

CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit and the Special Use Permit is conditioned on the following terms and requirements which must be satisfied before site development or initiation of operations.

Section 1: Development Restrictions

1. The project is approved in two phases. Phase I involves installation of the greenhouse, temporary access road, accessibility improvements and utilities associated with the greenhouse. The following conditions must be satisfied prior to initiation of any work on phase I all other conditions shall be fulfilled as part of phase II:
 - a. Run-off from the Phase 1 greenhouse shall be directed to a temporary valley ditch for dissipation released into the area identified as orchard on the site plan.
 - b. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,814.00 to record the CEQA Notice of Determination. 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.
 - c. Prior to initiation of grading and construction of the greenhouse the applicant shall obtain the appropriate grading plan and building permit for the greenhouse.
 - d. The improvements for phase I do not effectuate the permit.
2. The project shall be developed and operated in accordance with the Site Plan, Parking Plan, and Operations Plan.
3. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant shall verify adequate fire apparatus access per California Code in consultation with Arcata Fire Protection District.
5. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
6. Outdoor lighting shall conform to International Dark Sky Association standards.
7. The property frontage shall be improved to urban level standards (parking lane, curb, gutter, landscape strip and sidewalk).
8. PARKING LOT: The parking lot shall be paved.
9. DRAINAGE: The project shall comply with the stormwater detention as called out in the McKinleyville Community Plan Policy 3310 (5) MS4 requirements will not satisfy this requirement. This measure shall apply to all activity in Phase 2. Phase 1 disturbance is less than one-acre and does not trigger a SWPPP
10. The applicant shall obtain Building or other required permits prior to commencing construction

activities or the approved use from the Building Division any (i.e. grading building plumbing electrical, mechanical, etc.)

11. Grading and Erosion control plans shall be submitted to the Building Division for their review and approval prior to the issuance of permits. Drainage from the grading shall not be concentrated and shall not be directed off the property without mitigation for downstream effects. Energy dissipaters should be required at the outlet of any proposed culvert.
12. Applicants shall provide an adequate number of portable toilets for each event depending on numbers of guests. Standards are available from the Division of Environmental Health. All porta-potties shall come equipped with hand washing stations.
13. The Project shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before release of the Building Permit and initiation of operations.
14. Prior to initiating operation, the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.
15. 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.
16. A stop sign shall be installed on Weirup Lane northbound at the intersection with Hideaway Court to ease congestion related to vehicles leaving the project.
17. Wetland mitigation ratios may increase if and as required by the North Coast Regional Water Quality Control Board (CWA Section 401) or the Army Corps of Engineers (CWA Section 404). Certification of compliance with these agencies shall be presented to the Planning & Building Department prior to .

Section 2: Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

18. The use shall be conducted in accordance with the Operations Plan, **and the following requirements:**
 - a. A gathering of more than 50 guests shall be considered an event. The maximum event capacity under the use permit shall not exceed 215 persons.
 - b. Maximum number of special events shall not exceed 24 per year.
 - c. No more than one event at a time shall take place.
 - d. No permanent signs advertising events are authorized by this permit.
 - e. Dust generation shall be minimized by watering; off-pavement parking shall not be detrimental to wetlands or habitat.
 - f. The applicant shall provide adequate trash receptacles and shall be responsible for cleanup and proper disposal of any litter created by each event.
 - g. Amplification for music or speakers shall be limited to event hours (10 AM to 10 PM).
 - h. Temporary signs to direct guests to the venue shall not exceed 2 ft by 2 ft in size and shall be placed and removed within one (1) day of the event. The location of any off-site signs shall be subject to the prior approval of the Planning Director pursuant to Section 313-

87.3.2.5 of the Zoning Regulations.

