



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

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3015 H Street, Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: January 21, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Tan Oak Farms, LLC Conditional Use Permit**  
Application Number 12022  
Case Numbers CUP 16-508  
Assessor's Parcel Number (APN) 223-291-002  
1411 Sawmill Road, Garberville

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Please contact Max Hilken, Associate Planner, at 707-443-5054 or by email at [hilkenm@lacoassociates.com](mailto:hilkenm@lacoassociates.com), if you have any questions about the scheduled public hearing item.



## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 21, 2021	Conditional Use Permit	Max Hilken

**Project Description:** Tan Oak Farms, LLC seeks a Conditional Use Permit (CUP-16-508) for an existing 12,200 square foot (SF) outdoor cannabis cultivation operation. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 6,000 gallons in two (2) hard tanks. Estimated annual water usage is 140,080 gallons (11.4 gal/SF). Processing, including drying and trimming would occur on-site in a proposed 1,104 square foot metal building. No employees will be needed as site will be run by owner/operators. Power is provided by connection to PG&E.

**Project Location:** The project is located in the Garberville area, on the South side of Sawmill Road, approximately 0.94 miles Northeast of the intersection of Skyway Road and Sawmill Road, on the property known as 1411 Sawmill Road (APN: 223-291-002).

**Present Plan Land Use Designations:** Residential Agriculture (RA40) Density: forty acres per dwelling unit, Slope Stability: High instability (3)

**Present Zoning:** Agriculture Exclusive (AE) B-6

**Record Number:** PLN-12022-CUP

**Case Numbers:** CUP16-508

**Assessor's Parcel Number:** 223-291-002

**Applicant**

Tan Oak Farms, LLC  
P.O. Box 1030  
Garberville, CA 95542

**Owner**

Katie Mela  
P.O. Box 1030  
Garberville, CA 95542

**Agents**

Janssen Malloy  
Jeffery Slack  
P.O. Drawer 1288  
Eureka, CA 95502

**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission

**Major Issues:** None



**Recommended Commission Action**

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Tan Oak Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Tan Oak Farms, LLC seeks a Conditional Use Permit to allow the continued operation of an existing 12,200 square foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan and zoned Agriculture Exclusive (AE-B-6). Cultivation takes place in a single cultivation area which contains eight (8) greenhouses utilizing light deprivation. Two harvests are anticipated annually in the cultivation area through the use of light deprivation.

Drying and processing occurs onsite in an existing 1,104 SF structure. No additional employees will be required as owner-operators live onsite. Power is provided by PG&E. The operation will be secured behind a gate, with all cultivation areas fenced and accessory structures locked with a variety of padlock and keypad entry.

**Water Resources**

Water for irrigation is provided by a permitted groundwater well (County Permit No. 1145)(attached). The well is also registered with the California Department of Water Resources (WCR2018-006905). Existing available water storage is 6,000 gallons in two (2) hard tanks. Estimated annual water usage is 140,080 gallons (11.4 gal/SF) with peak demand occurring in July and August at approximately 9,610 gallons per month.

Humboldt County's WebGIS shows no mapped streams within the parcel boundary and the nearest distance to a surface water from any cultivation area is approximately 244 feet. The applicant contracted Jacobszoon and Associates to prepare a Water Resources Protection Plan (WRPP)(attached) in accordance with enrollment as a Tier II discharger with the California Regional Water Quality Control Board 2015-0023. The Water Resource Protection Plan indicates the site does not contain any water crossings or culverts and is in compliance with the 12 standard conditions. All roads are maintained so that surface runoff drains away from any potentially unstable slopes and all cultivation activities are performed in a manner as to prevent any runoff or contact with surface waters.

**Biological Resources**

There are no mapped sensitive species onsite. The nearest Northern Spotted Owl (NSO) activity center is located approximately 1.7 miles from the site. There are no waterways present onsite. Roads and developed areas are hydraulically disconnected and maintained to prevent erosion and sediment discharge. Electricity is supplied by PG&E and no generators are in use at the site. Project related noise does not exceed 50 decibels (db) at 100 feet. The project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.



Relocation of cultivation areas in existence prior to January 1, 2016 has occurred on the site. 3,000 square feet of outdoor cultivation and 500 square feet of greenhouse cultivation was removed from areas adjacent to the homesite and relocated to the west consistent with the remaining cultivation. Approximately 0.3 acres of timber was converted to allow this movement which is inconsistent with CMMLUO performance standards and performed without County or CalFire approval. As such, the relocation effort does not equate to an environmentally superior movement and is conditioned to revert the relocation of cannabis cultivation areas as previously described, a site plan showing the areas to be restocked and a reconfiguration of the area back to the areas identified in the baseline Cultivation Area Verification is required. Additionally, the applicant is required to hire a licensed forester to perform an analysis of timber removed after the December 31, 2015 baseline, and create a restocking plan to remediate the identified timber conversion. During the review of this project, the California Department of Fish and Wildlife (CDFW) was asked to provide comment on this project in April 2018. CDFW responding noting several points concern on November 5, 2018 including concerns about the relocation and timber conversion previously described, concerns that the project may negatively affect rare or sensitive species, and concerns regarding the water source (well) potentially going dry. To address CDFW concerns, the County has responded to CDFW (attachment 5) with the CAV performed by the county which established the pre-existing site conditions, disturbed footprint, and amount of cultivation this project is based on. To address the outlined concerns, this project is conditioned to address the timber conversion previously discuss, as well as requiring water use records to demonstrate the well is producing the necessary amount of water and reserve the right for the County to require additional water storage if necessary. No additional botanical surveys are be required, as the project is conditioned to reconfigure to the previously disturbed footprint that existing previous to the environmental baseline established by the MND.

As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

#### **Tribal Cultural Resource Coordination**

The project was referred to the Northwest Information Center (NWIC), Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council in March 2018 with responses received from NWIC and Bear River Band of the Rohnerville Rancheria on March 16, 2018 and June 28, 2019 respectively. No known resources were identified during the referral process. A Cultural Resource Investigation was completed by Archaeological Research and Supply Company in October 2018 (received 2/7/19) which did not locate any significant historic resources onsite. Consistent with the recommendations of the Bear River Band of the Rohnerville Rancheria and the Cultural Resource Investigation, the project is conditioned to require the applicant to follow recommendations for inadvertent discovery protocols.

#### **Access**

Access to the site is via a driveway off Sawmill Road via Alderpoint Road. Alderpoint Road is a Category 4 County maintained roadway. A Road Evaluation report for Sawmill Road was prepared by the Applicant (Attached) which indicates it is a privately maintained road and concludes that the entire road segment is developed to the equivalent of a road category 4 standard and is adequate for the proposed use. Public Works, Land Use Division requests improvements to the encroachment that connects the County road (Alderpoint Road) to Sawmill Road including paving for a minimum width of 20 feet and a length of 50 feet and verification that the private road intersection be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This has been made a condition of approval.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).



**RECCOMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.



**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-  
Record Number PLN-12022-CUP  
Assessor's Parcel Number: 223-291-002**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Tan Oak Farms, LLC, Conditional Use Permit.**

**WHEREAS, Tan Oak Farms, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 12,200 square foot (SF) outdoor cannabis cultivation with appurtenant propagation, drying, and processing activities;

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on January 21, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

1. **FINDING:** **Project Description:** The application is a Conditional Use Permit to allow a 12,200 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation, drying, and processing activities. Power is provided by PG&E. Water for irrigation is provided by a permitted groundwater well.

**EVIDENCE:** a) Project File: PLN-12022-CUP

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:**

- a) Addendum Prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines
- c) A Water Resources Protection Plan was prepared by Jacobszoon and Associates to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A search of the California Natural Diversity Database (CNDDb) and California Native Plant Society (CNPS) database did not show the presence



of any special status species on the site. Northern Spotted Owl habitat exists in the vicinity, but the nearest activity center is over 1.7 miles from the site. There are no waterways present onsite. Roads and developed areas are hydraulically disconnected and maintained to prevent erosion and sediment discharge. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.

- e) All development currently meets, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors. A Water Resource Protection Plan was prepared by Jacobszoon and Associates in February 2017 showing that water quality off the site will not be impacted from the project.
- f) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company in October 2018. concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- g) A Road Evaluation Report was prepared by the applicant which identified that the road is suitable for safe access to and from the project site.

#### **FINDINGS FOR CONDITIONAL USE PERMIT**

**3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE** a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

**4. FINDING** The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) zone in which the site is located.

**EVIDENCE** a) The Agriculture Exclusive I or AE zone is intended to be applied in areas in which agriculture is the desirable predominant use and which the protection of agriculture from encroachment from incompatible use is essential to the general welfare.

b) All general agricultural uses are principally permitted in the AE zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 12,200 square feet of existing outdoor cultivation on a 22.92 acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.



**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 29 of PM993, Book009 Page 137).
- c) The project will obtain water from a non-diversionary water source.
- d) A Road Evaluation Report was prepared for Sawmill Road by the Applicant in December 2017, which identified that the road is suitable for safe access to and from the project site meeting an equivalent of road category 4 standards.
- e) The slope of the land where cannabis will be cultivated is less than 15%
- f) As a condition of approval, a Timber Conversion Report and a Restocking Plan shall be created by a licensed professional forester for an approximate 0.3 acres of timberland conversion that occurred after the December 31, 2015 environmental baseline established by the MND. The restocking plan will include requirements to ensure that an equivalent area will be restocked with timber and that there will therefore be no net loss of timberland as a result of the cultivation operation.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 12,200 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) A Road Evaluation Report was prepared for Sawmill Road by the Applicant in December 2017, which identified that the road is suitable for safe access to and from the project site meeting an equivalent of road category 4 standards.
- b) The site is in a rural part of the County where the typical parcel size is between 20 and over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.



**7. FINDING**

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Old Goat Farms, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on January 21, 2021.

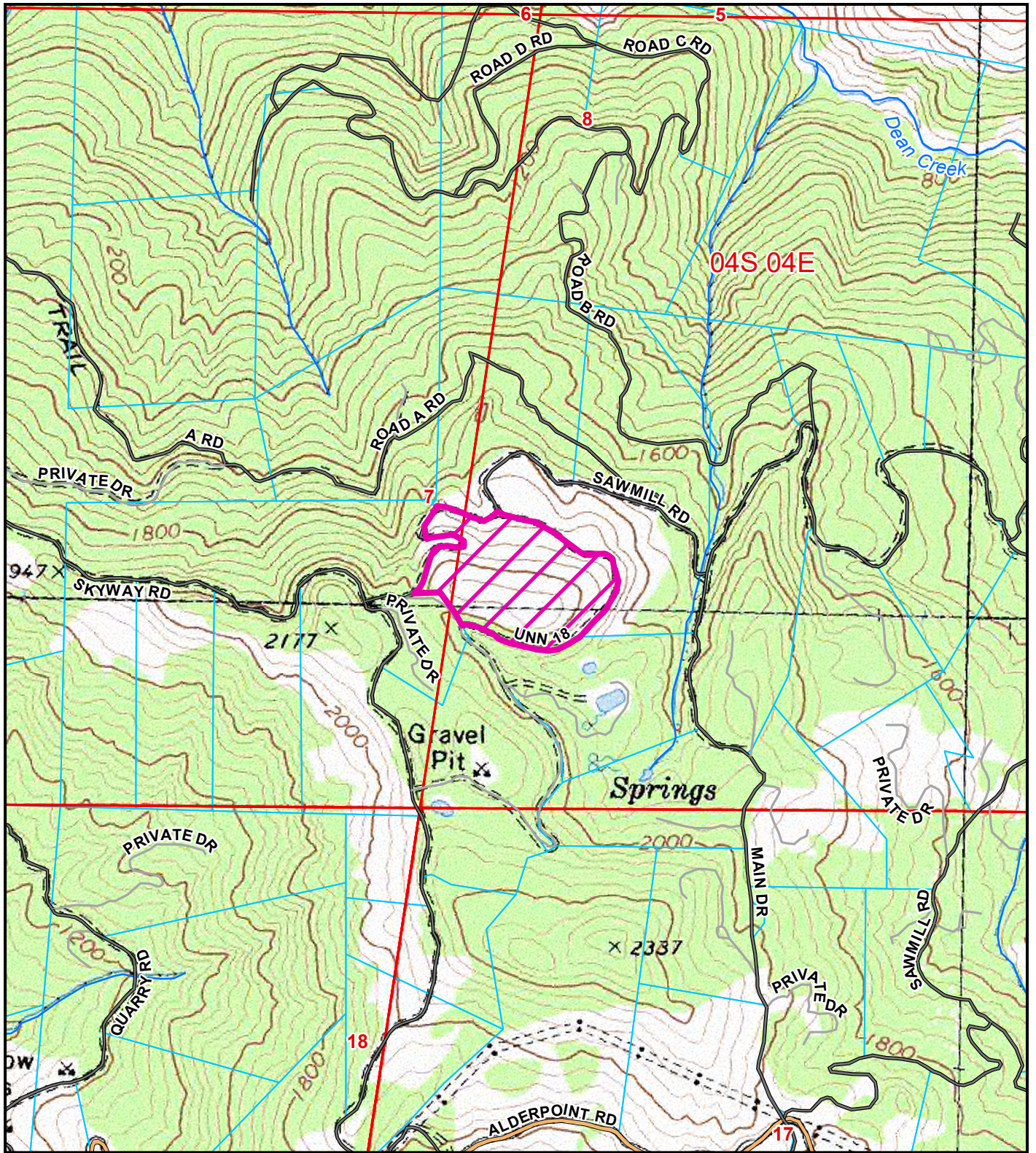
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department

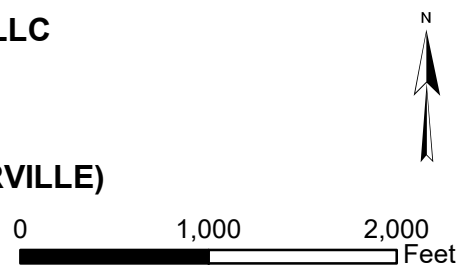




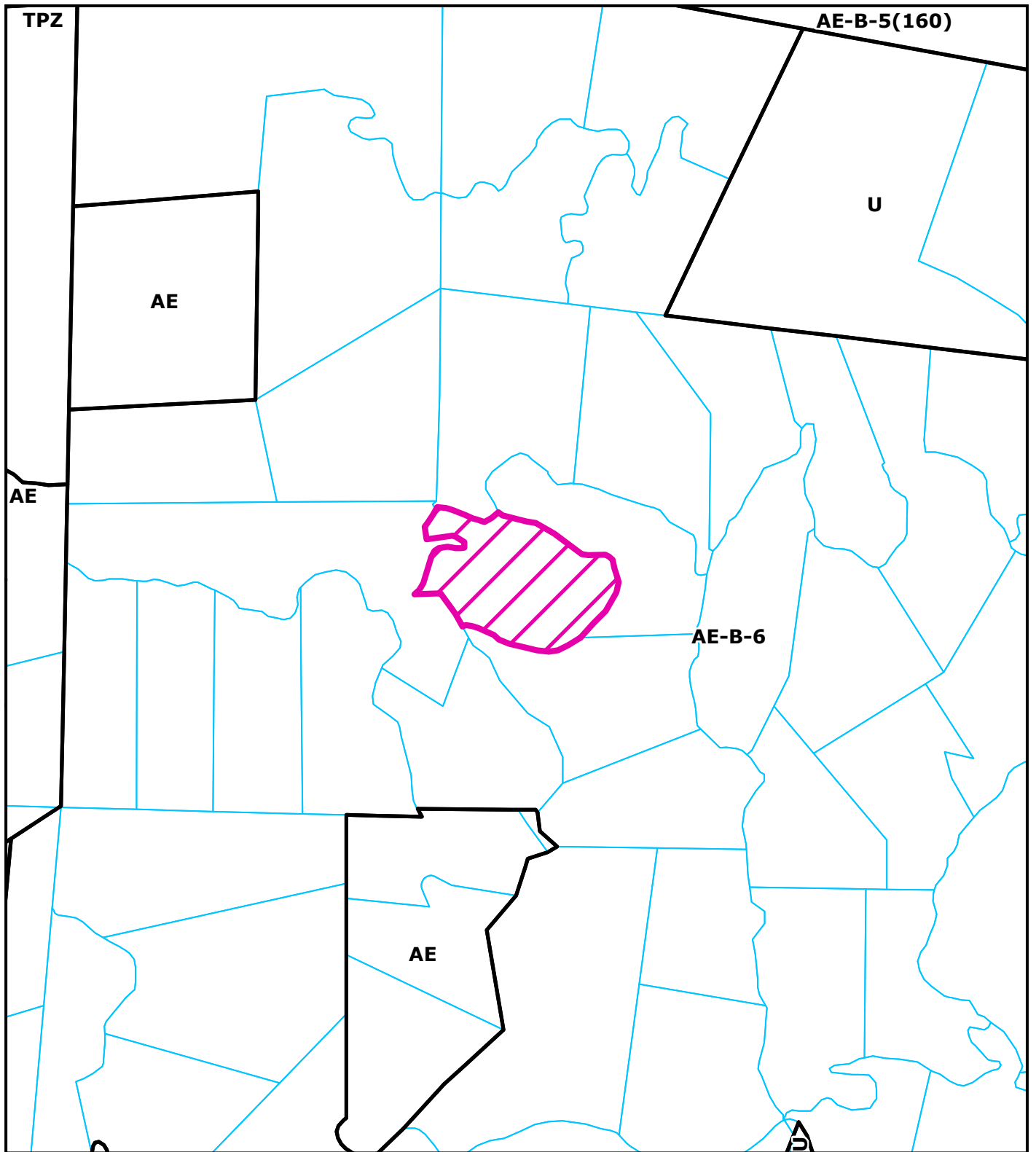
Project Area = 

**TOPO MAP**  
**PROPOSED TAN OAK FARMS, LLC**  
**GARBERVILLE AREA**  
**CUP-16-508**  
**APN: 223-291-002**  
**T04S R04E S7; S8 HB&M (GARBERVILLE)**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



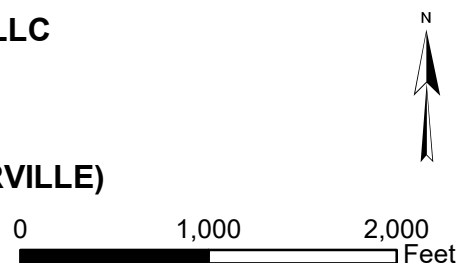




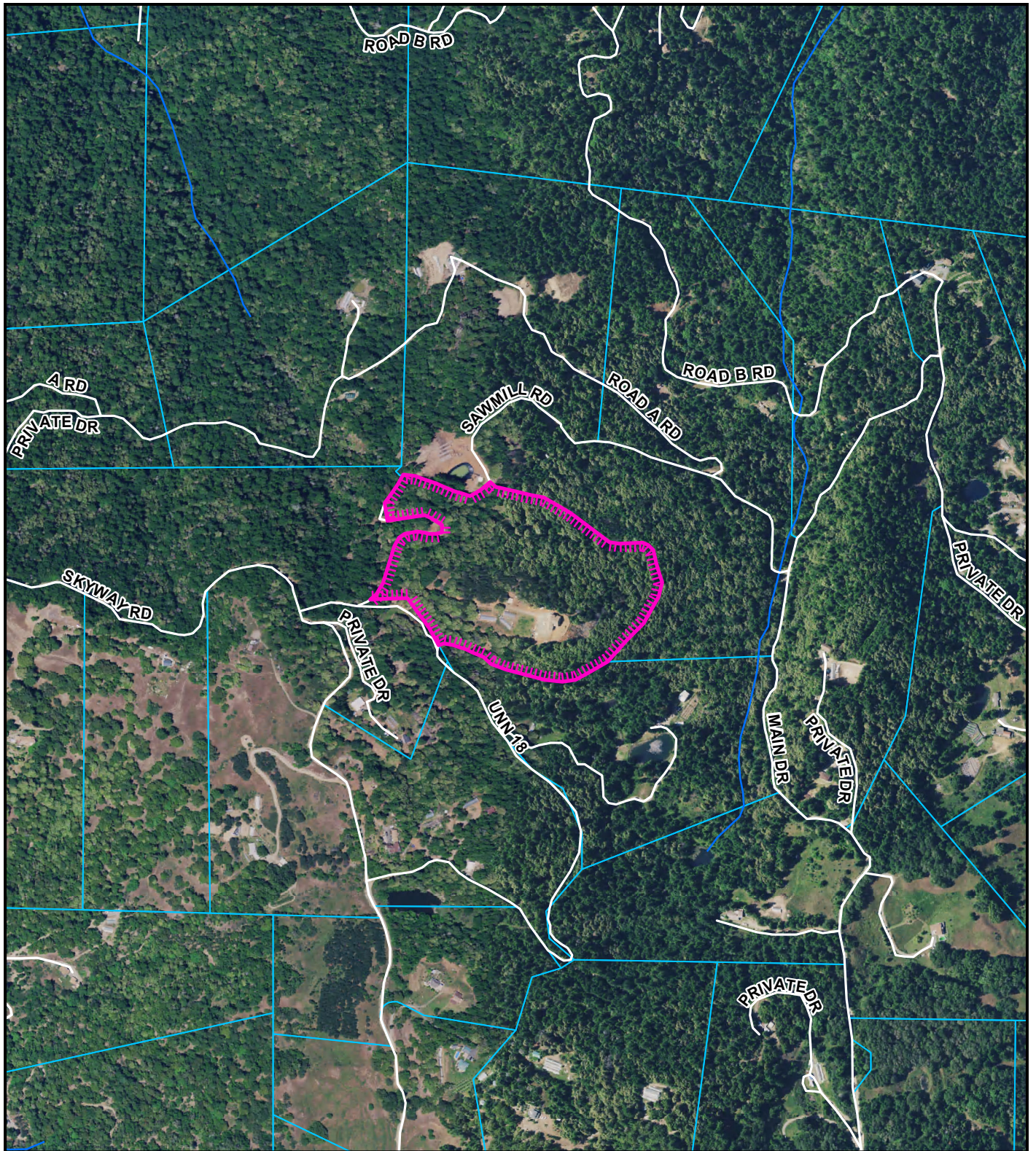
Project Area = 

**ZONING MAP**  
**PROPOSED TAN OAK FARMS, LLC**  
**GARBERVILLE AREA**  
**CUP-16-508**  
**APN: 223-291-002**  
**T04S R04E S7; S8 HB&M (GARBERVILLE)**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.







Project Area = 

**AERIAL MAP  
PROPOSED TAN OAK FARMS, LLC  
GARBERVILLE AREA  
CUP-16-508  
APN: 223-291-002  
T04S R04E S7; S8 HB&M (GARBERVILLE)**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

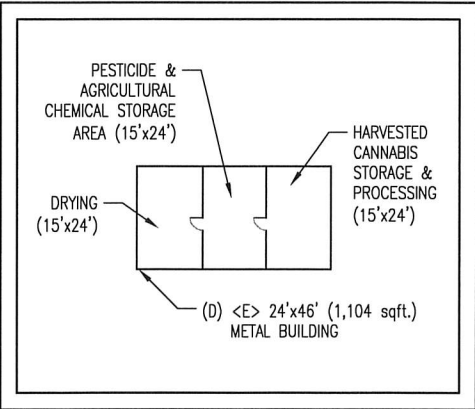
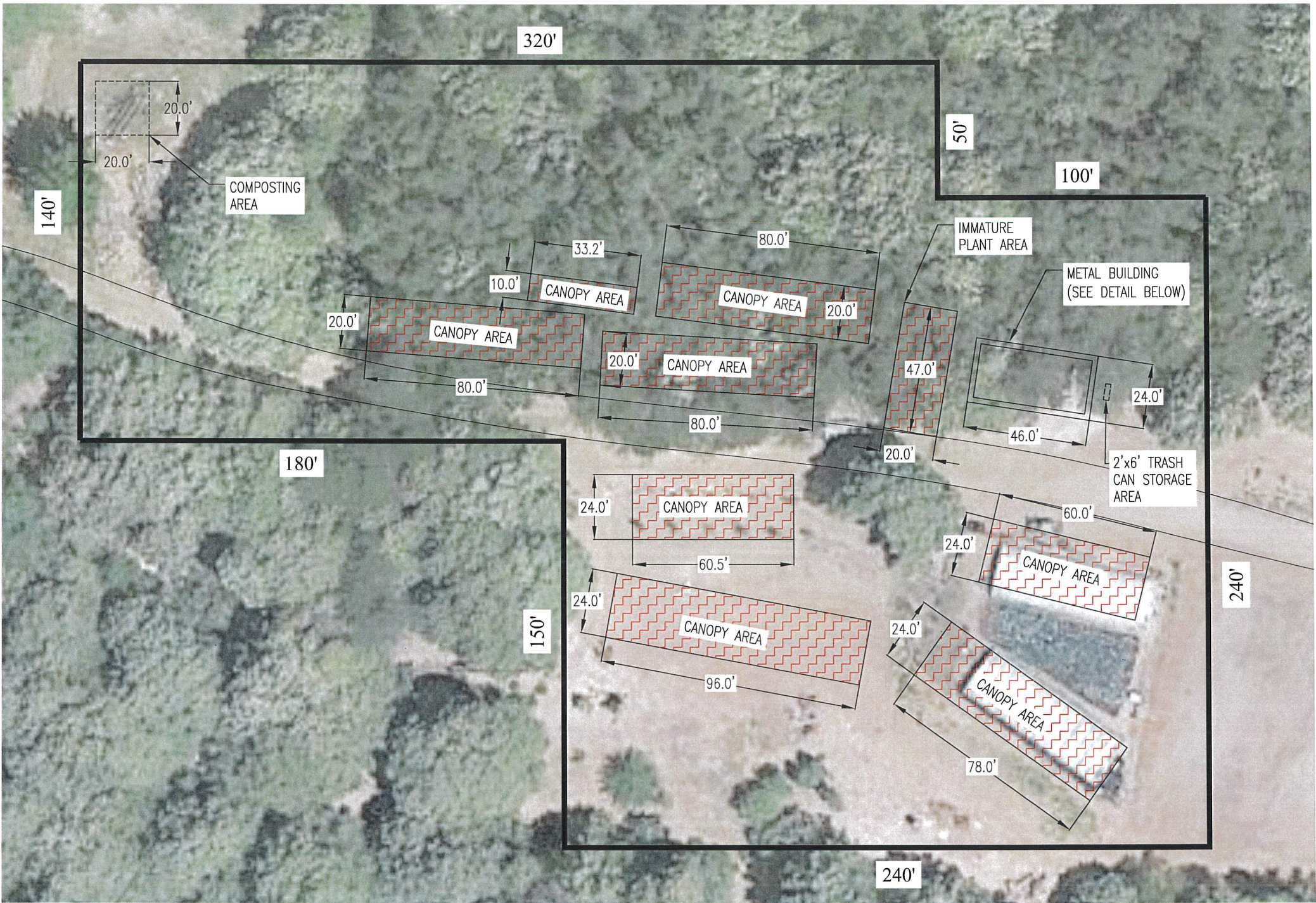
0 900 1,800 Feet











METAL BUILDING DETAIL  
SCALE: 1"=20'

PREMISES DIAGRAM

SCALE: 1"=20'

OFFSITE ACTIVITIES  
-PACKAGING

SECURE CANNABIS WASTE STORAGE  
AREA NOT APPLICABLE FOR THIS SITE

WATER STORAGE IS FROM WELL

TOTAL AGGREGATE CANOPY AREA  
IS: 12,200 sqft. OF CULTIVATION

MAPPING INFORMATION PROVIDED IS FOR CANNABIS  
PERMITTING & DESIGN PURPOSES ONLY.

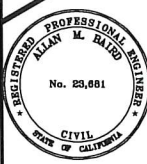
THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT  
ARE USEFUL TO ASSURE THAT THE STRUCTURES ARE LOCATED  
APPROPRIATE TO THEIR SURROUNDINGS. HOWEVER, NONE OF THE INFORMATION  
SHOWN IS IMPLIED TO SUGGEST OR SUBSTITUTE FOR A CONTRACTED ACTUAL  
LAND SURVEY.

