

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 | Attached |
| Humboldt County Building Inspection Division | | No response | |
| Humboldt County Department of Public Works | ✓ | Conditional approval | Attached |
| CAL FIRE | | No response | |
| Northwest Information Center (NWIC) | ✓ | Comments | On file and confidential |
| California Division of Water Rights (DWR) | ✓ | Approval | Attached |

Due on **10/31/2021**, assigned to **Joey Whittlesey**

☐ Marked as **Approved with Conditions** on **10/21/2021** by **Joey Whittlesey**

Comment:

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.



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: Steven Santos, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 10/15/2021

| | | |
|------------|-----------------------|---------------------------------------|
| RE: | Applicant Name | FANTASTIC GARDENS HUMBOLDT LLC |
| | APN | 210-144-011 |
| | APPS# | PLN-11969 - 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 #2, and #7 on Exhibit C

Applicant has submitted a road evaluation report, dated 12/12/2018, stamped received by the Humboldt County Planning Division, dated 02/10/2021, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Engineer is using an outdated Couty road evaluation form. The County revised the form 02/20/2020 to incorporate other known cannabis projects during the ADT calculations.

The Department requires all recommendations by Engineer to be completed.

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

APPS # 11969

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 //

From: [Pham, Jonathan@Waterboards](mailto:Pham.Jonathan@Waterboards)
To: [Planning Clerk](#)
Cc: [WB-DWR-CannabisReg](#)
Subject: County Project Review (PLN-11969-CUP)
Date: Tuesday, October 12, 2021 3:15:43 PM
Attachments: [11969 Cover Sheet 10.07.2021.pdf](#)

Good Afternoon,

Thank you for reaching out to the Division of Water Rights seeking a county project review. Please see attached cover sheet with our approval recommendation. This site is properly permitted with a cannabis SIUR water right.

Please let us know if you have any questions.

Best,
Jonathan Pham
Environmental Scientist
Registration Unit
Division of Water Rights



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

10/7/2021

Project Referred To The Following Agencies:

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

Applicant Name Key Parcel Number 210-144-011-000

Application (APPS#) PLN-11969-CUP **Assigned Planner** Steven Santos 707-268-3749

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: 10/22/2021

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.

This site has a SIUR water right on file and is approved for surface water diversions for commercial cannabis.

Other Comments: _____

10/12/2021

Jonathan Pham, Environmental Scientist
Registration Unit, Division of Water Rights

DATE:

PRINT NAME:



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING**

3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

21-0586



10/7/2021

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- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____

PRINT NAME: _____

