

**Attachment 1. Revised\* Conditions of Approval**

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

**A. Conditions of Approval:**

1. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.
2. The applicant shall submit a written letter to the Planning Division from the California Department of Fish and Game stating either that a current Fish and Game Code Section §1600 agreement extends to the project or that such an agreement has been approved specifically for the rock processing facility.
3. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Planning and Building Department.
4. A filing fee of \$1,250.00 plus document handling fee of \$25 must be paid to the County Recorder at 825 Fifth Street, Room 235 in Eureka. A copy of the receipt must be submitted to the Planning Division to satisfy this condition. This fee is required by state law pursuant to Section 711.4 of the Fish and Game Code.
5. A landscaping plan for the areas ~~proposed to be used for rock processing and materials storage, appurtenant structures and road/driveway access and parking areas~~ along Glendale Avenue shall be provided to the satisfaction of the Community Development Services - Planning Division. At a minimum, landscape plan shall include mature, native tree species, which are non-deciduous, and identify the proposed location, type (by species and common name), size, irrigation method and maintenance overtime, including replacement of plantings overtime. Landscaping shall conform to the visibility ordinance as required by the Department of Public Works. The required screening/landscaping shall be installed prior to the initiation of operations at the facility.
6. Applicant shall:
  - a) maintain erosion control as specified in §3432(9) of the Framework Plan;
  - b) implement "Best Management Practices" for erosion and sediment control during the construction phase of the project;
  - c) use dust control techniques when excavating or storing bare soils to minimize dust problems on adjacent dwelling(s).
  - d) reseed disturbed areas prior to winter rain.
  - e) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.
7. The applicant shall pay the \$95.00 Review for Conformance with Conditions Fee as required by the County's adopted Schedule of Fees and Charges.
8. All areas of grading and fill within flood zone A must: a) have flood elevation certificate; b) be designed by an engineer; c) comply with the Humboldt County Flood Ordinance; and d) comply with "Placement of Fill Within A Special Flood Hazard Area" handout. This condition will be enforced by the Building Inspection Division.
9. All areas of grading and fill within wetland or streamside management areas must comply with the Humboldt County Open Space Element. This condition will be enforced by the Building Inspection Division.
10. Any large equipment stationary for over six (6) months must have overturn anchorage designed by an engineer to the satisfaction of the Building Inspection Division.

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\* Revised based on Planning Commission action at the August 16, 2001 Public Hearing.

11. The applicant shall file an erosion control plan with monitoring guidelines with the Building Inspection Division. Per Department of Fish and Game recommendations, the applicant shall incorporate retention areas where all surface runoff will be directed and/or extend the series of berms throughout the site to provide for containment of sediment and contaminated materials.
12. This permit approval does not authorize the storage or management of hazardous materials or waste.
13. ~~The applicant shall investigate, through soil sampling and testing, whether existing berms and potential future berms and previously filled wetlands are composed of contaminated materials and sediments (i.e. asphalt, petroleum based, products, etc.). Such materials shall be removed if there is evidence of contamination of material which may accidentally discharge into Hall Creek during inclement weather.~~  
The applicant shall retain a qualified professional consultant to make periodic visual observations of grading and excavation activities for detection of hazardous substances or contaminated materials. If contamination is observed, work shall be stopped and a notification of an observed release shall be filed with the Regional Water Quality Control Board, Department of Environmental Health, and the Planning Division. The qualified professional shall be present during all major earth disturbing activities and make an inspection of final grades. A final field report documenting grading activities and observations shall be submitted to the Planning Division within 30 days of the completion of grading activities.
14. Riparian vegetation shall be re-established along the southeast portion of Hall Creek, and the width of this area shall be as wide as that existing downstream of this area.
15. The applicant shall secure a National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges associated with construction activity from the Regional Water Quality Control Board. The applicant shall submit evidence to the Planning Division that this requirement has been satisfied.
16. The applicant shall implement the Wetland Mitigation and Riparian Buffer Mitigation Plan (included with Attachment 4) to the satisfaction of the Corps of Engineers and the Department of Fish and Game. Financial assurances in a form and amount acceptable to the Director shall be submitted to ensure performance of the required mitigation work and monitoring. Annual Reports required under the Mitigation Plan shall be forwarded to the Planning Division. Termination of annual monitoring shall required by the Monitoring Plan shall not occur without the written concurrence of the Planning Division.

**B. Operation Restrictions:**

1. The processing operator shall adhere to the approved operations plan and mitigation monitoring program, as applied to the site proper, and other support and ancillary uses and facilities (i.e., stockpiles, and the maintenance of access road drainage culverts).
2. Hauling along public roads shall be limited to "legal loads" only. "Overweight loads" must have prior approval from the Department of Public Works and/or CalTrans.
3. Any and all portable toilet facilities shall be adequately maintained by a licensed septic tank pumper to the satisfaction of the County Department of Environmental Health.
4. Blasting on the project site is prohibited, unless the conditional use permit is modified to include blasting.
5. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
6. Applicant shall ensure that noise generated by the operations shall not exceed 60 Ldn at nearby residential properties.
7. The applicant/operator shall comply with the California Integrated Waste Management Board (CIWMB) Title 14 California Code of Regulations as determined by the Local Enforcement Agency (LEA).

8. The applicant/operator shall have a screening program to ensure that hazardous, designated, contaminated soil or unauthorized wastes are not received. The program shall include screening criteria, laboratory testing by a certified lab when necessary, and record keeping. The program shall be designed and enforced to the satisfaction of the Division of Environmental Health.
9. The applicant/operator shall comply with the provisions of Health and Safety Code Chapter 6.5 (Hazardous Waste Control Law) and California Code of Regulations Title 22 pertaining to storage, handling, and disposal of hazardous materials.

**C. Informational Notes:**

1. Rock processing operations are regulated by various different state and federal agencies. Each of these agencies is responsible for regulating a specific aspect of the mining operation. For example, the Department of Fish and Game is responsible for assuring that fish and wildlife resources are not negatively impacted by the operation; the Army Corps of Engineers is responsible for regulating discharges into navigable waters of the United States; the Regional Water Control Board oversees waste discharge requirements; CalTrans assures that no State bridges or highways are negatively affected by mining operations, and; the State Lands Commission regulates activities on lands within the public trust. Other agencies which may have jurisdiction over the operation include but are not limited to, North Coast Unified Air Quality Management District; National Marine Fisheries; United States Fish & Wildlife Service, and ; CalOSHA.

The operator is responsible for contacting all of the above regulating agencies to assure conformance by the operation with these agencies regulations.

2. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.
3. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.
4. Permits are required from the Building Inspection Division for any building/alteration or demolition of structures.
5. An encroachment permit is required from the Department of Public Works for two items of work: a) the access road south of the old railroad crossing on Glendale; and b) the repair to the "chuck hole" on the north side of the south yard entrance on APN 516-141-17.