

## 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>
Ag Commissioner		No Response	
Building Inspection Division		No Response	
County Counsel		No Response	
District Attorney		No Response	
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Sheriff		No Response	
Public Works, Land Use Division	✓	Conditional Approval	<b>Attached</b>
Alderpoint VFC		No Response	
School District		No Response	
CA Division of Water Rights		No Response	
NCUAQMD		No Response	
CA Department of Fish & Wildlife	✓	Comment	<b>Attached</b>
CalFire	✓	No Comment	On file
North Coast Regional Water Quality Control Board		No Response	
Bear River Band of Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
Northwest Information Center	✓	Further Study	On file and confidential

## DEH Referral Response 08.18.2022

**PLN-12171-...**
**STATUS** > Staff Report P...  
Overland Road, L...
**LOCATION** > None Provided  
A Conditional Us...
**CONTACT** > Overland Roa...  
04/04/2024 by...
**WORKFLOW** > 20 total Task  
●...

- Workflow History (70)**
- Comments (16)
- Documents (59)
- Conditions of Approval (0)
- Locks Holds (2)
- Address (0)
- Owner (1)
- Parcel (1)
- Contacts (2)
- Communications (31)
- Consolidated Record Activities (160)
- Fee History (23)
- Inspections (0)
- Payment History

**A notice was added to this record on 2019-12-31.**  
 Condition: Parcel Status : 217-271-002 LP 1:1 Severity: Notice  
 Total conditions: 1 (Notice: 1)

[View notice](#)

<b>Task</b> Environmental Health	<b>Due Date</b> 08/18/2022	<b>Assigned Date</b> 07/22/2022
<b>Assigned to Department</b> Environmental Health Senior LU	<b>Assigned to</b> Joey Whittlesey	<b>Status</b> Approved with Conditions
<b>Action by Department</b> Environmental Health Senior LU	<b>Action By</b> Joey Whittlesey	<b>Status Date</b> 08/08/2022
<b>Start Time</b>	<b>End Time</b>	<b>Hours Spent</b> 0.0
<b>Billable</b> No	<b>Overtime</b> No	<b>Comments</b> DEH has no record of the existing well as shown on the Site Plan prepared by A.M. Baird Engineering, dated 12/6/19. Owner shall either provide evidence of an approved permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the well was installed prior to February, 1973.  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, or install a permitted onsite wastewater treatment system associated with a permitted structure.
<b>Time Tracking Start Date</b>	<b>Est. Completion Date</b> —	<b>In Possession Time (hrs)</b>



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

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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Steven Santos, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/21/2022

<b>RE:</b>	<b>Applicant Name</b>	<b>OVERLAND ROAD LLC</b>
	<b>APN</b>	<b>217-271-022</b>
	<b>APPS#</b>	<b>PLN-12171-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 a road evaluation report, stamped received by the Humboldt County Planning Division, dated 02/04/20, with Part A –Box 2 checked, certifying that the road is equivalent to a road Category 4 standard. In addition, filled out Part B and checked #3, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects. But did not fully complete Part B #1 stating how many known cannabis projects use the road or how the ADT was determined.

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 //

**Public Works Recommended Conditions of Approval**

(All checked boxes apply)

**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

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**From:** Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>  
**Sent:** Friday, April 26, 2024 2:30 PM  
**To:** Santos, Steven A  
**Cc:** Johnson, Cliff; Manthorne, David@Wildlife  
**Subject:** PLN-12171-CUP, APN: 217-271-002 CEQA Comments  
**Attachments:** EPIMS-HUM-34121-R1\_Final\_Standard\_Agreement\_LSAA\_ (4).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-12171-CUP

**Project Name:** Overland Road, LLC - CUP for existing ~11,520 SF of mix light

**APN(s):** 217-271-002

**CEQA No:** CEQA-2022-0268-R1

### Project Description

Overland Road, LLC - CUP for existing ~11,520 SF of mix light

A Conditional Use Permit for 11,700 square feet of existing mixed light and 4,050 square feet of existing full sun commercial cannabis cultivation. Ancillary nursery uses will not be separate and occur within an existing cultivation greenhouse. Annual water usage is estimated at 160,000 gallons from a point of diversion, an on-stream pond. A total of 30,000 gallons of tank storage is proposed. Staff is recommending an additional 111,000 gallons of tank storage to collect enough water to irrigate during the forbearance period. Power is to be provided by PGE through an eligible renewable energy program augmented by solar. No generators will be used. Processing will occur offsite at a licensed facility. Onsite relocation and restoration of a previous cultivation area is proposed. The project includes a Special Permit for restoration within a Streamside Management Area.

