

ATTACHMENT 1A

CONDITIONS OF APPROVAL

APPROVAL OF THE PERMIT(S) IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS

Conditions of Approval:

1. The project shall be developed, operated and maintained in accordance with the approved Project Description, Site Plan, Operations Plan, and these Conditions of Approval. Changes to the project other than Minor Deviations as provided in §312-11.1 HCC shall require modification of this permit.
2. 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.).
3. Applicant/Owner shall submit plans by a California-licensed engineer for the Building Permit. Building plans submitted shall be consistent with all Conditions of Approval applied under the discretionary permit(s).
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 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 is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this fee to the project.
7. Before building permit final inspection and sign-off, the Applicant shall request an inspection by the Planning Department. The Review for Conformance with Conditions fee shall be paid upon request of the inspection. This fee is in accordance with the County's adopted Schedule of Fees and Charges.
8. The faux branches of the stealth tower structure shall be designed to conceal all antennas and similar equipment and at minimum shall extend down to the height of the treeline of nearby vegetation.
9. Ground disturbing construction and grading shall employ fugitive dust control strategies (e.g., watering or similar methods) to prevent visible emissions from exceeding North Coast Air Quality Management District (NCAQMD) regulations and prevent public nuisance. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
10. Any chain link fencing shall be anti-climb and include brown or green slatting.
11. Development shall include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. No other signage or advertisements are permitted unless expressly approved by the Planning Director, the Zoning Administrator or the Planning Commission, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations.
12. Applicant/owner shall submit verification to the Planning Division that all required FAA approvals have been met prior to Building Permit issuance. This includes, but is not limited to: Federal Aviation Requirements (FAR), Part 77 ("Objects Affecting Navigable Airspace") approval and the FAA's evaluation of the Form 7460-1 which determines whether the project is a hazard to aviation.
13. Prior to development, applicant shall provide a letter from CAL FIRE indicating that the map showing defensible space meets the applicable State requirements, per Section 314-91.2.8.3.7.3. Applicant shall also furnish a fire prevention plan that has been

approved by CAL FIRE, which discusses existing, proximate fire hazards, the fire risks posed by the addition of a facility at the location, proposed measures to lessen fire risks associated with the facility and an ongoing maintenance plan. A draft copy of the plan shall be provided to Arcata Fire Protection District and CAL FIRE at least ninety (90) days before the start of any construction activities, per Section 314-91.2.8.3.7.4.

14. For construction activities occurring during the nesting season (generally February 1 to August 31), surveys for nesting birds covered by the Migratory Bird Treaty Act and California Fish & Game Commission shall be conducted by a qualified biologist no more seven (7) days prior to initiation of construction activities, including construction staging and vegetation removal. The surveys should include the entire disturbance areas plus a 200-foot buffer around any disturbance areas. If active nests are located, all construction work should be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer should be a minimum of one hundred (100) feet for non-raptor bird species and at least three hundred (300) feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist shall have full discretion for establishing a suitable buffer. The buffer area(s) should be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist should confirm that breeding/nesting has completed and young have fledged the nest prior to removal of the buffer. **If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.**

On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. The applicant shall maintain the tower such that the appearance of the stealth tree remains in good condition during the life of the facility. Verification of adequate stealthing is subject to review and approval by the Planning Director, or their designee.
2. Work/construction hours are limited to between 8:30 am - 5:00 pm, Monday - Saturday. There shall be no construction occurring on Sundays.
3. Routine generator testing shall be conducted during daylight hours between 9 am and 4 pm, Monday through Friday.
4. Should a backup generator be installed at the site requiring gasoline or diesel to operate, all fuel shall be stored in a safe and responsible fashion and in compliance with applicable state and local regulations. The storage method and location shall include measures providing for secondary containment in the event of a spill.

5. Applicant shall submit a request for Agency Review for substantial conformance on any proposed changes of the operation, including but not limited to additional users (co- location), and change of antennas/microwave dishes. The fee for this request is listed on the County of Humboldt Fees and Charges Worksheet, approved annually (typically December and implemented the next year) by the Board of Supervisors.
6. Submittal of a new cumulative RF Report (prepared by a California-licensed Engineer) shall be required each time there are proposed changes to equipment associated with transmission at the wireless facility. This includes addition, reconfiguration, or replacement of tower-mounted equipment such as antennas, amplifiers, or similar equipment, as well as the replacement of ground-based equipment that could result in changes to the RF signature of the site. Each report must evaluate the cumulative RF from all equipment and carriers at the site.
7. The permittee shall adhere to all recommendations found in each cumulative RF report. The following are standard mitigations applicable to all wireless communication facilities, which shall apply for the life of the project:
 - A. Limit access to antennas during operation;
 - B. Install and maintain warning signs which comply with ASNI C95.2 color, symbol and content conventions;
 - C. Posted contact information for access to restricted areas; and
 - D. Install and maintain security fencing.
8. The permittee shall submit a report every five (5) years regarding the structural integrity of the tower to the satisfaction of the Building Inspection Division. The report shall be prepared and certified by a qualified licensed engineer. This condition will be administered by the Planning and Building Department - Building Inspection Division.
9. In the event the permitted use of the communication tower has been discontinued for a period of 90 consecutive days, the tower shall be deemed abandoned. After a tower has been considered abandoned, the owner/applicant shall have an additional 90 days to reactivate the permitted use of the tower; or transfer the tower to another owner/operator who makes actual use of the tower. If use has not been reactivated within the prescribed time period, all approvals shall automatically expire. Within 12 months of tower being deemed abandoned, the tower shall be dismantled and removed to an approved location along with all appurtenant structures. Dismantlement and removal shall be the responsibility of the applicant and property owner.

