

ATTACHMENT 5
PLN-13359-CUP

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was sent to the following referral agencies for review and comment. Those agencies that provided a response are listed in the table below.

Referral Agency	Response	Recommendation	Location
Ag Commissioner			
Building Inspection Division			
District Attorney			
Division Environmental Health	✓	Conditional Approval	Attached
County Counsel			
Sheriff			
Public Works, Land Use Division	✓	Conditional Approval	Attached
US Army Corps of Engineers	✓	Comment	On File
North Coast Unified Air Quality Management District			
School District			
CA Division of Water Rights			
CA Department of Fish & Wildlife	✓	Comment	Attached
CalFire	✓	No Comment	On File
North Coast Regional Water Quality Control Board			
Northwest Information Center	✓	Further Study	On file and confidential



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, 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, Humboldt County Sheriff, SWRCB- Division of Water Rights, Southern Humboldt Joint Unified School District

Applicant Name R. Fin Irrevocable Mountain Trust, LLC Key Parcel Number 218-091-004-000

Application (APPS#) 13359 Assigned Planner Keenan Hilton (707) 268-3722 Case Number(s) CUP16-1125

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) Portable toilets cannot be used for processing activities. Utilize restroom/permitted OWTS associated with the residence or install a new permitted OWTS within the two year compliance period.
- (2) One well is shown on the provided site plan. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

*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: 8/10/2018 Recommendation By: Joey Whittlesey



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

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 08-15-2018

RE:

Applicant Name	R. FINN IRREVOCABLE MOUNTAIN TRUST
APN	218-091-004
APPS#	13359
CASE#	CUP16-1125

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"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13359

☒ **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:**
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: Monday, October 27, 2025 2:37 PM
To: Santos, Steven A
Cc: Manthorne, David@Wildlife; Johnson, Cliff
Subject: PLN-13359-CUP, APN: 218-091-004
Attachments: 1600-2019-0852-R1_HUM_MJ_Finley_Stream_Crossings_FinalLSAA.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-13359-CUP

Project Name: Finmark Farms LLC - CUP 19,450 SF Ex OD and 6,550 Ex ML

APN(s): 218-091-004

CEQA No: CEQA-2017-1047-0000-R1

Project Description

A Conditional Use Permit for 6,550 square feet of existing mixed light and 19,450 square feet of existing outdoor commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 291,900 gallons sourced from a rainwater catchment pond. The pond is also shared with both applications 13295 and 13351 on APN 218-091-006 and 218-101-002 respectively. Total tank storage on site for the project is 60,000 gallons and the pond is estimated to have a capacity of approximately 2,155,000 gallons. Drying occurs onsite with additional processing occurring offsite. Power will be provided by PGE.

CDFW COMMENTS:

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

On October 20, 2025, CDFW staff conducted a site inspection at the subject property on Assessor's Parcel Number (APN) 218-091-004. During the site visit, staff walked the property to observe current and historic 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-13359-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On April 19, 2022, a final Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0852-0000-R1; see attached) was issued to the applicant for one point of water diversion (Point of Diversion: POD), to upgrade a pond spill way and upgrade a stream crossing. While onsite, CDFW identified several instances of non-compliance with the LSAA, including the failure to submit required reporting, and failure to manage invasive species in the pond. CDFW recommends, as a condition of approval, that the applicant completes the following actions by the date listed below, or within two weeks of project approval, and achieves and maintains full compliance with the LSAA:
 - a. Provide updated water monitoring reports for the 2024 water diversion season by December 15, 2025.

- b. Submit an Invasive Species Management Plan by April 15, 2026, and implement the approved plan by August 31, 2026.
2. While onsite, CDFW observed a cultivation site (located at coordinates 40.0406, -123.5920) within the Streamside Management Area (SMA) of a stream channel. The cultivation site drains towards the stream channel, posing a threat to Waters of the State. CDFW recommends, as a condition of approval, that all cultivation and cultivation related infrastructure are removed from all SMAs on the parcel. CDFW further recommends, 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. The project map submitted to Humboldt County Planning Department as part of the project application does not accurately depict all stream channels and associated Streamside Management Areas (SMAs) on site. A hydrologically connected spillway is located adjacent to a cultivation site (located at coordinates 40.0407, -123.5919) that drains into a stream channel at coordinates 40.0404, -123.5918. CDFW recommends that, prior to project approval, the applicant submit a revised map that correctly delineates all stream channels and SMAs to ensure that all cultivation activities are located outside of the SMAs on the property.
4. The water for the proposed project is sourced from a pond that is hydrologically connected to a stream channel. The pond, located approximately at coordinates 40.0403, -123.5925, currently provides habitat for the American bullfrog (*Lithobates catesbeianus*), an invasive species. During a site visit on October 20, 2025, CDFW observed adult bullfrogs at the pond on site. CDFW recommends, as a condition of project approval, the applicant prepare and submit a Bullfrog Management Plan to CDFW April 15, 2026, and implement the approved plan by August 31, 2026, to address the mitigate the spread of the invasive bullfrog population onsite.
5. While onsite, CDFW observed waterline and debris related to cannabis cultivation located in a stream channel (at coordinates 40.0352, -123.5934) which is a violation of Fish and Game Code (FGC) 5652. CDFW recommends, as a condition of approval, that the applicant remove all debris from the stream channel and cures all violations on site prior to cultivating cannabis in the 2026 season.
6. To minimize the risk of wildlife entrapment, CDFW recommends, 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