

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on March 17, 2020

Resolution No. \_\_\_\_ - \_\_\_\_ Resolution of the Board of Supervisors of the County of Humboldt DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, DENYING THE APPEAL FOR RECORD NO. PLN-2019-16053 AND APPROVING THE EMERALD TRIANGLE GROUP LLC SPECIAL PERMITS, RECORD NOS. PLN-12733-SP and PLN-12747-SP.

**WHEREAS**, Humboldt County adopted the Commercial Medical Marijuana Land Use (CMMLUO) Ordinance on September 13, 2016, after adopting a Mitigated Negative Declaration finding that all potential impacts associated with implementation of the ordinance had been reduced to a less than significant level; and

**WHEREAS**, applications for Special Permits have been submitted to the Humboldt County Planning and Building Department for a distribution facility and a non-volatile manufacturing facility on APN 032-051-032; and

**WHEREAS**, the Planning and Building Department reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, on December 5, 2019 the Planning Commission took the following actions:

1. Found the Special Permit applications categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines; and
2. Found the applications consistent with the Commercial Medical Marijuana Land Use Ordinance and the required findings for approval of discretionary permits found in Section 312-17.1 of the Humboldt County Code, and
3. Approved the Special Permits by a vote of 4-2; and

**WHEREAS**, Redwood Properties, LLC (“Appellant”) on December 18, 2019, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

**WHEREAS**, Humboldt County Code section 312-13.5 protects an applicant’s right by requiring a hearing within 30 days, but this may be waived by an applicant to attempt to resolve issues in the appeal. In this case extra time was taken to attempt to resolve issues, but no resolution was achieved, and

**WHEREAS**, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on March 17, 2020, and reviewed, considered, and discussed application and appeal for the

Special Permits; and reviewed and considered all public testimony and evidence presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Board of Supervisors makes all the following findings:

**1. FINDING:** **CEQA.** The Special Permits are discretionary projects and therefore potentially subject to the California Environmental Quality Act (“CEQA”) but it has been determined on the basis of substantial evidence in the record that the applications are exempt from further environmental review based on CEQA Guidelines Section 15301 (Existing Facilities) and Section 15303 (Conversion or New Small Structures). Substantial evidence supports the conclusion that there will be no significant adverse effects on the environment.

**EVIDENCE:** a) CEQA Guidelines Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The operation of the distribution and manufacturing facility will not detrimentally change the outward appearance of the building, result in more traffic, result in unwanted odors, or produce noise or light inconsistent with any other commercial use. The operational characteristics will be similar to prior uses of the site and other permitted uses in the C-2 Zoning District.

b) CEQA Guidelines Section 15303 applies to the New Construction or Conversion of Small Structures. The proposed new 180 square foot building is a small structure for which the 15303 exemption is entirely appropriate. The 180 square foot building will replace an existing 180 square foot building. The use of the building will change in that the new building will house extraction of cannabidiol from raw material using ethanol. The building will be required to comply with applicable building and fire codes which will ensure the public health and safety and ensure that no hazard exists.

**2. FINDING** a) **CEQA (Exceptions to Exemptions)** There are potential exceptions to the use of categorical exemptions under CEQA. In this case none of the potential exceptions to the use of categorical exemptions contained in CEQA Guidelines Section 15300.2 apply to this project.

**EVIDENCE** a) i. The project is not located in a particularly sensitive environment, and thus does not pose a risk of significant effects for this reason. There are no mapped or identified resources in the vicinity of this site.

ii. There is not a risk of cumulative impacts from this project; there are not significant impacts from successive projects of the same type in

the same place over time. The proposed project would not have any additional impacts beyond what a typical use permitted in the C-2 zoning district would have therefore there is not potential for a cumulative impact.

- iii. There are no unusual circumstances associated with approval of the project, its location or the type of use in the context of the claimed categorical exemptions.
- iv. The project will not result in damage to scenic resources, including trees, historic buildings, rock outcroppings, or similar resources.
- v. The project is not located on a hazardous waste site included on any list compiled pursuant to Section 35962.5 of the Government Code.
- vi. The project will not cause a substantial adverse change in the significance of a historical resource. The project site has been investigated but determined not to be defined as an actual or potential historical resource.

#### **FINDINGS FOR SPECIAL PERMITS**

### **3. FINDING**

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

#### **EVIDENCE**

- a) The project does not propose new development. The project will occupy an existing commercial building and reconstruct and replace an existing commercial building which will not interfere with the County General Plan, Open Space Plan or Open Space Action Plan.