### CDFW COMMENTS:

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

On April 10, 2024, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 217-271-002. 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-12171-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- On April 4, 2024, CDFW issued the applicant a Final Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM-34121-R1c) to modify and maintain a point of diversion (POD). While onsite, CDFW observed that there were no water meters onsite and as a result the applicant is out of compliance with the LSAA. Additionally, CDFW observed that a stream crossing on the parcel requires rock armoring and maintenance to minimize sediment delivery to Waters of the State. CDFW requests, as a condition of approval, that the applicant/permittee completes the following

items listed below by the requested dates or within two weeks of project approval and achieves and maintains compliance with the LSAA.

- Install adequate water meter(s) on site to monitor water use by May 31, 2024.
- Submit an amendment to the LSAA to include all needed work on the stream crossing to minimize sediment delivery to Waters of the State by June 30, 2024.
- The proposed project estimates annual water usage for cannabis cultivation at 160,000 gallons from an on-stream pond. To mitigate potential harm to native pond-breeding amphibians, seasonal diversion minimizations and water level thresholds have been included as conditions in the LSAA. The applicant/permittee is required to forebear once they have reached a water level threshold. CDFW requests, as a condition of approval, that the applicant/permittee completes an analysis to determine the pond's water holding capacity. CDFW further requests, as a condition of approval, that the applicant obtains sufficient water storage to ensure that the applicant/permittee is able to comply with the seasonal diversion minimization measures and remains in compliance with the LSAA.
- While onsite, CDFW observed geologic instability, including slope failure and sink holes associated with the grading of the cannabis cultivation site. CDFW requests, as a condition of approval, that the slopes associated with the graded flat are stabilized to ensure erosion of steep slopes is abated.
- While onsite, CDFW observed imported soil partially contained with degrading plastic tarps. CDFW requests, as a condition of approval, that the applicant remove the degrading tarps and dispose of them at a waste management facility. CDFW further requests, as a condition of approval, that all imported soil located onsite is fully contained.
- While onsite, CDFW observed the cultivation site to be highly invaded by Yellow starthistle (*Centaurea solstitialis*). Additionally, uncontained soil on site is currently contributing to the uncontrolled propagation of the Yellow starthistle. CDFW requests, as a condition of approval, that an invasive species removal and monitoring plan is prepared and implemented to remove the Yellow starthistle and prevent the continued spread of the invasive species.
- The proposed project includes a Special Permit for restoration within the Streamside Management Area (SMA). The restoration site is currently heavily impacted by the invasive Himalayan blackberry (*Rosaceae rubus*). The Restocking Plan prepared by Timberland Resource Consultants for the restocking of the restoration area recommends that the landowner replant Douglas-fir seedlings and does not include invasive species mitigation or monitoring measures. CDFW requests, as a condition of approval, that the applicant submits and implements an updated Restoration and Remediation Plan that, at a minimum, includes the following:
  - The identification of the restoration area and vegetation types that will be restored.
  - A planting design and palette appropriate for the vegetation type, cover, stratum, and level of biodiversity.
  - The use of regionally appropriate native plants.
  - Invasive species management and monitoring.
  - Measurable success criteria based on plant survival, density, and/or cover.
  - Monitoring for a minimum of three years to ensure replanting efforts are successful and that invasive species are managed on the entire parcel.
- While onsite CDFW observed scattered trash and refuse associated with cannabis cultivation. CDFW requests, as a condition of approval, that all refuse is cleaned up and disposed of at a waste management facility.

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