

## 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.

| <b>Referral Agency</b>                              | <b>Response</b> | <b>Recommendation</b> | <b>Location</b>                |
|---|-----------------|-----------------------|--------------------------------|
| Building Inspection Division                        |                 | No Response           |                                |
| Division Environmental Health                       | ✓               | Conditional Approval  | On file with Planning (Accela) |
| Public Works, Land Use Division                     | ✓               | Conditional Approval  | <b>Attachment 5A</b>           |
| CAL FIRE  | ✓               | No Comment            | <b>Attachment 5B</b>           |
| Telegraph Ridge Fire Protection District            |                 | No Response           |                                |
| California Department of Fish & Wildlife            |                 | No Response           |                                |
| Northwest Information Center                        | ✓               | Further Study         | On file and confidential       |
| Bear River Band of Rohnerville Rancheria            | ✓               | Conditional Approval  | On file and confidential       |
| Intertribal Sinkyone Wilderness Council             |                 | No Response           |                                |
| So. Humboldt Joint Unified School District          |                 | No Response           |                                |
| Humboldt County Sheriff                             | ✓               | Approval              | On file with Planning (Accela) |
| Humboldt County Agricultural Commissioner           |                 | No Response           |                                |
| Humboldt County District Attorney                   |                 | No Response           |                                |
| North Coast Unified Air Quality Management District |                 | No Response           |                                |
| North Coast Regional Water Quality Control Board    |                 | No Response           |                                |
| Bureau of Land Management                           | ✓               | Comments              | <b>Attachment 5C</b>           |

**ATTACHMENT 5A**

**Public Works, Land Use Division Referral Response**

**ATTACHMENT 5B**

**CAL FIRE Referral Response**

**ATTACHMENT 5C**

**Bureau of Land Management (BLM) Referral Response**

**ATTACHMENT 5A**

**Public Works, Land Use Division Referral Response**



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<br>SECOND & L ST., EUREKA<br>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<br>HARRIS & H ST., EUREKA<br>FAX 445-7388 |          |
| LAND USE  | 445-7205 |

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Abbie Strickland, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 05/10/2021

|            |                       |                      |
|------------|-----------------------|----------------------|
| <b>RE:</b> | <b>Applicant Name</b> | <b>DAVE THOMAS</b>   |
|            | <b>APN</b>            | <b>221-121-001</b>   |
|            | <b>APPS#</b>          | <b>PLN-12179 CUP</b> |

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:

Applicant has submitted road evaluation reports, dated 06/12/18, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard. Applicant should clarify if Doody Ridge Road is really Council Madrone Road at address provided on report.

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.

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, "No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual." Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]



# Exhibit "A"

## Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS #12179

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

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the County road.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet (or break in slope) where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

**ATTACHMENT 5B**

**CAL FIRE Referral Response**



12179

Application Number

221-121-001-000

Key APN



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

- The Department has no comment at this time.
- Suggested conditions attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend denial.
- Other comments.

Forester Comments:

AP# 12179  
APN 221-121-001

Battalion Chief Comments:

Summary:

**ATTACHMENT 5C**

**Bureau of Land Management (BLM) Referral Response**

## Megan Marruffo

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**Subject:** FW: [EXTERNAL] Humboldt County Projects - Referral Responses Requested  
**Attachments:** PLN-11734-SP Merry Whether Farms.pdf; 12155\_Forever\_Honeydew\_Farms\_BLM\_Response\_3\_15\_2022.pdf; PLN-12155-CUP-BLM-Response.pdf; PLN10861\_BLM\_Response+Map.pdf; APPS #11751\_BLM\_Response.pdf; PLN-12408-SP-SlowSteady\_Response\_csm\_JW CE.pdf

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**From:** Wheeler, Jennifer S <[jswheele@blm.gov](mailto:jswheele@blm.gov)>  
**Sent:** Monday, October 31, 2022 12:33 PM  
**To:** Meghan Ryan <[ryanm@lacoassociates.com](mailto:ryanm@lacoassociates.com)>  
**Cc:** Fritze, Paul H <[pfritze@blm.gov](mailto:pfritze@blm.gov)>; Ewing, Collin J <[cewing@blm.gov](mailto:cewing@blm.gov)>  
**Subject:** Fw: [EXTERNAL] Humboldt County Projects - Referral Responses Requested

Hi Meghan,

Happy to help.

Our GIS Specialist Paul Fritze, pulled together several response letters, attached.

We do not have a record of PLN-11460 , but he is initiating data gathering and you can anticipate a response on this one, possibly, hopefully this week.

PLN 12179 would be the same response as the BLM response for PLN 11751, (Parcel 221-121-013) as the project area as mapped included parcel (APN 221-201-021) and BLM took a look at that. To be efficacious, you can use this email as a record of our response for PLN 12179 if that works for you. If you need a more formal reply, we can create a separate signed response.

PLN-10861-CUP has PLN-10859-CUP mapped and included in it. At the time, we were not sure if the access was via Larabee Rd as it looked like they could use a different access and it is not contiguous with BLM. Your notes for this application indicate, however, it IS being accessed by Larabee Butte Road. We recently received an application located in this area, and accessed by Larabee Road (Slow & Steady PLN 12408). It is very likely, the BLM comment would be similar, so I've attached that here. We have been talking with Steve Santos on this particular one, and I would recommend speaking with him about it, and I'm happy to speak with you as well.

The BLM has no record or knowledge of PLN-12486-CUP (APN: 208-321-008).

*Jennifer Wheeler  
Assistant Field Manager  
Arcata Field Office, California  
Recreation, Realty, Operations  
work (707) 825-2310  
cell (707) 298-8504*

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**From:** Meghan Ryan <[ryanm@lacoassociates.com](mailto:ryanm@lacoassociates.com)>  
**Sent:** Friday, October 28, 2022 11:35 AM  
**To:** Wheeler, Jennifer S <[jswheele@blm.gov](mailto:jswheele@blm.gov)>



**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

Arcata Field Office  
1695 Heindon Road  
Arcata, CA 95521-4573  
[www.blm.gov/california](http://www.blm.gov/california)



4/8/2021

Planning Commission Clerk  
County of Humboldt County  
Planning and Building Department  
3015 H Street, Eureka, CA 95501

Dear Sir or Madam:

In response to Application APP(S) # 11751 APN: 221-121-013-000

The proposed cannabis cultivation parcel is contiguous with BLM lands and located within the Mattole River watershed, including Mattole Canyon Creek. Mattole Canyon Creek is important due to the quality of its spawning and rearing habitat for federally threatened Chinook salmon and steelhead, and are managed to conserve and protect these species and their habitats. The Mattole River and its tributaries is listed as 'sediment impaired' under the Clean Water Act. The proximity of the proposed cannabis cultivation site has the potential to deliver nutrients and other pollutants to Mattole Canyon Creek.

The contiguous BLM land is designated as Critical Habitat for Northern Spotted Owl by the U.S. Fish and Wildlife Service (USFWS) and contains one of the last remaining old growth Douglas fir stands in the area. There is a potential for light, generator noise, runoff, and rodenticide use from the applicant's operation to impact BLM land and sensitive wildlife species such as the Northern Spotted Owl (NSO). The NSO continues to suffer population loss across its range due, in part to, habitat loss and human encroachment. The BLM is concerned about the close proximity of this proposed cannabis operation to NSO critical habitat and a historic NSO activity center.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600-foot setback for publicly owned lands managed for open space and/or wildlife habitat purposes. It appears that the cultivation will occur within 600 feet from BLM lands and BLM is concerned about the potential impacts to wildlife habitat.

Any activity or resource damage related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,

Molly Brown  
Field Manager