



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

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Hearing Date: January 20, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Not Fade Away Farms, LLC, Special Permit**  
Record Number: PLN-12628-CUP  
Assessor's Parcel Number (APN): 216-382-059  
5500 Rancho Sequoia Drive, Alderpoint area

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

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> January 20, 2022	<b>Subject</b> Special Permit	<b>Contact</b> Megan Marruffo
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**Project Description:** A Special Permit for 7,948 square feet (SF) of existing outdoor cannabis cultivation with 240 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well; however, the applicant plans to switch to rainwater catchment within two (2) years. Existing available water storage is 6,000 gallons in three (3) hard-sided tanks with an additional 71,500 gallons proposed in fifteen (15) tanks, for a total of 77,500 gallons of onsite water storage (2,500 gallons of which is dedicated for domestic use). Estimated annual water usage is 75,000 gallons. Onsite processing occurs and a maximum of three (3) people will be on-site during peak operations. Power is provided by generators; however, the applicant plans to add solar and switch to a propane generator.

**Project Location:** The project is located in the Alderpoint area, on the east and west sides of Upper Willow Road, approximately 0.6 miles north from the intersection of Rancho Sequoia Drive and Upper Willow Road, on the property known as 5500 Rancho Sequoia Drive.

**Present Plan Land Use Designations:** Residential Agriculture (RA5-20) Density: five to twenty acres per dwelling unit, Slope Stability: Moderate Instability (2).

**Present Zoning:** Forestry Recreation with Special Building Site Combining Zone (FR-B-5(10))

**Record Number:** PLN-12628-CUP

**Assessor's Parcel Number:** 216-382-059

**Applicant**

Not Fade Away Farms, LLC  
C/O LaDonna Auxier  
1271 Evergreen Road #414  
Redway, CA 95560

**Owner**

LaDonna Auxier and Eric Rempfer  
1271 Evergreen Road #414  
Redway, CA 95560

**Agent**

Tina Stillwell  
494 Maple Lane  
Garberville, CA 95542

**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.

**Not Fade Away Farms, LLC**  
Record Number: PLN-12628-CUP  
Assessor's Parcel Number: 216-382-059

**Recommended Zoning Administrator 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 Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Not Fade Away Farms, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Not Fade Away Farms, LLC, seeks a Special Permit to allow the continued cultivation of 7,948 square feet (SF) of outdoor cultivation with 240 SF of ancillary propagation, for a total of 8,188 SF of onsite cultivation, 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 (RA5-20) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation with Special Building Site Combining Zone (FR-B-5(10)). Cultivation takes place in the southern half of the property within two (2) full-sun outdoor terrace areas (totaling 2,985 SF) and six (6) hoophouses utilizing light deprivation techniques, which range in size from 216 SF up to 1,600 SF (4,963 SF total). A total of 240 SF of ancillary propagation occurs onsite within two (2) structures, located to the west of the cultivation. Two (2) harvests are anticipated annually for a growing season that extends from March through November.

Onsite drying and processing occurs onsite within a 360 SF shed structure and 120 SF area, respectively. The operation is conducted by LLC members and immediate family only; no additional employees are required. A maximum of three (3) people will be on-site during peak operations. Power is provided by generators with three (3) 50-watt solar panels serving the existing residence; however, the applicant has long term plans to add additional solar and switch to a propane generator. The operation is secured behind locked gates and all visitors are verified before being allowed entrance to the property. Additionally, cannabis storage occurs in locked areas.

**Timber Conversion**

Based on review of historic aerial imagery dating back to 2004, timber conversion has occurred onsite in order to accommodate the existing residence and greenhouses, and appears to have occurred between 2005 and 2009, prior to the CMMLUO environmental baseline date of January 1, 2016. It is not clear if a harvest document was obtained from the California Department of Forestry and Fire Protection (CAL FIRE) prior to removing the trees. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CAL FIRE, as determined necessary by the RPF, to address previously unpermitted timber conversion. Should any timber conversion be determined to have occurred after the CMMLUO baseline date, the applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO, and shall re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date a rate of 3:1. The report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.

**Water Resources**

Estimated annual water usage is 75,000 gallons (9.16 gal/SF) with peak demand occurring in August and September at approximately 24,000 gallons per month, as shown in the table below. Onsite cannabis is

irrigated utilizing a timed, metered, drip irrigation system. Time of day watering (early morning or evenings) is utilized to prevent any evaporation, runoff, and for water conservation.

Table 1. Monthly Water Use (in Gallons)

Month	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gallons	0	0	0	6,000	6,000	6,400	6,400	24,000	24,000	2,400	0	0
Total	75,000											

Water for irrigation is currently provided by an on-site groundwater well (18/19-0909); however, the applicant proposes to convert to rainwater catchment within a two-year period. The onsite well is also registered with the California Department of Water Resources (WCR2019-006574). The well is located west of the cultivation area, just east of Upper Willow Road, approximately 133 feet northwest of the nearest Streamside Management Area and 40 feet higher in elevation. According to the Well Completion Report (see Attachment 3), the well is 120 feet deep and drilled through sandstone, fractured shale with quartz, clay, and top soil. A PVC screen blank is installed for the entire depth of the well. Based on the distance from the nearest watercourse and the use of a PVC screen for the entire depth of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.

Under the project, the applicant will switch their irrigation water source to rainwater catchment and will remove the existing water line for irrigation from the well. Please note the well will still be utilized solely for the onsite residence.

Existing available water storage is 6,000 gallons in three (3) HDPE water storage tanks, with one (1) of the tanks (2,500 gallons) dedicated for domestic use for the onsite residence. Fifteen (15) additional HDPE water tanks totaling 71,500 gallons (one 1,500-gallon and fourteen 5,000-gallon tanks) are proposed and will be located to the north of the three (3) existing storage tanks. This will result in a total of 77,500 gallons of onsite water storage, with 2,500 gallons utilized for domestic use. A metered line will be installed to the cultivation area from the rainwater catchment tanks.

Conditions of approval require the applicant to monitor water use from the well and storage tanks annually to demonstrate there is sufficient water available to meet operational needs, and to make the conversion to rainwater catchment for irrigation within a two-year period.

Per review of the County's GIS and the Site Plan, an unnamed stream, a tributary to Powers Creek, traverses the southeastern portion of the property. While the respective Streamside Management Area (SMA) buffer is not depicted on the Site Plan, County WebGIS indicates the existing residence and existing cultivation is located within the SMA buffer, shown to be 170 feet, as measured from the centerline of the stream. The project is conditioned to require the applicant to relocate any existing cultivation located within the respective SMA buffer to a previously disturbed area without the use of heavy machinery, and submit a revised site plan depicting the SMA buffer locations and existing and proposed locations of the relocated cultivation area(s).

A Notice of Applicability (NOA) was obtained from the North Coast Regional Water Quality Control Board (NCRWQCB) in July 2020 (WDID 1\_12CC423532; Attachment 3) in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge. The applicant is required to provide a copy of all documents filed with SWRCB, including, but not limited to, a Site Management Plan (SMP), and shall implement any recommendations detailed in the SMP to minimize any potential impacts associated with the project and minimize runoff into nearby SMAs.



The applicant submitted a Notification of Lake or Streambed Alteration for Cannabis Cultivation application (Notification No. 1600-2019-0536-R1) to the California Department of Fish and Wildlife (CDFW) in June 2019 (Attachment 3) regarding the existing operation and onsite well. The applicant is required to finalize the Agreement with CDFW, as necessary, and comply with all applicable terms of the Final Agreement.

### **Biological Resources**

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in September 2021, there are no mapped sensitive species onsite and the nearest Northern Spotted Owl (NSO) positive sighting and NSO activity center are located approximately 1.81 miles and 5.04 miles from the cultivation area, respectively. Power to the site is currently provided by generators, with three (3) 50-watt solar panels serving the existing residence; however, the applicant has indicated there are long-term plans to add additional solar and switch to a propane generator. There is no use of artificial lighting authorized by this permit. The conditions of approval require the applicant to implement noise and light attenuation, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. 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.

### **Access**

Access to the site is via a driveway off Upper Willow Road (a private road) via Rancho Sequoia Road (a private road) and Alderpoint Road (a County-maintained road developed to Category 4 road standards). Road Evaluation Reports for the 2.1-mile segment of Rancho Sequoia Road from Alderpoint Road to Upper Willow Road, and for Upper Willow Road from Rancho Sequoia Road to the private driveway, were prepared by DTN Engineering and Consulting in August 2019 (Attachment 3). The Road Evaluation Reports conclude that the two road segments are not developed to the equivalent of a Category 4 road; however, per Part B of the Road Evaluation Reports, the two road segments were found to be very low volume roadways and can accommodate the increased traffic from the proposed project and all known cannabis projects if the recommendations in the *Roadway Evaluation for APN #216-382-059, APPS 12628* (DTN Report), prepared by DTN Engineering and Consulting, are implemented. The DTN Report assesses Rancho Sequoia Road from the subject property to Alderpoint Road, Upper Willow Road from the subject property to Rancho Sequoia Road, and the private driveway to Upper Willow Road. The submitted report included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight.

Several recommendations are included in the DTN Report, including the following:

- Rancho Sequoia Road: establish pullouts for curves at the locations identified, verify sizing and fix crushed and clogged culverts, remove abandoned vehicles, regrade the road to create positive drainage, clean ditches and re-establish roadside ditches, fix identified erosion issues, construct a paved approach at the intersection of Rancho Sequoia Road and Alderpoint Road, and construct waterbars and rolling dips
- Upper Willow Road: regrade Upper Willow Road and construct rolling dips and waterbars
- Private Driveway: regrade the driveway, apply a dry lime treatment to the driveway for a hard driving surface due to steep grades, and construct rolling dips and waterbars

The Rancho Sequoia Road network has been heavily evaluated, with the inclusion of outside agency comments and review including the SWRCB and the CDFW, including consulting engineers that have compiled detailed descriptions of the current conditions of the road a three-year and a ten-year remediation and improvement plan with associated cost estimates to complete the proposed work totaling roughly 1.5-million dollars. The improvements include the cleanup of chemical spills along the road, grading, re-sloping, installation of water bars, improvements to drainage, culverts, and the use of fill, and the application of lime and lignin for areas of high clay that have led to sink holes and major rutting. Due to the extensive level of road improvements and associated costs, the road improvement projects will be performed under the Rancho Sequoia Road Association (RSRA) (A Road Maintenance Association) including acquiring a Lake or Streambed Alteration Agreement through the CDFW, permits

and approval including sign off of a Restoration and Monitoring Plan (RMP) through the SWRCB, and all required permitting and review through the Public Works Land Use. As conditioned the applicant is required to provide evidence, of inclusion within the RSRA including annual receipts showing the required contributions to the association. The RSRA will be conditioned to implement and adhere to any finalized or amended Lake or Streambed Alteration Agreement tied to the road improvements as included in the recommended improvements of the engineered road evaluation performed by DTN engineering (Attachment 3) as well as adherence to the approved RMP through the SWRCB conditions to any road improvements that fall under their jurisdiction. In the event the applicant is unable to maintain membership within Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road through the life of the project. Additional documentation approved or required by CDFW or SWRCB shall be provided to the Humboldt County Planning Department on an annual basis or upon project updates whichever occurs first and an annual period.

The project is conditioned to implement all recommendations contained in the DTN Report and maintain membership in the RSRA. Additionally, based on comments received from the Department of Public Works, Land Use Division in December 2019, any existing of proposed driveway to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the access road (Upper Willow Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road). Further, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Conditions of approval require the applicant join the Rancho Sequoia Road and Upper Willow Road Maintenance Associations and shall pay fair-share cost for the specific improvements identified in the DTN Report, Public Works' comments, and maintenance of the roads.

#### **Consistency with Humboldt County Board of Supervisors Resolution No. 18-43**

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 83 permits and the total approved acres would be 40.5 acres of cultivation.

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 Zoning Administrator (See Attachment 2 for more information).

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number: 22-  
Record Number: PLN-12628-CUP  
Assessor's Parcel Number: 216-382-059**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Not Fade Away Farms, LLC, Special Permit request.**

**WHEREAS**, Not Fade Away Farms, LLC, submitted an application and evidence in support of approving a Special Permit for an existing 7,948 square foot (SF) outdoor cannabis cultivation with 240 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well; however, the applicant plans to switch to rainwater catchment within a two-year period. Existing available water storage is 6,000 gallons in three (3) hard-sided tanks with an additional 71,5000 gallons proposed in fifteen (15) tanks, for a total of 77,500 gallons of onsite water storage (2,500 gallons of which is dedicated for domestic use). Onsite processing occurs and a maximum of three (3) people will be on-site during peak operations. Power is provided by generators; however, the applicant plans to add solar and switch to a propane generator; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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 Zoning Administrator held a duly-noticed public hearing on January 20, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all the following findings:

**1. FINDING:**                    **Project Description:** The application is a Special Permit for an existing 7,948 square foot (SF) outdoor cannabis cultivation with 240 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well. Existing available water storage is 6,000 gallons in three (3) hard-sided tanks with an additional 71,5000 gallons proposed in fifteen (15) tanks, for a total of 77,500 gallons of onsite water storage (2,500 gallons of which is dedicated for domestic use). Estimated annual water usage is 75,000 gallons. Onsite processing occurs and a maximum of three (3) people will be on-site during peak operations. Power is provided by generators; however, the applicant plans to add solar and switch to a propane generator.

**EVIDENCE:**            a) Project File: PLN-12628-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 Notice of Applicability was obtained from the North Coast Regional Water Quality Control Board in compliance with the State Water Board Cannabis General Order for Waste Discharge. The applicant is required to provide a copy of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. Additionally, conditions of approval require the applicant to adhere to and implement the recommendations in the Site Management Plan and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in September 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting and activity center are located approximately 1.81 miles and 5.04 miles from the cultivation area, respectively. There is no use of artificial lighting authorized by this permit. 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) Based on review of historic aerial imagery dating back to 2004, timber conversion has occurred onsite in order to accommodate the existing residence and greenhouses, and appears to have occurred between 2005 and 2009. It is not clear if a harvest document was obtained from the California Department of Forestry and Fire Protection (CalFire) prior to removing the trees. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. Should any timber conversion be determined to have occurred after the CMMLUO baseline date, the applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO, and shall re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date a rate of 3:1. The report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.
- f) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which is included as an ongoing condition of approval.
- g) Road Evaluation Reports for the 2.1-mile segment of Rancho Sequoia Road from Alderpoint Road to Upper Willow Road, and for Upper Willow Road from Rancho Sequoia Road to the private driveway, were prepared by DTN Engineering and Consulting in August 2019. The Road Evaluation Reports conclude that the two road segments are not developed to the equivalent of a Category 4 road; however, per Part B of the Road Evaluation Reports,

the two road segments were found to be very low volume roadways, can accommodate the increased traffic from the proposed project and all known cannabis projects, and would be suitable for safe access to and from the project site if the recommendations in the *Roadway Evaluation for APN #216-382-059, APPS 12628* (DTN Report), prepared by DTN Engineering and Consulting, are implemented.

The DTN Report assesses Rancho Sequoia Road from the subject property to Alderpoint Road, Upper Willow Road from the subject property to Rancho Sequoia Road, and the private driveway to Upper Willow Road. The submitted report included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. Several improvements are recommended in the DTN Report. In addition, the Department of Public Works requires any existing or proposed driveway to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the access road (Upper Willow Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road). Further, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). The project is conditioned to implement all recommendations contained in the DTN Report and Public Works' comments. Specifically, the applicant shall join the Rancho Sequoia Road and Upper Willow Road Maintenance Associations and shall pay fair-share cost for the specific improvements identified in the DTN Report, Public Works' comments, and maintenance of the roads.

#### **FINDINGS FOR SPECIAL 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 Forestry Recreation (FR) zone in which the site is located.

**EVIDENCE** a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was

in existence prior to January 1, 2016. The application for 7,948 square feet (SF) of outdoor cultivation with 240 SF of ancillary propagation on a 13.2-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 FR (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 (Lot B of Parcel Map 42, Book 001, Page 057).
- c) Water for irrigation is currently provided by a permitted onsite groundwater well (18/19-0909) that is also registered with the California Department of Water Resources (WCR2019-006574); however, the applicant proposes to convert to rainwater catchment within a two-year period. The well is located west of the cultivation area, just east of Upper Willow Road, approximately 133 feet northwest of the nearest Streamside Management Area and 40 feet higher in elevation. According to the Well Completion Report (see Attachment 3), the well is 120 feet deep and drilled through sandstone, fractured shale with quartz, clay, and top soil. A PVC screen blank is installed for the entire depth of the well. Based on the distance from the nearest watercourse and the use of a PVC screen for the entire depth of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.

Under the project, the applicant will switch their irrigation water source to rainwater catchment and will remove the existing water line for irrigation from the well. The well will continue to be utilized solely for the onsite residence.

Existing available water storage is 5,500 gallons in two (2) HDPE water storage tanks, with one (1) of the tanks (2,500 gallons) dedicated for domestic use for the onsite residence. Fifteen (15) additional HDPE water tanks totaling 71,500 gallons are proposed and will be located to the north of the three (3) existing storage tanks. This will result in a total of 77,500 gallons of onsite water storage, with 2,500 gallons utilized for domestic use. A metered line will be installed to the cultivation area from the rainwater catchment tanks.

Conditions of approval require the applicant to monitor water use from the well and storage tanks annually to demonstrate there is sufficient water available to meet operational needs, and to make the conversion to rainwater catchment for irrigation within a two-year period.

- d) Road Evaluation Reports for the 2.1-mile segment of Rancho Sequoia Road from Alderpoint Road to Upper Willow Road, and for Upper Willow Road from Rancho Sequoia Road to the private driveway, were prepared by DTN Engineering and Consulting in August 2019. The Road Evaluation Reports conclude that the two road segments are not developed to the equivalent of a Category 4 road; however, per Part B of the Road Evaluation Reports,

the two road segments were found to be very low volume roadways and can accommodate the increased traffic from the proposed project and all known cannabis projects if the recommendations in the *Roadway Evaluation for APN #216-382-059, APPS 12628* (DTN Report), prepared by DTN Engineering and Consulting, are implemented.

The DTN Report assesses Rancho Sequoia Road from the subject property to Alderpoint Road, Upper Willow Road from the subject property to Rancho Sequoia Road, and the private driveway to Upper Willow Road. The submitted report included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. Several improvements are recommended in the DTN Report. In addition, the Department of Public Works requires any existing or proposed driveway to serve as access for the proposed project that connects to a County-maintained road shall be improved to current standards for a commercial driveway, and, as a result, the access road (Upper Willow Road) shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road). Further, all driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). The project is conditioned to implement all recommendations contained in the DTN Report and Public Works' comments. Specifically, the applicant shall join the Rancho Sequoia Road and Upper Willow Road Maintenance Associations and shall pay fair-share cost for the specific improvements identified in the DTN Report, Public Works' comments, and maintenance of the roads.

- e) The slope of the land where cannabis will be cultivated is located on a slope with a natural grade ranging from 30 - 50%. The cultivation site is located on a graded flat with less than 5% slope.
- f) Based on review of historic aerial imagery dating back to 2004, timber conversion has occurred onsite in order to accommodate the existing residence and greenhouses, and appears to have occurred between 2005 and 2009. It is not clear if a harvest document was obtained from the California Department of Forestry and Fire Protection (CalFire) prior to removing the trees. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. Should any timber conversion be determined to have occurred after the CMMLUO baseline date, the applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO, and shall re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date a rate of 3:1. The report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet 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 7,948 square feet of outdoor cannabis cultivation with 240

SF of ancillary propagation 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) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation, with implementation of the recommendations contained in the *Roadway Evaluation for APN #216-382-059, APPS 12628* (DTN Report), prepared by DTN Engineering and Consulting, are implemented
  - b) The site is in a rural part of the County where the typical parcel size is over 10 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 is currently sourced from a permitted onsite groundwater well (18/19-0909) that is also registered with the California Department of Water Resources (WCR2019-006574); however, the applicant proposes to convert to rainwater catchment within a two-year period. The well will continue to be utilized solely for the onsite residence.
  - 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** Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds

- FINDING**
- a) The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 83 permits and the total approved acres would be 40.5 acres of cultivation.

**8. 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 is currently developed with one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized as such on this parcel.



## DECISION

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

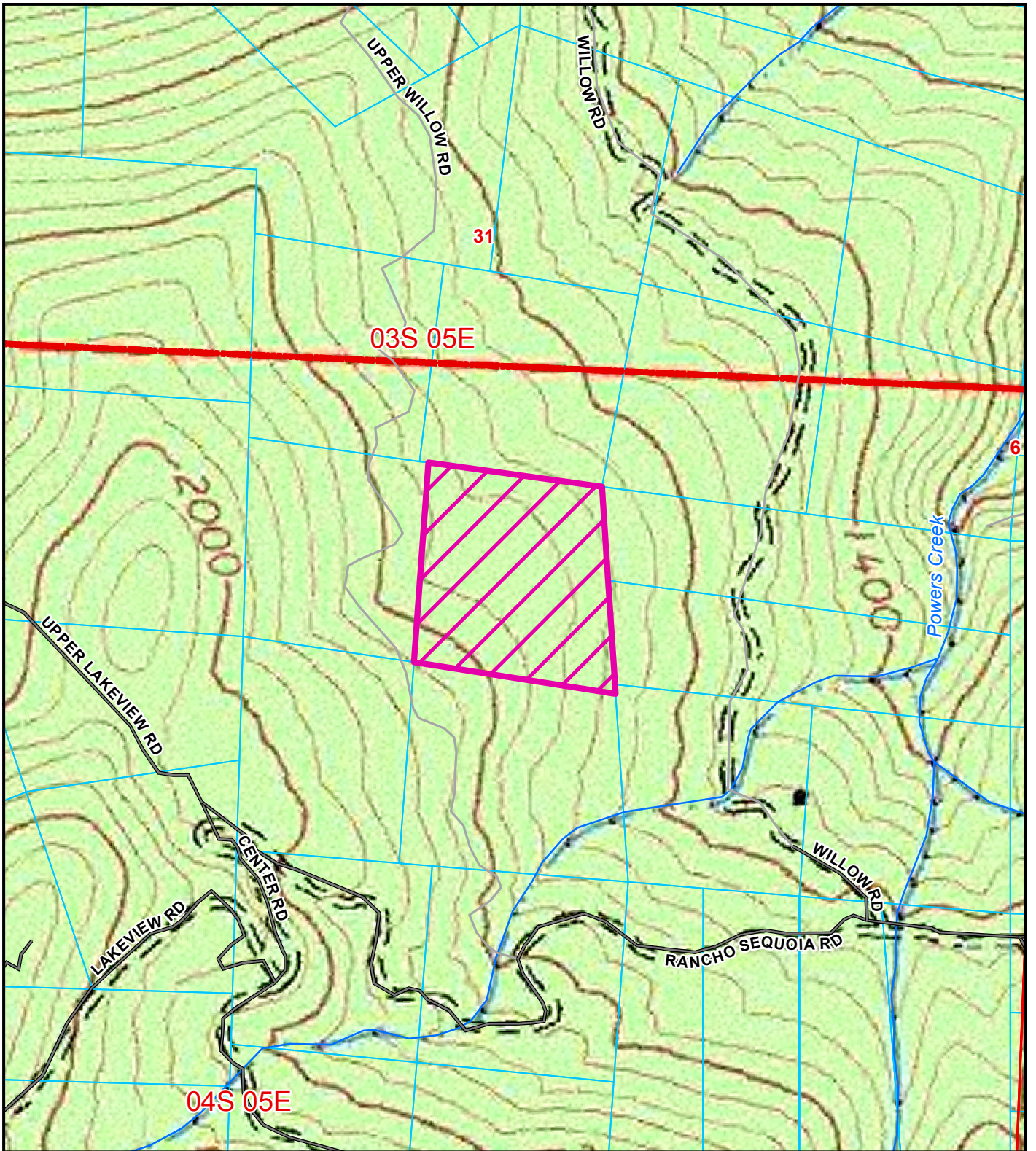
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Not Fade Away Farms, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on January 20, 2022.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John H. Ford, Zoning Administrator,  
Planning and Building Department

