


**ATTACHMENT 5
PLN-13367-SP**

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was sent to the following referral agencies for review and comment. The responses and recommendations are summarized in the table below.

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

Division of Environmental Health Referral Response 02.09.2021

PLN-13367-SP 
STATUS
LOCATION
CONTACT
WORKFLOW

Finmark Farms L... > Staff Report > None Provided > FinMark Farm... > 18 total Task
 A Special Permit ... 03/12/2025 b... ●...

Cancel
Help

<p>Summary</p> <p>Project Description</p> <p>Workflow</p> <p>1 Referral Assignments</p> <p>2 Planning Information</p> <p>3 GP / Zoning Information</p> <p>4 CEQA</p> <p>5 Cannabis</p> <p>Annual Compliance</p>	<p>Task Environmental Health</p> <p>Assigned to Department Environmental Health</p> <p>Action by Department Environmental Health</p> <p>Start Time</p> <p>Billable No</p>	<p>Due Date 01/05/2021</p> <p>Assigned to Joey Whittlesey</p> <p>Action By Joey Whittlesey</p> <p>End Time</p> <p>Overtime No</p>	<p>Assigned Date 12/22/2020</p> <p>Status Approved with Conditions</p> <p>Status Date 02/09/2021</p> <p>Hours Spent 0.0</p> <p>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.</p>
	Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
	Display E-mail Address in ACA <input type="checkbox"/> Display Comment in ACA <input checked="" type="checkbox"/> Comment Display in ACA <input type="checkbox"/>		



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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Keenan Hilton, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 01/13/2021

RE:	Applicant Name	MARK FINLEY
	APN	218-081-006
	APPS#	PLN-13367-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:

Applicant has submitted road evaluation reports, dated 07/17/20, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard.

The intersection with the County maintained road was graveled to a residential standard with a previous permit on APN 218-051-008.

Whether specifically addressed or not within the road evaluation report, per County Code Section 3112-5, “No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual.” Where portions of the road have grades that exceed 16%, those portions must be paved and must have an exception request approved. [reference: County Code sections 3111-9 and 3112-5]

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13367

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. 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: (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. 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: Friday, March 21, 2025 2:39 PM
To: Santos, Steven A
Cc: Manthorne, David@Wildlife; Johnson, Cliff
Subject: PLN-13367-CUP, APN: 218-081-006
Attachments: 1600-2019-0851-R1_HUM_Finley_Final_LSAA.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- 13367-CUP
Project Name: Finmark Farms LLC
APN(s): 218-081-006
CEQA No: CEQA-2025-0079-R1

Project Description:

Finmark Farms LLC - SP for 7,200 SF of Ex OD

A Special Permit for 7,200 square feet of existing outdoor commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 140,000 gallons sourced from two rainwater catchment ponds. One pond is located on APN 218-051-008 and the other is located on APN 218-081-003. Total water storage consists of the 350,000-gallon pond on APN 218-051-008 and the 2,000,000-gallon pond on APN 218-081-003 as well as 13,000 gallons of onsite tanks. Onsite processing in the form of drying is proposed with all other processing to occur offsite. Power is provided by generator with solar proposed. The project is conditioned requiring the use of renewable energy no later than January 1, 2026, reserving generator use for emergencies only.

CDFW COMMENTS:

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

On August 14, 2024, and on March 19, 2025, CDFW staff conducted a site inspection at the subject property on Assessor' Parcel Number (APN) 218-081-006. 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- 13367-CUP. CDFW requests that all comments are incorporated in the final Humboldt County Staff Report.

1. On April 20, 2022, a final Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0851-R1; see attached) was issued to the applicant for six points of water diversion (Point of Diversion: POD) from unnamed tributaries and springs to Chamise Creek, stream restoration, modifying or decommissioning of four ponds, and to upgrade, maintain or decommission 16 stream crossings. The LSAA 1600-2019-0851-R1 permits projects on APNs: 218-081-001, 218-081-002, 218-081-006, 218-091-005 (now 218-190-001) and 218-051-008. During staff site visits on August 14, 2024, and on March 19, 2025, CDFW identified several instances of non-compliance with the LSAA, including failure to submit required reporting, and the

installation of water meters on the PODs. Additionally, the LSAA includes 26 projects, including an extensive stream restoration and pond decommissioning project. None of the projects have been initiated and the LSAA conditions the projects for completion prior to the LSAA expiration date of April 20, 2027. CDFW requests, as a condition of approval, that the applicant/permittee completes the following items listed below by the specified dates or within two weeks of project approval, and achieves and maintains compliance with the LSAA.

- a. Install water meters for the PODs by May 15, 2025, and prior to diverting water.
 - b. Provide updated water monitoring reports for the 2024 water diversion season by May 15, 2025.
 - c. Submit an amendment to the LSAA to include the Point of Water Diversion (Point of Diversion: POD) that is not currently listed as a project on the LSAA (Located at 40.0356, -123.5976 on APN: 218-081-006).
 - d. Submit a Pond Decommission/Stream Restoration Plan within 90 days of project approval and implement the plan before the end of the final work period (October 31, 2026), ensuring that all work is completed prior to the LSAA expiration date of April 20, 2027.
 - e. Submit a Revegetation Plan within 90 days of project approval and implement the plan before the end of the final work period (October 31, 2026), ensuring that all work is completed prior to the LSAA expiration date of April 20, 2027.
 - f. Submit an implementation timeline by May 15, 2025, outlining when the Permittee/Applicant plans to complete all projects listed in the LSAA before the end of the final work period (October 31, 2026), ensuring that all work is completed prior to the LSAA expiration date of April 20, 2027.
 - g. Submit a map showing all PODs on the parcels, including the POD outflow locations. While the Permittee is not currently diverting water from the PODs for use, the PODs are discharging concentrated water flow into stream channels or diverting water from the stream channel onto nearby hillslopes, causing instability and erosion. Remove all infrastructure that is diverting and discharging water flow from the PODs by October 15, 2025.
2. On October 12, 2023, CDFW staff visited APN: 218-081-006. During the site visit, staff observed violations of Fish and Game Code (FGC) section 5652. Staff also observed cannabis cultivation in conjunction with these violations. As a result, on October 26, 2023, CDFW issued a Notice of Violation (NOV, see attached) to encourage the permittee/applicant to cure all violations on site. The Permittee/Applicant has cured the violations documented in the NOV.
 3. While onsite, CDFW observed a cultivation site (at coordinates 40.0349, -123.5979) located within the Streamside Management Area (SMA) of a Class III drainage. The cultivation site drains towards the stream channel, posing a threat to Waters of the State. CDFW requests, as a condition of approval, that all cultivation and cultivation related infrastructure are removed from all SMAs on the parcel. CDFW further requests, 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.
 4. While onsite, CDFW observed waterline and debris related to cannabis cultivation located in a stream channel (at coordinates 40.0353, -123.5977) which is a violation of Fish and Game Code (FGC) 5652. CDFW requests, 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 2025 season.

5. To minimize the risk of wildlife entrapment, CDFW requests, 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

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: