

**Conditions of Approval**  
**HBHRCD – CDP-16-049 / CUP-16-062**

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SECURED BEFORE A BUILDING PERMIT MAY BE ISSUED:

**The following conditions must be satisfied prior to initiation of the interim uses:**

1. The applicant shall provide verification of coverage under the Statewide General Permit for Storm Water Discharges Associated with Construction Activities. This includes the development of a Storm Water Pollution Prevention Plan (SWPPP). (CA Water Resources Board)
2. Pursuant to Health and Safety Code, Chapter 6.95, a Hazardous Materials Business Plan shall be required if hazardous materials are stored at or above threshold quantities for 30 days, consecutively or non-consecutively. (DEH)
3. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Community Development Services Department.
4. Prior to any development occurring that is authorized by an interim use permit and coastal development permit, a Development Plan shall be submitted for review and approval by the Planning Director, and a Notice of Development Plan shall be recorded on all properties where the interim use permit will be located. The Development Plan shall identify the term and all other applicable development restrictions that apply to the interim use, including the plan for restoring the project site to pre-project condition, or to a condition that would preserve or enhance the project site for future coastal-dependent industrial use or other priority use. The Development Plan shall also map the location and identify the ground coverage for each building, allocated open yard area, and off-street parking and loading spaces for each Interim Use subject to the Conditional Use Permit. This information will be used to track the total land area zoned MC occupied for Interim Uses to determine consistency with the provisions in section I 04. I .3.4 of the Zoning Regulations.
5. Any lease for an interim use shall include a provision for rescission of the lease and mandatory relocation or removal of the interim use within six months in the event a coastal-dependent industrial use or other priority use is identified by the property owner for the space occupied by an interim use on terms acceptable to the property owner. A copy of each lease showing compliance with this provision shall be provided to the Planning Division prior to permit issuance.
6. All parking spaces shall be delineated by striping.

**On-Going Requirements/Development Restrictions Which Must Continue to be satisfied for the Life of the Project:**

1. The applicant shall carry out the project in accordance with the approved Mitigation Monitoring and Reporting Program.
2. The Project shall be developed, operated and maintained in accordance with the Project Description and Plans of Operations included as Attachment 3 of the Planning Commission's Staff Report. Any change to the coastal-related or interim uses as approved by this Permit, including size and location of lease area, type and nature of use, number of employees, and improvements to tenant spaces, shall be submitted for conformance review to the Planning Director. If the Planning Director is unable to find conformance, the request may be pursued as a project modification.
3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within property boundaries.

4. Storage and parking of construction equipment and debris must not cause any soil or water contamination. Secondary containment may be required to prevent petroleum products from leaking onto the soil and into water sources. (DEH)
5. All storage, handling and disposal of hazardous materials must comply with local, state and federal laws. (DEH)
6. All releases and spills of hazardous materials must be reported immediately to the Division of Environmental Health at (707) 445-6215 or the Sheriff's Dispatch at (707) 445-7251. (DEH)
7. All hazardous waste handling shall be in conformance with the Hazardous Waste Control Law (Health and Safety Code, Chapter 6.5) and California Code of Regulations, Title 22. (DEH)
8. Applicant shall ensure that noise generated by the operations shall not exceed 70 dB at all property lines.
9. The County's Industrial Performance Standards found in §313-103.1 of the HCC, shall be adhered to.
10. No new development involving ground disturbing activities is allowed under this permit.
11. The applicant shall maintain an adequate on-site sewage disposal system to the satisfaction of the Division of Environmental Health and/or the Regional Water Quality Control Board.
13. The term of the interim permit is seven (7) years.

**Informational Notes:**

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. 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.
3. The uses authorized by this Coastal Development Permit and Conditional Use Permit must commence within one ( 1) year after all applicable appeal periods have lapsed or this approval shall be expire and become null and void. Extensions of the initial permit vesting period (the period by which the interim and non-interim use must begin) may be approved in accordance with Section 312-11.3 of the Zoning Ordinance ("Extension of a Permit or Variance").
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. An interim use permit and coastal development permit shall not confer any land use entitlement or property right to the holder of the permits beyond the permit expiration date set forth in the use permit and coastal development permit. Interim permits shall expire at the end of the term set by the Hearing Officer, at which time they become null and void. Interim uses shall cease operation and all permitted development not authorized to remain by permit shall be removed by the permit expiration date.

Approval of a new use permit and coastal development permit prior to the expiration date of the existing use permit and coastal development permit authorizing the interim use shall be required in order to continue an interim use uninterrupted beyond the expiration date of the existing permit.

6. The Coastal Development Permit and Conditional Use Permit for Interim Uses does not authorize any uses or development within the jurisdictional area of the California Coastal Commission, nor does it authorize any uses or development on those portions of the property that are not zoned for Industrial Coastal Dependent uses.

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**The following conditions must be satisfied prior to initiation of the interim uses:**

1. The applicant shall provide verification of coverage under the Statewide General Permit for Storm Water Discharges Associated with Construction Activities. This includes the development of a Storm Water Pollution Prevention Plan (SWPPP). (CA Water Resources Board)
2. Pursuant to Health and Safety Code, Chapter 6.95, a Hazardous Materials Business Plan shall be required if hazardous materials are stored at or above threshold quantities for 30 days, consecutively or non-consecutively. (DEH)
3. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Community Development Services Department.
4. Prior to any development occurring that is authorized by an interim use permit and coastal development permit, a Development Plan shall be submitted for review and approval by the Planning Director, and a Notice of Development Plan shall be recorded on all properties where the interim use permit will be located. The Development Plan shall identify the term and all other applicable development restrictions that apply to the interim use, including the plan for restoring the project site to pre-project condition, or to a condition that would preserve or enhance the project site for future coastal-dependent industrial use or other priority use. The Development Plan shall also map the location and identify the ground coverage for each building, allocated open yard area, and off-street parking and loading spaces for each Interim Use subject to the Conditional Use Permit. This information will be used to track the total land area zoned MC occupied for Interim Uses to determine consistency with the provisions in section 104.1 .3.4 of the Zoning Regulations.
5. Any lease for an interim use shall include a provision for rescission of the lease and mandatory relocation or removal of the interim use within six months in the event a coastal-dependent industrial use or other priority use is identified by the property owner for the space occupied by an interim use on terms acceptable to the property owner. A copy of each lease showing compliance with this provision shall be provided to the Planning Division prior to permit issuance.
6. All parking spaces shall be delineated by striping.