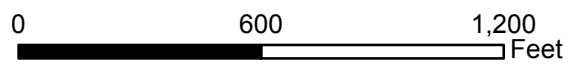


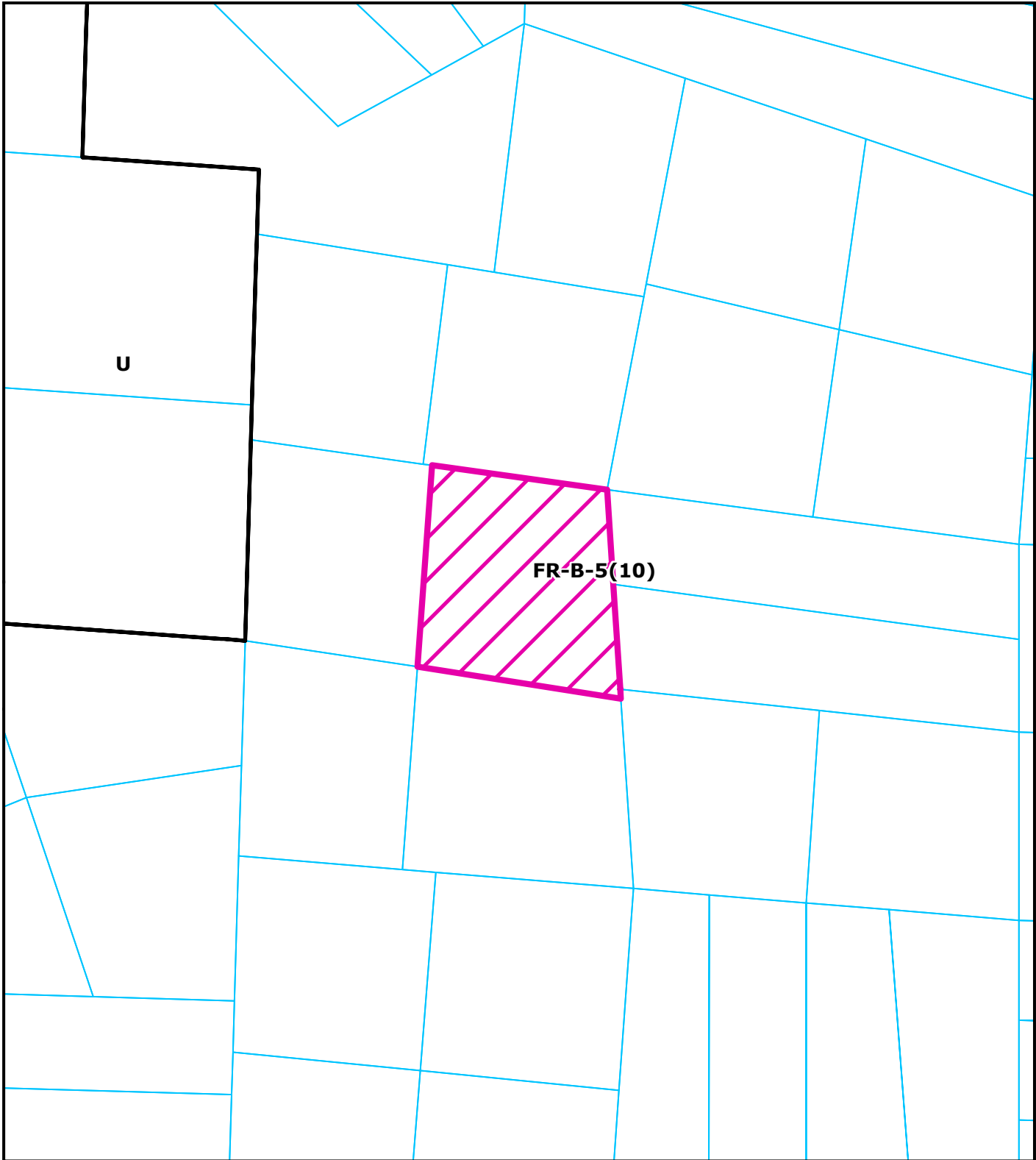
Project Area = 

**TOPO MAP**  
**PROPOSED SHANE SMITH**  
**ALDERPOINT AREA**  
**CUP-16-775**  
**APN: 216-382-058-000**  
**T04S R05E S6 HB&M (FORT SEWARD)**



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.



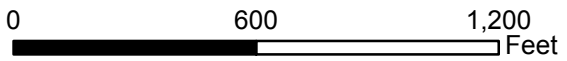


Project Area = 

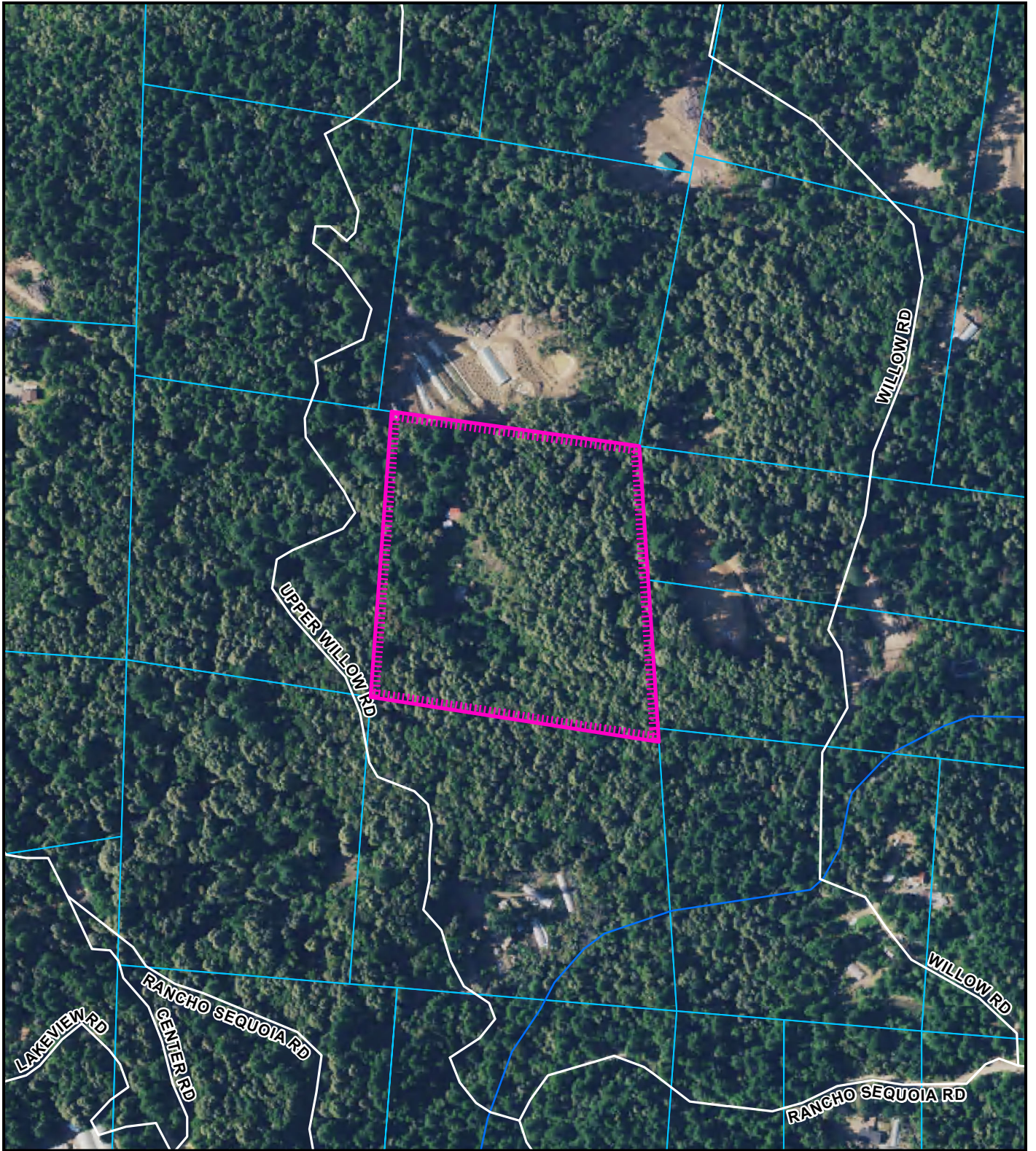
**ZONING MAP**  
**PROPOSED SHANE SMITH**  
**ALDERPOINT AREA**  
**CUP-16-775**  
**APN: 216-382-058-000**  
**T04S R05E S6 HB&M (FORT SEWARD)**



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.

