

CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT SPECIAL PERMIT AND MERGER ARE GRANTED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE USE MAY BE INITIATED AND FOR THE LIFE OF THE PROJECT

A. 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 shall secure a building permit for construction of the gas station and market and all associated improvements.
3. The applicant shall secure a permit for the proposed Onsite Waste Treatment System, subject to review, approval, and inspection by the Environmental Health Division.
4. The applicant is required to pay for permit processing on a time-and-materials 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 and Building Department, 3015 H Street, Eureka.
5. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:

A. Mapping

- (1) Topography of the land in 2-foot contour intervals.
- (2) The location of all improvements, including the footprint of all proposed development, septic system, driveway, fencing, bioswale.
- (3) The location of all property lines, easements, and related features.
- (4) The 50-foot 3-parameter Wetland Buffer development setback.

- (5) The 10-foot 1-parameter Wetland Buffer development setback.
- (6) The boundaries of all wetland features.
- (7) The location and alignment of Redwood Creek near the northern boundary of the property shall be shown.
- (8) The location of riparian vegetation along Redwood Creek.

B. Notes to be placed on the Development Plan:

- (1) Future Development activities shall be located outside of the 10-foot and 50-foot buffers shown on this plan.
- (2) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:
 - If archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area 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.

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- (3) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday."
- (4) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."
6. The applicant shall cause to be recorded a "Notice of Development Plan" for the parcel 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 (currently \$415.00 plus applicable recordation fees) will be required.
7. Due to the potential for several special status bird species, including bird species protected under the Migratory Bird Treaty Act (MBTA) to be present with the subject trees planned for removal, tree removal shall be conducted outside of the bird nesting season, which occurs between March 1st and August 1st each year. If tree removal is proposed during the bird nesting season, then a qualified biologist shall determine the presence of vulnerable nests, within 100 feet for passerines and 300 feet for raptors, of the proposed tree removal area. Any active nests within the above mentioned distances shall be allowed to complete their nesting or until the qualified biologist determines they are no long active before removal may occur.
8. Pre-construction and construction-phase biological surveys shall be completed during seasonally appropriate windows to identify and protect sensitive species. Survey frequency and timing are specified below to ensure compliance with regulatory requirements and minimize impacts to sensitive species during construction activities:
- a. **Amphibians:** A qualified biologist shall conduct pre-construction visual encounter surveys for amphibians within 24 hours prior to ground disturbance within 200 feet of all wetlands and watercourses. Surveys must focus on identifying and relocating any amphibians present to avoid incidental harm. During construction, periodic inspections (e.g., daily during initial ground disturbance and after significant weather events) should be conducted to monitor for amphibian presence and relocate individuals as necessary.

- b. **Nesting Birds:** Pre-construction nesting bird surveys, performed by a qualified biologist, should occur within 14 days prior to project activities if work is scheduled during the nesting season (February 1 – August 31, depending on species). Surveys should cover all suitable nesting habitat within 50 feet of the action area and wetlands. If active nests are identified, construction monitoring surveys should occur at regular intervals (e.g., weekly or as needed) to assess nest status and ensure compliance with required no-disturbance buffers.
 - c. **General Wildlife:** Pre-construction surveys shall be conducted to assess potential presence of terrestrial and wetland-associated species to avoid incidental take. During construction, ongoing biological monitoring shall occur at frequencies appropriate to species presence and project activities (e.g., daily during major earth-moving activities near sensitive habitat). If special-status species are observed at any time, the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) must be notified immediately, and appropriate protection measures will be implemented.
- 9. Temporary high-visibility fencing shall be installed around all wetlands during construction to delineate and protect buffer zones.
 - 10. Erosion control measures shall be implemented during construction, including (but not limited to) installation of biodegradable silt fences and/or straw wattles, as well as immediate post-construction revegetation to stabilize disturbed soils.
 - 11. All above ground fuel storage structures shall be sited, designed, and installed in compliance with applicable requirements of the California Fire Code.
 - 12. Approval of this permit is based on information in the materials submitted on behalf of the applicant, which are on file with the Planning and Building Department and attached and referenced herein. All related project activities shall be executed in accordance with these descriptions and discussion therein.
 - 13. The applicant must apply for and obtain an encroachment permit with the California Department of Transportation (Caltrans) and complete a suite of highway improvements to allow limited widening of the roadway and development and striping of a left-turn lane in the vicinity of the project. The applicant shall be responsible to complete all improvements and correct any associated drainage problems to the satisfaction of Caltrans.
 - 14. All willow trees removed from the subject Site during project construction shall be

replaced at a ratio of 3:1 on the subject property to mitigate for potential habitat loss as a result of the project. A minimum of three (3) years of monitoring shall be required, within annual monitoring reports submitted to the County, to ensure a minimum success rate of 85 percent. Should replanting be determined unsuccessful, replanting and monitoring shall reoccur.

15. Due to encroachment into existing wetland buffers, per §3.41(E)(6) of the NCAP, the applicant and project shall comply with the following:

1. Not more than 25% of the lot surface shall be effectively impervious.
2. The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50-year storm of 10-minute duration.
3. Storm water outfalls, culverts, gutters, and the like shall be dissipated.
4. Septic systems or alternative wastewater disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.
5. Areas disturbed during construction, grading, etc., within 100 feet of the boundary of the wetland, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.
6. Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion of run-off away from graded areas and avoidance of grading during the rainy season (November through April).

16. During installation of the On-site Wastewater Treatment System (OWTS), wetland areas shall be flagged in order for construction equipment to avoid these areas to the greatest extent feasible. Once installation of the proposed OWTS is complete, the applicant shall retain a qualified biologist to determine the total amount of wetland and buffer area disturbed and to prepare a mitigation and monitoring plan detailing the amount of area disturbed and to be replanted, as well as a planting plan and monitoring plan. The applicant shall replace and replant all area disturbed within 50 feet of mapped wetlands. A minimum of three (3) years of monitoring shall be required, within annual monitoring reports submitted to the County, to ensure a minimum success rate of 85 percent. Should replanting be determined unsuccessful, replanting and monitoring shall reoccur.

17. To minimize exposure to and contact with contaminated soil and/or groundwater

during project construction, the soil and groundwater contingency plan drafted in 2013, developed for the on-site LUST clean-up site and addresses proper protocol during construction, shall be implemented and followed.

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

1. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities. If the applicant proposes new development outside of the area that was surveyed by a certified archaeologist, a new archaeological survey covering the proposed development area will be required.
2. The applicant or their successors shall comply with all of the mitigation measures outlined under Section 3.30(B)6(f) of the Humboldt Bay Area Plan, which include:
 - (1) Not more than 25% of the lot surface shall be effectively impervious.
 - (2) The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50-year storm of 10-minute duration.
 - (3) Storm water outfalls, culverts, gutters, and the like shall be dissipated.
 - (4) Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.
 - (5) Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion of runoff away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).

C. Informational Notes:

1. This permit approval 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 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 archaeological resources are encountered during construction activities, the contractor or operator on-site shall cease all work in the immediate area 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

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