

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
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Road evaluation requested	On file
CALFIRE	✓	Standard comments	On file
Northwest Information Center	✓	Further Study	On file and confidential
Hoopla Valley Tribe	✓	Conditional approval	On file and confidential
Humboldt County Sheriff Building Inspection Division	✓	Conditional Approval	Attached
Klamath-Trinity Joint Unified School District	✓	Approval	On file
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Humboldt County Agricultural Commissioner			
Humboldt County District Attorney			
North Coast Unified Air Quality Management District			
North Coast Regional Water Quality Control Board			
U.S. Army Corps of Engineers	✓	Standard comments	On file
State Water Resources Control Board – Division of Water Rights			
CalTrans			



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Klamath-Trinity Unified School District

Applicant Name 3 Creeks Farms, Inc. Key Parcel Number 522-024-002-000

Application (APPS#) 11978 Assigned Planner Caitlin Castellano (707) 268-3731 Case Number(s) CUP16-479

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 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support proposed staffing.
2. The approval of an unpermitted OWTS described shown on the provided Site Map is **dependent upon demonstration of site suitability** from a Qualified Professional.
3. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 9/28/2018 Recommendation By: Joey Whittlesey



**HUMBOLDT COUNTY
 PLANNING AND BUILDING DEPARTMENT
 CURRENT PLANNING DIVISION
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

12/28/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, California Department of Transportation District #1, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Klamath-Trinity Unified School District

Applicant Name Three Creeks Farms, Inc. **Key Parcel Number** 522-024-002-000
Application (APPS#) 11978 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-479

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 1/12/2018 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: 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.
 - Other Comments: _____
-

DATE: 5/16/18 PRINT NAME: Rudy Maxenghi

522-024-002



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46461/11978
Parcel No.: 522-024-002
Case No.: CUP16-479

The following comments apply to the proposed project, (check all that apply).

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show each GH drawn, numbered, with use and dimensions, the use and dimensions of each structures, all solar panels, the well near house 3, the outdoor CA w/ soft, storage hoop house near house 3, all grading, the SMA of all streams and setbacks to nearest structures, and the correct location of outdoor CA near house 1 (barn).

Name: Rudy Marenghi

Date: 5/16/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.

From: [Kamoroff, Corrina@Wildlife](mailto:Kamoroff_Corrina@Wildlife)
To: [Yandell, Rodney](mailto:Yandell_Rodney)
Cc: [Johnson, Cliff](mailto:Johnson_Cliff); [Manthorne, David@Wildlife](mailto:Manthorne_David@Wildlife)
Subject: App: PLN-11978-CUP, APN: 522-024-002
Date: Tuesday, October 03, 2023 8:23:51 AM
Attachments: [EPIMS-HUM-13648-R1C_Final_Agreement.pdf](#)

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 above referenced project.

Project Number: PLN-11978-CUP

Project Name: Evergreen Family Farm LLC

APN(s): 522-024-002

A Conditional Use Permit for 21,688 square feet (SF) of existing cannabis cultivation, consisting of 10,288 SF of mixed-light and 11,400 SF of outdoor cannabis cultivation, and a 1,000 SF nursery and 2,000 SF nursery to serve the proposed project and the proposed project on the adjacent parcel (APN 522-025-003/522-024-005), which is also host to an existing cannabis operation that is pursuing a permit concurrent with the subject project. Irrigation water is sourced from a permitted groundwater well that serves the subject parcel and the adjacent parcel. Total water storage for both parcels is 49,500 gallons and consists of 3 2,500-gallon tanks for fire suppression, 4 5,000-gallon tanks for irrigation, 6 2,500-gallon tanks for irrigation, 3 1,500-gallon tanks for irrigation, and 1 2,500-gallon tank for domestic use. An additional 150,000 gallons of tank storage is proposed to support irrigation needs. Total annual water use for both parcels is 312,000-gallons. The applicant proposes to consolidate all mixed-light greenhouses and nurseries to CA #1 located near Cabin #1. The proposed configuration allows the cultivator to use 1 generator rather than 4 generators spread out across the entire parcel. Product will be dried onsite in an existing shed and further processing will occur offsite at a licensed processing facility until Cabin #3 is upgraded to commercial/Americans with Disabilities Act (ADA) standards. Electricity for cultivation operations is supplied by solar arrays and diesel generators. Solar panels provide power for greenhouse exhaust fans. A diesel generator (Honda 7000) is used to supply power to mixed-light greenhouses and nurseries located at CA # 1. Domestic power is supplied by diesel generators. Domestic wastewater treatment is managed via three septic systems for the existing cabins. The operation is staffed by up to 3 full-time employees and 4 part-time seasonal employees shared between APNs 522-024-002 and APN 522-025-003/522-024-005. A Special Permit is also requested for work within the Streamside Management Area (SMA) associated with the decommissioning of an onstream pond, and to allow for associated remediation activities within the SMA.

