisions of the code.
6. To help ensure all guests of the Bed & Breakfast facility are respectful and considerate of neighboring landowners and occupants during their stay at the property, the owner/operator shall establish and enforce standard protocols for guest conduct which (at minimum) include:
 - driving on Elk River Road and Elk River Court at a safe speed and in a respectful manner
 - not generating noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence in the area. On weekdays, any noise occurring after 10:00 pm and before 7:00 am should be contained within the residence and shall be kept at levels so that it would not be able to be heard by or offend nearby neighbors.
 - only parking within designated on-site parking areas

All guests shall be notified of these standards of conduct prior to their visit. If the Planning & Building Department receives five (5) or more verified complaints about guests not observing these protocols, the Department reserves the right to initiate a revocation hearing before the Board of Supervisors pursuant to 312-14 of the Zoning Regulations.

7. The Bed & Breakfast operation is restricted to a **daily maximum of two (2) bedrooms and four (4) guests**. Any proposal to increase the number of bedrooms used or guests allowed shall require a modification of the permit.
8. The applicant is required to pay for permit processing on a time-and-materials 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 and Building Department, 3015 H Street, Eureka.
9. 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.
10. Any structure that will be occupied by guests must first be inspected for safety and approved for transient use by the Chief Building Official or their designee.
11. Any structure that will be occupied by guests must first pass an inspection by the Humboldt Bay Fire Protection District. Elements of the inspection will include but are not limited to: review for presence of sufficient and functioning smoke and carbon monoxide detectors, fire extinguishers, and means of egress.
12. Applicant shall contract with a Qualified Professional or Qualified Service Provider to perform a Hydraulic Load Test on the existing onsite wastewater treatment system (OWTS) and submit results to Humboldt County Division of Environmental Health (DEH). If the Hydraulic Load Test results in failure, the Applicant shall obtain a permit for, and install, an approved OWTS repair prior to commencing operation.
13. **This permit only authorizes use of two bedrooms within the primary residence as part of the Bed & Breakfast operation. The remaining bedroom in the primary residence must be occupied on a daily basis by the owner-operator or a designated caretaker-operator during all periods of operation. The cottage is prohibited from being made available for transient habitation by guests of the Bed & Breakfast. The structure may still be offered for lease and occupancy by up to two persons on a monthly basis.**

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. For the life of the operation, the applicant shall maintain a Business license from the Humboldt County Tax Collector. The owner/operator shall collect and remit to the Humboldt County Tax Collector the transient occupancy tax.
2. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Exterior lighting shall be turned off no later than 10 PM on weekdays and midnight on weekends.
3. Occupants and visitors using the bed & breakfast shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. On weekdays, any noise occurring after 10:00 pm and before 7:00 am should be contained within the residence and shall be kept at levels so that it would not be able to be

heard by or offend nearby neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any County noise standards and ordinances.

4. The total number of occupants of the residences (including the owner/caretaker) shall not exceed six (6) persons.
5. The number of guests shall not exceed four (4) persons. During weekdays, visitors are not allowed between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. There shall be no more than 8 combined occupants and visitors on the premises at any time.
6. The owner or manager shall maintain an occupant and vehicle register for each tenancy of the bed & breakfast rental. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for inspection by county officials upon request.
7. Vehicles used and traffic generated by the bed & breakfast shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.
8. Guests shall be required to sign a contract governing their use of the property during the rental period. Provisions of each contract shall include observing standard protocols for neighborhood compatibility (described in Condition #6) including traveling at a safe speed and in a respectful fashion, only parking in designated areas, and complying with noise restrictions. The contract shall assert the operators' right to cancel the remainder of the reservation if guests violate neighborhood compatibility protocols in violation of the contract. In the event of cancellation, all persons must leave the property within 30 minutes following notification. Vacation of the premises shall be verified by the owner/operator, or designated contact person.
9. The use shall be conducted, operated and maintained in accordance with the approved project description, site plan, and most recently approved plan of operations, as well as these conditions of project approval.
10. The applicant shall submit a request for Agency Review for substantial conformance on any proposed changes of the operation, design or use. The Department shall require a Modification of this permit unless the changes can be processed as a minor deviation; and if all the findings of §312-11.1 can be made.
11. The Bed & Breakfast involves occupancy of existing residences on a transient basis. No ground disturbance is proposed to occur in conjunction with this proposal. In the event that future ground disturbance is required, the applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities. If the applicant proposes new development outside of the area that was surveyed by a certified archaeologist, a new archaeological survey covering the proposed development area will be required.

C. Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.