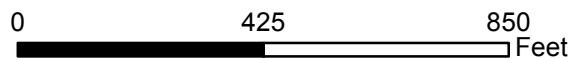






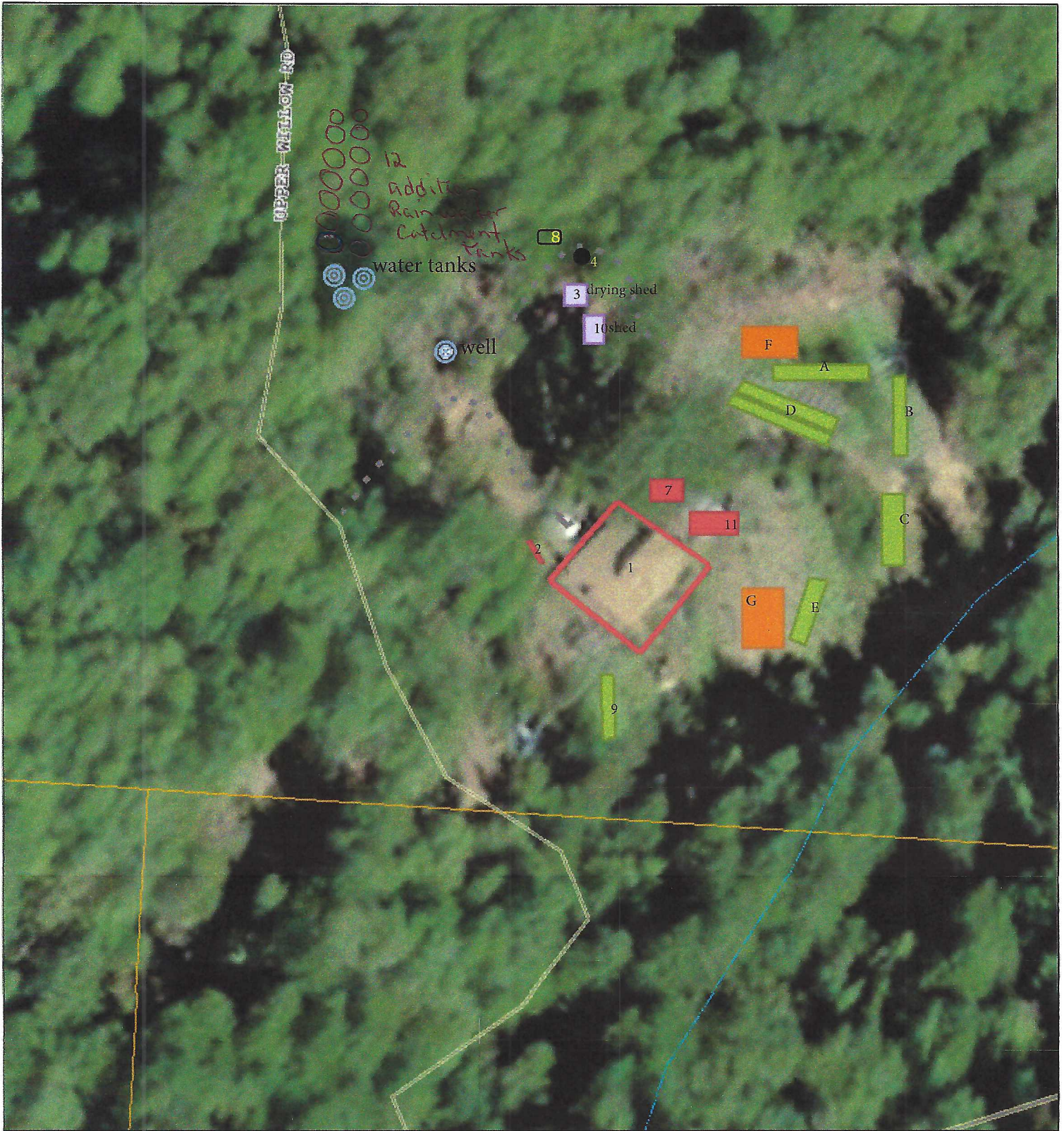
Project Area = 

**AERIAL MAP**  
**PROPOSED SHANE SMITH**  
**ALDERPOINT AREA**  
**CUP-16-775**  
**APN: 216-382-058-000**  
**T04S R05E S6 HB&M (FORT SEWARD)**



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.





- 1. RESIDENCE (NOT ASSOCIATED WITH CULTIVATION) 40\*54 2160 SQ FT
- 2. HARVEST STORAGE AREA 10\*22 220 SQ FT
- 3. HARVEST/ drying STORAGE AREA 10\*22 360 SQ FT
- 4. WASTE BINS
- 5. WELL
- 6. WATER TANKS 3 HARD SIDED 1@1000 2@ 2500
- 7. Processing Area AREA 10\*12 120 SQ FT
- 8. COMPOST
- 9. Mixed Tier 1 HoopHouse 18\*35 280 SQ FT
- 10. RESEARCH AND DEVELOPMENT SEED PRODUCTION AREA/MALE PLANT AREA 10\*12 120 SQ FT
- 11. RESEARCH AND DEVELOPMENT MOTHER 10\*12 120SqFt(Propagation)

- A. MIXED LIGHT TIER 1 HOOPHOUSE 20\*80 1600 SQ FT
- B. MIXED LIGHT TIER 1 HOOPHOUSE 17\*6\*91 1592.5 SQ FT
- C. MIXED LIGHT TIER 1 HOOPHOUSE 12\*50 600 SQ FT
- D. MIXED LIGHT TIER 1 HOOPHOUSE 9\*75 675 SQ FT
- E. MIXED LIGHT TIER 1 HOOPHOUSES 9\*24 216 SQ FT
- F. OUTDOOR TERRACE AREA (ZERO ILLUMINES) 25\*42\* 1050 SQ FT
- G. OUTDOOR TERRACE AREA (ZERO ILLUMINES) 45\*43 1935 SQ FT

