

## SUPPLEMENTAL INFORMATION

For Planning Commission Agenda of:

June 7, 2018

<input type="checkbox"/>	Administrative Agenda Item	}
<input checked="" type="checkbox"/>	Continued Hearing Item	} #6
<input type="checkbox"/>	New Hearing Item	}
<input type="checkbox"/>	Old Business Item	}
<input type="checkbox"/>	New Business Item	}

Re: Lazy S Ranch, LLC Conditional Use Permit  
Application Number 10264; Case Number CUP 17-018  
Assessor's Parcel Numbers (APNs) 033-130-002 and 033-130-007  
2557 Blue Rock Road, Benbow Area

Attached for the Planning Commission's record and review is (are) the following supplementary information item(s): As follow up to the Planning Commission's April 5, 2018 hearing and input on the above item, the Planning and Building Department and Department and Fish and Wildlife (DFW) held a joint meeting, and staff reviewed and discussed the existing cannabis cultivation area as of January 1, 2016. The applicant provided one additional item showing cultivation that occurred adjacent to the failed pond (Exhibit A). Other documentation considered was that provided by the applicant and his representatives, that prepared by County staff, and that of DFW staff. The County and DFW reached a compromise that 20,000 square feet of existing outdoor cultivation can be reasonably supported.<sup>1</sup> The compromised reached includes the proviso that the project be conditioned on oak woodland restoration of five (5) acres to address unpermitted activities and to reduce conifer encroachment, that is to be completed within five years.

The five acres of oak woodland restoration would remediate violations related to grading, pond reconstruction, pond failure that impacted a downstream wetland and filling in streams, ongoing gullyng of roads, the unpermitted grading to create a new pond, and the early relocation of cultivation area. On February 2, 2016, the applicant's forester submitted a Less Than Three Acre Conversion for zoning conformance review. Per the submitted conversion application, the species composition of the timber to be removed consisted of 10 percent Douglas-Fir and 80 percent Other hardwood. Following a site visit, on February 23, 2016, the County signed the Less Than Three Acre Conversion stating that the proposed Less Than Three Acre Conversion conformed with County Zoning Regulations. The grading conducted at the time of the timber removal, however, included creation of the pond, an action not considered or authorized by the County's Less Than Three Acre Conversion zoning conformance finding. Also, subsequent to the timber harvest, the applicant relocated the cultivation area from the failed pond area to the conversion area. The potential impacts associated with the on-site relocation was outside the scope of the zoning conformance review for the conversion, but would have been a consideration. The opportunity to remediate the impacts associated with these actions has been deferred until this time. Therefore, staff believes there is a nexus and proportionality for the added condition to complete oak woodland restoration that will in part remedy the unpermitted activities previously conducted.

In accordance with the compromised reached, the see the revised attached conditions of approval, specifically condition of approval number 23, which is as follows:

**23. The applicant shall implement five (5) acres of oak woodland restoration to be completed within five years from the effective date of this permit. The applicant shall submit a restoration plan prepared by a qualified professional for the review and approval of the Planning Director. The plan's content shall include the elements enumerated in Humboldt County Code 314-61.1.18, Mitigation and Monitoring Plan for a Biological Report.**

<sup>1</sup> Existing cultivation pursuant to Humboldt County Code Section 314-55.4.8.2.2.

**Nielsen, Michelle**

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**From:** Rio <talktorio@gmail.com>  
**Sent:** Thursday, April 05, 2018 9:21 PM  
**To:** Nielsen, Michelle  
**Cc:** Ford, John  
**Subject:** Fwd: Rio Photos

Evidence of pond 2 grow!