- i. The use shall be conducted so as not to be detrimental to the public health, safety or welfare or a nuisance.
19. Any exterior lighting associated with event use shall be directed so as not to extend beyond the boundaries of the parcel and shall be limited to actual event dates. Event lighting shall be turned off within 1-hour of the end of the event.
 20. Hideaway Court and Sandpiper Lane are private streets, this project does not have the right to use them for parking. Temporary signage in a form approved by the Department of Public Works stating "No We Are Up event parking is allowed on Hideaway Court and Sandpiper Lane" shall be placed at the entrances to these streets by the Permittee prior to events and removed immediately following the events.
 21. Representatives of each event will be required to sign a contract with the Permittee governing the use of the property during their event. Provisions of each contract include specific noise restrictions and reserve the owners' right to immediately cancel the event if noise is excessive, or the event becomes unruly in any manner.
 22. The Permittee shall provide their contact information (telephone numbers) to all interested parties (i.e. any person speaking at the public hearing regarding the project) and to all neighbors within 300 feet of the property. This is to give interested parties a way to inform the Permittee if they are experiencing disturbance due to the events. The applicant shall submit to the Planning Division the distribution list and letter sent in order to satisfy this condition.
 23. The Permittee shall submit an annual monitoring report to the Planning Division by December 31 of the year that the use authorized by this permit is initiated. The report shall identify compliance with the Operations Plan, Parking Plan, Mitigation Measures, and conditions of the permit, and shall identify complaints received, if any, and how the concerns were addressed by the Permittee. The purpose of this reporting requirement is to permit County staff and the Permittee to review the adequacy of the operational restrictions, and, if appropriate, suggest ways to better address any neighborhood issues that may arise following a full season of operation. This reporting requirement shall continue for the first three (3) years of operation unless waived in writing by the Planning Director.
 24. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site and Utility Plan, the Plan of Operations, Parking Plan, the Mitigation Monitoring and Reporting Program, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
 25. Pay all applicable application, review for conformance with conditions and annual inspection fees.
 26. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
 27. Outdoor construction activity and use of heavy equipment outdoors shall take place 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.

28. Livestock are permitted subject to compliance with Humboldt County Code Section 314-43.3, Animal Keeping, and Sensitive natural Communities shall be fenced to prevent damage by livestock.

Section 3: General Conditions

29. 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.
30. 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 Planning Commission/Board of Supervisors shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
31. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Informational Notes:

1. This permit approval shall expire and become null and void at the expiration of three (3) 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 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. 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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
3. The subject property is located within the State Responsibility Area and is subject to the County's Fire Safe Regulations (FSR) as set forth in County Code. Development of the subject property must comply with the FSR. The Department is involved with ensuring that roads meet minimum FSR. The most common issues with roads not conforming to the FSR are: the maximum length of dead-end road is exceeded; the width of road is not wide enough; the grade of the road is too steep; and curve radii are too small. Development of the subject

property may require extensive on-site and off-site road improvements in order to meet minimum standards.

4. Future development (including subdivision(s)) of the parcel are required to comply with McKinleyville Community Plan Policy 3310 (5) in regard to development in such a manner that downstream peak flows will not be increased.
5. Development of the parcels will require the payment of drainage fees pursuant to Section 328.1-13, Humboldt County Code.
6. The Permitted shall obtain any State permits, licenses or other approvals as may be required for community care and/or health care services.
7. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property will be required to comply with the MS4 permit requirements. [Reference: National Pollutant Discharge Elimination System (NPDES) General Permit For Waste Discharge Requirements (WDRS) for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, MS4 permit section E.12.b; Humboldt Low Impact Development Stormwater Manual v3.0 (08/18/2021) Part A (Table 1), Part 2, and Part 3 (Section 1.4).
8. If Timber Operations (reference PRC 4527) are involved with a project, then the timber operations cannot be conducted without a CAL FIRE harvest document. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade (reference PRC 4527(a)(1)) or the conversion of timberlands to land uses other than the growing of timber (reference PRC 4527(a)(2)). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary CAL FIRE harvest document. If Timberlands are being converted to non-timber growing, a CAL FIRE permit is required (reference PRC 4621). Conversion of timberland takes place when trees are removed and the land is devoted to another use, even without the sale, barter, exchange, or trade of the trees (reference PRC 4527(a)(2)). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
9. 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.