12. propose additional tanks (5000) Rainwater Catchment and  
 January 20, 2012



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

#### **APPROVAL OF THE SPECIAL 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. 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.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 90 days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan showing the following, in addition to what is currently shown:
  - a. Setback distances of all structures and cultivation areas to property lines.
  - b. Respective Streamside Management Area (SMA) buffers per the Humboldt County Code (314-61) Streamside Management Areas and Wetlands Ordinance, and setback distances of all cultivation areas.
  - c. Proposed locations of the cultivation area(s) to be relocated outside of the SMA buffer.
  - d. All areas of ground disturbance.
  - e. The location and size of all fifteen (15) additional rainwater storage tanks proposed under the project.
6. Within 60 days of the effective date of permit approval, the applicant shall submit a revised Cultivation and Operations Plan detailing the following, in addition to what is currently described:
  - a. A total of fifteen (15) additional rainwater storage tanks proposed under the project, including one (1) 1,500-gallon tank and fourteen (14) 5,000-gallon tanks, totaling 71,500 gallons, for a total of 77,500 gallons of onsite water storage.
7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 through #21. 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. The applicant shall secure building permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, greenhouses, water tanks over 5,000 gallons, structures associated with drying, storage, processing, or any activity with a nexus to cannabis, graded flats, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. Obtain a permit to operate a generator from the North Coast Unified Air Quality Management District (NCUAQMD), as applicable. Alternatively, the applicant may submit a letter or similar communication from the NCUAQMD stating a permit from their agency is not required. A sign-off from Planning will satisfy this condition.
10. The applicant shall relocate any existing cultivation located within the required Streamside Management Area (SMA) buffer to a previously disturbed area without the use of heavy machinery. The applicant shall submit evidence (e.g., photographs, a letter from a qualified professional, etc.) verifying the relocation has occurred. If no relocation is necessary, a letter from a qualified professional stating there is no existing cultivation within the required SMA shall be submitted. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the relocation has been completed.
11. The subject property shall be evaluated by a Professional Registered Forester (RPF) obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. Any measures determined to be necessary by the RPF to mitigate for the unauthorized timber conversion shall be implemented. Should any timber conversion be determined to have occurred after the CMMLUO baseline date, the applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO, and shall re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date a rate of 3:1. The report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. A sign-off from the Planning Department will satisfy this condition.
12. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation or shall secure permits and install an onsite wastewater treatment system and restroom facilities prior to processing onsite. The applicant may secure permits and install a new on-site sewage disposal system, or provide the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies the existing system complies with the SWRCB definition of a Tier 0 system – not impairing groundwater or surface water resources. Board (SWRCB) definition of a Tier 0 system (not impairing groundwater or surface water resources). Portable toilet and handwashing facilities may be utilized during the construction of these improvements for cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
13. In accordance with comments received from the Department of Public Works, Land Use Division in December 2019, the applicant shall improve the intersection of Upper Willow Road and Alderpoint Road to commercial driveway standards and shall pave the access road (Upper Willow Road) for a

minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road). The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.

14. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
15. The project is conditioned to implement all recommendations contained in the *Roadway Evaluation for APN #216-382-059, APPS 12628* (DTN Report), prepared by DTN Engineering and Consulting, including the following:
  - a. Rancho Sequoia Road: establish pullouts for curves at the locations identified, verify sizing and fix crushed and clogged culverts, remove abandoned vehicles, regrade the road to create positive drainage, clean ditches and re-establish roadside ditches, fix identified erosion issues, construct a paved approach at the intersection of Rancho Sequoia Road and Alderpoint Road, and construct waterbars and rolling dips
  - b. Upper Willow Road: regrade Upper Willow Road and construct rolling dips and waterbars
  - c. Private Driveway: regrade the driveway, apply a dry lime treatment to the driveway for a hard driving surface due to steep grades, and construct rolling dips and waterbars

The applicant shall submit a letter or similar communication from a qualified professional stating the recommendations are completed as described by each plan. Alternatively, the applicant may schedule a site inspection with the Planning Department to verify the improvements are completed as described. A sign-off from the Planning Department will satisfy this condition.

16. The applicant is required to provide evidence, of inclusion within the Rancho Sequoia Road Association (RSRA) (a Road Maintenance Association) including annual receipts showing the required contributions to the association. The RSRA shall implement and adhere to any finalized or amended Lake or Streambed Alteration Agreement tied to the road improvements as included in the recommended improvements of the engineered road evaluation performed by DTN engineering (Attachment 3) as well as adherence to the approved RMP through the SWRCB conditions to any road improvements that fall under their jurisdiction. In the event the applicant is unable to maintain membership within Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road through the life of the project. Additional documentation approved or required by CDFW or SWRCB shall be provided to the Humboldt County Planning Department on an annual basis or upon project updates whichever occurs first and an annual period. A sign-off from the Planning Department will satisfy this condition.
17. The applicant shall finalize the Notification of Lake or Streambed Alteration for Cannabis Cultivation application (Notification No. 1600-2019-0536-R1) submitted to the California Department of Fish and Wildlife (CDFW) in June 2019, as necessary, and comply with all applicable terms of the Final Streambed Alteration Agreement. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
18. The applicant shall cease use of the well for irrigation use within two years of the effective date of permit approval. Use of the well may continue for domestic use only.



19. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. 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 SWRCB.
20. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
21. All artificial lighting used for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No use artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard.
22. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
23. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
24. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well (for a maximum of two years only), rainwater catchment, and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
25. 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.
26. 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.
27. 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.

## **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. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. 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.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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).
15. 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.
16. Comply with the terms of the Final Lake and Streambed Alteration Agreement, as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
17. 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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

24. 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."
25. 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).
26. 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.
27. 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.
28. 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
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.

**ATTACHMENT 2**

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

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

**APN 216-382-059; 5500 Rancho Sequoia Drive, Alderpoint  
County of Humboldt**

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

**October 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 Special Permit for an existing 7,948 square foot (SF) of outdoor cultivation with 240 SF of ancillary propagation. Irrigation water is currently sourced from a permitted groundwater well; however, the applicant plans to switch to rainwater catchment within two (2) years. Existing available water storage is 6,000 gallons in three (3) hard-sided tanks with an additional 71,500 gallons proposed in fifteen (15) tanks, for a total of 77,500 gallons of onsite water storage (2,500 gallons of which is dedicated for domestic use). Estimated annual water usage is 75,000 gallons. Onsite processing occurs and a maximum of three (3) people will be on-site during peak operations. Power is provided by generators, with three (3) 50-watt solar panels serving the existing residence; however, the applicant plans to add additional solar and switch to a propane generator.

An unnamed stream, a tributary to Powers Creek, traverses the southeastern portion of the property. While the respective Streamside Management Area (SMA) buffer is not depicted on the Site Plan, County WebGIS indicates the existing residence and existing cultivation is located within the SMA buffer, shown to be 170 feet, as measured from the centerline of the stream. The project is conditioned to require the applicant to relocate any existing cultivation located within the respective SMA buffer to a previously disturbed area without the use of heavy machinery, and submit a revised site plan depicting the SMA buffer locations and existing and proposed locations of the relocated cultivation area(s). The slope of the land where cannabis will be cultivated is located on a slope with a natural grade ranging from 30 - 50%. The cultivation site is located on a graded flat with less than 5% slope. The Nearest Northern Spotted Owl (NSO) sighting and activity center are located approximately 1.81 miles and 5.04 miles from the cultivation area, respectively. No artificial lighting is authorized under this permit. As power is currently provided by generators, conditions of approval require the applicant use noise attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

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 supplemental lighting and 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 7,948 square feet of outdoor cultivation with 240 SF of ancillary propagation and drying and processing 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 (see Attachment 3 for a complete listing of document):

- Site Plan prepared by the applicant's agent, received 12/27/21.
- Cultivation and Operations Plan prepared by the applicant's agent, received 12/27/21, and additional project information from the applicant's agent, dated 9/22/21.
- Road Evaluation Reports for Rancho Sequoia Road and Upper Willow Road, with Roadway Evaluation for APN #216-382-059, APPS 12628, prepared by DTN Engineering and Consulting, dated 8/18/19.
- Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife, received 7/17/19.
- Notice of Applicability (WDID 1\_12CC423532) issued by the North Coast Regional Quality Control Board, dated 7/15/20.
- Well Completion Report (WCR2019-006574), dated 5/13/19.

### **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. (**Attached** - Site Plan prepared by the applicant's agent, received 12/27/21)
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. (**Attached** - Cultivation and Operations Plan prepared by the applicant's agent, received 12/27/21, and additional project information from the applicant's agent, dated 9/22/21)
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))
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. (On file – NOI and Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ)
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. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (**Attached** – Onsite Well, Permit No. 18/19-0909, Registered with the California Department of Water Resources (WCR2019-006574). Use of well for irrigation use to be replaced by rainwater catchment within a two-year period.)

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. (Condition of approval)
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. (On file)
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. (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). (On file)
15. Road Evaluation Reports for Rancho Sequoia Road and Upper Willow Road, with Roadway Evaluation for APN #216-382-059, APPS 12628, prepared by DTN Engineering and Consulting, dated 8/18/19. (**Attached**)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)

**Operations Plan Overview**

Not Fade Away Farms seeks to permit commercial cannabis cultivation for 7,948 square feet of existing commercial canopy space located on 13.20 acres on parcel APN 216-382-059.