Sent from my iPhone

Begin forwarded message:

**From:** Patricia Lai <[p@motherearthengineering.com](mailto:p@motherearthengineering.com)>  
**Date:** April 5, 2018 at 8:17:01 PM PDT  
**To:** Rio Anderson <[talktorio@gmail.com](mailto:talktorio@gmail.com)>  
**Subject:** Fwd: Rio Photos

----- Forwarded message -----

From: Kathy Moley <[kathym@pacificwatershed.com](mailto:kathym@pacificwatershed.com)>  
Date: Fri, Feb 23, 2018, 6:19 PM  
Subject: Rio Photos  
To: Patricia Lai <[p@motherearthengineering.com](mailto:p@motherearthengineering.com)>

2 of the same picture by the pond that blew out.

--

Kathy Moley P.G. 7594  
Senior Geologist  
Pacific Watershed Associates  
P.O. Box 4433  
Arcata, California 95518

(ph) 707-839-5130  
(fx) 707-839-8168  
(c) 707-498-0801  
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**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Case Number CUP 17-018  
Assessor's Parcel Numbers: 033-130-002 and 033-130-007**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Lazy S Ranch, LLC Conditional Use Permit request.**

**WHEREAS**, Lazy S Ranch, LLC (Mindful Farms MBC) submitted an application and evidence in support of approving a Conditional Use Permit (CUP) to permit an existing 20,000 square-foot cannabis cultivation operation on a 72-acre parcel consisting of APNs 033-130-002 and 033-130-007; 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**, the project is categorically exempt from environmental review pursuant to Class 1 - 15301 (Existing Facilities) and Class 33 - 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 17-018); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on April 5, 2018 and June 7, 2018.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The project is categorically exempt from environmental review pursuant to Class 1 - 15301 (Existing Facilities) and Class 33 - 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP 17-018 based on the submitted substantial evidence; and
3. The Planning Commission hereby approves the Conditional Use Permit CUP 17-018 as recommended and conditioned in Attachment 1 for Case Number CUP 17-018, as revised.

Adopted after review and consideration of all the evidence on June 7, 2018.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES:           Commissioners:  
NOES:           Commissioners:  
ABSTAIN:       Commissioners:  
ABSENT:       Commissioners:  
DECISION:     Motion carries

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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John Ford  
Director, Planning and Building Department

## ATTACHMENT 1

### REVISED RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2–21. 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.
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. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and 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.
4. The side slopes of Pond #4 (as labeled on the site plan) shall be redesigned to contain measures to prevent wildlife harm or entrapment. The applicant shall secure all needed permits prior to initiation ground disturbance to implement the redesign measures. A letter from DFW or similar communication shall satisfy this condition.
5. The applicant shall submit a Bullfrog Management Plan for the review and approval of the CDFW. The applicant shall file annual Bullfrog Management monitoring reports to DFW, the Eureka office, no later than December 31.
6. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
7. Prior to issuance of any building or construction permits a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
  - a) Adequate off-street parking,
  - b) Compliance with emergency vehicle access requirements, and
  - c) Setbacks between project activities and wetlands, surface waters and Streamside Management Areas.
  - d) Setbacks of cultivation areas to property lines.
  - e) Revised pond or water storage.
  - f) Emergency address and signing per Humboldt County Fire Safe Regulations.
8. The applicant shall secure the approval of the Division of Environmental Health for the on-site sewage disposal system prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition.
9. The applicant shall be compliant with the County of Humboldt's Certified Unified Program



Agency (CUPA) requirements regarding any 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. Contact the Division of Environmental Health for more information

10. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. The improvement work shall incorporate the evaluation recommendations of Atlas Engineering in their letter dated February 6, 2017. A letter from a qualified engineer shall satisfy this requirement.
11. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. 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 NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
12. The applicant shall secure a final Lake and Streambed Alteration Agreement (LSAA) approved by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms. The LSAA shall be amended to include removal and remediation of the failed pond (labeled as Pond #2 on the site plan). All outstanding information requested by CDFW shall be submitted, and all existing violations of the Fish and Game Code shall be corrected. A letter or similar communication from CDFW verifying that all these requirements have been met will satisfy this condition.
13. The applicant shall retire and restore Cultivation Area #5 to its pre-development condition, including removal of access roads. Re-contouring and revegetation shall be performed under the direction of a restoration specialist. The final restoration plan shall be subject to approval of the Planning Director and shall integrate and not conflict with the remedial work at Pond #2 to be conducted under the WRPP and LSAA. The plan shall include success criteria for revegetation and follow-up monitoring. The qualified restoration specialist shall transmit the completion and annual monitoring reports to the Planning Division verifying that all requirements of the plan have been met.
14. The applicant shall submit to the Division of Environmental Health the following information: 1) list/describe fuel on-site for power generators and/or heating elements (e.g., diesel, propane, etc.) and identify the quantity and the container used to hold it; 2) Provide Safety Data Sheets for all fertilizers, soil amendments and pesticides (including organic ones) and include quantities stored on-site; 3) List/describe all compressed gases, cleaners and sanitizers (including, but not limited to, household chemicals, bleach and alcohol) and include quantities stored on-site.
15. The applicant shall obtain permits for and install a restroom and an acceptable on-site wastewater treatment system on the property prior to employing workers for cannabis processing activities. These facilities shall comply with applicable federal, state, and local laws

and regulations, Approval for the restroom facilities shall be secured from the County Building Inspection Division and Division of Environmental Health (DEH). In the interim, portable restroom facilities may be provided for employees performing cultivation activities only (not processing). The applicant shall provide to DEH an invoice (or equivalent documentation) to confirm the continual use of portable restroom facilities to serve the needs of employees.

16. The applicant shall provide to DEH a copy of the written approved Compliance Agreement per HCC Section 313-55.4.11.
17. The applicant shall implement the measures of the roads and site drainage plan as identified in a report prepared by Pacific Watershed Associates (PWA) as detailed in the application materials under Erosion Control Measures. A letter from PWA or other qualified professional indicating these measures have been completed will satisfy this condition.
18. The applicant shall contact the local fire service provider [Garberville VFD] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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.
19. All water used for irrigation shall be sourced from the rainwater catchment system. Surface water diversions shall be used exclusively for domestic purposes.
20. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
21. Prior to initiating commercial cannabis cultivation or associated activities the property owner(s) 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.
22. 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 and Building Department, 3015 "H" Street, Eureka.
23. **The applicant shall implement five (5) acres of oak woodland restoration to be completed within five years from the effective date of this permit. The applicant shall submit a restoration plan prepared by a qualified professional for the review and approval of the Planning Director. The plan's content shall include the elements enumerated in Humboldt County Code 314-61.1.18, Mitigation and Monitoring Plan for a Biological Report.**



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

1. 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.
2. 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.
3. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
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. 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.
6. 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).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB 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.
8. For cultivation area(s) for which no enrollment pursuant to NCRWQCB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Comply with the terms of the applicable Streambed Alteration (1600) Permit obtained from the CDFW.
10. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by Cal Fire.

11. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
14. The noise produced by a generator used as a backup power source for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of marbled murrelet or spotted owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest marbled murrelet or spotted owl habitat, whichever is closer.
15. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
16. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
18. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

19. Pursuant to the MCRSA, Business and Professions 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."
20. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.

- iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. 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.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. 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.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
23. 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.
24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire after 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.

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 Conditional Use Permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Conditional Use 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.

25. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
26. 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 CMLUO 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:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - c. The specific date on which the transfer is to occur; and
  - d. Acknowledgement of full responsibility for complying with the existing Permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

27. 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 of 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 COA #1 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 #24 of the On-Going Requirements /Development Restrictions, above.
3. The proposed barn scales to a finish height of 48 feet as measured from the average ground level to the peak of the ridge. The maximum building height for structures in the FR zone district is 35 feet. The applicant will be required to re-design the proposed barn to meet the zone requirement for height or secure a variance or exception from the maximum height provided in the zone subject to discretionary review and approval.
4. 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.  
  
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) 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
5. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.