10. Applicant shall adhere to all Federal Aviation Administration (FAA) regulations, including, but not limited to the submittal of FAA Form 7460-2, "Notice of Actual Construction or Alteration," within prescribed time limits.
11. If obstruction lighting is required by the FAA for the proposed extension of the tower height, all required lighting shall be Night-Vision-Goggle (NVG) compatible (aviation red lighting emitting IR energy at a wavelength above 665 nanometers).
12. USFWS personnel shall be allowed to access the tower site after its construction to conduct bird surveys and studies in order to gain information on the impacts of various tower sizes, configurations and lighting systems.
13. Design changes (changes to the tower design which limit or reduce the effectiveness of stealthing, extensions in height greater than 10%, addition of tower-mounted lighting, etc.) shall require a modification to this permit.
14. Operations shall be conducted consistent with the Project Description, Site Plan and Plan of Operations.
15. Per the submitted site plan, the 20'-wide graveled access road from Norton Road to the tower facility, as well as the turnaround area shall be maintained for emergency vehicles and other utility easement access.
16. New utilities shall be installed underground, when feasible.
17. Per the Humboldt County Wireless Telecommunications Facilities Ordinance (Ord. 2703, adopted 11/29/2022), the facility is subject to the following performance & design standards and requirements found in section 314-91.2 of the Zoning Regulations:

PERFORMANCE STANDARDS

- a. Inadvertent Archaeological or Native American Remains Discoveries: All discretionary and ministerial permits shall include the condition of approval or note identified in Standard CU-S4.E of the General Plan regarding inadvertent discovery of archaeological or Native American remains.
- b. Notification of California Department of Fish and Wildlife (CDFW): If a bird of prey (e.g., hawk, falcon, owl, etc.) establishes a nest on a facility, the permittee shall provide written notification of the nest to the Planning and Building Department and to CDFW within ten (10) days of nest discovery.

- c. Maintenance:
 - i. All landscaping shall be maintained as shown on the approved landscape plan. Trees and shrubs shall be maintained to screen the site. Dead and dying landscaping shall be replaced in accordance with the approved landscape plan.
 - ii. All wireless telecommunications sites shall be kept clean and free of litter.
 - iii. All equipment buildings shall display a legible operator's contact number for reporting maintenance problems.
 - iv. Maintenance vehicles servicing facilities located in the public or private right-of-way shall not park on the traveled way or in a manner that would obstruct traffic.
- d. FCC Emission Compliance: Records shall be maintained which demonstrate ongoing compliance with FCC emission regulations and guidelines. Records shall be made available to County staff within three (3) business days of the request.
- e. Abandonment or Discontinuation of Use:
 - i. All operators who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intentions no less than sixty (60) days prior to the final day of use.
 - ii. Wireless telecommunications facilities with use discontinued shall be considered abandoned ninety (90) days following the final day of use.
 - iii. All abandoned facilities shall be physically removed by the facility owner no more than ninety (90) days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
- f. Revocation: Failure to comply with any condition of approval or applicable standard shall constitute grounds for possible revocation of use pursuant to Section 312-14.

DESIGN STANDARDS

- g. All new and existing outdoor lighting within the lease area shall be kept to a minimum in every instance to ensure it is compatible with the existing setting. Lighting shall be directed downward to keep light within the boundaries of the site. All lighting shall be controlled by a manual switch. Motion-activated lighting shall be controlled by a timed switch of no greater than one hour's duration. Additional lighting shall only be used on a temporary basis when nighttime maintenance is necessary.

SPECIAL PROVISIONS IN RESIDENTIAL ZONES

- h. Lattice and guyed tower are prohibited.
- i. Routine noise from any equipment supporting the facility shall not exceed fifty (50) dB or the ambient noise levels, whichever is lower. Backup generators shall only be used on a temporary basis and noise levels from backup generators shall not exceed sixty (60) dB. Noise-attenuating structures may be required if operational noise would otherwise exceed these limits. Installation of a noise sensor may be required if more than 1 noise complaint is received following operation. Following installation, noise monitoring data shall be collected and provided to the County upon request.

Informational Notes:

1. The applicant is responsible for receiving all necessary permits and/or approvals from other federal, state and local agencies.
2. This permit 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-10.5 of the Humboldt County Code.
3. 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 Bear River Band of Rohnerville Rancheria, Wiyot Tribe, Blue Lake Rancheria, 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.

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

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.

4. FENCES/GATES: Pursuant to County Code Section 411-11 G) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of 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 the 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.

Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department - Building Division at 707.445.7245 prior to constructing any fences or gates.

5. Under California Health and Safety Code, Section 25404 et seq., any business that contains on-site more than 55 gallons, 500 pounds, or 200 cubic feet of a hazardous material, or generates hazardous waste as part of their business activity, must report these activities and be inspected. Contact Humboldt County Environmental Health's

Hazardous Materials Unit at (707)268-2220 or mswoveland@co.humboldt.ca.us if you store hazardous materials above these quantities or generate hazardous waste.