

SUPPLEMENTAL INFORMATION #2

For Planning Commission Agenda of:
November 4, 2021

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|-------------------------------------|------------------------|-----------------|
| <input type="checkbox"/> | Consent Agenda Item | |
| <input checked="" type="checkbox"/> | Continued Hearing Item | No. G-12 |
| <input type="checkbox"/> | Public Hearing Item | |
| <input type="checkbox"/> | Department Report | |
| <input type="checkbox"/> | Old Business | |

Re: Redwood Valley Farms, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-12310-CUP

Assessor Parcel Number: 316-174-010

Section 24 of Township 06 North, Range 03 East, H.B.&M., Titlow Hill area

Attached for the Planning Commission's record and review are revised conditions of approval that were not included in the staff report for the hearing:

1. Revised conditions of approval to include the following: 1) adding reference to Special Permit in the heading, as the project includes both a Conditional Use Permit and Special Permit; 2) adding new Condition of Approval #27, which, due to the slope of the access road (where the steepest portion has a grade of approximately 20%), an R-2 soils report shall be prepared and submitted, and all recommendations contained in the R-2 report shall be implemented; and 3) making a minor correction to Condition of Approval #15 to update the wording of the condition. These revisions do not change any recommendations or findings by staff.

ATTACHMENT 1

*REVISED RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) 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 NOD and will charge this cost to the project.
5. Within 90 days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. All structures currently located onsite, including but not limited to the existing residence.
 - b. Exact use and dimensions of each structure onsite.
 - c. Any grading that has occurred.
 - d. Location, storage capacity, and use of all hard storage tanks to replace the existing 20,000-gallon water storage bladder. The tanks shall be placed on a previously disturbed area, outside of existing Streamside Management Areas per the Humboldt County Code (314-61) Streamside Management Areas and Wetlands Ordinance.
 - e. Location, type, size, dimensions, and setback distances from property lines of the additional cultivation to be added, up to the amount verified by the County (14,810 SF total). The cultivation area shall be located on a previously disturbed area, outside of existing Streamside Management Areas.
 - f. All decommissioned cultivations areas.

6. Within 90 days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a Remediation Plan detailing any remediation efforts that have occurred and/or are proposed for the decommissioned areas. Any proposed remediation efforts shall occur within a period of 6 months from project approval. A sign-off from the Planning Department will satisfy this condition.
7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 through #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
8. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage, or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall retain a Registered Professional Forester (RPF) to evaluate the portion of the conversion area that occurred within the Streamside Management Area and prepare a Restocking Plan monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. A sign-off from the Planning Department will satisfy this condition.
10. Due to the onsite pond, the applicant shall coordinate with CDFW to determine if a bullfrog management plan is required for management of bullfrogs for the off-stream pond and if not already in place, the applicant shall install an overflow spillway to the off-stream pond that will withstand a 100-year flood event and exit ramps to the off-stream pond to prevent wildlife entrapment. Exit ramps shall be installed no greater than 2:1 slope, secured at the upslope end, and made of solid material (e.g., wood). The overflow spillway shall be designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. As applicable, the applicant shall obtain an addendum to the Final Streambed Alteration Agreement from CDFW for these items or obtain an additional Final Streambed Alteration Agreement from CDFW, whichever is required. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. The applicant shall adhere to the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms. Alternatively, a letter or similar communication from CDFW stating an addendum or second agreement is not required shall satisfy this condition.
11. The applicant shall ensure the off-stream pond holds no more than the necessary volume of water needed for the project, with consideration to evaporative loss. The volume of water

contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.

12. The applicant shall construct and/or implement the recommendations contained in the Roadway Evaluation Report, prepared by DTN Engineering and Consulting, dated January 2017, including the following:
 - a. Construct pullouts at curve locations where no pullout currently exists
 - b. Perform engineering and evaluate existing culvert sizes and replace those culverts that are undersized
 - c. Perform engineering and appropriate permitting (if not yet already completed) for the two bridge crossings in Streamside Management Areas. Replace or improve as necessary.
 - d. Construct culverts at appropriate locations identified with drainage issues.
 - e. Construct water bars on the portions of roadway where grade is steeper than 15%.
 - f. Grade the roadways with appropriate cross slopes to provide proper drainage.
 - g. Resurface the roadway with 2 inches of gravel to help stabilize the roadway.
 - h. Clear garbage, debris, and grow soil pile on Saber Tooth Road.
 - i. Sign the roadway at approaches that intersect the roadways according to County standards.
 - j. A Traffic Management Plan between the applicant, owners, and operators of the residences and cultivation operations along both the access road and Saber Tooth Road shall be developed.

