

CONDITIONS OF APPROVAL
PLN-2025-19240

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

A. General Conditions

1. All development shall conform to the approved Project Map, **Attachment 1B** to the staff report.
2. Any development resulting from the issuance of this permit shall result in not less than 19 housing units and not more than 29 housing units.
3. The applicant shall conduct tree removal outside of the nesting bird season (generally March 15 – August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee shall consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist shall re-survey the area before work resumes.
4. The applicant shall submit a buffer enhancement plan for the remaining wetland/stream buffer prepared by qualified biologist, which includes a list of native species, planting specifications, maintenance, basic performance standards, and monitoring. The buffer enhancement plan shall include invasive species management. It will be necessary to prepare the area for planting and prevent invasive plants from taking over. The plan shall prioritize eradication of English ivy, jubata grass, Himalayan blackberry and French broom, as well as any other species ranked “Moderate” or “High” on the Cal-IPC Inventory. The planting palette for the buffer enhancement shall consist of locally appropriate native shrubs and herbaceous species, with an emphasis on creating dense, year-round screening (e.g., wax myrtles) and ground cover to filter stormwater runoff
5. The applicant shall have the property monitored for a period of three years or greater or until such time success criteria are met. The monitoring shall include the following:
 - a. Invasive species cover should be comparable to or less than that observed in nearby undisturbed riparian and forested habitat. Monitoring shall include the continued eradication of targeted invasive plant species until this performance measure is met.

- b. Native plantings in the buffer enhancement area shall be monitored for plant survival. If 75% survival rate is not met, additional plants will need to be added and monitored for survival until the 75% survival rate is met.
- 6. The applicant shall remove the flex pipe, shown on the Project Map **Attachment 1B**, on the intermittent stream, in consultation with CDFW. The short section that conveys water beneath a fill berm at the top of the drainage may be retained, if necessary, but the remainder of the pipe should be removed. The applicant shall notify CDFW and work under their direct supervision to design the project to avoid and minimize impacts to aquatic resources.
- 7. The applicant shall submit at least one copy of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and include the following notes and details:
 - A. Mapping
 - 1) All property lines and zoning setbacks; and
 - 2) The location of the wetland and intermittent stream, labeled appropriately, and the setback as approved by this Special Permit.
 - B. Notes
 - 1) Development of these properties shall result in not less than 19 housing units and not more than 29 housing units.
 - 2) Prior to the issuance of any building permits for multifamily development the applicant shall improve Moore Avenue to a minimum width of 40 feet along the frontage of parcel 016-112-027.
 - 3) To minimize trespass light in the adjacent wetland and gulch, exterior lighting should use motion-activated sensors, low-color-temperature LEDs, and fully shielded directional fixtures.
 - 4) The applicant shall ensure development includes appropriate stormwater management to address runoff and associated pollutants using low-impact development (LID) practices, such as vegetated bioswales, rather than underground retention basins. LID features should be planted with locally appropriate native species such as those listed in the Humboldt County LID Manual.
 - 5) The applicant shall conduct tree removal outside of the nesting bird season (generally March 15 – August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall

survey for active bird nests no more than seven days prior to the start of any project-related activities with the potential to impact nesting birds. If an active nest is found, the permittee shall consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist shall re-survey the area before work resumes.

- 6) The applicant shall notify Underground Services Alert (USA) by dialing 811 a minimum of two working days prior to commencing ground-disturbing work.
 - 7) The use of invasive species in landscaped areas is prohibited. The Cal-IPC Inventory and Humboldt County WMA have lists of the most problematic species.
 - 8) 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.
8. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
 9. 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 Zoning Administrator 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.

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, 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 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.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. Before any digging or excavation occurs, the applicant shall contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work to ensure that all existing underground utilities are identified and marked on-site.
4. The Coastal Development Permit and Special Permit shall expire and become null and void at the expiration of two (2) years 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 312-11.3 of the Humboldt County Code.