A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES  
NO RESPONSIBILITY ARISING FROM THE USE OF  
INFORMATION PROVIDED, OTHER THAN WHAT HAS BEEN  
SPECIFICALLY INTENDED FOR THE CMLUO LAYOUT.



NO.	DATE	DESCRIPTION	BY
1	6/28/19	REVISED PROPAGATION SPACE SIZE	AEO
2	8/12/20	REVISED NURSERY SIZE & WATER TANK LOCATION COORDINATES	AEO
3			
4			

**A.M.Baird**  
Engineering & Surveying  
1257 Main St., P.O.Box 396, Fortuna, CA 95540  
(707)725-5182 e-mail: ambaird@suddenlinkmail.com



SCALE	AS SHOWN
DRAWN BY	A.E.O.
CHKD	AMB
DATE	4/11/19

KATIE MELA  
AP# 223-291-002  
1411 SAWMILL RD, GARBENVILLE, CA.  
CMLUO STATE PERMIT  
**PREMISES DIAGRAM**

AP#	223-291-002
JOB NO.	16-4235-5
SHEET NO.	2 OF 2



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. Within 90 days of the effective date of project approval, the applicant shall submit a timber conversion assessment and restocking plan prepared by a licensed forester addressing the areas of the site that were converted after December 31, 2015. The plan shall ensure that all areas converted after this date are identified for restocking of similar timber species to that which were converted.
4. Within 90 days of the effective date of project approval the applicant shall submit a revised plan which relocates the cultivation areas and greenhouses either A) a minimum of 30 feet from all areas to be restocked per COA #3 above, or B) entirely within the areas previously utilized for cultivation prior to December 31, 2015.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
7. **Within 60 days of project approval**, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #9 –17 The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
8. All areas restocking of timberland per COA #3 above shall be planted consistent with the timber restocking plan. Replanting shall be reviewed at the end of the compliance agreement period for success, and additional replanting may be required as necessary to supplement any areas which were not found to be successful.



9. The applicant shall complete and implement all outstanding corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Cultivation Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board]
10. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
11. Applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
12. The applicant shall install and utilize water meters on the permitted well. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month.
13. The applicant shall contact the local fire service provider [Garberville Volunteer Fire District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If acknowledgement of emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
14. The applicant shall obtain the necessary encroachment and grading permits to pave the road at the intersection of Sawmill Road with a minimum width of 20 feet and length of 50 feet from where it intersects the County road (Alderpoint Road). A letter or similar communication from the Department of Public works indicating this requirement has been met shall satisfy this condition.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

**B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.



2. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
3. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
4. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
5. The use of anticoagulant rodenticide is prohibited.
6. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
7. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
8. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
9. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
10. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
11. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
12. Compliance with County Code Section 341-1 (Sight Visibility Ordinance) which prohibits visibility obstruction in the visibility triangle formed where streets or driveways intersect County maintained roads. Visibility Obstruction relates to any natural or man-made object exceeding three feet (3') in height which blocks or impedes the vision. Visibility obstruction includes hedges, bushes, natural growth, buildings, structures, fences and signs.



13. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
14. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
15. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
16. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
17. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for conformance with conditions and annual inspection fees.
20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

23. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
25. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.



- d. Employees must wash hands sufficiently when handling cannabis or use gloves.
26. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
27. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
28. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
29. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any



appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

30. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
31. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
33. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to



evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.



**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)  
(State Clearinghouse # 2015102005), January 2016**

**APN 223-291-002; 1411 Sawmill Road, Garberville  
County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**January 2021**



## Background

### **Modified Project Description and Project History –**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (CUP-16-508) for an existing 12,200 square foot (SF) outdoor cannabis cultivation operation. Cultivation takes place in a single cultivation area which contains eight (8) greenhouses utilizing light deprivation. Two harvests are anticipated annually in the cultivation area using light deprivation. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 6,000 gallons in two (2) hard tanks. Estimated annual water usage is 140,080 gallons (11.4 gal/SF). Processing, including drying and trimming would occur on-site in a proposed 1,104 square foot metal building. No additional employees will be required as owner-operators live onsite. Power is provided by connection to PG&E.

A Cultural Resources Investigation was conducted and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.

All development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;



2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 12,200 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Plot Plans prepared by A.M. Baird dated 4/11/19.
- Cultivation and Operations Plan prepared by Tan Oak Farms dated 2/26/18 and amended 2/7/19.
- Well Application and Well Completion Report received 2/7/19.
- Water Resources Protection Plan (WRPP) prepared by Jacobszoon and Associates for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Road Evaluation Report for Sawmill Road prepared by Applicant, dated 12/13/17.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Sewage Disposal System Permit Application (15/16-0410) and septic design prepared by A.M. Baird Engineering & Surveying Inc. for Percolation Test and Septic Design for Existing Septic System.
- CDFW Resource Map for Tan Oak Farms, Humboldt County Application #12022.
- Cultural Resources Investigation of the Alderpoint Cipriano and Alderpoint Jeffries Properties, prepared by Nick Angeloff, M.A. and Abby Barrios-Gonzalez, B.A, Archaeological Research and Supply Company, received 2/7/19.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See Purpose statement above.



In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

#### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

#### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.



### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by A.M. Baird dated 4/11/2019 – Attached with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation, Operations, and Security Plan prepared by Applicant received 2/26/18 – Attached, Addendum dated 2/07/19)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI dated 8/15/16 and reporting, and Water Resources Protection Plan (WRPP) prepared by Jacobszoon and Associates dated 2/9/17 respectively - Attached)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Attached)
9. If the source of water is a well, a copy of the County well permit, if available. (Application to Construct, Repair, or Destruct a Water Well and Well Completion Report, County Permit No. 1145/WCR2018-006905, received 2/7/19 – Attached)



10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (Acknowledgement Form dated 10/4/16 - Attached)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (Acknowledgement Form dated 10/4/16 – On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (Acknowledgement Form dated 10/4/16 - Attached)
15. Cultural Resources Referral Responses for the Tan Oak Farms Commercial Cannabis Cultivation, Humboldt County California, County Application #12022, NWIC and Bear River Band of the Rohnerville Rancheria, dated 4/27/2018 and 6/28/19 respectively. (On-file and confidential)
16. Road Evaluation Report for Sawmill Road prepared by Applicant, dated 12/13/17. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
18. Sewage Disposal System Permit Application (15/15-0410) date received 2/2/16 & Design prepared A.M. Baird Engineering & Surveying Inc., dated 11/12/15. (On-file)
19. CDFW Resource Maps for Tan Oak Farms, Humboldt County Application #12022. (On-file)
20. Parcel Legal Review Packet (Grant Deed & Assessor Parcel Page), date 12/21/18 (On-file).





## TAN OAK FARMS, LLC

### CULTIVATION, OPERATIONS, AND SECURITY PLAN

#### OPERATIONS PLAN

##### 1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

**WATER SOURCE AND STORAGE:** The primary source of irrigation water is groundwater. Applicant's well produces water at 25 gallons per minute and is equipped with a 25-gallon pump. The pump runs off power supplied by PG&E. Applicant has two 3,000-gallon poly water storage tanks. Water is pumped to a 300-gallon mixing tank prior to irrigation.



Vertical Well



3,000-gallon poly storage  
tank



3,000-gallon poly storage  
tank

**IRRIGATION PLAN:** Water is applied at agronomic rates using a drip irrigation system. The drip irrigation system is run four hours per day on watering days. Applicant anticipates irrigating the entire cultivation site at a rate of 500 gallons every other day during the growing season based on farming practices and the size of the cultivation area. Applicant waters either in the morning or in the late afternoon/evenings when temperatures are cooler to minimize evaporative loss. Amendments and fertilizers are mixed with irrigation water in the 300-gallon mixing tank prior to application. Fertilizers are applied during the months of April, May, and June.

**PROJECTED WATER USAGE:** Applicant irrigates from approximately June 15 to October 31 for its full term outdoor cultivation. Applicant anticipates using 500 gallons every other day based on the cultivation area and Applicant's farming techniques. For a 138-day irrigation season, Applicant anticipates using approximately 34,500 gallons of water total ((138 growing days+ 2) x 500 gallons of water per day). Applicant anticipates using approximately 6,500 gallons of water



while vegetating outdoor plants. The following table breaks down the water usage for full term outdoor plants by month:

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water usage (gallons)	0	0	1000	1000	4500	3750	7750	7750	7500	7750	0	0

Applicant will also be cultivating using light deprivation techniques (outdoor no artificial light). Applicant anticipates approximately two runs from its light deprivation. Applicant's light deprivation cycles will run from approximately May 1 to July 15 and from July 15 to October 10. These dates are approximate and are subject to weather. Based on Applicant's cultivation cycle, cultivation area, and farming techniques, Applicant anticipates using 1200 gallons of water every other day for irrigation. Based on a 162-day irrigation cycle, Applicant anticipates using a total of 97,800 gallons of water during the growing season  $((162\text{-day growing season} + 2) \times 1200 \text{ gallons})$ . Applicant anticipates using approximately 2,000 gallons of water while vegetating light deprivation plants. The following table breaks down the water usage for light deprivation and plants by month.

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water usage (gallons)	0	0	1000	1000	1860 0	1800 0	1860 0	1860 0	1800 0	6000	0	0

Based on the figures above, Applicant anticipates its total irrigation needs to be approximately 140,800 gallons of water per year. These values are based on estimates from prior growing seasons and may vary based on temperature, humidity, rainfall and other environmental factors.

## 2. Description of Site Drainage, including Runoff and Erosion Control Measures

**SITE DRAINAGE:** There are no watercourses located on the property and the nearest distance to a surface water from the nearest edge of each cultivation area is 244 feet, per Applicant's Water Resources Protection Plan. There are no road crossings of surface waters on the property. All features, including roads, clearings, developed areas and cultivation areas, are maintained so that they are hydrologically disconnected from any surface waters. The single road on the property is maintained so that any surface runoff drains away from any unstable slopes or earthen fills.

**EROSION CONTROL MEASURES:** There are no serious erosion concerns on this property per Applicant's Water Resources Protection Plan. The road assessment conducted as part of Applicant's Water Resources Protection Plan revealed adequate measures to minimize erosion along flow paths and at their respective outlets. The single road on the parcel is rocked and stable and there is no surface rutting or erosion. Applicant will monitor roads continuously and implement best management practices outlined in the North Coast Regional Water Quality



Control Board's Order No. RI-2015-0023 on an as-needed basis. Applicant will advise and consult with Jacobzoon and Associates and implement any erosion control measures deemed necessary to control potential erosion damage. All cultivation facilities are in stable areas with no erosion. During wet weather, cultivation sites will be monitored. As necessary, straw and fiber rolls may be placed to mitigate any seasonal runoff.

**RUNOFF CONTROL MEASURES:** There is no irrigation runoff produced by the cultivation site. Applicant uses drip line irrigation directly into pots to deliver precise water amounts resulting in no runoff. There is no hydrologic connectivity to surface flow from the cultivation sites because of the gentle topography, slope breaks, and distances to downstream watercourses. The areas surrounding the cultivation have natural vegetative barriers that prevent sediment transportation to off-site water courses. Applicant covers its greenhouses during the dry season resulting in little runoff from the greenhouse structures on site. During wet weather, cultivation sites will be monitored. As necessary, straw and fiber rolls may be placed to mitigate any seasonal runoff. Applicant may install gutters on the greenhouses on an as needed basis to prevent concentrated runoff. Slopes at all cultivation sites are less than 5%. The private residence on the property has rain gutters that prevent concentrated runoff from the home-site.

### 3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

**PROTECTION OF WATERSHED AND HABITAT:** All cultivation areas and associated facilities are located more than 200 feet from any watercourse, habitat, or riparian zone and pose little threat to the watershed or habitat. There are no stream crossings or watercourses within the property boundary. The cultivation areas are bounded by vegetative barriers that are naturally sloped. These vegetative barriers will be maintained, and any additional measures suggested by Jacobzoon and Associates to protect and enhance watershed and/or habitat will be implemented.

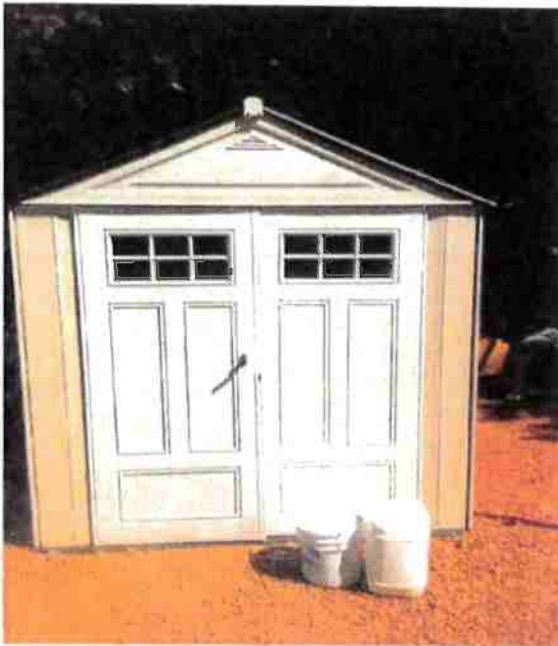
**CULTIVATION AND RELATED WASTE:** Applicant intends to reuse grow pots and soil will be re-amended and reused in the cultivation. All spent growth medium will be treated as solid waste and placed in garbage containers located in the attached garage of the on-site residence and disposed of at an appropriate disposal facility. Plant waste is composted in compost bins to prevent escapement to watercourses or is burned pursuant to a burn permit. Any residual waste is recycled and transported to appropriate disposal facilities monthly. Pesticide containers will be recycled pursuant to applicable local and state pesticide regulations. There are no spoils sites on the property and spoils will not be stored in a location where they can enter surface waters.

**REFUSE AND HUMAN WASTE:** Garbage and refuse is currently being stored in garbage cans inside the garage of the residence located on site. The garage has a cement slab to prevent garbage leach to groundwater. Human waste disposal system consists of a permitted septic tank and leach field system. The septic system is sized to handle a three-bedroom home and is equipped with a 1500-gallon septic tank. The septic system is sufficient to handle the anticipated use of the cultivation site. The residence on site is a permitted structure.



4. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products

**PESTICIDES:** Applicant uses applications of Neem Oil and Doctor Zymes herbicide/fungicide eliminators as pesticides. These products are OMRI Certified for use as pesticides, meaning they are allowed for use in accordance with National Organic Program standards. These pesticides are kept in their original packaging with safety and instruction labels preserved. They are stored off ground and covered, to prevent entrance or transportation to surface waters and cannot be leached into groundwater. Below is a photo of the pesticide storage facility.



**FERTILIZERS:** All fertilizers are stored in the designated chemical storage shed shown to the left so that they are off ground and covered, as to prevent entrance or transportation to surface waters and cannot leach into the groundwater. Applicant uses the following fertilizers broken down by mass of soil amendment, product name, and nutrient content (N-P-K ratio: 400 lbs. Maxsea (16-16-16 N-P-K) and 400 lbs. Maxsea (3-20-20 N-P-K). These fertilizers are kept in their original packaging with safety and instruction labels preserved.

**SOIL AMENDMENTS:** Applicant recycles soils and plants cover crops to naturally reamend soils without the need for additional soil amendments. If additional soil amendments become necessary, Applicant will store all soil amendments off ground in the storage shed pictured to the left so that they are covered to protect against rain and wind and prevent entrance or transportation to surface waters.

**PETROLEUM STORAGE:** Applicant has PG&E power to the cultivation site and therefore there is no generator use on site and petroleum is not used in any appreciable amount. Applicant stores petroleum for landscaping uses such as string trimming or lawn mowing in five-gallon spill-proof gas cans. Gas cans are kept either in the above shown storage shed or in the garage connected to the residence on site. Both structures have impermeable floor surfaces to prevent leaching or transportation to surface waters.



**CULTIVATION PLAN**  
**(e.g. Outdoor, Indoor, Mixed Light)**

Applicant is applying for a conditional use permit for an existing cultivation area less than or equal to approximately 15,944 square feet full term outdoor/light deprivation cultivation (outdoor/greenhouse/no artificial light). Applicant will be using a mixture of pots and beds to cultivate within the greenhouse spaces outlined on the plot plan.

Site conditions have changed such that cultivation areas in existence prior to January 1, 2016 were required to be relocated from behind and on the side of the private residence for installation of an in-ground pool and lawns. The proposed new locations on the parcel for these pre-existing cultivation areas are in an environmentally superior location because the new locations will decrease road traffic along the site and minimize safety concerns for the occupants of the on-site residence. Additionally, Applicant was required to remove vegetation around the cultivation areas to maintain 100' defensible space per Cal-Fire regulations. See Site Plan for relocated pre-existing cultivation areas.

Power for the ~~mixed light~~ cultivation operation will come from PG&E. Applicant is anticipating two annual cultivation cycles from its light deprivation operation.

Applicant does not anticipate hiring employees for its cultivation operation because its owner-operators live on-site and prior cultivation activities have not required the hiring of additional staff. If needed, Applicant may hire a maximum of one additional staff member. If an additional staff member is hired, Applicant anticipates an increase in two daily trips to and from the cultivation site. Peak hours for these trips will be 9:00 AM and 5:00 PM. The property is located off Sawmill Road, a County maintained road.

If necessary, Applicant will execute a statement declaring itself an agricultural employer as defined by the California Labor Code. Applicant will develop an employee safety program for employees. The program will incorporate the following: 1) Development of an emergency response action plan; 2) employee training on the proper use of all safety equipment; 3) scheduled safety equipment checks to ensure they are in good and operable condition; 4) employee training on the use of protective equipment; 5) employee training on the use of pesticides, fertilizers, and soil amendments to prevent potential hazards; 6) maintenance of emergency contact information at the cultivation sites, including poison control contacts, emergency responder contacts, and plant manager contacts; 7) development of an employee



accident reporting and investigation program; and 8) identify potential job and spill hazards and develop and implement plan to address hazards.

All cultivation activities will be charted and calendared, and that information will be posted and maintained in the cultivation areas. Applicant will maintain Material Safety Data Sheets (MSDS) for all products used on-site in a secure location.

5. Schedule of Activities During Each Month of the Growing and Harvesting Season

JANUARY-FEBRUARY-MARCH

- No activity in January and February
- Clean greenhouses of weeds and grass in preparation for growing season.
- Clones are purchased during the first week of March
- Clones are placed in nursery greenhouse to vegetate at the end of March
- Hand watering and tending clones March to April
- Greenhouse Maintenance in March

APRIL

- Tend clones
- First Light Deprivation plants are transplanted at the end of the month into larger pots weather permitting (may be later).
- Plants are allowed one week to recover from transplant shock
- Plants are caged at first Planting
- Irrigation commences at the end of April
- Fertilizer regimen begins, and pesticides applied as needed
- Inspect irrigation lines.

MAY

- Tend first Light Deprivation Plants
- Clones are purchased and planted in greenhouse area in preparation for second run
- Tend clones weed cultivation area and monitor growth
- Continue to fertilize and apply pesticides as needed
- Inspect irrigation lines

JUNE

- Tending Light Deprivation plants
- Clones are transplanted to larger pots for second light deprivation run
- Allow one week for second run light dep plants to recover from transplant shock
- Maintain cultivation area and monitor growth
- Continue to fertilize and apply pesticides as needed
- Clones are purchased and planted in greenhouse in preparation for second light dep run
- Inspect irrigation lines



- Plants are de-leafed or pruned in June.

#### JULY

- First light dep run plants are harvested
- Plants are hung in processing facility
- Processing of hung plants from first run begins
- Clones are transplanted to larger pots for second light dep run
- Plants allowed one week to recover from transplant shock
- Maintain cultivation area and monitor growth
- Inspect irrigation lines

#### AUGUST

- Maintain cultivation area and monitor growth
- Inspect irrigation lines
- Processing of first Mixed Light and Light Deprivation plants is completed
- Light dep plants are de-leafed or pruned.

#### SEPTEMBER

- Maintain cultivation area and monitor growth
- Inspect irrigation lines
- De-leaf and prune as necessary.

#### OCTOBER

- Second Light Deprivation Plants are harvested
- Tarps removed from greenhouse/hoop houses
- Plants are hung in processing facility
- Processing of second run plants begins
- Weed cultivation area and monitor growth
- Harvest second run of light dep plants at the end of the month
- Plants are hung in processing facility

#### NOVEMBER

- Processing of second run continues and is completed
- Clean up site

#### DECEMBER

- Processing of second run light dep plants completed



## PROCESSING

**PROCESSING ACTIVITIES:** Cut flowers are de-leafed and inspected for mold and then brought into the dry room. Flowers remain on stalks and are hung on screen racks for approximately 7-10 days. The dry room is thermostatically controlled to regulated temperature and humidity levels.

Applicant determines whether moisture content is below 15% by using a moisture meter. Upon reaching sufficiently safe moisture content, flowers are bucked and placed into sealed plastic bins and moved to curing room.

The cure room is thermostatically controlled to regulate temperature and humidity to ensure even cure. Once cured, flowers are bagged, barreled, and moved to trim room. Applicant will be employing a trim machine to trim flowers and finish. The finished product is weighed into pounds, bagged, sealed, and moved back into storage for transport.

Applicant will provide information regarding the planned trimming machine once that information is determined.

Applicant does not anticipate hiring employees for processing activities since finished cannabis will be trimmed by a machine. If Applicant does hire employees, Applicant will develop and implement the safety protocols outlined in CMMLUO Section 55.4.11 (t).

**PROCESSING LOCATION:** Applicant is constructing a metal building that will meet commercial building code standards. The building is labeled on Applicant's site plan as a 1,104-sq. ft. "STORAGE BUILDING". This building will house the drying room, curing room, trimming room, and trimming machine mentioned above.

The building will be connected to the on-site wastewater treatment system. The 1500-gallon septic tank can handle the anticipated usage from the processing facility. One bathroom will be installed complete with toilet and handwashing facilities sufficient to meet the requirements of the CMMLUO. Drinking water will be supplied to the processing facility by the on-site well. No on-site housing will be provided to employees.

Applicant does not anticipate any increased road usage from processing activities. If Applicant hires an additional staff member, road usage may increase by only two additional trips per day. Peak hours for these trips will be 9:00 AM and 5:00 PM. The processing facility will not be open to the public.

## SECURITY PLAN

**SECURITY FEATURES:** Applicant will implement various security measures on the property to safeguard and prevent nuisance on the property. Applicant intends to install an eight-foot high deer fence surrounding all cultivation areas with locking gates to prevent unauthorized access to



the cultivation areas. Applicant will post notices and signs designating the cultivation areas restricted areas and only authorized personnel will have key access. Applicant maintains a gate on the main entrance road into the parcel. The gate is electric with an electronic keypad entry system. Only the operators have access to the punch pad combination. The onsite processing facility will be secured by locking roll-up doors. The entry doors to the processing facility will have a key lock and the internal doors will have padlocks. Only the operators will have keys to enter the processing facility. Guard dogs are kept on the property to alert property owners to any unauthorized access.

Applicant is presently seeking relationships with licensed distributors and retailers pursuant to the California Medical Cannabis Regulation and Safety Act and will update this application when information for licensed distributors and retailers becomes available. Applicant will implement an authorized track and trace program pursuant to Humboldt County Ordinance once such program is implemented.



## ADDENDUM TO CULTIVATION OPERATIONS PLAN

APP #12022



**PROJECT DESCRIPTION:** Applicant is applying for a conditional use permit for existing mixed light cultivation with cultivation area of 12,200 sq. ft. This cultivation was verified by the Humboldt County Planning Department. A 1,200 sq. ft. nursery space is proposed as part of the application.

Applicant originally applied for 15,944 sq. ft. of mixed light and requests the planning commission to review any additional evidence of prior cultivation submitted with this application.

Applicant is proposing on-site processing in a 1,014 sq. ft. commercial building designated on the site plan as a storage building. Electricity is supplied by Pacific Gas and Electric to the site. A permitted on-site septic system with a 1500-gallon tank services both the commercial building and the on-site residence, which is not used in the cultivation operation.

Water for domestic use and irrigation is supplied by the permitted on-site well that has an output of 10 gallons per minute with a boring depth of 200 feet.

A notice of non-applicability for a Lake and Streambed Alteration Agreement has been received.

**EMPLOYEES FOR PROCESSING:** The applicant's owner and spouse will be conducting all processing activities on the property. Two persons will be on-site during all processing activities full-time and the applicant will not employ any outside employees or seasonal workers to conduct the cultivation or processing activities on-site.

**TRAFFIC:** The applicant owner and spouse live on site in the on-site residence. Average daily trips to and from the cultivation facility is approximately 1-2. Deliveries will be conducted during off-peak hours to and from the site, and there will be no additional employee traffic to and from the site. The applicant owner and spouse may travel individually to and from the site for scheduled pickups, if necessary.

**SAFETY PRACTICES:** Applicant will implement the following safety practices as part of the processing plan: 1) functioning safety equipment, including masks, gloves, and respiratory equipment will be used and kept in good and operable condition; 2) sanitized protective overcoats will be provided to prevent cross contamination and



skin irritation; 3) poison control and emergency services contacts will be posted in processing areas; 4) safety signage will be posted and spillage prevention policies will be developed; 5) safety training on proper use of trimming equipment; and 6) development and implementation of a workplace health and safety survey.

The applicant will be processing using a trimming machine. Operation manuals for the type of processing machine used will be kept on site and the operator of any machine used will be required to read all safety information related to the operation of the machine. Operators will undergo training for the safe operation of the machine prior to engaging in processing activities on site.

**DESCRIPTION OF TOILET AND HANDWASHING FACILITIES:** The processing facility is plumbed to the existing, permitted on-site septic system. The size of the septic tank is 1500 gallons and is sufficient to service the two on-site operators as well as any increased usage from the cultivation and/or processing activities. The processing facility is equipped with handwashing and bathroom facilities sufficient to handle the demand of the two on-site operators. Handwashing facilities will be located near the processing area and all operators will be required to wash their hands prior to engaging in processing activities. The on-site residence is not used in the cultivation activities; however, it is also plumbed to the existing on-site septic system.

**DRINKING WATER:** Drinking water is supplied by the on-site well. Enclosed herein is an application for construction or destruction of on-site well filed with the County of Humboldt Department of Environmental Health dated May 15, 1996, specifying that the well is used for domestic purposes. Also enclosed is a separate well completion report filed with the California State Water Resources Control Board for the same well specifying that the well will also be used to irrigate agriculture. The well's yield is approximately 10 gallons per minute measured on 8-16-2018. The well has been sufficient to service both domestic needs and cannibas irrigation since 2013.

**COMPLIANCE WITH HCC SECTION 314-43.1.3.2:** Per Humboldt County Code, greenhouses which do not result in lot coverage exceeding 5 acres on lots 20 acres or larger in size, or exceeding 25% of the lot coverage for lots less than 20 acres in size, and without an improved floor or footpath which will preclude the agricultural use of the underlying soil is a permitted accessory use in the AE AG and TPC zones.

The parcel is zoned AE and the size of the parcel is approximately 39 acres. The proposed area of total greenhouses on the parcel is 12,200 sq. ft. Therefore, total greenhouse coverage does not exceed five acres. Applicant is proposing an unimproved floor in all greenhouses such that the agricultural use of the underlying soil is not impeded. Accordingly, the greenhouses are a permitted accessory use.



**NOTICE OF INTENT FORM  
FOR ENROLLMENT UNDER  
WAIVER OF WASTE DISCHARGE REQUIREMENTS  
ORDER NUMBER R1-2015-0023**

Submission of this Notice of Intent (NOI) to the North Coast Regional Water Quality Control Board (Regional Water Board) or an approved third party constitutes notice that a discharger, identified in Section I of this form, requests and receives authorization to discharge pursuant to the Waiver of Waste Discharge Requirements Order number R1-2015-0023 (Order). Upon submittal of the NOI, waste discharges are authorized pursuant to the conditions of the Order. Order coverage is required for existing Tier 1, 2, and 3 cultivation sites by February 15, 2016. Dischargers who begin operations after February 15, 2016, must file an NOI prior to commencement of cultivation activities.

