

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 |
|---|-----------------|-----------------------|--------------------------|
| Ag Commissioner | | No Response | |
| Building Inspection Division | | No Response | |
| County Counsel | | No Response | |
| District Attorney | | No Response | |
| Division Environmental Health | ✓ | Conditional Approval | Attached |
| Sheriff | ✓ | Approval | On File |
| Public Works, Land Use Division | ✓ | Conditional Approval | Attached |
| Six Rivers National Forest | | No Response | |
| Willow Creek VFD | | No Response | |
| North Coast Unified Air Quality Management District | | No Response | |
| School District | ✓ | Approval | On File |
| CA Division of Water Rights | | No Response | |
| California Department of Fish & Wildlife | ✓ | Comment | Attached |
| CalFire | ✓ | Comment | Attached |
| North Coast Regional Water Quality Control Board | | No Response | |
| Hoopa Valley Tribe | ✓ | Further Study | On file and confidential |
| Northwest Information Center | ✓ | Further Study | On file and confidential |

DEH Referral Response 2/25/2019

PLN-12750-CUP 

John Piccirilli - CUP ...
A Conditional Use ...

STATUS

> Revisions Requi...
09/26/2019 by C...

LOCATION

> None Provided

CONTACT

> Pacific Watersh...

WORKFLOW

> 15 total Task
● 6 completed ...

| | Task | Due Date | Assigned Date |
|---------------------------|--|-----------------------------|---|
| Summary | Environmental Health | 03/07/2019 | 02/15/2019 |
| Project Description | Assigned to Department Environmental Health | Assigned to LandUse1 DEH | Status Approved with Conditions |
| Workflow | Action by Department Environmental Health | Action By Ben Dolf | Status Date 02/25/2019 |
| 1 Referral Assignments | Start Time | End Time | Hours Spent 0.0 |
| 2 Planning Information | Billable No | Overtime No | Comments 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, proposed processing will require installation of a permitted onsite wastewater treatment system associated with a permitted structure. |
| 3 GP / Zoning Information | | | |
| 4 CEQA | | | |



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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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


AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Caitlin Castellano, Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer 
DATE: 02/21/2019

RE:

| | |
|-----------------------|----------------------|
| Applicant Name | PICCIRILLI |
| APN | 522-024-004 |
| APPS# | PLN-12750-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:

Applicant has submitted a road evaluation report, dated 12/01/2018, with Part A – Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The applicant did not provide separate road evaluation reports for the County maintained road portion of Old Three Creeks Road and the privately maintained portion of the road. The County maintains 2.8 miles of Old Three Creeks Road.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12750

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.
- 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.
- 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 END OF 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 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 //

Santos, Steven A

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Sent: Tuesday, November 14, 2023 9:00 AM
To: Santos, Steven A
Cc: Manthorne, David@Wildlife; Johnson, Cliff
Subject: App: PLN-12750-CUP, APN: 522-024-004

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Good Morning,

Please see the comments below regarding the subject project.

Project Number: PLN-12750-CUP

Project Name: John Piccirilli - CUP for 8,475 SF Ex ML and 7,000 SF Ex OD ml

APN(s): 522-024-004

CEQA: CEQA-2019-0089-0000-R1

Project Description

A Conditional Use Permit for 8,475 square feet of existing mixed light and 7,000 square feet of existing outdoor commercial cannabis cultivation supported by a 1,500 square foot ancillary nursery. The estimated annual irrigation water budget is 64,200 gallons and is sourced from a groundwater well. There is 8,500 gallons of existing tank storage and 24,000 gallons of tank storage proposed for a total of 32,500 gallons. Drying occurs onsite and all other processing occurs offsite. Power to be provided by a proposed solar system. The project includes restoration of former cultivation areas.

CDFW COMMENTS:

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

On November 6, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 522-024-004. During the site visit, staff walked the property to observe current and historic cultivation activities. The following comments are intended to assist the Lead Agency in making informed decisions in the planning process. The following comments shall supersede prior comments submitted by CDFW regarding PLN-12750-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On October 12, 2023, CDFW issued the applicant a Draft Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-24612-R1C) to upgrade six stream crossings, and for one encroachment to remediate stream pollution where road grading activities have pushed fill into the stream channel. CDFW requests, as a condition of project approval, that the applicant obtain a final LSAA and complete all the projects identified the LSAA within two years.

- While onsite, CDFW observed sediment discharge to Waters of the State through erosion of hydrologically connected roads. CDFW requests, as a condition of project approval, that the applicant implement a stormwater plan (site management plan) to direct surface flow away from streams to mitigate the existing threats of sediment delivery. CDFW further requests, as a condition of project approval, that the applicant submits and implements an Interim Erosion Control Plan (IECP) no later than December 15th, 2023, to mitigate the existing threats of sediment delivery until further remedial action can be pursued in the 2024 work season.
- The proposed project description states that water will be sourced from an existing groundwater well. The well completion report, completed by Fisch Drilling, estimates that the well is expected to yield 3 GPM, which is a low yield. The report suggests that the well yield over time may change and potentially decrease as well use continues. Additionally, in drought years, CDFW have observed wells going dry in this area, failing to yield water for the entire cultivation season. The current water storage on-site (4,500-gallons) is not adequate to support 15,475 square feet (SF) of cannabis cultivation. The estimated annual water usage of 64,200 gallons appears to be a substantial underestimate of the total amount of water needed for the proposed project. CDFW requests, as a condition of project approval, that the applicant stores no less than 100,000 gallons of water on site to be used if the well does not produce for a full cultivation season.
- While onsite, CDFW observed uncontained monofilament netting that was used during cannabis cultivation operations. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of project approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/or erosion control.
- While onsite, CDFW observed uncontained trash and waterline scattered throughout the parcel, posing a threat to sensitive wildlife species and public trust resources. CDFW requests, as a condition of project approval, that all uncontained trash and unused waterline is cleaned up and properly disposed of at a waste management facility.
- While onsite, CDFW observed waterline and infrastructure associated with a decommissioned grow site. CDFW requests, as a condition of project approval, that all infrastructure and debris associated with the historic cultivation area is removed and properly disposed of at a waste management facility.
- The project, as proposed, has the potential to impact the Northern Spotted Owl (NSO), a Threatened species pursuant to the California Endangered Species Act. At least one known NSO Activity Center occurs within 1 mile of the cultivation sites (CDFW 2023). CDFW requests, as a condition of project approval, that the permittee implements substantive containment of all back-up generators to minimize noise disturbance when in use.

Thank you for the opportunity to comment on this project.

Corrina Kamoroff
 Environmental Scientist
 Habitat Conservation and Planning
 Humboldt/Del Norte LSA Program
 California Department of Fish and Wildlife
 619 Second Street

Eureka, CA 95501

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.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: