

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 25, 2017

RESOLUTION NO. 17-37

**RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR APPROVING THE
CONDITIONAL USE PERMIT AND SPECIAL PERMIT (SOUTHERN HUMBOLDT
COMMUNITY PARK); CASE NUMBERS CUP-10-04, SP-10-10;
ASSESSOR PARCEL NUMBERS: 222-091-014 AND 222-241-009**

WHEREAS, State law provides for local governments to amend their General Plans up to four (4) times per year; and

WHEREAS, Southern Humboldt Community Park submitted an application and evidence in support of approving the General Plan Amendment, Rezone, Conditional Use Permit and Special Permit application; and

WHEREAS, the Humboldt County Garberville/Redway/Alderpoint/Benbow Community Plan within the General Plan has been amended to add the Public Recreation (PR) land use designation, and to re-designate lands from Agriculture Lands (A120), Agricultural Rural (AR) and Industrial Resource Related (IR) to Public Recreation (PR) and the Humboldt County zoning ordinance has been amended to add a Public Facilities (Rural) (PF2) zone district for the Inland areas, and rezoning property in the subject site from Agricultural Exclusive (AE) to Public Facilities (Rural) (PF2) and to add Qualified and Recreation combining zones to the subject site; and

WHEREAS, the proposed Conditional Use Permit and Special Permit may be approved if they are found to be consistent with the General Plan (as amended), and the Zoning Ordinance (as amended), and are found to conform with all applicable standards and requirements of these regulations, and are found to not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, Exhibit A hereto includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit application for Case Nos.: CUP-10-04, SP-10-10; and

WHEREAS, the Planning Commission has reviewed and considered staff reports and other written and spoken evidence and testimony presented to the Commission during a public hearing on January 5, 2017, and

WHEREAS, at their January 5, 2017 meeting, the Planning Commission recommended the Board make the necessary findings and approve the Conditional Use Permit and Special Permit application.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors, based on Planning and Building Department – Planning Division staff reports, supplemental reports, testimony presented at the public hearing, and having considered the recommendation of the Planning Commission, that the Board:

1. Makes the findings for the Conditional Use Permit and Special Permit application based on the submitted evidence as detailed in Exhibit A of this resolution and conditioned as detailed in Exhibit B of this resolution; and

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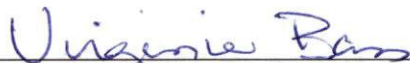
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2. Approves the Conditional Use Permit and Special Permit application as recommended by the Planning Commission at their January 5, 2017 meeting for Case Nos.: CUP-10-04, SP-10-10 and conditioned as detailed in Exhibit B of this resolution

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

1. Current Planning Division staff is hereby directed to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
2. The Clerk of the Board is hereby directed to give notice of the decision to the applicant, the County Assessor's Office and any other interested party.

Dated: April 25, 2017



VIRGINIA BASS, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Sundberg, and the following vote:

AYES: Supervisors Sundberg, Fennell, Bass, Bohn, Wilson
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

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ATTACHMENT E - EXHIBIT A

FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT
AND SPECIAL PERMIT APPLICATION
FOR CASE NOS.: CUP-10-04, SP-10-10

The Board of Supervisors finds as follows:

A. Required Findings for Conditional Use Permits & Special Permits

The County Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

B. Required Finding for Consistency With the Housing Element Densities

Specific findings supported by substantial evidence are required by Government Code Section 65302.81 where a permit reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid point of the density range specified in the plan designation).

C. Required Finding for Consistency With the California Environmental Quality Act

The California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

1.
 - a) The project either is categorically or statutorily exempt; or
 - b) There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
 - (c) An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

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Finding A1. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed project will be in conformance with all applicable policies and standards of the Garberville Redway Benbow Alderpoint Community Plan (GRBAP) after the Plan is amended from AE to PR.

Section(s)	Applicable Requirements	Evidence Supporting Finding A1
<p>Land Use, Public Recreation (PR)</p>	<p>Public Recreation (PR) The purpose of this classification is to protect lands suitable for public recreation or resource protection. The principal uses are identified as natural resource, resource production, recreation, agriculture, education, and research. Conditionally permitted uses include larger-scale public assembly events. Cottage Industry is primarily engaged in the onsite production of goods by hand manufacturing, such as ceramic studios, custom jewelry, small furniture manufacturers.</p>	<p>The proposed park will typically have uses that fall into a number of the principal use categories. These include surface mining, agricultural uses, a variety of recreational uses such as hiking, biking, organized sports, disc golf, specialty group camping, equestrian uses, educational classes, workshops, ecological restoration uses, and small public assembly events of less than 800 persons. The Plan of Operations in the EIR explains how small events will be organized. It has standards for parking, traffic control, noise levels, hours of operation, sewage disposal, solid waste disposal, fire and police protection, security and lighting. In addition, under this CUP, the park will be allowed to have no more than five events annually of 800-2,500 persons per day, and no more than one annual event of 2,500-5,000 persons per day. These events will be located in the PF area of the park. The Plan of Operations explains how these larger events will be run as well. Conditions of approval require the events be conducted in conformance with the Plan of Operations, and the EIR contains mitigation measures that will be followed to ensure these events run smoothly. Annual reporting to the Planning Commission after each larger event will allow the County and the applicant to refine the standards and mitigation measures to ensure success of the events, protection of public health and safety, and to minimize the impacts on surrounding property owners. The proposed cottage industry is value-added farm products, food products, nursery, and seed production. Cottage industry is not listed as a permitted use in the PR designation. However these uses can be allowed as an accessory agricultural uses where they are produced on-site and sold in a roadside stand, which is limited to</p>

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Section(s)	Applicable Requirements	Evidence Supporting Finding A1
		<p>200 square feet in size according to the Zoning Ordinance Section 314-43.1.3.8. Conditions of approval limit the sale of value-added farm products, food products, nursery, and seed production produced on the property to a 200 square foot roadside stand area to be consistent with the Plan.</p>
<p>Transfer of Development Rights</p>	<p>The County may in the future develop a transfer of development rights program that could assign development credits to the existing general plan density allowed by the current General Plan designations, AR5-20 and AL20 Plan designations.</p>	<p>The EIR describes how part of the proposed project will attempt to capture the existing residential development potential of the current General Plan designations that apply to the site - AR5-20 and AL20. The applicant proposes 54 single family development credits be captured for future sale when and if the County implements a Transfer of Development Rights Program.</p> <p>The current Framework Plan does not include any TDR program, so the proposal is outside of the current General Plan. However, the General Plan Update includes an implementation measure that could result in such a program in the future. It is unknown at this time what that program would look like, so it is highly speculative that the development credits sought by the applicant will have any value in the future. The Q - Qualified Zone will be used as the mechanism to preserve these housing credits. Preserving the housing credits through this legislative act puts it on the same level with adoption of the Plan amendment that takes away the residential development potential on the site. The Ordinance in Attachment C includes the language proposed by the applicant's consultant for that purpose.</p>

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Section(s)	Applicable Requirements	Evidence Supporting Finding A1
<p>Agricultural Land Protection §2522 (FRWK)</p>	<p>The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production.</p>	<p>While a large part of the project is intended to maintain historic agricultural uses, the EIR for the project includes mitigation measures for the proposed larger public assembly events to avoid conflicts with agricultural uses, and minimize impacts on agricultural uses. Nonetheless, construction of ballfields will convert approximately 16 acres of agricultural land to non-agricultural uses. This is described in the EIR as a significant and unavoidable impact.</p> <p>In their deliberations, the Board of Supervisors expressed they consider the project to be balancing the protection of farmland with the substantial social benefit of providing opportunity for much-needed, healthy, organized sports and other outdoor activities for area youth and families; with particular consideration of strong public demand and the current lack of other suitable locations as evidenced by public input and the facts.</p> <p>Given the proposed project will conserve and maintain 307 acres of the of the project site in agricultural production (75% of the site) the finding can be made the approved project is the "optimal" amount of agricultural land given the local unmet need for recreational opportunities provided by the project.</p>