To obtain authorization, dischargers must complete and submit this NOI form, encompassing sections I and II, complete and submit the reporting information required in Appendix C of the Order, and submit the appropriate fee. The reporting form in Appendix C must be submitted annually by March 31 thereafter and an annual fee is subject to a separate invoicing from the State Water Board. Any additional documentation required by the Order, such as a water resource protection plan, site map, and monitoring records must be completed and secured on-site, to be made available upon request by the Regional Water Board. This NOI form must be submitted upon enrollment and the discharger shall amend and resubmit the NOI within 30 days of changed site conditions that result in a change in Tier status.

Completed forms must be signed and submitted to the Regional Water Board or an approved third party.

Forms submitted to the Regional Water Board shall be submitted electronically to [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) or, if electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Fee payments shall be made payable either to an approved third party or the State Water Resource Control Board (SWRCB) according to the schedule in section 2200.7 of the Water Code. Approved third parties that collect fees from their enrollees are required to submit the fees to the Regional Water Board. Initial payments shall be submitted to: North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403. Invoices will be issued annually, thereafter.



**I. Discharger Information**

First Name, Middle Initial

Katie L

Last Name

Mela

**Mailing Address:**

Street

Box 1030

City

Garberville

State

CA

ZIP

95542

Phone Number:

707-223-0004

Email:

**II. Site Information****Site Address:**

Street

1411 Sawmill Rd

City

Garberville

State

CA

ZIP

95542

**Subwatershed (HUC-12)**\*12-digit HUC-12 code available at [http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP\\_SHOW\\_HIDE](http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE):

180101060403

**Assessor's Parcel Number (APN)**

223-291-002

Please check one of the following boxes to indicate which Tier you are enrolling under:

☐

Tier 1

☒

Tier 2

☐

Tier 3

Under Tier 2, water resource protection plans must be developed within 180 days of submittal of this NOI form. Under Tier 3, cleanup and restoration plans must be submitted to the Regional Water Board within 45 days of submittal of this NOI form. Tier 3 enrollees that are cultivating must also be enrolled and comply with Tier 2 conditions.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete. I agree to monitor and report on my site in compliance with the Order, including the Monitoring and Reporting Program (Appendix C) truthfully, accurately, and completely; complete Sections I and II, above; keep a copy of the Order, this NOI, the annual monitoring and reporting documents and, if applicable, the water resource protection plan and cleanup and restoration plan document(s) on site, and make them available to Water Board staff upon request. If there is a change in Tier status based on changed site conditions, the changes must be documented, appended to this document, and resubmitted to either the Regional Water Board or, if applicable, an approved third party.

Print name: Katie Mela

Signature: Katie Mela

Date: 8-15-2016



**I. Discharger Information**

First Name, Middle Initial

Katie L

Last Name

Mela

**Mailing Address:**

Street

Box 1030

City

Garberville

State

CA

ZIP

95542

Phone Number:

707-723-0004

Email:

**II. Site Information****Site Address:**

Street

1411 Sawmill Rd

City

Garberville

State

CA

ZIP

95542

**Subwatershed (HUC-12)**\*12-digit HUC-12 code available at [http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP\\_SHOW\\_HIDE:](http://iaspub.epa.gov/apex/grts/f?p=110:95::NO::APP_SHOW_HIDE:)

180101060403

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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete. I agree to monitor and report on my site in compliance with the Order, including the Monitoring and Reporting Program (Appendix C) truthfully, accurately, and completely; complete Sections I and II, above; keep a copy of the Order, this NOI, the annual monitoring and reporting documents and, if applicable, the water resource protection plan and cleanup and restoration plan document(s) on site, and make them available to Water Board staff upon request. If there is a change in Tier status based on changed site conditions, the changes must be documented, appended to this document, and resubmitted to either the Regional Water Board or, if applicable, an approved third party.

Print name: Katie Mela

Signature: Katie Mela

Date: 8-15-2016



**Order No. R1-2015-0023  
REPORTING FORM**

- A. Site WDID: \_\_\_\_\_ Humboldt County
- B. Subwatershed (HUC-12)<sup>2</sup>: 180101060403 JA012
- C. Enrollment date: 08/15/2016
- D. Reporting date: 08/15/2016
- E. Please check the box corresponding to the enrolled site's current tier (Tier 3 sites with cultivation must also check Tier 2).

☐ Tier 1    ☒ Tier 2    ☐ Tier 3

Has the site's tier status changed since the last reporting period? Y ☐ / N ☒

If YES, briefly explain: \_\_\_\_\_

**F. Check all fields that apply to the enrolled site:**

**i. Tier 1 sites:**

(see Order at page 6 for details on Tier 1 characteristics)

- ☐ Average slope of each individual cultivation area is no more than 35% slope.
- ☐ Total cultivation area is no more than 5,000 square feet.
- ☐ No cultivation areas or associated facilities are located within 200 feet of a surface water. (Surface waters include wetlands and Class I, II, and III watercourses.)
- ☐ No surface water diversion from May 15 through October 31.
- ☐ The site is in compliance with all Standard Conditions under Order R1-2015-0023, section I.A.

**ii. Tier 2 sites:**

- a. A Water Resource Protection Plan has been developed and is being implemented?  
Y ☐ / N ☒

If NO, expected date when plan will be ready and implementation will begin:  
02/15/2017

If YES, have there been changes to the implementation schedule since the prior year of reporting? Y ☐ / N ☐

<sup>2</sup> 12-digit HUC-12 subwatershed codes are available online at  
[http://iaspub.epa.gov/apex/grts/f?p=110:95:::NO::APP\\_SHOW\\_HIDE:](http://iaspub.epa.gov/apex/grts/f?p=110:95:::NO::APP_SHOW_HIDE:)



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b. Check below as to whether or not the site meets Standard Conditions under Order R1-2015-0023, section I.A. If a standard condition is not yet met, please indicate the expected date of compliance as identified in the Water Resource Protection Plan. Upon initial enrollment, provide an estimated expected date of compliance.

If NO, expected date of compliance

1. Site maintenance, erosion control, and drainage features Y ☒/N ☐
2. Stream crossing maintenance Y ☒/N ☐
3. Riparian and wetland protection and management Y ☒/N ☐
4. Spoils management Y ☒/N ☐
5. Water storage and use Y ☒/N ☐
6. Irrigation runoff Y ☒/N ☐
7. Fertilizers and soil amendments Y ☒/N ☐
8. Pesticides and herbicides Y ☒/N ☐
9. Petroleum products and other chemicals Y ☒/N ☐
10. Cultivation-related wastes Y ☒/N ☐
11. Refuse and human waste Y ☒/N ☐

c. All management measures are being implemented as part of the Water Resource Protection Plan? Y ☐ / N ☒

If YES, do management measures appear to be effective in preventing and minimizing discharges of waste to surface water? Y ☐ / N ☐

If management measures do not appear to be effective, are additional measures being implemented iteratively to prevent and minimize discharges of waste to surface water? Y ☐ / N ☐

If NO, describe management measures or practices that have not been effective in preventing and minimizing discharges of waste to surface water, if applicable. Describe plans for new or additional management measures to prevent and minimize discharges of waste, if applicable. Attach additional sheets as necessary.



**REPORTING FORM**

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- d. Will work to bring site into compliance with Standard Conditions require disturbance to a stream or wetland over the coming year? Y ☐ / N ☒

If YES, indicate status of work authorization by Regional Water Board. Specifically, check one or more of the following and provide the date if/as applicable.

- ☐ I plan to submit my project plans to the Regional Water Board by the following date: \_\_\_\_\_
- ☐ I submitted my project plans to the Regional Water Board on the following date: \_\_\_\_\_
- ☐ The Regional Water Board Executive Officer authorized my project plans on the following date: \_\_\_\_\_
- ☐ I have elected to receive authorization for instream work under a different Regional Water Board permitting mechanism as follows: \_\_\_\_\_
- ☐ Instream work anticipated to occur between the following dates: \_\_\_\_\_

**iii. Tier 2\* sites:**

Total cultivation area is less than 10,000 square feet? Y ☐ / N ☐

Water resource protection plan developed and fully implemented? Y ☐ / N ☐

All Standard Conditions met? Y ☐ / N ☐

Site was inspected and verified as Tier 2\* by Regional Water Board staff

(NAME) \_\_\_\_\_ or approved third party program (NAME):  
\_\_\_\_\_ on (DATE) \_\_\_\_\_.

**iv. Tier 3 Sites:**

- ☐ A Cleanup and Restoration Plan has been submitted to the Regional Water Board for approval.
- ☐ The Cleanup and Restoration Plan has been approved by the Regional Water Board.
- ☐ The timeline for the approved Cleanup and Restoration plan is being followed.

Will restoration work require disturbance to a stream or wetland in the coming year?  
Y ☐ / N ☐

Instream work anticipated to occur between the following dates: \_\_\_\_\_

- ☐ Cannabis cultivation is occurring or will occur on the site over the coming year. (If this box is checked, ensure that Tier 2 portions of the reporting form are completed as well).

Version 2 &lt;February 17, 2016&gt;



**REPORTING FORM**

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**v. For All Sites:**

**Annual Reporting Period (Calendar Year), or CHECK HERE ☒ if this is the report accompanying initial enrollment.**

0	1	0	1		
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 TO
 

1	2	3	1		
---	---	---	---	--	--

  
 Month/Day/Year                      Month/Day/Year

(See Order at page 6 for details regarding cultivation area and slope measurements, and watercourse definitions).

<b>Total cultivation area (square feet)</b>	9,662																								
<b>Distance to surface waters (feet) from nearest edge of each cultivation area or associated facility.</b> Provide distance measurement for each cultivated area separately, as appropriate.	1)281 2)273 3)244 4)253																								
<b>Average slope (percent slope) of each cultivated area</b> List each cultivated area separately, as appropriate.	1)22 2)18 3)18 4)18																								
<b>Total number of road crossings of surface waters</b> Surface waters include wetlands and Class I, II, or III watercourses.	0																								
<b>Annual soil amendment and chemical use (pounds or gallons).</b> Total mass and/or volume of soil amendment and/or chemical usage by type, product name, and nutrient content such as N-P-K ratio, if applicable.*	400lbs-Maxsea- (16-16-16 N-P-K) 400lbs-Maxsea- (3-20-20 N-P-K)																								
<b>Total water storage capacity (gallons or acre feet)</b>	6,000gallons																								
<b>Total surface water diversion by month (gallons or acre feet)*</b>																									
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>Jan</th><th>Feb</th><th>Mar</th><th>April</th><th>May</th><th>June</th><th>July</th><th>Aug</th><th>Sept</th><th>Oct</th><th>Nov</th><th>Dec</th> </tr> </thead> <tbody> <tr> <td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td> </tr> </tbody> </table>		Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	0	0	0	0	0	0	0	0	0	0	0	0
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec														
0	0	0	0	0	0	0	0	0	0	0	0														

**Water input to storage by source and month (gallons or acre-feet)** Report water volume input to storage, listing each source separately. This may include inputs from rainfall catchment, surface water diversions, groundwater pumping, or water delivery. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.\*

Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Well	5,000	5,000	5,000	9,000	15,000	15,000	15,000	15,000	15,000	5,000	5,000	5,000

**Water use by source and month (gallons or acre feet)** Report water volume used, listing each source separately. This may include use of stored water, immediate use of pumped groundwater, diverted surface water, or delivered water. If water is delivered, list delivery date, delivery volume, and name and address of water purveyor.\*

Source	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Well	5,000	5,000	5,000	9,000	15,000	15,000	15,000	15,000	15,000	5,000	5,000	5,000

\* Upon initial enrollment only, a best estimate is acceptable for reporting annual soil amendment and chemical use, monthly water stored, and monthly water use. Attach additional sheets if more space is needed for your responses.

Version 2 &lt;February 17, 2016&gt;



## REPORTING FORM

Page 5/5

**I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information contained in this document and all attachments is, to the best of my knowledge and belief, true, accurate, and complete.**

Print name: Jacob Hilliard

Signature: James H. H. H. H.

Date: 8/19/16

**Preparer: Complete if MRP was prepared by someone other than the discharger, including an approved third-party**

**Organization Name (if applicable):**

J a c o b s z o o n   a n d   A s s o c i a t e s

**Prepared by:**

First Name, Middle Initial

J	a	c	b								D
---	---	---	---	--	--	--	--	--	--	--	---

Last Name

[illegible]

**Preparer Address:**

Street

4 1 6 W P e r k i n s S t r e e t

City

[illegible]

State

ZIP

C	A
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9	5	4	8	2
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**Phone Number:**

7	0	7		4	8	5		5	5	4	4
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**Email:**

j a c o b @ j a c o b s z o o n a s s o c i a t e s . c o m



**Water Resource Protection Plan  
For  
APN 223-291-02**



*Submitted to:*

Katie Mela  
1411 Sawmill Road  
Garberville, California 95542

*Prepared by:*

Jacob Hilliard  
Jacobszoon and Associates  
416 West Perkins St  
Ukiah, CA 95482

2-9-2017



**Purpose**

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the property's Discharger, Katie Mela, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

**Scope of Report**

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

**Methods**

The methods used to develop this WRPP include both field and office components. The office component consisted of reviewing soil maps (Web Soil Survey), and geologic maps (CGS, Geologic Data Map No. 2, 1977). The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision 1.8 of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are

[2]



meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision 1.8 of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

### **Monitoring Plan**

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program. Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

#### **Inspection Personnel Contact Information:**

Jacob Hilliard  
Jacobszoon and Associates  
416 West Perkins St, Ukiah CA 95482  
(707) 485-5544

### **Monitoring Plan Reporting Requirements**

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov). If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.



## Water Resource Protection Plan Assessment of Standard Conditions for APN 223-291-02

### A. Standard Conditions, Applicable to All Dischargers

#### 1. Site maintenance, erosion control and drainage features

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

**Road assessment revealed appropriate design and surfacing. Road is rocked and is stable. There is no surface rutting or erosion. There is no sediment delivery to surface waters.**

- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets

**Road assessment revealed adequate measures to minimize erosion along the flow paths and at their respective outlets.**

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

**Road is maintained so that surface runoff drains away from any potentially unstable slopes or earthen fills.**

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected<sup>1</sup>, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

<sup>1</sup> Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel.

([http://www.forestsandfish.com/documents/Road\\_Mgmt\\_Survey.pdf](http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf))



**All features including the road, clearings, developed areas, and cultivation areas are maintained so that they are hydrologically disconnected from any surface waters, including wetlands, ephemeral, intermittent and perennial streams.**

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

**Not applicable**

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

**Any stockpiled materials are stored in a location and manner so as to prevent their transport to receiving waters.**

## 2. Stream Crossing Maintenance

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible<sup>2</sup>.
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible<sup>3</sup>.

**There are no stream crossings on the property.**

## 3. Riparian and Wetland Protection and Management

- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water

<sup>2</sup> At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

<sup>3</sup> If infeasible to install a critical dip, an alternative solution may be chosen.



Board for Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its or its Executive Officer may apply additional or alternative<sup>4</sup> conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

- b. Buffers shall be maintained at natural slope with native vegetation.
- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.
- d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

**The cultivation areas and associated facilities are located more than 200 feet from a watercourse. There are no watercourses within the property. Buffers are maintained at natural slope with native vegetation.**

#### 4. Spoils Management

- a. Spoils<sup>5</sup> shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

**There are no spoils on the property in a location where they can enter surface water.**

#### 5. Water Storage and Use:

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-

<sup>4</sup> Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

<sup>5</sup> Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.



- 12<sup>6</sup> watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.
- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.
  - c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.
  - d. Water is applied using no more than agronomic rates<sup>7</sup>.
  - e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.
  - f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

**A vertical well (Photo 1) provides water to the cultivation sites and house on the property. There are no surface water diversions occurring on the property. The landowner applies water at an appropriate agronomic rate. As a conservation measure, drip irrigation is installed at cultivation sites. There are two 3,000 gallon poly storage tanks (pictures 2 & 3). The water storage tanks are in locations such that they will not release into waters of the state in the event of a containment failure.**

## 6. Irrigation Runoff

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

<sup>6</sup> See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>

<sup>7</sup> "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.



Water and fertilizers are applied at an agronomic rate, which does not produce runoff. An inspection of the cultivation sites revealed no sign of overwatering. Given the gentle topography, breaks in slope, and distance to downstream watercourses, there is no hydrologic connectivity via surface flow from the cultivation sites to any downstream watercourses. There is no evidence of irrigation runoff from cultivation areas.

#### 7. Fertilizers and Soil Amendments

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.
- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

All fertilizers and amendments are stored in a designated chemical storage (Photo 4), so they are off the ground and covered, as to prevent entrance or transportation to surface waters, and cannot be leached into groundwater. These products are labeled properly and applied at agronomic rates. Cultivation area is maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest. There is no evidence of nutrients and/or growth media leaving the cultivation site.

#### 8. Pesticides/Herbicides

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

**No pesticides or herbicides are administered on the property.**



9. Petroleum products and other chemicals
  - a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
  - b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
  - c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
  - d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
  - e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

**All petroleum products are stored in an appropriate outbuilding storage as to prevent spillage, discharge, or seepage into receiving waters.**

10. Cultivation-related wastes

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored<sup>8</sup> at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

**No cultivation-related wastes are stored in a location or manner that poses a threat to water quality.**

11. Refuse and human waste

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's On site Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.
- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

<sup>8</sup> Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.



- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

**Garbage and refuse is presently being appropriately contained and stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. Garbage and refuse is then periodically disposed of at an appropriate waste disposal location. Human waste disposal systems consist a septic tank and leach field system.**

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

**There is no required remediation for the property. Conditions are listed above in the Water Resource Protection Plan.**



Photos:



Photo 1: Vertical well.  
Photo date 8-15-16





Photo 2: One 3,000 gallon poly water storage tank.  
Photo date 8-15-16



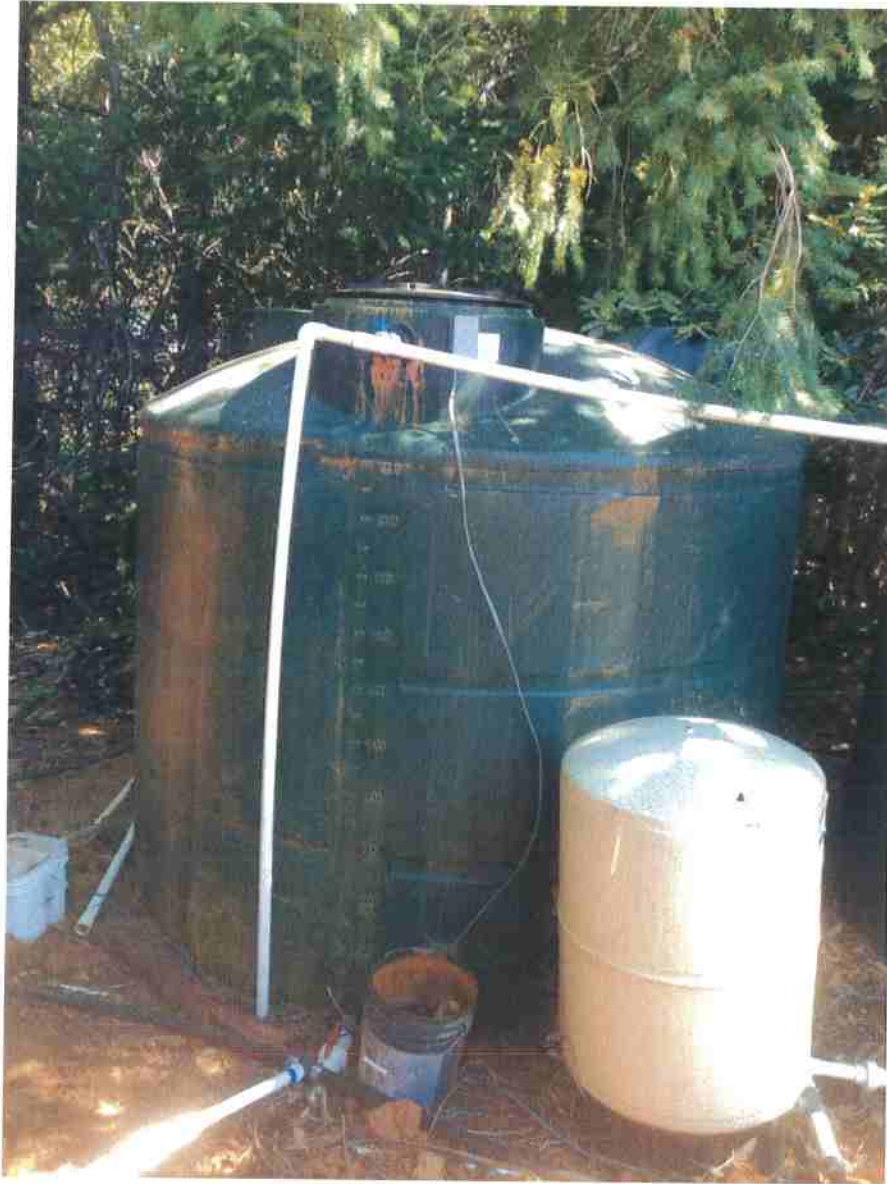


Photo 3: One 3,000 gallon poly water storage tank.  
Photo date 8-15-16

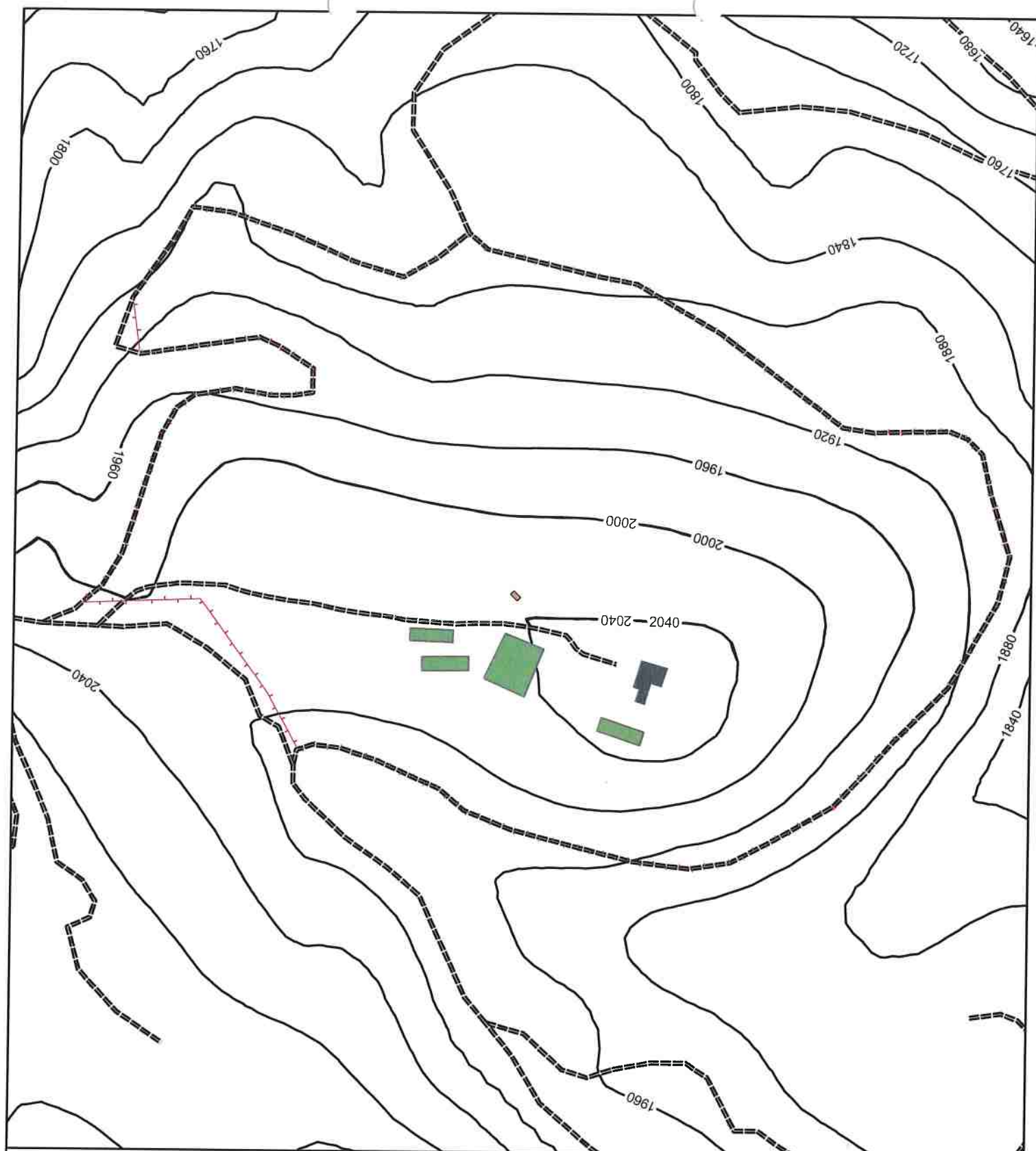




Photo 4: Chemical and Petroleum storage.  
Photo date 8-15-16

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# Mela General Topography

APN: 223-291-02

Section 8, T4S, R4E, HBM

Garberville USGS 7.5 Minute Quadrangle



**Jacobszoon and Associates**  
Natural Resource Planning and Management



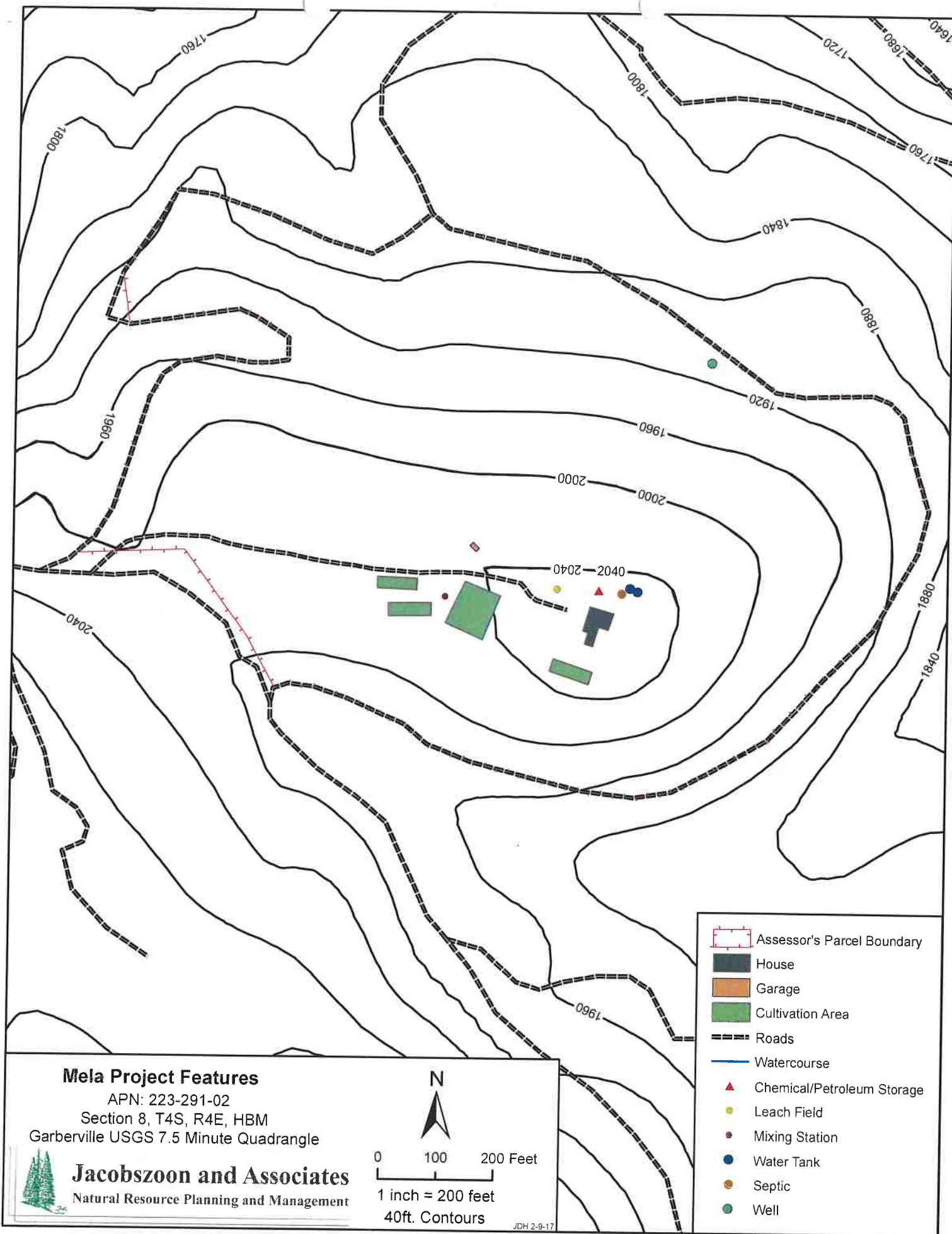
0 100 200 Feet

1 inch = 200 feet  
40ft. Contours

JDH 2-9-17

- Assessor's Parcel Boundary
- House
- Garage
- Cultivation Area
- Roads
- Watercourse





### Mela Project Features

APN: 223-291-02

Section 8, T4S, R4E, HBM

Garberville USGS 7.5 Minute Quadrangle



**Jacobszoon and Associates**  
Natural Resource Planning and Management



0 100 200 Feet

1 inch = 200 feet  
40ft. Contours

JDH 2-9-17

- Assessor's Parcel Boundary
- House
- Garage
- Cultivation Area
- Roads
- Watercourse
- Chemical/Petroleum Storage
- Leach Field
- Mixing Station
- Water Tank
- Septic
- Well





California Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



December 28, 2018

Katie Mela  
Box 1030  
Garberville, CA, 95542  
[sohumchic@aol.com](mailto:sohumchic@aol.com)  
707-223-0004



Subject: **Notification of Lake or Streambed Alteration No. 1600-2017-0801-R1  
Mela Water Diversion. Humboldt County Assessor's Parcel Number 223-  
291-002.**

Dear Katie Mela:

On December 1, 2017, the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On August 27, 2018, the Department received additional information requested in an Incomplete Letter dated December 29, 2017. On September 26, 2018, your Notification was deemed complete.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete. Therefore, the Department had until November 25, 2018, to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, **it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

Your notification includes, but is not limited to, the following information: A water well located at approximately 40.1260, -123.7616 was disclosed in the Notification. No stream crossings or other developed water sources were disclosed.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws.

*Conserving California's Wildlife Since 1870*



Katie Mela  
December 28, 2018  
Page 2 of 3


These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Notification, provided CDFW: a) provides advance notice; and b) allows the Applicant or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until **November 25, 2023**, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Greg O'Connell, Environmental Scientist at [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov).

Sincerely,



Cheri Sanville  
Senior Environmental Scientist Supervisor

Ec:

Tan Oak Farms, LLC  
Katie Mela, [sohumchic@aol.com](mailto:sohumchic@aol.com)



Katie Mela  
December 28, 2018  
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Jacobszoon and Associates, Inc.  
Jacob Hilliard, [jacob@jaforestry.com](mailto:jacob@jaforestry.com)

Humboldt County Planning and Permitting Department  
Cliff Johnson, [CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)

North Coast Regional Water Quality Control Board Water Board Cannabis  
Cultivation Program  
[NorthCoast.Cannabis@Waterboards.ca.gov](mailto:NorthCoast.Cannabis@Waterboards.ca.gov)

California Department of Fish and Wildlife  
Greg O'Connell, [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov)



HUMBOLDT COUNTY HEALTH DEPARTMENT  
DIVISION OF ENVIRONMENTAL HEALTH

RECEIVED

529 "I" Street  
Eureka, CA 95501

Phone 707-445-6215

APPLICATION TO CONSTRUCT, REPAIR OR DESTROY A WATER WELL

OWNER Greg Button ADDRESS 1016 Capuchino  
APPLICANT (if other than owner) ADDRESS Ave, Berkeley CA 94010  
SITE LOCATION 1411 Sarniel RD Garberville CA A.P.# 22329102  
DIRECTIONS Approx 20' from dirt Rd on west side PHONE # 415-343-9040  
DRILLING CONTRACTOR Rural Const. & Drilling Co. LICENSE # 616592

ATTACH PLOT PLAN TO THIS APPLICATION

DESIGN SPECIFICATIONS: Construction ☒ Repair ☐ Destruction ☐

Intended Use	Distance From Well Site To:	Type of Well
Domestic, private <input checked="" type="checkbox"/>	Septic Tank Systems (ft.)	Rotary <input checked="" type="checkbox"/>
Domestic, public <input type="checkbox"/>	<u>NONE IN AREA OR ON PROPERTY</u>	Cable <input type="checkbox"/>
Irrigation <input type="checkbox"/>	Sewer (ft.) <u>&lt;</u>	Dug <input type="checkbox"/>
Industrial <input type="checkbox"/>	Casing	Other _____
Other <input type="checkbox"/>	Single <input checked="" type="checkbox"/> Double <input type="checkbox"/>	Estimated Work Dates
Construction	Material <u>PVC 5"</u>	Start _____
Depth (ft.) <u>200' + or -</u>	Type of Joint <u>glue</u>	Completion _____
Diameter (in.) <u>5"</u>	Gravel Pack <input checked="" type="checkbox"/>	
Depth of Seal(ft.) <u>20</u>		

I hereby agree to comply with all laws and regulations of the County of Humboldt and State of California pertaining to water well construction. I will contact the County Health Department when I commence the work. Within fifteen days after completion of work I will furnish the Humboldt County Health Department a report of the work performed and notify them before putting the well into use. All well work will be completed in accordance with Department of Water Resources Bulletin 74.

Signed: Greg Button By John Morris

FOR OFFICE USE ONLY

Permit # \_\_\_\_\_  
Approved By DL Garin  
Date \_\_\_\_\_  
FEE 80.00 RECEIPT 33827  
DATE 5-10-96 # 1145

Site: \_\_\_\_\_

Inspections: DES 5-15-96  
(initial) (date)  
Final: \_\_\_\_\_  
(initial) (date)





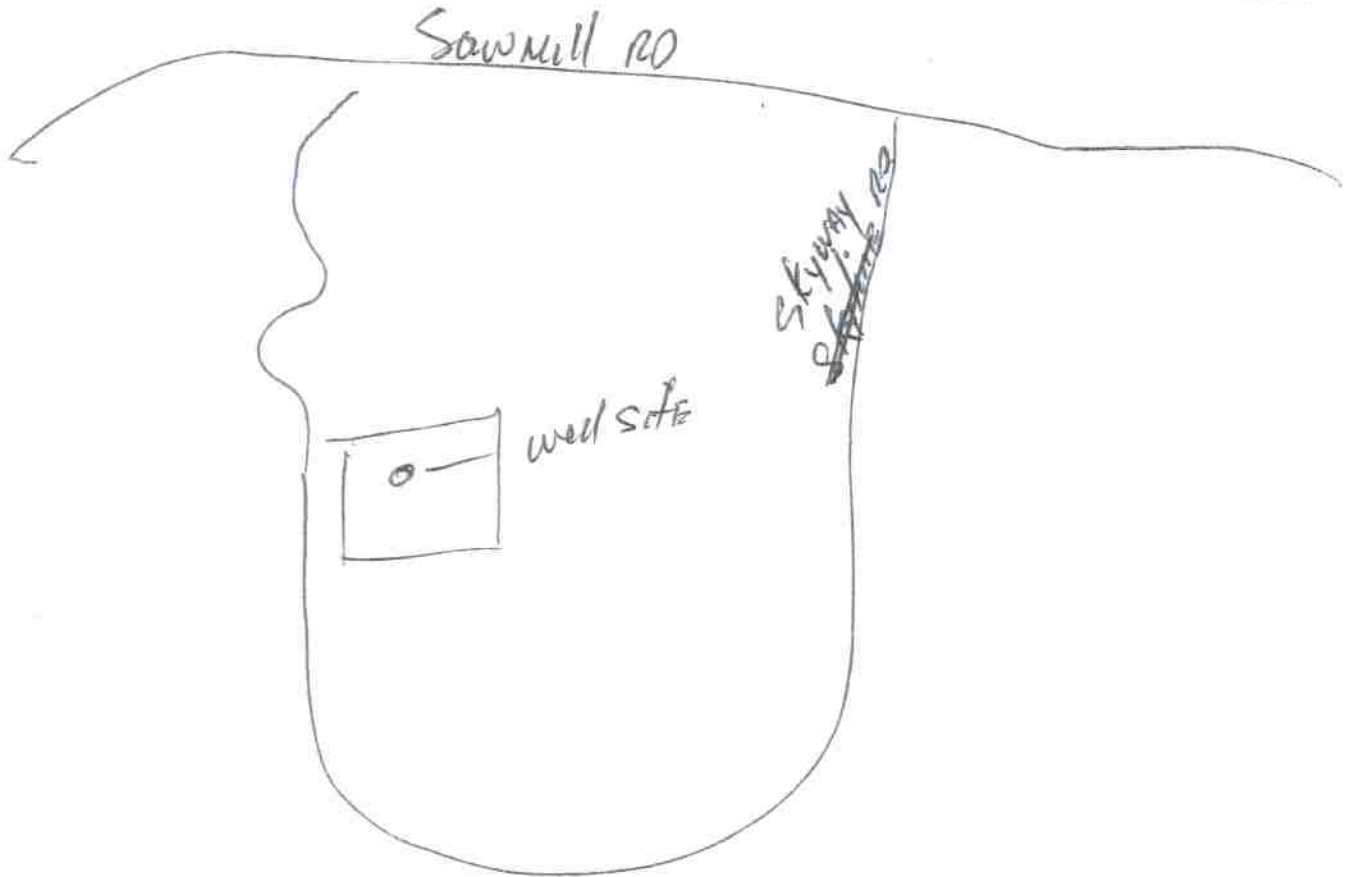
PLOT PLAN

A.P.# 22329102

RECEIVED

MAY 10 1996

HUMBOLDT CO. DIVISION  
OF ENVIRONMENTAL HEALTH





State of California  
**Well Completion Report**  
 Form DWR 188 Submitted 8/17/2018  
 WCR2018-006905



Owner's Well Number \_\_\_\_\_ Date Work Began 06/10/1996 Date Work Ended 06/12/1996  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 1145 Permit Date 05/10/1996

**Well Owner (must remain confidential pursuant to Water Code 13752)**

Name C/O JAKE JEFFRIES, Greg Button  
 Mailing Address 1411 Sawmill Road  
 City Garberville State CA Zip 95542

**Planned Use and Activity**

Activity New Well  
 Planned Use Water Supply Irrigation - Agriculture

**Well Location**

Address 1411 Sawmill RD APN 223-291-002  
 City Garberville Zip 95542 County Humboldt Township 04 S  
 Latitude \_\_\_\_\_ N Longitude \_\_\_\_\_ W Range 04 E  
 Section 08  
 Baseline Meridian Humboldt  
 Dec. Lat. 40.1261700 Dec. Long. -123.7616400  
 Ground Surface Elevation \_\_\_\_\_  
 Vertical Datum \_\_\_\_\_ Horizontal Datum WGS84 Elevation Accuracy \_\_\_\_\_  
 Location Accuracy \_\_\_\_\_ Location Determination Method \_\_\_\_\_ Elevation Determination Method \_\_\_\_\_

**Borehole Information**

Orientation Vertical Specify \_\_\_\_\_  
 Drilling Method Direct Rotary Drilling Fluid Air  
 Total Depth of Boring 200 Feet  
 Total Depth of Completed Well 200 Feet

**Water Level and Yield of Completed Well**

Depth to first water 60 (Feet below surface)  
 Depth to Static \_\_\_\_\_  
 Water Level 60 (Feet) Date Measured 08/16/2018  
 Estimated Yield\* 10 (GPM) Test Type Pump  
 Test Length 4 (Hours) Total Drawdown 140 (feet)  
 \*May not be representative of a well's long term yield.

**Geologic Log - Free Form**

Depth from Surface Feet to Feet	Description
0 200	franciscan sandstone

**Casings**

Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0 100	Blank	Low Carbon Steel	Grade: ASTM A53	0.25	6			
1	100 200	Screen	Low Carbon Steel	Grade: ASTM A53	0.25	6	Milled Slots	0.05	

**Annular Material**

Depth from Surface Feet to Feet	Fill	Fill Type Details	Filter Pack Size	Description
0 20	Cement	Portland Cement/Neat Cement		Sanitary Seal
20 200	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel



Well was originally drilled by Rural Construction & Drilling Co. Lic.# 616592 on June of 1996. Construction verified by Fisch Drilling Lic# 683865 on 8/16/18

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	200	10

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name	FISCH DRILLING		
	Person, Firm or Corporation		
3150 JOHNSON ROAD	HYDESVILLE	CA	95547
Address	City	State	Zip
Signed 	08/17/2018	683865	
electronic signature received C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

scan.pdf - Location Map

CSG #	State Well Number	Site Code	Local Well Number

			N					W
--	--	--	---	--	--	--	--	---

Latitude Deg/Min/Sec

Longitude Deg/Min/Sec

TRS:

APN:



