

ATTACHMENT D

Proposed Conditions of Approval

CONDITIONS OF APPROVAL
CASE NOS.: CUP-10-04, SP-10-10

1. The project shall be developed and conducted in accordance with the Plan of Operation and the Mitigation and Monitoring Plan. The Plan of Operation identifies on-going requirements of Small, Medium and Large Events, and the mitigation measures in the Mitigation and Monitoring Plan include both one-time requirements and other requirements that will apply for the life of the project. Some of the mitigation measures are highlighted below:

Holding Medium and Large Events: Prior to holding the first Medium or Large Event, the EIR requires submittal of a Noise Management Plan for review and approval, and installation of a pedestrian bridge, plantings, and a split-rail fence. A number of other one-time and on-going mitigation measures also apply, such as submittal of annual reports for review by the Planning Commission. See the certified EIR for more details.

Use of Environmental Camp: Prior to the use of the Environmental Camp in Area 4, the EIR requires installation of a pedestrian bridge, plantings, and a split-rail fence to avoid concentrated pedestrian activity in the channel bottom of seasonal creeks. See the certified EIR for more details.

Widening of the Driveway Entrance to the Park Headquarters: Prior to widening the driveway to the Park Headquarters, the EIR requires implementation of mitigation measures, including submittal of Wetland Protection and Replacement Program subject to review and approval of county, state and federal agencies. See the certified EIR for more details.

Construction of Ballfields: Prior to construction of the ballfields, the EIR requires implementation of a number of mitigation measures, including improvements to parking areas, landscaping, and submittal of an Adaptive Management Plan for water demand supply and water supply subject to review and approval of county agencies. See the certified EIR for more details.

2. Within five (5) days of the effective date of this permit, the applicant shall submit an indemnification agreement to defend, indemnify and hold harmless the County of Humboldt from any claim, action or proceeding against the County to attack, set aside, void or annul this approval. The indemnification agreement shall be subject to the review and approval of the County Counsel's office. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds.
 - b. A completed Indemnification Agreement form for all affected parcels
 - c. 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 \$111.00 plus plus applicable recordation fees).
3. The project shall comply with the requirements of the State Office of Drinking Water as described in their letter to the Planning Commission dated September 30, 2016. The project applicant shall work closely with the State Office of Drinking Water to ensure compliance with public water system requirements before installing new public drinking water services from on-site water supplies. The applicant shall revise the Plan of Operation to incorporate new information about water supply and distribution that meets the requirements of the Office of Drinking Water as soon as possible, and prior to the first Medium Size event.
4. Prior to construction of new bathrooms, kitchen or grey water use, the applicant shall install an on-site wastewater treatment system to the satisfaction of the Division of Environmental Health. A letter

or similar communication from that Division stating that they have approved installation of the on-site wastewater treatment system shall satisfy this requirement.