### **4. FINDING**

The proposed development is consistent with the purposes of the existing zone in which the site is located and is consistent with the requirements of the Commercial Medical Marijuana Land Use Ordinance Provisions of the Zoning Ordinance.

#### **EVIDENCE**

- a) The C-2 zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. Humboldt County is in need of cannabis support facilities, which includes manufacturing and distribution facilities.
- b) The CMMLUO allows manufacturing and distribution subject to approval of a Special Permit.
- c) The County of Humboldt has approved 8 permits to allow cannabis distribution and 7 permits to allow manufacturing in the C-2 zoning district.

**5. FINDING**

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 properties or improvements in the vicinity.

**EVIDENCE**

- a) Off Street parking has been raised as a public concern. In this case the proposed parking requirement of 7 spaces will be less than the 12 spaces required for a retail establishment.
- b) The amount of traffic generated by this use will be less than for a retail use occupying the site. The traffic generation will be from 10 employees (covering 2 shifts) and two delivery vans, whereas a retail use would also include customer traffic producing a higher number of daily trips. The conversion of the existing public storage facility to be part of this use will reduce the number of trips within the alley behind the facility.
- c) The activity on site will not create impacts to the neighborhood that are more than what would be experienced with other uses permitted in the C-2 Zoning District.
- d) As a standard condition of approval, the County requires that the building be fitted to preclude offensive odors being emitted to the neighborhood.

**6. FINDING**

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE**

- a) This project will not affect any housing units and will not reduce the number of housing units identified in the Housing Element.

**FINDINGS FOR APPEAL**

**7. FINDING**

The grounds for appeal are not adequate to warrant granting the appeal.

**EVIDENCE**

- a) The Appellant claims the CEQA exemption (Section 15301 Existing Facilities) does not apply because the project represents an expansion of the existing commercial use from light retail to industrial. See Finding and Evidence 1 above for support for the use of CEQA Exemptions.
- b) The Appellant claims a fair argument based on substantial evidence exists that the project will result in significant adverse environmental impacts and that the conditions of approval incorrectly apply mitigation measures to address project impacts.

- i. Because the project is determined to be exempt from CEQA, the “fair argument” legal standard does not apply. The Appellant points to the record of public comments to assert that the project would create impacts associated with noise, odor, lighting, fire risk, parking and proximity to schools. However, public opposition to a project is not an environmental impact. As stated in CEQA section 21082.2(b): *The existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.*
- ii. Substantial evidence supports the conclusion that no significant impacts will occur, and no substantial evidence has been presented that any significant adverse impacts will occur. The facts are that the proposed use will have similar or less impacts than other similar uses, the parking demand will be less than a retail use in this location, less traffic will be generated including in the alley, the use of the new building for ethanol extraction will comply with building and fire codes as well as report requirements, and the amount of noise and light from the site will be similar to other commercial uses in this commercial area.
- iii. As a standard condition of approval, commercial cannabis operations within enclosed buildings are required to install mechanical ventilation with odor scrubbing technology. Additional conditions were added in response to public comments. These conditions do not add new requirements; instead, they clarify components of the project proposal, such as the fact that no ethanol extraction will be stored in the wood building and that the new metal building will be required to obtain an H-1 occupancy through the Building Division. The conditions of approval are not mitigation measures to address a project-specific impact, but rather, are standard conditions regularly applied to similar activities.
- iv. Although a project that is determined to be exempt need not be analyzed against Appendix G of the CEQA Guidelines, in order to be thorough the following addresses topics that are potentially relevant to the issues raised by Appellant. The issues are discussed here to document that all potential impacts under the relevant CEQA Guidelines have been considered. As the following discussion indicates, substantial evidence demonstrates that the proposed project will not result in potential significant impacts.

A. Historic Resources

The Northwest Information Center and County Assessor’s Office identified the property as possibly having structures built over 45 years ago that may be of historical value. An

investigation was conducted by Archaeological Research and Supply Company in February 2019 finding for the purposes of CEQA. The investigation concluded that none of the buildings on the site would be considered a historic landmark.

B. Light and Glare

Any new lighting associated with the development of the proposed project would be subject to the CMMLUO standard requiring the project components comply with dark sky standards and that no lighting shine onto adjoining parcels

C. Air Quality and Greenhouse Gas

There are no significant impacts associated with Air Quality or Greenhouse Gas Emissions because such emissions primarily are from traffic generated by the project. Here, this project would generate fewer trips than other uses which have occupied this tenant space. Additionally, there are no point sources which could emit air pollutants of concern. The Closed Loop Ethanol Extraction system captures and reuses the ethanol as part of the process so there are no emissions.

D. Cultural

The project area is within the ethnographic territory of the Bear River Tribes. As part of the commercial cannabis application review process, the Bear River Band of the Rohnerville Rancheria was sent a referral requesting comments on the proposed project. A referral was also sent to representatives of the Intertribal Sinkyone Wilderness Council. A referral requesting comments on the proposed project was sent to the Northwest Information Center (NWIC). No concerns were identified.

E. Hazardous Materials

Hazardous materials associated with the proposed operation include ethanol for use in extraction. The potential health hazards for ethanol are irritation in case of contact with skin and eyes, or inhalation. Ethanol is a flammable liquid. Improper handling, storage, or transport could pose a risk to the environment and to human health. Non-volatile extraction would be performed in a commercially manufactured closed-loop system approved for use by the local fire code official in accordance with Section 40225 of California Code of Regulations Title 17, Division 1, Chapter

13, and approved for use in accordance with Chapter 38 of the California Fire Code. Use of extraction solvents would be required to comply with all applicable local, state, and federal standards associated with the handling and storage of hazardous material. The applicant would be required to file a Hazardous Materials Business Plan with the County Division of Environmental Health for the storage of ethanol.

With implementation of appropriate, required storage, handling, and application practices required as a matter of law and as standard health and safety conditions, it is not anticipated that the use of these materials would pose a significant hazard. In the event of foreseeable upset and accident conditions, it is unlikely that these hazardous materials would be released in a manner that would create a significant hazard to the public or the environment.

F. Water Quality

The project proposes minor interior alterations and the reconstruction of a small existing building. Erosion control practices will be included in requirements of the Building Permit for the demolition and reconstruction of the Building. The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

G. Public Services -- Security

Cannabis-related operations are commonly associated with greater security-related demands, which may result in an increase in law enforcement services provided by the County Sheriff's Department. The proposed project would include gated access allowing entry only with identification badges, 24-hour video surveillance, a security alarm system with automatic law enforcement notification, and an inventory tracking system. While this project would not, on its own or cumulatively, trigger enough demand for law enforcement services to result in the need for new or physically altered law enforcement facilities, the inclusion of the proposed security design features further bolsters that determination.

H. Utilities

The commercial building is connected to water and sewer serviced by the Garberville Sanitary District (GSD). The applicant entered into a Conditional Will-Serve Agreement with the GSD Board. The requirements of the GSD include

sewer line installation independent of other business or buildings, an approved GSD valve will be added to the waste discharge tank prior to entering the collection system; one additional water meter and one sewer connection, including applicable fees, will be completed prior to initiation of operations.

Pacific Gas and Electric provides electrical power for the site. Energy use would be off-set in part by solar panel installation on available roof top space for each building and purchase of carbon offsets from a carbon offset company.

The proposed project would comply with all federal, state, and local statutes related to solid waste, including AB 939. This would include compliance with the Humboldt Waste Management Authority's recycling, hazardous waste, and composting programs in the county to comply with AB 939.

- c) The Appellant claims the project is an industrial type use that does not conform with the surrounding land use character. The proposed use is compatible with the surrounding area and will not create impacts inconsistent with the character of the community.
  - a) Manufacturing and distribution are use types often evoke images of large scale industry and warehouses with a large volume of truck traffic. With respect to cannabis, the permit and license types for manufacturing and distribution do not exhibit these characteristics within Humboldt County. In Humboldt County these operations are typically small scale uses serving the immediate vicinity. This is a small scale use which is compatible with the surrounding area.
  - b) The use can be operated within an existing facility without degrading the outward appearance of the building, generating significantly more traffic, or resulting in other impacts to the surrounding area.
  - c) The operational characteristics are consistent with the prior use types that occupied the space and those that could occupy the space as principally permitted uses.
- d) The appellant contends that the Project does not comply with the provisions of the Commercial Cannabis Land Use Ordinance (CCLUO). The CCLUO specifically exempts applications filed prior to December 31, 2016 from the provisions of the CCLUO, instead requiring that those applications comply with the regulations in effect at the time, in this case the CMMLUO. This application was filed prior to December 31, 2016 and thus is required to comply with the CMMLUO.
  - i. CCLUO Section 55.4.3 states:



*Applications for commercial cannabis activity land use permits filed on or before December 31, 2016, shall be governed by the regulations in effect at the time of their submittal, except as follows and is otherwise prescribed herein. Zoning clearance certificate applications for open air cultivation filed on or before December 31, 2016, shall be controlled by the provisions of Section 314-55.4.6.7.*

- ii. CCLUO section 55.4.3 carves out an exception by stating “except as follows and is otherwise prescribed herein.” The section that follows refers to section 55.4.6.7 which requires that Zoning Clearance Certificates issued for open air cultivation in defined sensitive areas under the CMMLUO are subject to further consideration in order to address odor issues. Section 55.4.6.7 also states that it only applies to applications received before January 1, 2017. This is the only such reference contained in the CCLUO.
- iii. The CMMLUO does not require manufacture and distribution facilities to be set back from sensitive receptors.

