

## CONDITIONS OF APPROVAL

Approval of the Special Permit is conditioned upon the following terms and requirements.

1. Within 60 days of the effective date of this Special Permit, the permittee shall notify the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 1602 for all diversion infrastructure, all culverts, and the restoration of Willow Brook and other streamside management areas. The permittee must resolve the Notice of Violation issued by CDFW dated January 13, 2023. The permittee must complete and adhere to any Lake and Streambed Alteration Agreement with CDFW.
2. Within 90 days of the effective date of this Special Permit, the permittee shall provide a professionally prepared site plan accurately depicting the features of the parcel and project. This includes but is not limited to all constructed structures, all water courses, locations of culverts, all streamside management areas, and areas to be restored.
3. Within 90 days of the effective date of this Special Permit, the permittee shall provide a management plan prepared by a qualified professional regarding the slash piles. All slash piles shall be identified with individual recommendations. Any slash pile located within the streamside management area (SMA) must be removed from the SMA. Slash piles outside the SMA may be left in place if they provide habitat for birds, invertebrates, or wildlife. If the slash pile management plan proposes burning, a suitable location outside the SMA must be identified. The slash pile management plan must be reviewed and approved by the Planning and Building Department in consultation with the California Department of Fish and Wildlife prior to implementation.
4. Within 90 days of the effective date of this Special Permit, the permittee shall provide additional evaluation by a qualified professional such as a biologist of streamside management areas affected by the realignment of the driveway. This includes whether the concrete fill taken from the previous driveway alignment that was placed south of the second dwelling unit and the fill placed near the shop building can remain without causing significant impact to the streamside management area. If the concrete fill will cause long-term significant impact to the SMA, it must be removed. The additional SMA evaluation shall be summarized in a report and include recommendations, if any, regarding any additional replanting or offsets for tree and vegetation removal associated with the improvement of the realigned driveway.
5. Within 90 days of the effective date of this Special Permit, the permittee shall provide a supplement to the restoration plan prepared by a qualified professional. The revision shall incorporate the recommendations of the California Department of Fish and Wildlife for more proactive planting of riparian species such as willow and alder in

the restoration area along Willow Brook. The restoration plan revision shall also include the recommendations, if any, of the supplemental evaluations (see Condition of Approval 3) of the streamside management areas around the second dwelling unit, shop building, and realigned driveway. The supplemental restoration plan must be revised and approved by the Planning and Building Department in consultation with the California Department of Fish and Wildlife prior to implementation.

6. Within 90 days of the effective date of this Special Permit, the permittee shall provide a stormwater plan to ensure runoff from structures and the paved area does not discharge directly into streams.
7. No later than October 15, 2024, the permittee shall implement the restoration plan dated April 20, 2023, prepared by Timberland Resource Consultants. The permittee shall also implement any restoration plan supplement generated in accordance with Condition of Approval 4 above. Per the recommendations of page 4 of the restoration plan, the permittee shall:
  - a. Plant redwood trees according to the restocking plan in the area depicted on the Restoration Plan Map on page 11 of the restoration plan. Tree planting must also include riparian species such as Willow and Alder as recommended by the California Department of Fish and Wildlife.
  - b. Apply a native erosion control mix to all disturbed soil in the streamside management area at a rate of 45 pounds per acre. This mix shall consist of:
    - i. 56% California Brome
    - ii. 22% Meadow Barley
    - iii. 13% Three Weeks Fescue
    - iv. 9% Tomcat Clover
  - c. Place straw waddles in the locations show in the Restoration Plan. The erosion and sediment control measures will be operable during the rainy season (October 15-April 15). The straw waddles shall be maintained until such a time the disturbed streamside management area is revegetated to the extent that concentrated turbid surface runoff is not entering Willow Brook.
  - d. Remove the buried culvert in Willow Brook and restore the stream channel and banks.
  - e. Remove all trash and artificial debris from stream channels including water lines.
8. The shop building must be completely removed. The permittee has up to one year from the effective date of this Special Permit to obtain a demonstration permit. The permittee has up to one year from the issuance of the demolition permit to complete the removal of the structure.
9. Within one year of the effective date of this Special Permit, the permittee shall provide a Development plan prepared by a qualified professional and cause to be

recorded a Notice of Development Plan. The Development Plan shall depict the authorized and permitted structures, watercourses, and major natural features. The Development Plan shall accurately depict the boundaries of streamside management areas and include annotations describing development restrictions.

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, ground-stone 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.
11. The permittee 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 Planning Commission decision. All outstanding 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.

**Informational Notes:**

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.