5. Prior to rebuilding, remodeling or new construction of any structure, the applicant shall secure approval of all required building permits from the Building Division.
6. Prior to any small, medium, or large event, the Applicant shall secure a Special Events permit from the Department of Public Works. A letter or similar communication from that agency providing the terms of the approved permit shall satisfy this condition.
7. Prior to holding any event of 300 or more persons, the applicant shall secure encroachment permits from the Department of Public Works for improvements to Sprowel Creek Road for installing the required driveway improvements to Tooby Memorial Park and the Park Headquarters.
8. Prior to the first Medium or Large Event at the site, the applicant shall remove any Underground Storage Tanks (UST) on the property to the satisfaction of the Department of Environmental Health Hazardous Materials Unit. A letter or similar communication from that office stating the UST has been removed and no further work is necessary to remediate the site for contaminants from the UST shall satisfy this condition.
9. Prior to the first Medium or Large Event that includes parking off-site, the applicant shall revise the Traffic Control Plan to include placement of portable signs on Sprowel Creek Road within sight of the southbound US Route 101 ramp off-ramp terminal to indicate when special event parking is at capacity. Additional messaging should be considered that would direct motorists to the designated overflow parking areas. The Traffic Control Plan shall also be revised to include ADA-required spaces and bicycle parking, and to state that, "Any encroachment within the State Right of Way, including traffic control for special events, will require an encroachment permit from Caltrans. Caltrans will need to approve any traffic control plan which includes the regulation of traffic on State facilities. Traffic Control Plans must be prepared and stamped by a California licensed registered professional engineer."
10. The applicant shall enter into agreements with the Sheriff, CalFire, local fire agencies, and traffic control providers (CHP and CalTrans) to reimburse the affected agencies for unrecoverable expenses they will incur from increased service levels for all medium and large events. The Planning Division shall refer the annual report to the affected agencies for comments considered each year by the Planning Commission.
11. If the Southern Humboldt Community Park ceases to be the organization with primary responsibility for the Medium and Large Events, the conditional use permit for those events shall expire automatically. The Planning Director shall have the authority to determine if the use permit has expired by operation of this paragraph. The Planning Director's determination shall be appealable to the Board of Supervisors.
12. Sale of value-added farm products, food products, nursery, and seed production produced on the property shall be limited to a 200 square foot roadside stand area on the property.
13. Within five (5) days of the effective date of this permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$3,078.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the

applicant may contact DFG by phone at (916) 651-0603 or through the DFG website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFG concurs, a form will be provided exempting the project from the fee payment requirement. In this instance, only a copy of the DFG form and the \$50.00 handling fee is required.

On-Going Requirements to be satisfied for the life of the project

1. The project shall be conducted in accordance with the approved Project Description, Site Plan, Plan of Operations, 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.
2. The applicant shall adhere to all of the Mitigation Measures in the certified Final EIR (pages 2-5 through 2-28 inclusive) and incorporated hereby reference. The applicant and successor's in interest are required to pay for Mitigation Monitoring 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 Department will provide a bill to the applicant. Any and all outstanding Planning fees to cover the Mitigation Monitoring shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant shall comply with the annual reporting and review requirements in accordance with Mitigation Measure NOISE-1d (pages 4.12-22 and 4.12-23). This mitigation measure includes the following provisions:
 - 1) by December 31 of each year that a medium-sized or large-sized event is held, the applicant shall prepare and submit 15 copies of a post-event report discussing that year's concert. Verification of attendance levels shall be discussed;
 - 2) The report shall focus on assessing the effectiveness of the plan of operation, mitigation measures and monitoring program. The report shall also contain written correspondence from agencies participating in monitoring and/or affected by the event;
 - 3) Responses to all concerns and issues shall be identified in the report and appropriate measures to be undertaken at the following year's event identified as needed;
 - 4) The Planning Commission shall review the post-event report within 120 days of receiving the report. The total attendance levels for medium- and large-sized events shall be determined by the Planning Commission on an annual basis after review and approval of the annual report. A large sized event (2,500 to 4,000 attendees) is not allowed until the Planning Commission has reviewed and approved two medium-sized events of at least 1,800 persons. The Planning Commission may waive the annual reporting requirements for up to 5 years should the applicant demonstrate the use has been conducted in conformance with all required mitigation, and no changes in attendance levels or mitigation is proposed; and
 - 5) A minimum of one community meeting shall be held in the vicinity of the site within 90 days of each large-sized event.

Informational Notes:

1. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Attachment that are administered by the Planning Division. The applicant should submit the listed item(s) for review as a package as soon as possible before the expiration date. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment, will be subject to a review fee for Conformance with Conditions

billed at the County's current burdened hourly rate with an initial deposit as set forth in the Planning Division's schedule of fees and charges (currently \$95.00). Please contact the Planning Division for copies of all required forms and instructions.

2. Under state planning and zoning law (CGC §66000 et seq.), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
3. 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.
4. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
5. 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 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.
6. This permit approval (CUP and SP) shall expire and become null and void at the expiration of one (1) year from the date of the Board of Supervisors adoption of the associated General Plan Amendment and Zone Reclassification ("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.