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Section(s)	Applicable Requirements	Evidence Supporting Finding A1
<p>Hazards §3200 (GRBAP)</p>	<p>New development shall minimize risks to life and property in areas of high flood and fire hazard areas.</p>	<p>The project is located in an area of high fire hazard. It is located within the State's Responsibility Area for wildfire response.</p> <p>A large portion is located within the 100 year flood zone, Flood Zone A, per FIRM map #060060 1835B.</p> <p>Slope stability ranges primarily from low to moderate instability, with the northeast portion in an area of high instability. There are no Earthquake Hazard Zones in the vicinity of the project.</p> <p>All of these hazards are described in the EIR, and mitigation measures are proposed to minimize their impacts on the project. Additionally, all referral agencies have recommended approval of the project and identified no issues related to hazards.</p>
<p>Archaeological and Paleontological Resources §3500 (GRBAP)</p>	<p>Protect cultural, archeological and paleontological resources.</p>	<p>Archaeological resources on the project site are described in Chapter 4.5 of the EIR. Mitigation measures are required to reduce the project's impacts on cultural resources to less than-significant levels.</p>

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Section(s)	Applicable Requirements	Evidence Supporting Finding A1
<p>Biological Resources/ Sensitive and Critical Habitat §3420 (FRWK) & §3200 (GRBAP)</p>	<p>Protect designated sensitive and critical resource habitats.</p>	<p>Biological resources on the project site are described in Chapter 4.4 of the EIR. Mitigation measures are required to reduce the project's impacts on biological resources to less than-significant levels.</p> <p>The project proposes reduced setbacks from a wetland along the main road leading into the Park Headquarters Area to allow for road widening. Performance standards in the EIR describe the mitigation, including a minimum 2:1 replacement for the impacted wetlands.</p> <p>The project also proposes reduced setbacks to allow construction of a one-lane flatcar bridge over an ephemeral stream to prevent erosion and other degradation of the stream from pedestrian uses. The bridge may also be used for one-lane traffic flow during some events.</p>
<p>Solid Waste, §3291.8 (FRWK)</p>	<p>Provide for healthy, safe, economical waste disposal systems; minimize environmental impact of waste handling and disposal.</p>	<p>The solid waste and recycling component of the Plan of Operation contains detailed specifications for the collection, storage, and proper disposal of solid waste and recyclable materials.</p>
<p>Water Resources §3300 (FRWK)</p>	<p>Protect water resources and the fish and wildlife habitat utilizing those resources.</p>	<p>The project's impacts on hydrology and water quality are described in Section 4.9 of the EIR. That section includes mitigation measures that will reduce the impacts of the project on water resources to less than significant levels.</p>

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Section(s)	Applicable Requirements	Evidence Supporting Finding A1
Noise §3240 (FWRK)	<p>Policies and standards identify compatible, conditional and incompatible noise levels for various land uses.</p> <p>The noise compatibility matrix establishes requirements for project approval to ensure development is consistent with the General Plan.</p>	<p>The Plan of Operations in Section 4.12 of the EIR describe the measures that will be taken to minimize noise impacts on the surrounding properties. With these measures in place, the noise impacts of the project are reduced to less than significant levels.</p>

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A2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and A3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt Zoning Regulations. Humboldt County Inland Zoning Regulations after the Zoning is amended from AE to PF.

Section(s)	Applicable Requirements	Evidence Supporting Findings A2 and A3
314-3.3 MH - Heavy Industrial Zone, and 314-32.1 Q - Qualified Zone	The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas. The Qualified Zone is intended to be combined with any principal zone in situations where sound and orderly planning require limitations on the allowed uses.	The existing gravel mining operation is presently zoned MH-Q, Qualified Heavy Industrial. This designation limits the allowed uses of that area to gravel mining. The proposed project will not interfere with or otherwise impact the gravel mining operations in that area.
314-7.1 AE - Agriculture Exclusive Zone 314-32.1 Q - Qualified and 314-33.1 R - Recreation Combining	The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The Recreation Combining Zone is intended to be combined with any principal zone	The AE Zone will continue to apply to 307 acres of the site. These areas are proposed to continue to be used for agricultural use. A Qualified (Q) and Recreation (R) combining zone will be applied to these areas to allow recreational uses alongside the agricultural use. The EIR and Plan of Operations attached to this staff report describe how recreational use of the AE zoned areas will be limited to ensure the continued agricultural productivity of the site. The proposed CUP will allow the following commercial recreation uses: hiking, biking, organized sports, disc golf, specialty group camping, equestrian uses, educational classes, workshops, ecological restoration uses, and community assembly events of less than 800 persons. During medium and large events held in the PF - Zoned areas, some

