

## 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	✓	Comment	On file
Public Works, Land Use Division	✓	Comment	<b>Attached</b>
Bridgeville FPD		No Response	
School District		No Response	
CA Division of Water Rights		No Response	
NCUAQMD		No Response	
California Department of Fish & Wildlife	✓	Comment	<b>Attached</b>
CalFire	✓	Comments	<b>Attached</b>
North Coast Regional Water Quality Control Board		No Response	
US Army Corps of Engineers	✓	Comment	On file
Bear River Band	✓	Conditional Approval	On file and confidential
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

DEH received  
11-22-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:** 17/18-1114  
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, Bear River Band Rohnerville Rancheria, 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, Fortuna Union High School School District, Bridgeville School District, Bridgeville Fire Protection District

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**Applicant Name** Green With Envy, LLC **Key Parcel Number** 210-131-015-000  
**Application (APPS#)** 12323 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-626

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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

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**We have reviewed the above application and recommend the following:**

Conditional Approval

**DISTRIBUTED**  
8-6-18

**Comments:**

Need More Information for Approval: Provide written assessment from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment system serving the dwelling.

\*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:** 8/6/2018 **Recommendation By:** Adam Molofsky

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2746



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

DEH received  
11-22-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

17/18-1109

**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, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, SWRCB- Division of Water Rights, Mad River Joint Unified School District, South Trinity Joint Unified School District

**Applicant Name** Jeff Diehl **Key Parcel Number** 208-341-008-000

**Application (APPS#)** 12504 **Assigned Planner** Elizabeth Schatz (707) 268-3759 **Case Number(s)** CUP16-710

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

**DISTRIBUTED**  
8-7-18

**Comments:**

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

\*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:** 8/6/2018 **Recommendation By:** Adam Molofsky



2746



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
 AREA CODE 707

ARCA1A-EUREKA AIRPORT TERMINAL  
 MCKINLEYVILLE  
 FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491  
 BUSINESS 445-7652  
 ENGINEERING 445-7377  
 FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
 NATURAL RESOURCES PLANNING 267-9540  
 PARKS 445-7651  
 ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: *08-01-2018*

RE:

Applicant Name	<i>Green With Envy, LLC</i>
APN	<i>210-131-015</i>
APPS#	<i>12323 CUP16-626</i>

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; **[REDACTED]**. **No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

*Review Items #1 & 2 on Exhibit "C"*

// END //

Additional Review is Required by Planning & Building Staff

APPS # 12323

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. AIRPORT- PART 1 (ALUCP). Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? [ ] YES [ ] NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

**Additional Review is Required by Planning & Building Staff**

**The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.**

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure?  YES  NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
  - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
  - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
  - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

**Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.**

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **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.**

// END //

## Santos, Steven A

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**From:** Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>  
**Sent:** Friday, August 25, 2023 12:10 PM  
**To:** Santos, Steven A  
**Cc:** Manthorne, David@Wildlife; Johnson, Cliff  
**Subject:** Apps: PLN-12321-CUP & PLN-12323, APN(s): 210-131-018-000, 210-131-015-000 & 210-131-017-000  
**Attachments:** NOV\_100720\_HUM\_210-131-015\_210-131-018\_MJ\_Martins\_DairyCreek\_LittleVanDuzen1.pdf

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

Hi Steven,

Please see the comments below regarding the above referenced projects.

**Project Number:** PLN-12321-CUP, PLN-12323  
**Project Names:** Green with Envy, LLC  
**APN(s):** 210-131-018-000, 210-131-015-000 & 210-131-017-000

### **PLN-12321-CUP Project Description**

This project consists of 15,600 ft<sup>2</sup> of pre-existing outdoor light deprivation cultivation, contained within seven greenhouses. (See individual greenhouse sizes in table below) The project will also utilize a 20' x 70' = 1400ft<sup>2</sup> propagation greenhouse in association with this project.

