



**PLANNING APPLICATION FORM**  
**Humboldt County Planning Department**  
 Current Planning Division 3015 H Street Eureka, CA 95501-4484  
 Phone (707) 445-7541 Fax (707) 268-3792



**INSTRUCTIONS:**

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit **all** items marked on the reverse side of this form.

**SECTION I**

**APPLICANT** (Project will be processed under Business name, if applicable.)

**AGENT** (Communications from Department will be directed to agent)

Business Name: Abby Road Farming LLC  
 Contact Person: Doran Andre  
 Mailing Address: 4209 Seashore  
 City, St, Zip: Newport Beach CA 92663  
 Telephone: 949-500-3146 Alt. Tel: \_\_\_\_\_  
 Email: doranandrey@gmail.com

Business Name: Pacific Watershed Associates  
 Contact Person: Kathy Maley  
 Mailing Address: P.O. Box 4433  
 City, St, Zip: ARCATA CA 95518  
 Telephone: 707 839-5130 Alt. Tel: 707 498-0801  
 Email: Kathy M@PacificWatershed.ca

**OWNER(S) OF RECORD** (If different from applicant)

Owner's Name: Doran Andre  
 Mailing Address: 4209 Seashore  
 City, St, Zip: Newport Beach CA 92665  
 Telephone: 949-500-3146 Email: \_\_\_\_\_

Owner's Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, St, Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**LOCATION OF PROJECT**

Site Address: Tree Farm Road  
 Community Area: Dinsmore

Assessor's Parcel No(s): 210-221-023  
 Parcel Size (acres or sq. ft.): 40 Acres

Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons?  YES  NO

**SECTION II**

**PROJECT DESCRIPTION**

Describe the proposed project (attach additional sheets as necessary):

PLN-12861-CUP  
Appeal to denial of zoning Administrator decision

**SECTION III**

**OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT**

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are **not** complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

[Signature]  
 Applicant Signature

3/15/2023  
 Date

**If the applicant is not the owner of record:** I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

\_\_\_\_\_  
 Owner of Record Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Owner of Record Signature

\_\_\_\_\_  
 Date

PLN-2023-18132  
DDA  
CUP

**This side completed by Planning Staff**

Checklist Completed by: Collin Slavey Date: 03/15/2023

**THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION**

Item	Received	Item	Received
<input checked="" type="checkbox"/> Filing Fee of \$ <u>1,732.00</u>	<input type="checkbox"/>	<input type="checkbox"/> Architectural Elevations	<input type="checkbox"/>
<input type="checkbox"/> Fee Schedule (see attached, please return completed fee schedule with application)	<input type="checkbox"/>	<input type="checkbox"/> Design Review Committee Approval	<input type="checkbox"/>
<input type="checkbox"/> Plot Plan 12 copies (folded if > 8½" x 14")	<input type="checkbox"/>	<input type="checkbox"/> CEQA Initial Study	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 12 folded copies (Minor Subd)	<input type="checkbox"/>	<input type="checkbox"/> Exception Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 18 folded copies (Major Subd) [Note: Additional plot plans/maps may be required]	<input type="checkbox"/>	<input type="checkbox"/> Joint Timber Management Plan	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map/Plot Plan Checklist (complete & return with application)	<input type="checkbox"/>	<input type="checkbox"/> Lot Size Modification Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Floor Plan	<input type="checkbox"/>	<input type="checkbox"/> Military Training Route (see County GIS)	<input type="checkbox"/>
<input type="checkbox"/> Division of Environmental Health Questionnaire	<input type="checkbox"/>	<input type="checkbox"/> Parking Plan	<input type="checkbox"/>
<input type="checkbox"/> On-site sewage testing (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Plan of Operation	<input type="checkbox"/>
<input type="checkbox"/> On-site water information (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Preliminary Hydraulic & Drainage Plan	<input type="checkbox"/>
<input type="checkbox"/> Solar design information	<input type="checkbox"/>	<input type="checkbox"/> R1 / R2 Report (Geologic/Soils Report, 3 copies with original signatures)	<input type="checkbox"/>
<input type="checkbox"/> Chain of Title	<input type="checkbox"/>	<input type="checkbox"/> Reclamation Plan, including engineered cost estimate for completing reclamation	<input type="checkbox"/>
<input type="checkbox"/> Grant Deed <input type="checkbox"/> Current <input type="checkbox"/> Creation	<input type="checkbox"/>	<input type="checkbox"/> Accessory Dwelling Unit Fact Sheet	<input type="checkbox"/>
<input type="checkbox"/> Preliminary Title Report (two copies, prepared within the last six months prior to application)	<input type="checkbox"/>	<input type="checkbox"/> Variance Request Justification	<input type="checkbox"/>
		<input type="checkbox"/> Vested Right Documentation/Evidence	<input type="checkbox"/>
		<input checked="" type="checkbox"/> Other <u>Evidence Supporting Appeal</u>	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>

**FOR INTERNAL USE**

<input type="checkbox"/> Ag. Preserve Contract	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Reclamation Plan
<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> General Plan Petition	<input type="checkbox"/> Surface Mining Permit
<input type="checkbox"/> Coastal Development Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission	<input type="checkbox"/> Information Request	<input type="checkbox"/> Surface Mining Vested Right Determination
<input type="checkbox"/> Design Review <input type="checkbox"/> Inland <input type="checkbox"/> Coastal	<input type="checkbox"/> Modification to _____	<input type="checkbox"/> Timber Harvest Plan Information Request
<input type="checkbox"/> Determination of Legal Status	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Use Permit H.C.C. § _____
<input type="checkbox"/> Determination of Substantial Conformance	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Variance H.C.C. § _____
<input type="checkbox"/> Extension of _____	<input type="checkbox"/> Special Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission H.C.C. § _____	<input type="checkbox"/> Zone Reclassification
<input type="checkbox"/> Fire Safe Exception Request	<input type="checkbox"/> Subdivision <input type="checkbox"/> Parcel Map <input type="checkbox"/> Final Map	<input checked="" type="checkbox"/> Other <u>Appeal</u>
	<input type="checkbox"/> Exception to the Subdivision Requirements	<input type="checkbox"/> Other _____

