

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Humboldt County Division of Environmental Health	✓	Conditional approval	On file
Humboldt County Building Inspection Division		No response	
Humboldt County Department of Public Works	✓	Conditional approval	On file
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff		No response	

✓ Environmental Health

Due on **12/31/2021**, assigned to **Joey Whittlesey**

☐ Marked as **Approved with Conditions** on **12/21/2021** by **Joey Whittlesey**

Comment: Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilet(s) to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system associated with a permitted structure. A pit privy is shown on the site map provided. Discontinue the use of and decommission the pit privy.



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

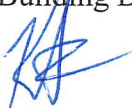
ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE	445-7205
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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Abbie Strickland, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 12/22/2021

RE:

Applicant Name	FANTASTIC GARDENS HUMBOLDT LLC
APN	210-144-012
APPS#	PLN-11795 - CUP

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)* are required; See ~~Exhibit "D"~~.

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items #1, #2, and #7 on Exhibit C

No road evaluation was included for this project review. Therefore it is unclear how the project is accessed. From past projects access to the parcel can vary. Past road evaluation reports have used Hwy 36 to USFS RTE 1N30 to USFS RTE 1N08 to un-named roads to Burr Valley Road, others have used Hwy 36 to Burr Valley Road, and others USFS RTE 1N30 to USFS RTE 1N08 to "Sway Back" to Burr Valley Road. All roads are not in the County maintained system.

The Department is aware that multiple road evaluation reports have been prepared for this road. Because there is more than one road evaluation, all of the recommendations in the various road evaluation reports need to be combined into one action plan. If the road maintenance association will not be responsible for constructing all of the improvements in the action plan, it is recommended that the proportioning of the improvements be clearly documented so that each applicant knows exactly what portion of the action plan that they are responsible for constructing.

// END //

Additional Review is Required by Planning & Building Staff

All of the following questions are to be answered by Planning and Building Department staff.

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

YES NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

YES NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads?

YES NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? YES NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to “Parcel ___ of Parcel Map No. ___” then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a “Notice of Construction Requirements” document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If YES, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

6. **COUNTY ROADS- PROXIMITY OF FARMS:**

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is

Additional Review is Required by Planning & Building Staff

advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

7. ROAD GRADES:

Whether specifically addressed or not within the road evaluation report, per Section 1273.03 of State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 - Fire Protection, Subchapter 2 SRA Fire Safe Regulations, which have been established pursuant to California Public Resource Code Section 4290 et seq. (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06. [Note: Fire Safe Regulations set forth in County Code Section 3111-1, et seq. have been superseded by the 01/01/2020 CCR since County Code has not been recertified by the Department of Forestry pursuant to Section 1270.04.]

// END //



21-0966

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245



12/17/2021

CONFIDENTIAL

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, RWQCB, NCUAQMD, School District: Bridgeville, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC

Applicant Name Key Parcel Number 210-144-012-000

Application (APPS#) PLN-11795-CUP **Assigned Planner** Abbie Strickland

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 1/1/2022

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

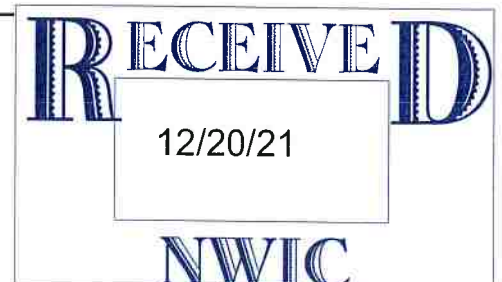
We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE:

PRINT NAME:



CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1400 Valley House Drive, Suite 210
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<http://nwic.sonoma.edu>

December 21, 2021

File No.: 21-0966

Planning Commission Clerk
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501
*PlanningClerk@co.humboldt.ca.us

re: APPS# PLN-11795-CUP, 210-144-012-000, Fantastic Gardens Humboldt LLC, Abbie Strickland

Dear Ms. Strickland:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: The applicant is seeking a Conditional Use Permit for 14,000 sq ft of existing outdoor commercial cannabis cultivation. The applicant projects two cultivation cycles per year. Water for irrigation is sourced from a Point of Diversion of an unnamed spring. Water is stored in hard poly storage tanks: 30 tanks ranging in size from 250 to 5,000 gallons each, three water bladders holding 20,000 gallons each, one swimming pool totaling 10,000 gallons, and one in-channel pond holding 67,500 gallons, for a total storage amount of 173,500 gallons. Processing, including drying, curing, and trimming, are proposed in a processing facility on APN 210-144-007, also under lease to the applicant. Electricity is sourced from onsite solar and generator as backup.

Previous Studies:

XX This office has no record of any previous cultural resource studies for the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to commencement of project activities.

XX We recommend that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916) 373-3710.

Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call at (707) 588-8455.

Sincerely,

Bryan Much
Coordinator

Enc: Humboldt County project cover letter

BEAR RIVER BAND of the ROHNERVILLE RANCHERIA

266 KEISNER RD, LOLETA, CA 95551-9707 PHONE 707-733-1900

FAX 707-733-1723



Re: PLN-11795-CUP Fantastic Gardens Humboldt LLC 14,000 210-144-012-000

12/29/2021

Dear Abbie,

We have reviewed the Fantastic Gardens proposal and are satisfied that the activities of the project, as described, do not appear to represent a source of significant impact (s) on cultural resources.

We respectfully request that standard inadvertent archaeological discovery protocols be in place for any ground disturbing activities of the proposed project, in accordance with: the Humboldt County General Plan policies CU-P1 through CU-P5; Section 7050.5(b) and (c) of the California Health and Safety Code; Sections 5097.94(k) and (i) and 5097.98(a) and (b) of the Public Resources Code (PRC); and Sections 15064.5(d-f) and 15126.4(b) (3) of the CEQA Guidelines.

Sincerely,

Melanie McCavour



Melanie McCavour
Tribal Historic Preservation Office
Bear River Band of the Rohnerville Rancheria
THPO@brb-nsn.gov
(707) 532-0193; (707) 733-1900 ext. 1233

* Please include THPO@brb-nsn.gov as a point of contact on your communication list for BRB