The cultivation areas consist of 2,985 SF outdoor open air, and 4,963 SF light deprivation with no supplemental lighting. There is 240 sq ft for Research and Development and immature plants propagation area occurring in two separate structures (site map 10 & 11).

**Water**

14 rainwater catchment tanks will be set near the existing tanks, a metered line will be installed to the cultivation areas. The existing water line from the well to the cultivation areas will be removed.

Not Fade Away Farms uses sustainable watering practices including a timed, metered, drip watering system. The system is regularly monitored and maintained for effectiveness and to prevent leaks and failures. There are two main control shut off valves, one at the house, and one at the tank. Watering is applied at agronomic rates early in the morning or in the evenings to prevent evaporation, runoff and to conserve resources.

Watershed and habitat protection measures include the use of swales, straw and seeding around and in cultivation areas to ensure no runoff enters surrounding areas. Soil is contained in raised beds and in smart pots with strict effort maintained to contain runoff so as not to enter surrounding areas. Agricultural inputs such as fertilizers, amendments, and neem based pesticide control are stored in secondary containment sheds to prevent any spillage or leakage into surrounding area. Monthly Cultivation Water Usage Amounts Below:

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Gallons	0	0	0	6,000	6,000	6,400	6,400	24,000	24,000	2,400	0	0
Month Total	75,000											

**Cultivation Activities by**

**Month March - May**

- Plants purchased as clones from licensed and permitted nurseries
- Propagation is done on site as well in designated area.

**May**

- Clones are purchased from licensed and permitted nurseries
- First round of light deprivation plants are planted into hoops

**May - July**

- Maintenance of plants through flowering phase

## Not Fade Away / Operations Plan

### July

- Second round of light deprivation immature plants are purchased and maintained in the immature plant area
- Harvest first round of light deprivation plants
- Drying and processing of first cultivation round
  - Generator use for fans: 4 days, 3 hours/day

### July - August

- Continued processing of first cultivation round
  - Generator use for fans (per month): 4 days, 3 hours/day
- Second round of light deprivation plants are planted into hoops

### September

- Maintenance of plants through flowering phase

### October - November

- Harvest second round of light deprivation and outdoor plants
- Processing of second cultivation round
  - Generator use for fans and dehumidifiers run 7 days a week, 8 hours/day for two to three weeks

## **Sanitation Facilities**

A bathroom with a flushing toilet and 500 gallon septic tank is located on the property. The septic is unpermitted. Not Fade Away Farms is currently working on a septic evaluation to implement permitting for operations.

## **Power Source**

One 9K generator is used at the house for pumping water once to twice a week; 2 hours a day to pump water. One 7K honda generator is used for charging solar batteries at the residence; 3 hours in the evening. One 3K honda generator, is used for drying purposes to run lights, two dehumidifiers, and fans; 4-7 days a week, 3-8 hours a day (see activity schedule). There is a solar system with 3 panels of 50 watts each to maintain batteries. The generator is also used for lights during processing activities. No power sources are used for the cultivation of plants during the growing season. Generator noise is less than 60dB at property boundaries.

## **Processing Plan**

Processing is done in a 10 x 12 shed (Site map #7). Not Fade Away Farms family members do the processing. Safety practices are followed.

Hand washing facilities, and septic is available on site. Access to clean drinking water is always provided.

There is no increased road wear. Impact is minimized by regular road maintenance.

**Security Measures**

Not Fade Away Farms is located in a secure non publicly visible location, off of a private road. The property is accessed through locking gates. All visitors are verified before being allowed entrance to the property. Cannabis storage is kept in secure locking areas with access limited by the owner.

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**North Coast Regional Water Quality Control Board**

July 15, 2020

WDID:1\_12CC423532

NOT FADE AWAY FARMS  
ATTN: SALINAS DANIELS  
5500 RANCHO SEQUOIA ROAD  
ALDERPOINT, CA 95511

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

200715\_1L\_1\_12CC423532\_Not\_Fade\_Away\_Farms\_NOA\_TW



**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, NOT FADE AWAY FARMS, HUMBOLDT COUNTY APN(s) 216-382-059-000**

Not Fade Away Farms (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on January 20, 2020, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC423532**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and

implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and

- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by April 18, 2020, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. [https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

### **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note

that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

## **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Cliff Johnson, Humboldt County Planning and Building,  
[cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us)  
Eric Rempfer, 501 North 9th Street Millville, NJ 08332  
Ladonna Auxier, 9529 APPALACHIAN Drive Sacramento, CA 95827





RECEIVED

JUN 26 2019



FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	\$	\$		1600 2019-0536-R1
Assigned to:				

## NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the instructions and submit ALL required enclosures, attachments, and fee(s) to the CDFW regional or field office that serves the area where the project will occur. Attach additional pages to notification, if necessary.

### 1. APPLICANT PROPOSING PROJECT

Name	LaDonna Auxier
Business/Agency	Not Fade Away Farms
Mailing Address	1271 Evergreen Rd # 414 Redway 95560
City, State, Zip	Redway
Phone Number	707 497-8892
Email	LSa2727@yahoo.com

### 2. CONTACT PERSON (Complete only if different from applicant.)

Name	
Business/Agency	
Mailing Address	
City, State, Zip	
Phone Number	
Email	

While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

**Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?**

Yes, I authorize.

No, I do not authorize.

### 3. PROPERTY OWNER (Complete only if different from applicant)

Name	
Mailing Address	
City, State, Zip	
Phone Number	
Email	



**4. PROJECT NAME AND AGREEMENT TERM**

A. Project Name		Not Fade Away Farms		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term	Beginning (year)	2018	Ending (year)	2022
D. Seasonal Work Period				
Season(s)*	Start Date (month/day)	End Date (month/day)	E. Number of Work Days	
1	April 1	Oct 15	1,815	
2				
3				
4				
5				

\* Continue on additional page(s) if necessary

**5. AGREEMENT TYPE**

Check the applicable box. If boxes B – F are checked, complete the specified attachment.

A.	<input type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input checked="" type="checkbox"/> Cannabis Cultivation (Attachment E)
G.	<input type="checkbox"/> CDFW Grant Programs Agreement Number: _____
H.	<input type="checkbox"/> Master
I.	<input type="checkbox"/> Master Timber Operations



**6. FEES**

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. *Note: CDFW may not process this notification until the correct fee has been received.*

	A. Project Name	B. Project Cost	C. Project Fee
1	Auxier, LaDonna	0.	\$596 <sup>00</sup>
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	
		E. TOTAL FEE*	596 <sup>00</sup>

\* Check, money order, and Visa or MasterCard (select Environmental Fees from Menu) payments are accepted.

**7. PRIOR NOTIFICATION AND ORDERS**

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, CDFW for the project described in this notification?

Yes (Provide the information below)       No

Applicant	Notification Number	Date

B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by CDFW?

Yes       No (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify CDFW verbally rather than in writing, identify the person who directed the applicant to submit this notification, the agency he or she represents, and describe the circumstances relating to the order.)

Name of person who directed notification	Agency

Describe circumstances relating to order





**8. PROJECT LOCATION**

**A. Address or description of project location:**  
 (Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)

5500 Rancho Sequoia Rd see attached site map.

Continued on additional page(s)

**B. River, stream, or lake affected by the project.** None

**C. What water body is the river, stream, or lake tributary to?** none

**D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?**  Yes  No  Unknown

**E. County** Humboldt

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section

Continued on additional page(s)

**K. Meridian (check one):**  Humboldt  Mt. Diablo  San Bernardino

**L. Assessor's Parcel Number(s)**

216-382-059

Continued on additional page(s)

**M. Geographic coordinates (Provide the latitude and longitude coordinates for the property where the project(s) will take place. CDFW utilizes decimal degrees and WGS 84 datum. Access [Google Maps Help](#) if you need assistance in finding your coordinates.)**

Latitude/Longitude	Latitude	Longitude
	Latitude: I have the latitude	Longitude: I have the longitude
	Latitude: Longitude on site	Longitude: I have the longitude
	Latitude: Site map for well -	Longitude: Map at Oxi's has the nest
	Latitude: I have the latitude	Longitude: I have the longitude
	Latitude: I have the latitude	Longitude: I have the longitude





N/A

**9. PROJECT CATEGORY**

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal: pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
flood control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing: horizontal directional drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion without facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion with facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify): <u>well</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**10. PROJECT DESCRIPTION**

A. Describe the project in detail. Include photographs of the project location and immediate surrounding area. Written description of all project activities with detailed step-by-step description of project implementation. Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing. Specify volume and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed. If water will be diverted or drafted, specify the purpose or use and include Attachment C. Enclose diagrams, drawings, design plans, construction specifications, and maps that provide all of the following: site specific construction details, dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain, overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.

