

ATTACHMENT 1
ORIGINAL CONDITIONS OF APPROVAL
(As modified by the Planning Commission on 10-2-14)

Approval of the Extensions for the Coastal Development Permit, Conditional Use Permit and Special Permit is conditioned upon the following terms and requirements which must be fulfilled before a grading permit may be issued or use initiated.

1. Prior to hearing, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,231.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Wildlife Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2014 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,181.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Wildlife Code).

2. Grading plans submitted for approval shall conform to the approved site plan and Plan of Operations on file with the Planning Division. Grading plans shall also show the use of Best Management Practices to reduce the potential from soil erosion from the site.
3. The applicant shall submit a letter from the Regional Water Quality Control Board that the proposed project meets their concerns and permit requirements.
4. The applicant shall submit a letter from U. S. Army Corps of Engineers that the proposed project meets their concerns and permit requirements.
5. The applicant shall comply with the requirements of the Department of Public Works Memorandum dated May 14, 2014, including the requirement to secure the necessary Encroachment Permit and coordinate with Caltrans regarding overflow from the bioswale.
6. During project development the applicant shall abide by the mitigation measures contained in the cultural resource investigation prepared by Nick Angeloff for the Site.
7. The applicant shall prepare a Trash Management Plan as it relates to corvids (e.g. jays, crows, and ravens) and submit evidence to the County Planning Division that the plan has been reviewed and approved by the California Department of Fish and Wildlife.
8. All lighting on the project site shall be fully shielded so that it does not extend beyond the project boundaries.
9. The applicant shall incorporate LID stormwater management in the design of stormwater facilities and shall use native and/or non-invasive plants in landscaping.

10. Any work done within the State right-of-way will require an encroachment permit from the Caltrans District 1 Permits Office. The applicant shall provide evidence to the Planning Division that such work has been approved by Caltrans.
11. A landscaping plan shall be provided to the satisfaction of the Planning Division. At a minimum, the landscaping plan shall include native and/or non-invasive tree and shrub species, which are drought resistant and are non-pyrophitic, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. Landscaping shall not affect visibility and shall conform to the visibility ordinance as required by the Department of Public Works and Caltrans.
12. The project shall demonstrate conformance with the approved Mitigated Negative Declaration and the Mitigation and Monitoring Program. In addition, the applicant shall submit to the Planning Director annual follow-up reports prepared by a qualified biologist that verifies whether or not: a) the mitigations BIO-7, BIO-8 and BIO-9 in the Mitigated Negative Declaration (page 17) were adhered to, and b) the success of the Wetland Mitigation Plan in BIO-9. A minimum of three (3) years of monitoring report shall be provided to address the success of wetland construction. Verification that necessary measures were completed shall be submitted for the Planning Director's review. A written contract for services and cost estimate for this monitoring work shall be provided to the Department prior to initiation of work. A performance bond may be required by the Planning Director.

On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The site shall be developed and used in conformance with the approved Project Description, Plan of Operations, Site Plan and the Mitigated Negative Declaration. Changes to the approved project, except for Minor Deviations as allowed pursuant to Section 312-11 of the Zoning Regulations, shall require prior approval by the Planning Division and may necessitate a modification to this permit.

Informational Notes:

1. 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.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

3. 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 be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
4. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.
5. The applicant will need to apply for an "encroachment" permit from the Humboldt County Department of Public Works for the proposed trail connections within the levee right-of-way. Issuance of an "encroachment" permit will require concurrence from the U.S. Army Corps of Engineers.