

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

AS MODIFIED APRIL 1, 2021

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS.

A. General Conditions

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, Mitigation Monitoring and Reporting Program, and these 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. New aerial power lines and power poles shall be configured in such a way to prevent electrocution risks for birds of prey as recommended by the memo provided by California Department of Fish and Wildlife, dated March 11, 2021.
3. The applicant is responsible for obtaining all necessary County permits, and for meeting all requirements set forth by other regulatory agencies.
4. 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.
5. The applicant must apply for and obtain an encroachment permit to construct a rural driveway on Hatchery Road. The driveway apron shall be constructed in conformance with Rural Driveway No. 1 standard plan. [reference: County Code section 411-11(a)(b)]
6. Site visibility must be maintained at the driveway entrance in conformance with County Code. [reference: County Code section 341-1 et seq.]
- ~~7. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: Cuntly Code section 314 109.1 et seq.]~~
7. Applicant shall be responsible to correct any involved drainage problems within the County road right of way, due to the project, to the satisfaction of the Humboldt County Department of Public Works.

Information Note (not a requirement):

8. The County road is not constructed to allow on-street parking. All parking must be developed onsite, or applicant must construct a parking land along the County road in a manner approved by the Humboldt County Department of Public Works. All parking required by Code must be constructed prior to occupancy of building or “final” issued for building permit. [reference: County Code section 314-109.1 et seq.]
9. FENCES/GATES: Pursuant to County Code Section 411-11(j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way or County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of public right of way are still subject to the County’s visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. In addition, for properties in the State Responsibility Area, conformance with Fire Safe Regulations (County Code Section 3112-) is also required.

Fences and gates taller than 6 feet may require a building permit. The applicant is also advised to consult with the Planning and Building Department – Building Division at 707-445-7245 prior to constructing any fences or gates.

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

10. 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 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.