CDFW COMMENTS:

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

On September 7, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 522-024-002. 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-11978-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- CDFW issued the applicant a final Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-13648-R1C) to upgrade 4 stream crossings, remove an onstream reservoir and divert surface water for Domestic use. While onsite on September 7, 2023, CDFW observed violations of Fish and Game Code (FGC) 1602 that were not in compliance with the LSAA. Notably, CDFW observed unauthorized surface water diversion for irrigation of cannabis cultivation from a tributary to Supply Creek during the forbearance period to supply PLN-11978 operated by the same entity. Additionally, no water metering was occurring as required, and no monitoring reports have been submitted to CDFW as required, resulting in the applicant being out of compliance with the LSAA. CDFW requests, as a condition of project approval, that all FGC violations are cured, and that the applicant becomes in compliance with the LSAA.
- On September 7, 2023, CDFW staff observed activities that were in violation of Fish and Game Code (FGC) section 1602. Notably, CDFW observed substantial 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.
- The proposed project states that water will be sourced from an existing groundwater well on APN: 522-024-002. In drought years, CDFW have observed wells going dry in the area and failing to yield water for the entire cultivation season. CDFW requests, as a condition of project approval, that the applicant stores no less than 150,000 gallons of water on site to be used if the well does not produce for a full cultivation season.
- While onsite, CDFW observed 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.

- As a condition of the LSAA, the permittee has agreed to allow CDFW access to inspect and/or monitor the proposed work permitted in the agreement. The proposed project (PLN-11978-CUP) is located behind a locked community gate on Three Creeks Road that only landowners have access to. CDFW does not currently have access through the locked community gate without being escorted by the permittee. CDFW requests, as a condition of project approval, that reliable access through the community gate on Three Creeks Road be made available by the lead agency to CDFW that need access for inspections for unresponsive Permittees.

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

From: [Kamoroff, Corrina@Wildlife](mailto:Kamoroff.Corrina@Wildlife)
To: [Yandell, Rodney](mailto:Yandell.Rodney)
Cc: [Johnson, Cliff](mailto:Johnson.Cliff); [Manthorne, David@Wildlife](mailto:Manthorne.David@Wildlife)
Subject: PLN-11980-SP, APN: 522-025-003
Date: Tuesday, October 03, 2023 8:17:07 AM

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 above referenced project.

Project Number: PLN-11980-SP

Project Name: Evergreen Family Farm LLC

APN(s): 522-025-003

A Special Permit for 10,000 square feet (SF) of existing outdoor full-sun cannabis cultivation. Plant stock will be sourced from a 1,000 SF nursery on the adjacent parcel (APN 522-024-002), which is also host to an existing cannabis operation that is pursuing a permit concurrent with the subject project. Irrigation water is sourced from a permitted groundwater well on the adjacent parcel that serves the subject parcel and the adjacent parcel. Total water storage for both parcels is 49,500 gallons and consists of 3 2,500-gallon tanks for fire suppression, 4 5,000-gallon tanks for irrigation, 6 2,500-gallon tanks for irrigation, 3 1,500-gallon tanks for irrigation, and 1 2,500-gallon tank for domestic use. An additional 150,000 gallons of tank storage is proposed to support irrigation needs. Total annual water use for both parcels is 312,000-gallons. Product will be dried on the adjacent parcel in an existing shed and further processing will occur offsite at a licensed processing facility until Cabin #3 on the adjacent parcel is upgraded to commercial/Americans with Disabilities Act (ADA) standards. Power is not required for the 10,000 SF outdoor full-sun cultivation on the subject parcel. The operation is staffed by up to 3 full-time employees and 4 part-time seasonal employees shared between APNs 522-024-002 and APN 522-025-003/522-024-005. A Special Permit is also requested for work within the Streamside Management Area (SMA) associated with the removal of a tank from the SMA, and to allow for associated remediation activities within the SMA.

CDFW COMMENTS:

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

On September 7, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 522-025-003. 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-11980-SP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- CDFW issued the applicant a final Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-13648-R1C) to upgrade 4 stream crossings, remove an onstream reservoir and divert surface water for Domestic use. While onsite on September 7, 2023, CDFW observed violations of Fish and Game Code (FGC) 1602 that were not in compliance with the LSAA. Notably, CDFW observed unauthorized surface water diversion for irrigation of cannabis cultivation from a tributary to Supply Creek during the forbearance period. Additionally, no water metering was occurring as required, and no monitoring reports have been submitted to CDFW as required, resulting in the applicant being out of compliance with the LSAA. CDFW requests, as a condition of project approval, that all FGC violations are cured, and that the applicant becomes in compliance with the LSAA.
- The Project Description states that water will be sourced from an existing groundwater well located on the neighboring parcel (APN: 522-024-002). In drought years, CDFW have observed wells going dry in the area and failing to yield water for the entire cultivation season. CDFW requests, as a condition of project approval, that the applicant stores no less than 150,000 gallons of water on site to support the project and be used if the well does not produce for a full cultivation season.
- On September 7, 2023, CDFW observed waterline and infrastructure associated with a historic grow site on the southern portion of the parcel. 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.
- While onsite, CDFW observed 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.
- As a condition of the LSAA, the permittee has agreed to allow CDFW access to inspect and/or monitor the proposed work permitted in the agreement. The proposed project (PLN-11980-SP) is located behind a locked community gate on Three Creeks Road that only landowners have access to. CDFW does not currently have access through the locked community gate without being escorted by the permittee. CDFW requests, as a condition of project approval, that reliable access through the community gate on Three Creeks Road be made available by the lead agency to CDFW that need access for

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