Water for this project is sourced from two rainwater catchment ponds with a total capacity of 465,930-gallons and is stored in a series of HDPE water storage tanks. (See water infrastructure table below) Water storage for this project includes 24,000-gallons of HDPE water storage that will be filled from the ponds for cannabis use. Rainwater analysis shows that the ponds have a total capture potential of 465,930-gallons. This project and the adjacent project PLN-12323, apn 210-131-015, both utilize the rainwater catchment ponds for water diversion. These ponds have a sufficient amount of water in drought year conditions to support this project and adjacent project PLN-12323-CUP, apn 210-131-015. Domestic water for this project is sourced from the spring diversion. There is one additional pond on parcel 210-131-017 that not for cannabis use. This pond is denoted on the map and is for aesthetic use and fire protection/prevention.

Power for this parcel will be provided by a 25kw diesel generator. There is also a 45kw diesel generator on site for emergency back-up. The applicant is proposing to install a solar system consisting of 16 (sixteen) 250-Watt solar panels and 16 (sixteen) 385AH L16 batteries to power the project in the future. The applicant is anticipating that it will take four years to build and complete the solar array to use as primary power source.

Pesticides and nutrients will be stored in a locked 20'x 8', 160ft<sup>2</sup> storage container and will be shared with PLN-12323, apn 210-131-015. Drying, curing and secure harvest storage will take place in two (2) 20' x 8' (160ft<sup>2</sup> each) storage containers, also shared with PLN-12323-CUP.

The applicant will process off site and utilize a Portable Toilet with a service contract until an ADA compliant restroom can be built.

### **PLN-12323-CUP Project Description**

This project consists of 17,780ft<sup>2</sup> of pre-existing outdoor light deprivation cultivation, contained within fourteen (14) greenhouses. There are currently thirteen greenhouses totaling 16,275ft<sup>2</sup> (see individual greenhouse sizes in table below) The applicant is proposing to rebuild one additional greenhouse that was removed in the past to complete the project at 17,780ft<sup>2</sup>. The project will also utilize three existing propagation greenhouses with a total square footage of 1,100ft<sup>2</sup> in association with this project. The applicant is also proposing to add one more propagation greenhouse (600ft<sup>2</sup>) to get up to allowable 1,700 sq ft of propagation space.

Water for this project is sourced from two rainwater catchment ponds with a total capacity of 465,930-gallons and is stored in a series of HDPE water storage tanks. (See water infrastructure table below) Water storage for this project includes 8,400-gallons of HDPE water storage that will be filled from the ponds for cannabis use and a 2,500-gallon HDPE water storage tank reserved for fire protection. There is an additional 24,000 of HDPE on adjacent parcels that will be used for project 12321. Rainwater analysis shows that the ponds have a total capture potential of 465,930-gallons. This project and the adjacent project PLN-12321 both utilize the rainwater catchment ponds for water diversion. These ponds have a sufficient amount of water in drought year conditions to support this project and adjacent project PLN-12321-CUP. There is no domestic water source on this parcel. Domestic water for this project is sourced from the spring diversion located on the adjacent parcel 210-131-018, under the same ownership. There is one additional pond on this parcel that not for cannabis use. This pond is denoted on the map and is for aesthetic use and fire protection/prevention.

Power for this parcel will be provided in the short term by a 25kw diesel generator. There is also a 45kw diesel generator on site for emergency back-up. The applicant is proposing to install a solar system consisting of 16 (sixteen) 250-Watt solar panels and 16 (sixteen) 385AH L16 batteries to power the project in the future. The applicant is anticipating that it will take four years to build and complete the solar array to use as primary power source.

Pesticides and nutrients will be stored in a locked (20'x 8') 160ft<sup>2</sup> storage container on adjacent parcel 210-131-018 under the same ownership. This storage containers will also be utilized for the same purpose by PLN-12321-CUP, which is located on 210-131-018 and 210-131-017.

Drying, curing and secure harvest storage will take place in two (2) 20' x 8' (160ft<sup>2</sup> each) storage containers, located on adjacent parcel 210-131-018, under the same ownership. These two storage containers will also be utilized or the same purpose by PLN-12321-CUP, which is located on 210-131-018 and 210-131-017.

The applicant will process off site and utilize a Portable Toilet with a service contract until an ADA compliant restroom can be built.