The applicant shall submit evidence (e.g., a letter from a qualified professional and photographs) that the recommendations were completed as described by the Road Evaluation Report. Alternatively, the applicant may request a site inspection from the Planning and Building Department to review the recommended improvements. A sign-off from the Planning Department will satisfy the condition.

13. The applicant shall implement any corrective actions included in the Water Resource Protection Plan (WRPP), prepared by Timber Resource Consultants in August 2016, including the following:
 - a. Seeding all open space per attached specifications at Erosion Control Point (SCP) #1
 - b. Rock armor spillway at ECP #2
 - c. Upgrade Stream Crossing (SC) #1 to a minimum 18-inch-diameter culvert
 - d. Restore riparian vegetation in areas of riparian buffer encroachment
 - e. Install well or enough storage for 150-day forbearance period
 - f. Install secondary containment at fuel storage
 - g. Install a septic system compliant with applicable County health standards

The applicant shall submit evidence (e.g., a letter from a qualified professional and photographs) that the corrective actions were completed as described by the WRPP. Alternatively, the applicant may request a site inspection from the Planning and Building Department to review the corrective actions. A sign-off from the Planning Department will satisfy the condition.

14. Within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Lower Sabertooth Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as

to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.

15. The applicant ~~shall~~ submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
16. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW in May 2016 (Notification No. 1600-2015-0543-R1). Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
17. The applicant shall apply for and obtain a Right to Divert and Use Water from the State Water Resources Control Board (SWRCB) for use of the existing point of diversion or provide evidence of an existing water right. The applicant shall adhere to and implement the requirements of the Right to Use and Divert Water for the life of the project and reporting to the SWRCB available during the annual inspection. A sign-off from the Planning Department will satisfy this condition.
18. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
19. Per comments received from DEH, the existing pit privy must either be destroyed by permit or obtain DEH approval for continued use. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
20. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
21. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.

22. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
23. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project from the rainwater catchment pond and point of diversion. Each source shall be separately metered. The water use for cultivation is limited to the use of the water diversion, rainwater catchment pond, and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
24. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
25. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
26. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
- 27. Due to the slope of the access road, which is approximately 20% grade at the steepest point, the applicant shall retain a qualified professional to prepare and submit an R-2 soils report, and all recommendations contained in the R-2 report shall be implemented by the applicant.**

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

- ~~28.~~27. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
- ~~29.~~28. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward

facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

- ~~30.29.~~ The applicant shall abide by recommendations of the Timber Conversion Report prepared by Timberland Resource Consultants (TRC) July 4, 2019, and received November 8, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
- ~~31.30.~~ Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
- ~~32.31.~~ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ~~33.32.~~ All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ~~34.33.~~ Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
- ~~35.34.~~ The use of anticoagulant rodenticide is prohibited.
- ~~36.35.~~ The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
- ~~37.36.~~ All components of 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
- ~~38.37.~~ Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
- ~~39.38.~~ If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide

plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

- ~~40.39.~~ 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.
- ~~41.40.~~ Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
- ~~42.41.~~ Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
- ~~43.42.~~ Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
- ~~44.43.~~ Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
- ~~45.44.~~ Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
- ~~46.45.~~ Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
- ~~47.46.~~ Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- ~~48.47.~~ Pay all applicable application, review for conformance with conditions and annual inspection fees.
- ~~49.48.~~ Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
- ~~50.49.~~ The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

~~51.50.~~ Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

~~52.51.~~ Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

~~53.52.~~ Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

~~54.53.~~ Cultivators engaged in processing shall comply with the following Processing Practices:

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- d. Employees must wash hands sufficiently when handling cannabis or use gloves.

~~55.54.~~ All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (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 or the environment.
- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

~~56.55.~~ All cultivators shall comply with the approved processing plan as to the following:

- I. Processing practices
- II. Location where processing will occur
- III. Number of employees, if any
- IV. Employee Safety Practices
- V. Toilet and handwashing facilities
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- VII. Drinking water for employees
- VIII. Plan to minimize impact from increased road use resulting from processing
- IX. On-site housing, if any

~~57.56.~~ Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

~~58.57.~~ If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

~~59.58.~~ Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

~~60.59.~~ Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

~~61.60.~~ Transfers. 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 permit transfer review shall accompany the request. The request shall include the following information:

- I. Identifying information for the new owner(s) and management as required in an initial permit application;
- II. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- III. The specific date on which the transfer is to occur;
- IV. Acknowledgement of full responsibility for complying with the existing permit; and
- V. Execution of an Affidavit of Non-diversion of Medical Cannabis.

~~62.61.~~ Inspections. 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.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional 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 the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.