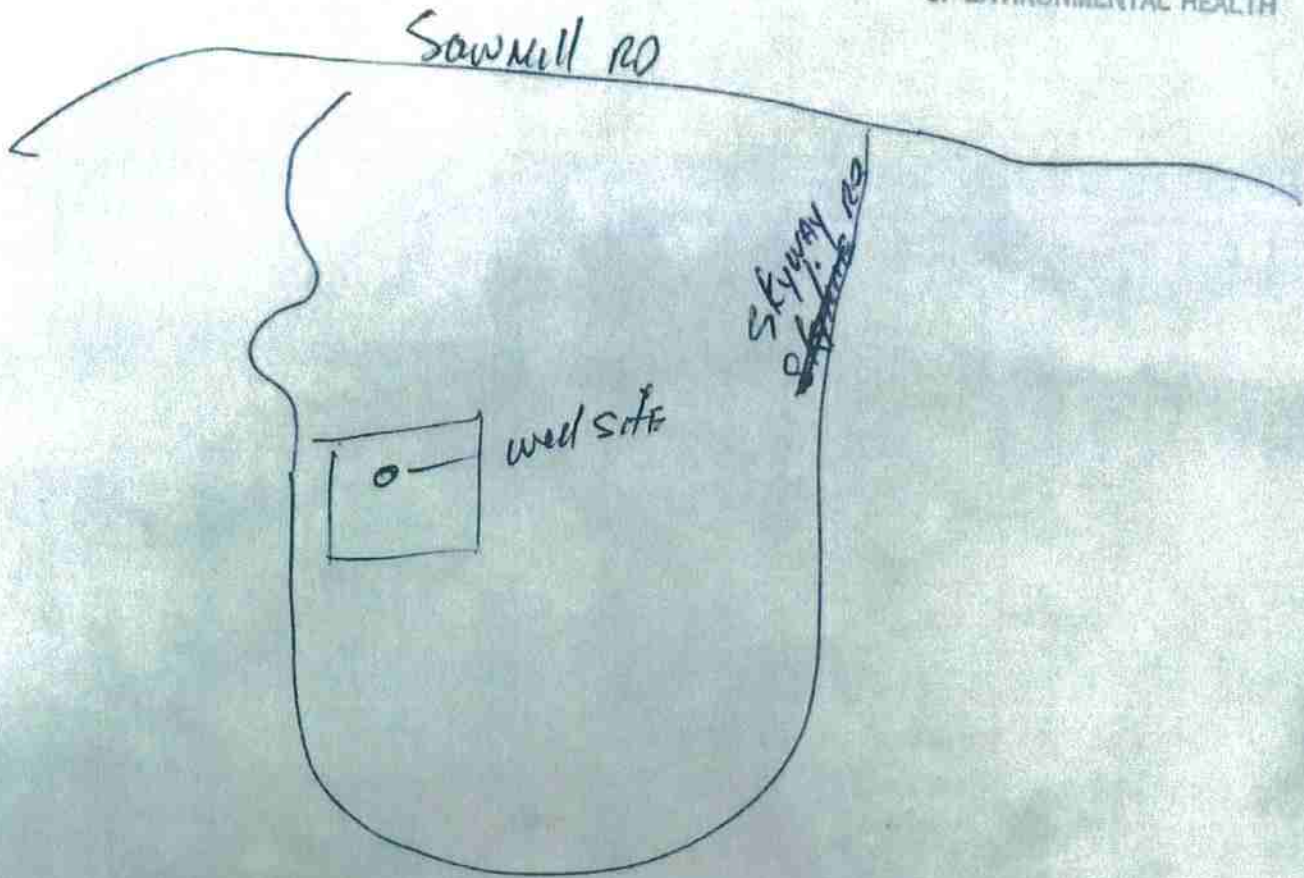
PLOT PLAN

A.P.# 22329102

RECEIVED

MAY 10 1996

HUMBOLDT CO. DIVISION  
OF ENVIRONMENTAL HEALTH





## Fisch Drilling

---

**From:** OSWCR-NoReply@water.ca.gov  
**Sent:** Friday, August 17, 2018 12:21 PM  
**To:** chris@fischdrilling.com  
**Subject:** OSWCR: Thank you for submitting Well Completion Report WCR2018-006905

**\*\*\*\*\*Please do not reply to this e-mail message\*\*\*\*\***

Thank you for submitting your Well Completion Report - A New Production or Monitoring Well, **WCR2018-006905**, using the Online System for Well Completion Reports (OSWCR). The Department of Water Resources will review it for completeness. You will be notified if additional information is required. If you have any questions, please call your local DWR Region Office WCR contact.

DWR Northern Region Office  
April Scholzen  
(530)529-7368  
April.Scholzen@water.ca.gov

To view this record, log in to OSWCR, or use the following link:  
[https://civinet.resources.ca.gov/DWR\\_WELLS/urlrouting.ashx?type=1000&Module=WellCompletion&capID1=18CAP&capID2=00000&capID3=005I4&agencyCode=DWR\\_WELLS](https://civinet.resources.ca.gov/DWR_WELLS/urlrouting.ashx?type=1000&Module=WellCompletion&capID1=18CAP&capID2=00000&capID3=005I4&agencyCode=DWR_WELLS)

Licensed Contractor: FISCH DRILLING License Number: 683865  
Well Owner: Greg Button c/o Jake Jeffries  
Well Owner Address: 1411 Sawmill Road Garberville CA 95542

Well Address: 1411 Sawmill RD, Garberville, CA 95542 County: Humboldt Parcel: 223-291-002  
Latitude/Longitude: 40.1261700°N, -123.7616400°W  
Submitted: 08/17/2018  
Record Status: Submitted





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

**Commercial Medical Marijuana Land Use Ordinance  
Acknowledgement Form**

- ✓ I/we consent onsite inspection of the parcel by County officials at a prearranged date and time for consultation prior to issuance of any clearance or permit, and once annually thereafter.
- ✓ I/we understand the County reserves the right to reduce the size of area allowed for cultivation under any clearance or permit issued, in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation.
- ✓ I/we understand the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an area of traditional tribal cultural affiliation.
- ✓ I/we agree that all structures utilized for Commercial Cannabis Activities will be planned and built in accordance with applicable Building Codes.
- ✓ I/we understand that the information I provide with my application may be released as required by law, judicial order, or subpoena, and could be used in a criminal prosecution.
- ✓ I/we agree to defend, indemnify, and hold harmless the County from any defense costs, including attorneys' fees or other loss connected with any legal challenge brought as a result of the County's review and/or approval of this Entitlement. I/we agree to execute a formal agreement to this effect on a form provided by the County and available for my inspection.
- ✓ I/we understand that the application fee is non-refundable even if I cancel my land use request or it is denied during the Planning permit process.
- ✓ I/we acknowledge that without a complete application package my application may be delayed.
- ✓ I/we recognize that the Planning and Building Department reserves the right to request additional information if necessary to complete review or processing of the application, and confirm or promote conformance to ordinance-specific requirements and standards.

TAN OAK FARMS, LLC

By: Katie Mela

Printed Name

Katie Mela  
Signature

10/4/2016  
Date

Printed Name

Signature

Date



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

**PART A:** Part A may be completed by the applicant

Applicant Name: Katie Mela APN: 223-291-002

Planning & Building Department Case/File No.: 12022 | WP16-508

Road Name: Sawmill Rd (complete a separate form for each road)

From Road (Cross street): Alderpoint Rd

To Road (Cross street): \_\_\_\_\_

Length of road segment: one miles Date Inspected: \_\_\_\_\_

Road is maintained by: ☐ County ☒ Other Private Road Association  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

☒ Box 1

The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

☒ Box 2

The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

☐ Box 3

The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Katie Mela  
Signature

12/13/2017  
Date

Katie Mela  
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



## ATTACHMENT 4

### 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.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	No Response	I
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Comments & Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Intertribal Sinkiyone Wilderness Council		No Response	
Southern Humboldt Joint Unified School District		No Response	
County Counsel		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	





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

4/16/2018

**PROJECT REFERRAL TO: Building Inspection 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, 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, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Southern Humboldt Joint Unified School District

**Applicant Name** Tan Oak Farms, LLC **Key Parcel Number** 223-291-002-000

**Application (APPS#)** 12022 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-508

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 5/1/2018**

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 (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: \_\_\_\_\_

DATE: 7/24/18

PRINT NAME: Rudy Marengi

223-291-002





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

3015 H STREET EUREKA CA 95501  
PHONE: (707) 445-7245 FAX: (707) 445-7446

## Building Division's Referral Comments for Cannabis Operations:

Application No.: 46940/12022  
Parcel No.: 223-291-002  
Case No.: CUP 16-508

The following comments apply to the proposed project, (check all that apply).

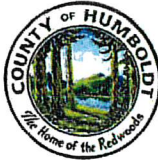
- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show storage building as  
processing and storage, each GH with dimensions, each GH numbered,  
propagation space with dimensions, all grading over 50 cubic yards, and  
all grading on slopes 15% or over.  
\_\_\_\_\_  
\_\_\_\_\_

Name: Rudy Marengi

Date: 7/24/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.





ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

839-5401

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

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 MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	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

DATE: 9-05-2018

RE:

Applicant Name	Tan Oak Farms, LLC
APN	223-291-002
APPS#	12022
CASE#	CUP16-508

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:

Applicant has submitted a road evaluation report,  
dated 12/13/2017, with PART A-Box 2 checked,  
certifying that the road is equivalent to a  
road cat 4 standard.

// END //



## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12022

☐ **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 //



**From:** [Stockwell, Carrie@CALFIRE](mailto:Stockwell_Carrie@CALFIRE)  
**To:** [Planning Clerk](#)  
**Subject:** APN: 223-291-002-000 Mela, Katie  
**Date:** Thursday, April 19, 2018 11:48:07 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

STATE OF CALIFORNIA THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor



**DEPARTMENT OF FORESTRY AND FIRE  
PROTECTION**

Humboldt – Del Norte Unit

118 Fortuna Blvd.  
Fortuna, CA 95540  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
(707) 726-1272

Ref: 7100 Planning  
Date: April 19, 2018

John Ford  
Humboldt County Planning and Building Department – Planning Division  
3015 H Street  
Eureka, CA 95501

**Attention:** Cannabis Planner  
**Applicant:** Mela, Katie  
**APN:** 223-291-002-000  
**Area:** Garberville  
**Case Numbers:** SP16-541

**Humboldt County Application #:** 12022  
**Type of Application:** Conditional Use Permit  
**Date Received:** 4/19/2018  
**Due Date:** 5/1/2018

**Project Description:** An application for a Conditional Use permit for 15,944 square feet (SF) of existing, outdoor, medical cannabis cultivation. The applicant proposes to relocate portions of the existing cultivation to an environmentally superior location on-site. Water for irrigation is sourced from an existing groundwater well. Water is stored in two tanks totalling 6,000 gallons. Processing, including drying and trimming would occur on-site in a proposed 1,104 SF metal building. The applicant states that two employees are needed for operations. Electricity is sourced from PG&E.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Kurt McCray**, Unit Chief

-  
-  
-

FIRE SAFE



-

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
  - During the declared fire season CAL FIRE increases its preparedness level for the purpose of suppressing wildland fires in the SRA. Response to non-fire incidents in the SRA or to areas outside of the SRA are usually predetermined through Cooperative Fire Protection Agreements with the agency having fiscal responsibility for fire protection. When cooling weather, rain, and snow are sufficient to reduce the fire threat, CAL FIRE then reduces its preparedness level by reducing seasonal staff, and closing outlying stations.
  - It is not CAL FIRE's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.
  - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.



5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

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#### RESOURCE MANAGEMENT

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CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management



plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a “Ten Year Phase Out,” which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE’s minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health & Safety Code 11379.6 states that oil extraction with flammable or volatile solvents is prohibited within 300 feet of a residential occupancy. HSC 11362.769 Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with California Fire Code. Specifically, Chapter 38 Plant Processing and Extraction Facilities and Chapter 53 Compressed Gases.
4. All materials hazardous and non-hazardous associated with oil extraction and plant process shall be utilized in conformance Chapter 38 of the California Fire Code. Manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county’s SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance.
5. Humboldt County Ordinance 55.4.11(u) (a) states; “Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring



properties between sunset and sunrise.” Failure to shield artificial light during the night creates a light pollution that is easily mistaken for a fire. As a result, a CAL FIRE wildland fire response may be initiated and ultimately terminated as a false alarm. This false alarm may result in citation and/or fine to the violator.



**From:** [Titus.Lucas@CALFIRE](mailto:Titus.Lucas@CALFIRE)  
**To:** [HUU.CEQA@CALFIRE](mailto:HUU.CEQA@CALFIRE); [Planning Clerk](#)  
**Subject:** APN# 223-291-002 Tan Oak Farm, LLC APPS#12022  
**Date:** Monday, April 23, 2018 8:45:27 AM

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Resource Management has no comments regarding this project at this time.

Lucas Titus  
Forester I, Bridgeville Resource Management  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Humboldt-Del Norte Unit  
Office (707)777-1720  
Cellular (707)599-6893

Every Californian should conserve water. Find out how at:

[SaveOurWater\\_Logo](#)



[SaveOurWater.com](#) · [Drought.CA.gov](#)



**From:** [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)  
**To:** [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk@HUU.CEOA@CALFIRE)  
**Subject:** APN: 223-291-002-000 Mela, Katie APPS#12022  
**Date:** Saturday, May 12, 2018 1:45:27 PM

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No additional comments from B-1211

*M. Isaac Lake*

Battalion Chief

**CAL FIRE**

**HUMBOLDT-DEL NORTE UNIT**

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

[MLake@fire.ca.gov](mailto:MLake@fire.ca.gov)





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

4/16/2018

PROJECT REFERRAL TO: California Department of Fish And Wildlife

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, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Southern Humboldt Joint Unified School District

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Applicant Name     Tan Oak Farms, LLC   Key Parcel Number   223-291-002-000

Application (APPS#)   12022   Assigned Planner   Cannabis Planner (CPOD) (707) 445-7541   Case Number(s)   CUP16-508

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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   5/1/2018

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
E-mail: [PlanningClerk@co.humboldt.ca.us](mailto:PlanningClerk@co.humboldt.ca.us)   Fax: (707) 268-3792

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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: \_\_\_\_\_

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DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_





**California Department of Fish and Wildlife  
CEQA Referral Checklist**

Applicant: Tan Oak Farms		Date: 11/5/2018	
APPS No.: 12022	APN: 223-291-002	DFW CEQA No.: 2017-XXXX	Case No.: CUP16-508
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): 15,944 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

**Please provide the following information prior to Project Approval:** *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ Aerial Imagery analysis suggests cultivation areas has been expanded post January 1, 2016. CDFW requests the County suspend processing this application, and that all cultivation activities cease until baseline biological surveys have been conducted. Furthermore, CDFW requests, information regarding actions taken by the County to resolve illegal expansion that has taken place on subject parcel.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
  - a. If the source is a well(s), provide a copy of the well completion log.
  - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
  - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- ☒ Conduct a baseline biological survey of the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should develop a nine-quadrant search and conduct appropriate surveys in all areas that have the potential to be directly and indirectly impacted by the



project and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.

- ☒ Aerial imagery and referral materials suggest that significant grading has taken place on the parcel post January 1, 2016. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.
- ☒ Due to the expansion and/or relocation of cultivation (prior to project approval) an exemption pursuant to Title 14 of the California Code of Regulations appears inappropriate.
- ☒ CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.

**Please note the following information:**

- ☒ Water for this Project is sourced from a groundwater well. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

Please confirm that you have received this email.



Sincerely,

California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501