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Section(s)	Applicable Requirements	Evidence Supporting Findings A2 and A3
Zones	<p>in which the addition of recreational uses is desirable and will not be detrimental to the uses of the principal zone or of adjacent zones.</p> <p>The Qualified Zone is intended to be combined with any principal zone in situations where sound and orderly planning require limitations on the allowed uses.</p>	<p>AE-zoned lands will be used to provide parking and access to the venue.</p> <p>The above described uses are allowed in the Recreation (R) combining zones as private and commercial recreation. The park site exceeds the development standards in the R combining zone for lot size, lot width, and yard setback. New buildings will need to adhere to the 35 foot height limit. The EIR and project description provide for management of recreational activities such that the uses are not detrimental to continuation of general agriculture. The access to the site has been evaluated as part of the EIR and mitigation measures proposed to reduce impacts to less than significant. These include requiring flaggers and shuttle buses for medium sized events for larger events limiting on-site parking to a maximum of 700 spaces. Signing and other traffic control measures are more fully described in Section 4.16-1 through 4.16-27 of the EIR. The Q Zone limits uses to those specific activities in AE Zoned area described in the Project Description and EIR for the SHCP project. It also preserves housing development potential of the site, allowing the applicant to sell the preserved housing credits should a Transfer of Development Rights (TDR) program be adopted by the County in the future.</p>
Min. Lot Size	20 acres	405 acres
Min. Lot Width	100 feet	> 1,000 feet
Yard Setbacks	Front: 30' Rear: 20' Side: 20' (maximum)	All proposed new construction will be required to conform to these setback requirements.
Max. Lot Coverage	35%	< 5%
Max. Bldg. Height	35'	< 35'

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Section(s)	Applicable Requirements	Evidence Supporting Findings A2 and A3
PF2 - Public Facility -Rural	The PF2 zone is intended to apply to areas in which community-based uses are the desirable predominant uses. The purpose of this zoning classification is to allow a variety of civic uses and natural resource uses, including resource production, recreation, education and research.	The PF2 Zone includes all the aspects of the project in the list of principal permitted uses.

A4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed community park will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Section(s)	Applicable Requirements	Evidence Supporting Finding A4
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	The EIR describes how the proposed project will not be detrimental to the public health, safety and welfare nor materially injurious to adjacent properties. All reviewing referral agencies have approved or conditionally approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning regulations, and has been mitigated to not cause significant environmental damage except for conversion of agricultural lands.

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Finding B: *Required for Consistency with Housing Element Densities*

Section(s)	Applicable Requirements
Government Code Section 65302.81	Specific findings supported by substantial evidence are required where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
<p>Evidence Supporting Finding B</p> <p>The project site is zoned Agricultural Exclusive, and is not included in the residential land inventory of the Housing Element. Therefore, the project will be consistent with this requirement.</p>	

Finding C: *Required Finding for Consistency with the California Environmental Quality Act*

Section(s)	Applicable Requirements	Evidence Supporting Finding C
Consistency with the California Environmental Quality Act	The plan is required to be consistent with the California Environmental Quality Act	An EIR has been prepared for the project, and has been considered and found to comply with the requirements of CEQA.

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ATTACHMENT E - EXHIBIT B

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT
AND SPECIAL PERMIT APPLICATION
CASE NOS.: CUP-10-04, SP-10-10

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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 in Attachment 5 of the January 5, 2017 Planning Commission staff report (Attachment D) and the Mitigation and Monitoring Plan in Attachment 6 of the January 5, 2017 Planning Commission staff report (Attachment D). 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 executed copy of the County-generated 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 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

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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.

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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.

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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.