

**ATTACHMENT 5
PLN-13365-CUP**

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was sent to the following referral agencies for review and comment. The responses and recommendations are summarized in the table below.

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		No Response	
Public Works, Land Use Division	✓	Conditional Approval	Attached
School District		No Response	
CA Division of Water Rights		No Response	
CA Department of Fish & Wildlife	✓	Comment	Attached
CalFire	✓	Comment	Attached
North Coast Regional Water Quality Control Board		No Response	
Northwest Information Center	✓	Further Study	On file and confidential

From: [Whittlesey, Joseph](#)
To: [Moredo, John](#)
Subject: RE: #13365: Record Locked - Unable to Complete Referral
Date: Wednesday, July 6, 2022 9:19:53 AM
Attachments: [image001.png](#)

Hi John,

Thanks for the info – I appreciate the quick response. I think it makes sense to forward you my response for this one so you're not waiting around for me to unlock/relock the record. DEH recommends Conditional Approval with the following comments:

Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems or provide portable toilets to cultivation areas.

Let me know if you have any questions or need anything else.

Best,

Joey Whittlesey
Senior Environmental Health Specialist
[Land Use Program](#)
[Division of Environmental Health](#)
100 H Street, Suite 100, Eureka, CA 95501
Phone: (707) 268-2240 – Fax: (707) 441-5699

From: Moredo, John <jmoredo2@co.humboldt.ca.us>
Sent: Wednesday, July 6, 2022 9:15 AM
To: Whittlesey, Joseph <jwhittlesey@co.humboldt.ca.us>
Subject: RE: #13365: Record Locked - Unable to Complete Referral

Hey - forgot to mention that you are always welcome to send me your responses over email and I can add them to the corresponding record – whatever works for you.

• J



John Moredo-Burich
[Planning & Building Department](#)
3015 H Street Eureka, CA 95501
jmoredo2@co.humboldt.ca.us

From: Whittlesey, Joseph <jwhittlesey@co.humboldt.ca.us>
Sent: Wednesday, July 6, 2022 9:08 AM



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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/06/2022

RE:	Applicant Name	HOG TRAP FARMS LLC
	APN	218-190-001
	APPS#	PLN-13365 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:

No road evaluation report for Hogtrap Road has been provided for review.

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 //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13365

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. Applicant must apply for and obtain an encroachment permit from 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. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches.

- 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 //

Santos, Steven A

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Sent: Friday, March 21, 2025 2:35 PM
To: Santos, Steven A
Cc: Manthorne, David@Wildlife; Johnson, Cliff
Subject: PLN-13365-CUP, APN: 218-190-001
Attachments: 1600-2019-0851-R1_HUM_Finley_Final_LSAA.pdf

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

Good Afternoon,

Please see the comments below regarding the above-referenced project.

Project Number: PLN-13365-CUP
Project Name: Finmark Farms LLC
APN(s): 218-190-001
CEQA No: CEQA-2022-0244

Project Description:

Hog Trap Farms LLC - 27,240 SF Ex OD and 6,600 SF Ex ML

A Conditional Use Permit for 27,240 square feet of existing outdoor and 6,600 square feet of existing mixed light commercial cannabis cultivation supported by a 3,380 square foot ancillary nursery. Estimated annual water usage is 490,700 gallons sourced from two rainwater catchment ponds. One pond is located onsite and the other is located on APN 218-081-003. Total water storage consists of the 243,500-gallon onsite pond and 2,000,000-gallon pond on 218-081-003 as well as 20,000 gallons of onsite tanks. Onsite processing in the form of drying is proposed with all other processing to occur offsite. Power is provided by PGE and no generator use is proposed.

CDFW COMMENTS:

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

On August 14, 2024, and on March 19, 2025, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 218-190-001. 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-13365-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On April 20, 2022, a final Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0851-R1; see attached) was issued to the applicant for six points of water diversion (Point of Diversion: POD) from unnamed tributaries and springs to Chamise Creek, stream restoration, modifying or decommissioning of four ponds, and to upgrade, maintain or decommission 16 stream crossings. The LSAA 1600-2019-0851-0000-R1 permits projects on APNs: 218-081-001, 218-081-002, 218-081-006, 218-091-005 (now 218-190-001) and 218-051-008. During staff site visits on August 14, 2024, and on March 19, 2025, CDFW identified several instances of non-compliance with the LSAA, including failure to submit required reporting, and the installation of water meters on the PODs. Additionally, the LSAA includes 26 projects, including an

extensive stream restoration and pond decommissioning project. None of the projects have been initiated and the LSAA conditions the projects for completion prior to the LSAA expiration date of April 20, 2027. CDFW requests, as a condition of approval, that the applicant/permittee completes the following items listed below by the specified dates or within two weeks of project approval, and achieves and maintains compliance with the LSAA.

- a. Install water meters for the PODs by May 15, 2025, and prior to diverting water.
 - b. Provide updated water monitoring reports for the 2024 water diversion season by May 15, 2025.
 - c. Submit an amendment to the LSAA to include the Point of Water Diversion (Point of Diversion: POD) that is not currently listed as a project on the LSAA (Located at 40.0356, -123.5976 on APN: 218-081-006).
 - d. Submit a Pond Decommission/Stream Restoration Plan within 90 days of project approval and implement the plan before the end of the final work period (October 31, 2026), ensuring that all work is completed prior to the LSAA expiration date of April 20, 2027.
 - e. Submit a Revegetation Plan within 90 days of project approval and implement the plan before the end of the final work period (October 31, 2026), ensuring that all work is completed prior to the LSAA expiration date of April 20, 2027.
 - f. Submit an implementation timeline by May 15, 2025, outlining when the Permittee/Applicant plans to complete all projects listed in the LSAA before the end of the final work period (October 31, 2026), ensuring that all work is completed prior to the LSAA expiration date of April 20, 2027.
 - g. Submit a map showing all PODs on the parcels, including the POD outflow locations. While the Permittee is not currently diverting water from the PODs for use, the PODs are discharging concentrated water flow into stream channels or diverting water from the stream channel onto nearby hillslopes, causing instability and erosion. Remove all infrastructure that is diverting and discharging water flow from the PODs by October 15, 2025.
2. While onsite, CDFW observed a cultivation site (at coordinates 40.0377, -123.5936) located within the Streamside Management Area (SMA) of a Class III drainage. The cultivation site drains towards the stream channel, posing a threat to Waters of the State. CDFW requests, as a condition of approval, that all cultivation and cultivation related infrastructure are removed from all SMAs on the parcel. CDFW further requests, as a condition of approval, that the applicant implements a stormwater plan to ensure runoff is routed away from the stream channel and into settling basins or bioswales, where runoff can be incorporated into groundwater, and away from streams.
 3. While onsite, CDFW observed that the applicant has a filled 50,000-gallon water bladder (at coordinates 40.0362, -123.5940). A failure of the water bladder could result in rapid water loss, potentially causing substantial erosion and discharge to Waters of the State. CDFW requests, as a condition of approval, that the water bladder is retired as soon as possible, but no later than October 31, 2025.
 4. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of approval, either the prohibition of synthetic netting (e.g., plastic or nylon), including photo or biodegradable plastic netting, for use in cultivation operations and/or erosion control, or, if the applicant uses synthetic netting, that the applicant is required to follow Best Management Practices (BMPs) that provides requirements on responsible storage, disposal, and 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

Application Number

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.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: