

ATTACHMENT 1A

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 applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,916.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2023, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,916.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.
2. The project shall be developed and operated in accordance with the Project Description and Operational information and restrictions described within the Mitigated Negative Declaration and the Mitigation and Monitoring Report (Attachment 3).
3. 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.).
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 with the California Department of Transportation (Caltrans) for a new commercial driveway from State Highway 36. The applicant shall be responsible to correct any involved drainage problems within the state highway road right of way associated with the driveway improvements to the satisfaction of Caltrans.
6. Written permission to use and improve the existing railroad crossing shall be secured from the Great Redwood Trail Agency. This includes all work within or immediately adjacent to the former railroad right-of-way, including the access road and any proposed new fencing.
7. 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:

- An agreement between the parent company and the County that insures the applicant's commitment to the decommissioning of the site; or
- An agreement between the applicant and the property owner clarifying that if the project is not to be decommissioned by the applicant, the property owner will be responsible for the decommissioning of the project; or
- 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
- 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 Operational information described within the Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program (Attachment 3), and all Conditions of Approval applied to the project herein. 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. Project lighting may be installed at entry and egress gates and at strategic locations around the facility. All project lighting must be shielded and directed downward to minimize the possibility of glare or spillover onto adjacent properties. Unless authorized by the Planning & Building Department, all lighting must be controlled by motion sensors and remain off during the evening when not in use.
3. In accordance with County Code Section 341-1 (Sight Visibility Ordinance), the intersection of the access driveway and State Highway 36 shall be maintained in such a fashion that visibility is preserved by vehicles entering or existing the highway.

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.

Inadvertent Discovery of Cultural Resources during Excavation

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 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.