### **CDFW COMMENTS:**

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



On October 7, 2020, CDFW visited APNs 210-131-015 and 210-131-018. During the visit, staff observed activities that were in violation of Fish and Game Code section 1602. CDFW issued a Notice of Violation (NOV, see attached) to document FGC violations, and to encourage the applicant to cure these violations.

On August 21, 2023, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Numbers (APNs) 210-131-018-000, 210-131-015-000 & 210-131-017-000. 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-12321-CUP and PLN-12323-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

- The Lake and Streambed Alteration Agreement (LSAA EPIMS-HUM-24784-R1C) on APN(s): 210-131-018-000 and 210-131-015-000 projects have a required work completion date of no later than October 15, 2023. While onsite, CDFW observed that no work has been completed nor was it disclosed to CDFW that the work is planned to be completed prior to October 15<sup>th</sup>. Failure to complete work by October 15<sup>th</sup> will result in the applicant becoming out of compliance with the LSAA and may result in suspension or revocation of the LSAA. Additionally, a Point of Diversion (POD) listed in the LSAA (EPIMS-HUM-24830-R1C) located on APN 210-131-017-000 was not located while on site by CDFW or the hired consultant. CDFW requests, as a condition of permit approval, that the applicant remain in compliance with the LSAA and is required to complete all required work and submit all required reporting to CDFW.
- On August 21, 2023, CDFW observed a water storage bladder located within the SMA of a Class II drainage on APN 210-131-017-000. The water bladder is also not located on the submitted project map. CDFW requests, as a condition of permit approval, that the applicant remove the water storage bladder from the SMA, and the project map is updated to accurately reflect what is proposed on site.
- On August 21, 2023, CDFW observed a Class II drainage that was being used as a latrine on APN 210-131-017-000. CDFW observed human waste and trash located in the channel of the Class II drainage that is hydrologically connected to the POD that is proposed for Domestic use. Observed conditions were unsanitary and hazardous for wildlife, as well as for employees on site. Provided the circumstances, prior to consideration of permit approval, CDFW requests that this site is no longer used as a latrine, is cleaned up immediately and appropriate restroom facilities are brought onsite.
- On August 21, 2023, CDFW observed uncontained 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.
- On August 21, 2023, CDFW observed trash and infrastructure associated with a decommissioned green house. CDFW requests, as a condition of project approval, that all infrastructure and debris associated with the unpermitted cultivation area is removed and properly disposed of at a waste management facility.
- On August 21, 2023, CDFW observed a substantial amount of uncontained trash and debris including microplastics posing a threat to sensitive wildlife species and public trust resources. Observed conditions were unsanitary and hazardous for wildlife. CDFW requests, as a condition of project

approval, that all uncontained trash is cleaned up and properly disposed of at a waste management facility.

- The project as proposed has the potential to impact the Northern Spotted Owl (NSO), a Threatened species pursuant to the California Endangered Species Act. The proposed project is located adjacent to NSO habitat. At least one known NSO Activity Center occurs within 0.60 miles of the cultivation sites (CDFW 2023). Additionally, CDFW has not seen a biological assessment nor any Northern Spotted Owl survey data to assess if the proposed project will impact NSO. If the Humboldt County Planning Department (HCPD) elects to approve the proposed projects, CDFW requests that either NSO surveys are conducted prior to project implementation or NSO presence is assumed and CDFW is provided with adequate mitigation measures to ensure NSO are not impacted by the proposed projects. Additionally, CDFW requests that the permittee implements substantive containment of generators to minimize noise disturbance until conversion to alternative energy occurs.

Thank you,

**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  
(707) 653-3578



**From:** [Lee, Bo@CALFIRE](mailto:Lee_Bo@CALFIRE)  
**To:** [Planning Clerk; HUU\\_CEOA@CALFIRE](mailto:Planning_Clerk; HUU_CEOA@CALFIRE)  
**Subject:** 210-131-015-000, Green With Envy, LLC., application # 12323  
**Date:** Sunday, December 03, 2017 1:49:51 PM

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Reviewed by B1213.

Recommend:

- Emergency Access
  - Turnarounds
- Signing and building numbers
- Emergency water standards
  - Designated water storage for fire
- Fuel modification standards

Bo Lee  
Battalion Chief  
CAL FIRE  
Humboldt-Del Norte Unit  
707-499-2244