Application Received By: Collin Slavey Date: 03/15/2023 Receipt Number: PLN18132

General Plan Designation: \_\_\_\_\_

Plan Document: \_\_\_\_\_

Land Use Density: \_\_\_\_\_

Zone Designation: \_\_\_\_\_

Coastal Jurisdiction Appeal Status:  Appealable       Not Appealable

Preliminary CEQA Status:

Environmental Review Required

Categorically Exempt From Environmental Review: Class \_\_\_\_\_ Section \_\_\_\_\_

Statutory Exemption: Class \_\_\_\_\_ Section \_\_\_\_\_

Not a Project

Other \_\_\_\_\_



**PACIFIC WATERSHED ASSOCIATES INC.**

PO Box 4433 • Arcata, CA 95518-4433

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[www.pacificwatershed.com](http://www.pacificwatershed.com)



March 15, 2023

Planning Division  
3015 H Street  
Eureka, California 95503

**Re: Appeal of Zoning Administrator Decision for PLN-12861-CUP, for APN. 220-221-023, located on Tree Farm Road, Humboldt County, California.**

Mr. Steve Santos:

Pacific Watershed Associates (PWA) and Abby Road Farming LLC wish to appeal the decision approved by the Zoning Administration for APN 220-221-023, located on Tree Farm Road, Humboldt County, California.

This decision comes as a surprise to the applicant, the owner, and applicant's agents as while the County has records of sending notices to the applicant, neither the applicant, the owner, nor their agents, have any records of said notices being received.

Further, that the letter dated January 26, 2023, stating that the project was headed to the Zoning Administrator on February 16, 2023, was sent solely to the applicant, and not the listed owner or either of the listed agents, makes it difficult for the owner and agents to respond appropriately.

Had PWA received any notification, these issues would have been addressed. Additionally, there was communications with the applicant on July 27, 2022, March 1, 2023, and March 10, 2023, for which the agent was not made aware of until this morning when in the Planning Department asking about this project. Again, making it difficult to respond to communications.

It is PWA's understanding that this decision is based on:

**Finding: CEQA:** The project is statutorily exempt from the California Environmental Quality Act.

**Evidence:**

- a) Section 15270 of the CEQA Guidelines (Projects Which Are Disapproved). **No Response.**

**Finding:** The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**Evidence**

- a) No hydrologic study for the groundwater well prevents staff from determining if there is an adequate and eligible water source. **Response:** There is not a well on this property nor is there proposed to be a well.
- b) Lack of a noise management plan for the generator prevents staff from determining if the energy source will comply with applicable standards given the proximity of northern spotted owl. **Response:** The Noise Management Plan is currently in press and can be submitted with additional documentation. Due to the current economy regarding cannabis cultivation, there is no cultivation planned for this season and therefore, no generator in use.
- c) Because the incomplete materials prevented the creation of a complete project description, the project has not been placed in referrals. The lack of agency and tribal consultation prevents staff from proposing appropriate conditions. **Response:** Previous documentation for this project did not include a required archeological or tribal review until final complete submission of all documents. If at this time, the Humboldt County Planning Department is requiring a tribal consultation of this property, that will be submitted. County communications only asks for a replacement of a \$30 check.

**Finding:** There is insufficient evidence to support a finding that the project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- a) The project application does not contain a wetland delineation nor an environmental superiority analysis and restoration plan for onsite relocation. Staff is unable to determine if the project will cause any significant impacts or provide mitigations consistent with the measures in the adopted MND for the CMMLUO. **Response:** there was an Aquatic Resource Delineation prepared by Kyle Wear, Botanical Consultant for this project in February of 2021. The results of this study concluded that what had previously been classified as a possible wetland, is indeed classified as a Class III ephemeral stream which would warrant a 50-foot setback from the edge (See Attached).

**Further Response:** PWA is currently completing the Lake or Streambed Alteration Agreement for this property which will upgrade the access road, improve water transportation via properly sized culverts.

**Additional Response:** As was submitted earlier, the previous cultivation location was a result of "Gorilla Grows within the woods. The current cultivation sites, in PWA's professional opinion are superior as they are closer to the residence, and within

greenhouses as opposed to within the woods where they are more likely to impact wildlife. They are also more compactly located as opposed to being spread out across the hillside. See attached photos of previous cultivation areas. This relocation did take place after January 1, 2016 by a previous owner of the property based on advice they were given early on in the permitting process.

Pacific Watershed Associates hope this information is helpful in the reversal of the Zoning Administrations Decision of this project. PWA is available for any consultation requested. A completed application packet will be assembled as soon as we have a final determination on this project. I can be reached directly either at the office at 707-839-5130 ext. 31, or on my cell phone at 707-498-0801. Please do not hesitate to call. Also, in the future, would you please include PWA on any future correspondence.

Sincerely,

**PACIFIC WATERSHED ASSOCIATES INC.**



Kathy Moley, PG 7594  
kathym@pacificwatershed.com

eccd Doran Andry  
doranandry@gmail.com