**On-Going Requirements/Development Restrictions Which Must Continue to be satisfied for the Life of the Project:**

1. The applicant shall carry out the project in accordance with the approved Mitigation Monitoring and Reporting Program.
2. The Project shall be developed, operated and maintained in accordance with the Project Description and Plans of Operation Report included as Attachment 3 of the Planning Commission's Staff Report, excepting the described tenant operations plans (pages 4-36). As this permit provides for future leases of presently unallocated space for coastal-dependent or interim on-coastal dependent uses, Plans of Operation, revised plot plans and proposed leases for each new tenant/lessee shall be submitted for conformance review to the Director. Interim Uses shall occupy existing indoor facilities and require no infrastructure improvements or ground disturbing activities. Only interim uses that may be removed or relocated in a feasible manner will be allowed. Coastal-dependent

uses shall utilize existing warehouse and other site facilities with no changes to size, shape, and capacity of buildings or infrastructure. Once allocated, any proposed change to the coastal dependent or interim non-coastal dependent use, including size and location of lease area, type and nature of use, number of employees, and improvements to tenant spaces, shall be submitted for conformance review to the Planning Director. If the Planning Director is unable to find conformance, the request may be pursued as a project modification.

3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within property boundaries.
4. Storage and parking of construction equipment and debris must not cause any soil or water contamination. Secondary containment may be required to prevent petroleum products from leaking onto the soil and into water sources. (DEH)
5. All storage, handling and disposal of hazardous materials must comply with local, state and federal laws. (DEH)
6. All releases and spills of hazardous materials must be reported immediately to the Division of Environmental Health at (707) 445-6215 or the Sheriff's Dispatch at (707) 445-7251. (DEH)
7. All hazardous waste handling shall be in conformance with the Hazardous Waste Control Law (Health and Safety Code, Chapter 6.5) and California Code of Regulations, Title 22. (DEH)
8. Applicant shall ensure that noise generated by the operations shall not exceed 70 dB at all property lines.
9. The County's Industrial Performance Standards found in §313-103.1 of the HCC, shall be adhered to.
10. No new development involving ground disturbing activities is allowed under this permit.
11. The applicant shall maintain an adequate on-site sewage disposal system to the satisfaction of the Division of Environmental Health and/or the Regional Water Quality Control Board.
12. The applicant shall maintain an adequate fire suppression system for the RMT II site. Fire hydrants shall be inspected and the buildings fire suppression system shall be pressure tested to ensure that they meet fire code requirements. A letter from the Fire Chief confirming that the fire hydrants and suppression systems meet the applicable standard will satisfy this condition.
13. The term of the interim permit is seven (7) years. An increase in the term of an Individual Interim Use may be authorized by applying for a permit modification and making the required findings consistent with Section 313-104.1.3.4.3. The Interim Permits shall expire at the end of the term specified herein, unless modified, at which time they will become null and void. Issuance of a new use permit and coastal development permit prior to the expiration date of the existing interim permits shall be required in order to continue an interim use uninterrupted beyond the specified expiration date.

**Informational Notes:**

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

2. 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.
3. The uses authorized by this Coastal Development Permit and Conditional Use Permit must commence within one (1) year after all applicable appeal periods have lapsed or this approval shall be expire and become null and void. Extensions of the initial permit vesting period (the period by which the interim and non-interim use must begin) may be approved in accordance with Section 312-11.3 of the Zoning Ordinance ("Extension of a Permit or Variance").
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. An interim use permit and coastal development permit shall not confer any land use entitlement or property right to the holder of the permits beyond the permit expiration date set forth in the use permit and coastal development permit. Interim permits shall expire at the end of the term set by the Hearing Officer, at which time they become null and void. Interim uses shall cease operation and all permitted development not authorized to remain by permit shall be removed by the permit expiration date. Approval of a new use permit and coastal development permit prior to the expiration date of the existing use permit and coastal development permit authorizing the interim use shall be required in order to continue an interim use uninterrupted beyond the expiration date of the existing permit.
6. The Coastal Development Permit and Conditional Use Permit Interim Uses does not authorize any uses or development within the jurisdictional area of the California Coastal Commission, nor does it authorize any uses or development on those portions of the property that are not zoned for Industrial Coastal Dependent uses.
7. The term of a principally permitted coastal development permit for the use types of coastal dependent industrial or aquaculture and meeting the criteria of utilize existing warehouse and other site facilities with no changes to size, shape, and capacity of buildings or infrastructure shall not be term limited and shall run with the land.
8. Existing Coastal Development Permits, including CDP-15-043 for site facilities infrastructure maintenance and Coastal Commission issued Coastal Development Permits for Coast Seafoods and Taylor Mariculture, remain in full effect and are not impacted by this permit.
9. This permit does not authorize new discharges through the ocean outfall or any other development associated with the ocean outfall. Separate permitting including a CDP from the California Coastal Commission is required.