**NOW, THEREFORE,** be it resolved that the Board of Supervisors hereby:

- 1 Denies the Appeal submitted by Redwood properties, LLC; and
- 2 Approves the Special Permits subject to the conditions of approval contained in Attachment 1 of this Resolution.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 17, 2020, by the following vote:

Adopted on motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair

\_\_\_\_\_

Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: \_\_\_\_\_, 2019

By \_\_\_\_\_ Deputy

## ATTACHMENT 1

### CONDITIONS OF APPROVAL

**APPROVAL OF THE SPECIAL PERMITS ARE CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT AND INITIATION OF OPERATIONS.**

#### **Development Restrictions**

1. The project shall be developed in accordance with the project description and project site plan. No ethanol will be stored or used for manufacturing in the 3-story commercial frontage building. Manufacturing activity in the commercial frontage is limited to the use of the equipment described in the Operations Plan.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. Where feasible, new utilities shall be underground or sited unobtrusively, if above ground.
4. The Applicant is required to obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use. Alternatively, a letter from the Building Inspection Division stating a change or use and/or additional building permits are not required would also satisfy this condition.
5. The project shall address odor management by incorporating a ventilation/air filtration system limiting potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer, or equivalent, for review and approval by the Building Official. (Note: Manufacturer's Performance Specifications may be submitted for satisfaction of this condition subject to approval of the Building Official).
6. The approved 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.
7. Applicant shall install a KNOX Box to allow access to the site for emergency personnel.

8. The designated loading space shall be striped and/or signed to the satisfaction of the Department of Public Works.
9. During extended hours of operation, shipping, receiving, and any other traffic or noise generating activities shall be limited to normal working hours.
10. Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
11. The Applicant shall complete all requirements listed in the Garberville Sanitary District Conditional Will Serve Agreement dated 9/19/2019. Applicant shall obtain all permits from the Division of Environmental Health necessary to complete the upgrades. A letter or similar communication from the Garberville Sanitary District will satisfy this condition.
12. Cannabis manufacturing involving ethanol extraction shall not be permitted until a new building that is compliant with H occupancy building code requirements has been permitted, constructed and receives final occupancy clearance.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the 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. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
3. Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as may be amended from time to time, as applicable to the permit type.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

5. All persons hiring employees to engage in commercial handling of cannabis shall comply with the following Employee Safety Practices:
  - A. Implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - B. Visibly post and maintain an emergency contact list which includes at a minimum:
    - 1) Operation manager contacts;
    - 2) Emergency responder contacts;
    - 3) Poison control contacts.
  - C. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties.
7. Odors shall be contained on the property on which the Cannabis activity is located. To implement this requirement air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity of the business. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
8. The Permit shall be valid for one year from the effective date of approval, and on the anniversary date of such effective each year thereafter, unless an annual compliance inspection has been completed and the permit has been found to comply with all conditions of approval. In the event the inspection finds noncompliance, a written notification of shall be provided to the permit holder identifying the items not in compliance and the action the permit holder may take to cure the noncompliance. Failure to cure the noncompliance shall result in termination of the permit. The process of notification, re-inspection and appeal of any noncompliance determination shall be as set forth in sections 55.4.1.2.2 and 55.4.13 of the CMMLUO.

9. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required conformance with conditions review shall accompany the request. The request shall include the following information:
  - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
  - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
10. Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.
11. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.
12. All signage shall comply with Section 314-87.2 of the Humboldt County Code.
13. The permit holder shall participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
14. The permit holder shall pay all applicable application, review for conformance with conditions and annual inspection fees.
15. Issuance of a business license or other permission to occupy the site shall be evaluated to determine if the new use or activity will be consistent with the approved exception to the loading space requirements. A change that substantially alters the type or nature of businesses or hours/days of operation from the businesses considered in determining the peak parking demand for this exception shall require a modification of this permit.
16. Future changes in commercial use not consistent with the approved exception to the loading space requirements shall require a modification of this permit.

**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 permit, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #8 of the On-Going Requirements /Development Restrictions, above.
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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99
3. The applicant is responsible for obtaining all necessary permits and/or approvals from other state and local agencies.
4. 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval # 8 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
5. 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 12 months of the effective date of the permit, whichever occurs

first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.