

ATTACHMENT 5
PLN-13351-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
North Coast Unified Air Quality Management District			
School District			
Fire Protection District			
CA Division of Water Rights	✓	Approval	Attached
Regional Water Quality Control Board			
Cal Fire	✓	Comment	Attached
CA Department of Fish & Wildlife	✓	Comment	Attached
Northwest Information Center	✓	Further Study	On file and confidential

PLN-13351-CUP
Division of Environmental Health Referral Response
May 26, 2022

PLN-13351-CUP

Mark Finley - CUP 3...
A Conditional Use P...

STATUS

> Staff Report
10/05/2025 by S...

LOCATION

> None Provided

CONTACT

> Mark Finley

WORKFLOW

> 20 total Task



Workflow History (30)

Cancel

Help

Comments (8)

Documents (27)

Conditions of Approval (0)

Locks Holds (0)

Address (0)

Owner (1)

Parcel (1)

Task

Environmental Health

Due Date

06/06/2022

Assigned Date

05/26/2022

Assigned to Department
Environmental Health Senior
LU

Assigned to
Joey Whittlesey

Status

Approved with Conditions

Action by Department
Environmental Health Senior
LU

Action By
Joey Whittlesey

Status Date

05/27/2022

Start Time

End Time

Hours Spent

0.0

Billable

No

Overtime

No

Comments

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
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LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 06/02/2022

RE:

Applicant Name	Island Mountain Farms
APN	218-101-002
APPS#	PLN-13351-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:

It is unclear where the applicant exists Island Mountain Road, no directions on the site plan and no road evaluation was provided.

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 //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13351

- ☐ 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 //



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

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

5/26/2022

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD: Palo Verde VFC, RWQCB, NCUAQMD, School District: Southern Humboldt Joint, Cal Fish & Wildlife, Division of Water Resources, CalFire, NWIC

Applicant Name **Key Parcel Number** 218-101-002-000

Application (APPS#) PLN-13351-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: 6/10/2022

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.

Other Comments: This site is registered with the Division of Water Rights with a Cannabis Small Irrigation Use Registration (H508126).

5/26/2022

Jonathan Pham
Environmental Scientist
Division of Water Rights

DATE:

PRINT NAME:

Application Number

Key APN

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

Santos, Steven A

From: Kamoroff, Corrina@Wildlife <Corrina.Kamoroff@Wildlife.ca.gov>
Sent: Monday, October 27, 2025 2:19 PM
To: Santos, Steven A
Cc: Manthorne, David@Wildlife; Johnson, Cliff
Subject: PLN-13351-CUP, APN: 218-101-002
Attachments: 1600-2019-0135-R1_HUM_MJ Carlson_Water Diversion& Stream Xing_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-13351-CUP

Project Name: Mark Finley - CUP 33,560 SF Ex OD and 10,000 SF Ex ML

APN(s): 218-101-002

CEQA No: CEQA-2022-0205-0000-R1

Project Description

A Conditional Use Permit for 10,000 square feet of existing mixed light and 33,560 square feet of existing outdoor commercial cannabis cultivation supported by a 4,356 square foot ancillary nursery. Estimated annual water usage is 545,000 gallons sourced from a point of diversion and a rainwater catchment pond. The point of diversion is located on APN 218-091-006 shared with application 13295. The pond is also shared with both applications 13359 and 13295 on APN 218-091 -004 and 218-101-006 respectively. Total tank storage on site for the project is 175,000 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 renewables, reserving generators for emergency use only.

On October 20, 2025, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 218-101-002. 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-13351-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On February 9, 2021, a final LSAA (No. 1600-2019-0135-R1; see attached) was issued to Bridget Carlson for projects associated with APNs: 218-101-003, 218-101-002 and 218-091-006. The LSAA was issued for two points of water diversion (Point of Water Diversion: POD) from two unnamed tributaries to Chamise Creek, upgrades to four stream crossings, and the restoration of a stream channel that had been diverted around a cannabis cultivation site. During a site inspection on October 20, 2025, CDFW identified several instances of non-compliance with the LSAA, including failure to submit required reporting, failure to install a water meter for the POD, and the failure to complete the required work by the specified work completion date of October 15, 2021. It is to CDFW's understanding that Bridget Carlson is no longer associated with the subject parcels or with the cannabis cultivation activities on APNs: 218-101-003, 218-101-002 and 218-091-006. Additionally, LSAA No. 1600-2019-0135-R1 is set to expire on February 9, 2026. As of October 24, 2025, the LSAA has not been transferred to the current applicant or landowner. CDFW recommends, as a condition of approval, that the applicant completes the following actions by December

15, 2025, or within two weeks of project approval, and achieves and maintains full compliance with the LSAA:

- a. Submit a new Notification to obtain an LSAA under the applicant's name or request to transfer the existing LSAA to the applicant.
 - b. Submit an implementation timeline detailing when all the projects in the LSAA will be completed.
 - c. Install water meters for the POD, as conditioned in the LSAA, prior to the diversion of any water from the POD.
 - d. Install screens on all POD intakes, as conditioned in the LSAA, prior to the diversion of any water from the POD.
2. While onsite, CDFW observed that a cultivation site (located at coordinates 40.0351, -123.5828) is mapped on the site plan as part of the proposed project. The cultivation site is located within an area that has a required stream restoration project intended to restore a diverted stream channel that has caused substantial erosion as a result of the development of the cultivation site. The stream channel and restoration area are not currently mapped on the proposed site plan. Once the stream is restored, the cultivation site will likely be located within the SMA. CDFW recommends that, prior to project approval, the project site map be revised to accurately depict the planned stream restoration area and confirm that all proposed cultivation areas are located outside of all SMAs.
3. The water for the proposed project is partially 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*). 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, that the applicant develop and implements a Bullfrog Management plan by April 15, 2026, to address and mitigate the spread of the invasive bullfrog population onsite.
4. While onsite, CDFW observed that the applicant has a filled 50,000-gallon water bladder (at coordinates 40.0342, -123.5840). A failure of the water bladder could result in rapid water loss, potentially causing substantial erosion and discharge to Waters of the State. CDFW recommends, as a condition of approval, that the water bladder is retired as soon as possible, but no later than December 31, 2025.
5. While onsite, CDFW observed sediment discharge to Waters of the State through erosion of a hydrologically connected road (at coordinates 40.0328, -123.5829). CDFW recommends, as a condition of approval, that the applicant submit and implement an erosion control plan to deconcentrate surface flow off roads and away from streams.
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