

**ATTACHMENT 1
CONDITIONS OF APPROVAL
PLN-2023-18188**

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE WORK IS INITIATED:

A. General Conditions

1. The applicant shall comply with the following conditions to protect coastal resources and maintain natural bluff erosion rates, as recommended by the Coastal Commission:
 - a. No bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to PLN-2020-16840, including, but not limited to the deck, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea-level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under applicable laws.
 - b. By acceptance of this Permit, the applicant further agrees, on behalf of himself/herself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, if the County or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the deck is currently and permanently unsafe for occupancy or use due to coastal hazards, and that there are no measures that could make the structures suitable for occupancy or use without the use of bluff or shoreline protective devices. If any portion of the development authorized by this permit at any time encroaches onto public property, the permittee shall either remove the encroaching portion of the development or apply to retain it. Any application to retain it must include proof of permission from the owner of public property. The permittee shall obtain a CDP or its equivalence for removal of approved development, unless the Planning Director provides a written determination that no CDP is legally required.
 - c. In the event that the edge of the bluff-top recedes to a point where any portion of the structure becomes threatened, but no government agency has ordered that the structures not be occupied or used, a geotechnical investigation shall be prepared by a licensed coastal engineer and

geologist, retained by the permittee, that addresses whether any portions of the authorized development are threatened by coastal hazards. The report shall identify all those immediate or potential future measures that could stabilize the deck without bluff or shoreline protective device(s), including, but not limited to, removal or relocation of portions of the deck. The report shall be submitted to the Director of the Planning Department. If the geotechnical investigation concludes that any portion of the deck is unsafe for operation or use, the permittee shall, within 90 days of submitting the investigation, apply for a coastal development permit amendment to remedy the hazard.

- d. Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Humboldt County Planning Department for review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated, and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a CDP or its equivalence.
 - e. Drainage and runoff shall be directed away from the edge of the bluff, and soils and vegetation shall not be irrigated near the edge of the bluff.
2. The applicant is required to obtain a building permit for the deck extension and generator set-up.
 3. The applicant is responsible for receiving all necessary permits and/or approvals from state and local 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 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.

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

1. 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 commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.

Informational Notes:

1. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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