

## **CONDITIONS OF APPROVAL**

Approval of the Conditional Use Permit is conditioned on the following Development Restrictions, General Conditions, and Ongoing Requirements.

### **A. Development Restrictions Which Must be Satisfied Before Site Development or Initiation of Operations.**

1. The project shall be developed and operated in accordance with the Project Description and Operations and Maintenance Plan, the Site and Utility Plan, and the adopted Mitigation and Monitoring Report (Attachment 1B).
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. The applicant shall seed at least 10 acres with an appropriate local native seed mix sourced from the North Coast Ecoregion in coordination with CDFW.
4. All signage shall comply with Section 314-87.2 of the Humboldt County Code and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
5. The applicant must apply for and obtain an encroachment permit for commercial driveway on Foster Avenue. The permit will require the driveway entrance to be surfaced with asphalt concrete or portland cement concrete. The paved area shall extend a minimum of 50 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the county road. The driveway shall intersect the county road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. shall be responsible to correct any involved drainage problems to the satisfaction of the Humboldt County Department of Public Works Land Use Division.
6. The applicant shall be responsible to correct any involved drainage problems within the county road right of way associated with the driveway improvements to the satisfaction of the Humboldt County Department of Public Works Land Use Division.
7. The county road is not constructed to allow on-street parking. All parking must be developed on-site, or applicant must construct a parking lane along the county road in a manner approved by the Humboldt County Department of Public Works Land Use

Division. All parking required by Humboldt County Code must be constructed prior to final issued building permit.

8. If there needs to be any rearrangement of existing PG&E facilities on the property, the owner/applicant will bear the burden of that cost.
9. To ensure that the project is decommissioned at the end of the Project service life, the applicant must secure and submit to the Humboldt County Planning and Building Director for review and approval (1) a decommissioning cost estimate, prepared by a qualified contractor or engineer, showing the cost to decommission the Project net of the Project salvage value, and (2) one of the following prior to issuance of any building permits:
  - A. An agreement between the parent company and the County that insures the applicant's commitment to the decommissioning of the site; or
  - B. An agreement between the applicant and the property owner that states the if the project were not to be decommissioned by the applicant, the property owner would be responsible for the decommissioning of the project; or
  - C. A surety bond in an amount that would cover the cost of the decommissioning of the site if the County were left responsible for the decommissioning; or
  - D. An alternative mechanism acceptable to the Planning Director that accomplishes the same goal.

**B. General Conditions.**

1. 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.
2. 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.
3. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

**C. Ongoing Requirements Which Must be Satisfied for the Life of the Project.**

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description and Operations and Maintenance Plan, the approved Site and Utility Plan, the Mitigation and Monitoring Report, and these operational 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. No development, mowing, or removal of native vegetation shall occur within the setback buffers surrounding the wetlands or environmental avoidance area as depicted on the Site and Utility Plan.
3. The intersection of the access driveway and Foster Avenue shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
4. Mowing the project area shall not be permitted during the blooming period (March-August).
5. Any outdoor construction activity and use of heavy equipment outdoors shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.

**Informational Notes:**

1. This permit approval 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 building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Humboldt County Code.
2. 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 Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, Wiyot Tribe, and 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.