• A helpful resource to assist in the development of quality PDF maps in Google Earth. See [Using Google Earth to Map your Property \(PDF\)](#).

I have a well. No streams, lakes or ponds on my land. This was always a small to medium medical farm (organic). There are 2 hoops that don't use electricity. I plant in may for July harvest (light dep) and replant to harvest in Oct (no dep - cover off). I have full term pots (65 gal) on terrace. The hoops are 80 x 20 ish (on site map). I also plant vegs and flowers like marigolds + yellow within the full term gardens. I bought my place in 2007 so there is no new development. My main flat that was for full term I am projecting someone who buys my property will want a hoop so I included plans for 1 50 x 25 hoop. That will be 3 hoop total and 3 terraced areas. all on drip sx from well. Separate tanks for

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

NONE, just new PVC and wood framing for future owners. I am leaving the flat empty.

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4:D) in the stream, river, or lake (specified in box 8:B)?

Yes  No (Skip to box 11)

D. Will the project require work in the wetted portion of the channel?

Yes (Enclose a plan to divert water around work site)  
 No NA



**11. PROJECT IMPACTS**

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

None

Continued on additional page(s)

B. Will the project affect any vegetation?

Yes (Complete the tables below)

No (Include aerial photo with date supporting this determination)

Vegetation Type	Temporary Impact	Permanent Impact
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
Madrone, Tanoak, Fir	None	

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below)

No

Unknown

Chipmonks? otherwise no  
 Snakes + lizards, all quite happy 😊

Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study)

No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.



F. Has one or more technical studies (e.g., engineering, hydrologic, geological, or geomorphological) been completed for the project or project site?

Yes (Enclose the study(ies))       No *but there is a biological engineer come out*  
 Note: One or more technical studies may be required to evaluate potential project impacts to a lake or streambed.

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

Yes (Enclose the mapped results)       No  
 Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "Wildlife" means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for CDFW to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, CDFW may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for CDFW to deem the notification complete.

**12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES**

A. Describe the techniques that will be used to prevent sediment, hazardous, or other deleterious materials from entering watercourses during and after construction.

~~existing~~ existing pots + beds use drip sx. I  
 Am very careful not to use much water  
 and only use kelp and organic foods contained  
 within growing areas.  
 Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

I have no construction and I lightly water.  
 I have always done everything here to protect  
 my land and love any wildlife I get to see.  
 I took forestry and wildlife Biology in  
 college and have always been an environmentalist  
 and member of the Sierra Club as a side note.  
 Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

I only use fish + kelp and buy I use at a  
 time. But I have a nice shed for storage if  
 there were any extra. I'm really a small  
 simple organic farm.



**13. PERMITS**

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

- A. permit through County Planning Dept  Applied  Issued
- B. \_\_\_\_\_  Applied  Issued
- C. \_\_\_\_\_  Applied  Issued
- D. Unknown whether  local,  State, or  federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)

**14. ENVIRONMENTAL REVIEW**

A. Has a CEQA lead agency been determined?  Yes (Complete boxes B, C, D, E, and F)  No (Skip to box 14.G)

B. CEQA Lead Agency

C. Contact Person

D. Phone Number

E. Has a draft or final document been prepared for the project pursuant to CEQA and/or NEPA?

- Yes (Check the box below for each CEQA or NEPA document that has been prepared and enclose a copy of each.)
- No (Check the box below for each CEQA or NEPA document listed below that will be or is being prepared.)

- Notice of Exemption
- Initial Study
- Negative Declaration
- THP/ NTMP

- Mitigated Negative Declaration
- Environmental Impact Report
- Notice of Determination (Enclose)
- Mitigation, Monitoring, & Reporting Plan

NEPA document (type): \_\_\_\_\_

F. State Clearinghouse Number (if applicable)

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14 § 15378).

Continued on additional page(s)



H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

Yes (Enclose proof of payment)       No (Briefly explain below the reason a CEQA filing fee has not been paid)

Note: The CEQA filing fee is in addition to the notification fee. If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.

**15. SITE INSPECTION**

Check one box only

In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.

I request CDFW to first contact (insert name) LaDonna Auxier (insert phone number or email address) 207 497-8892 LSA2222@yahoo.com to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW's issuance of a draft agreement pursuant to this notification.

**16. DIGITAL FORMAT**


Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

Yes (Please enclose the information via digital media with the completed notification form.)

No

**17. SIGNATURE**

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, CDFW may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless CDFW has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

      6.26.19  
 Signature of Applicant or Applicant's Authorized Representative      Date

LaDonna Auxier  
 Print Name





Applicant Name: LaDonna Auxier

Project Name: Not Fade Away Farms

### ATTACHMENT C

#### Water Diversion Questionnaire

Complete this attachment *if* the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. Provide the number assigned to the State Water Resources Control Board (SWRCB) application, permit, license, registration, statement of diversion, and use, or other authorization to divert, extract, or impound water, if applicable. If you have a current or expired Lake or Streambed Alteration Agreement (Agreement) for some activity related to your project, provide the Agreement number in your project description below and attach this form, with the information requested on one or more separate pages, to the notification form (DFW 2023).

**I. Diversion or Obstruction**

- A. Attach plans of any diversion or water storage structure or facility that will be constructed or if no structures or facilities will be constructed, photographs of the project site, including any existing facilities or structures.
- B. Please complete the water use table below. For diversion rate, use gallons per day (gpd) if rate is less than 0.025 cubic foot per second (cfs) (approximately 16,000 gpd).

SEASON OF DIVERSION		PURPOSE OF USE	DIVERSION RATE (cfs or gpm)	AMOUNT USED (acre feet)	
BEGINNING DATE (Mo. & Day)	ENDING DATE (Mo. & Day)			FROM STORAGE	BY DIVERSION
Apr 1	Oct 15	watering + home		well	2500 gal

- C. Attach a topographic map that is labeled to show the following:
  1. Source of the water
  2. Points of diversion
  3. Areas of use
  4. Storage areas
- D. Specify the maximum instantaneous rate of withdrawal (using proposed equipment) in cubic feet per second (cfs) or gallons per minute (gpm).

*every other*

approx 1,000 gal daily when its hot  
 maybe 300 gal when its cool.



E. Check each box below that applies to the project water rights and attach supporting documents.

- Riparian. *Attach the most recent Statement of Water Diversion and Use filed with the SWRCB.*
  - Diversion for immediate use.
  - Diversion to storage (for less than 30 days).
- Appropriative.
  - Pre-1914. *Attach the most recent Statement of Water Diversion and Use filed with SWRCB.*
  - Post-1914. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by SWRCB.*
  - Small domestic, livestock stockpond, or small irrigation use registration. *Attach a copy of the applicant's registration of water use form filed with, or registration certificate issued by, SWRCB (See Water Code section 1228 et seq.).*
    - Diversion for immediate use.
    - Diversion to storage.
- Purchased or contracted water. *Attach a copy of the applicant's contract or letter from the applicant's water provider.*
- Other. *Describe below or attach separate page.*

Well 25 gpm

F. Approximate lowest level of flow in the river, stream, or lake at the point of diversion during the proposed season of diversion in gpm or cfs:

N/A

G. *Other information.* After the Department reviews the project description, and based on the project's location and potential impacts to fish and wildlife resources, the Department will determine if additional information is needed before accepting the notification as complete. Such information could include more site-specific information to ensure that the terms and conditions in the Agreement issued to the applicant will be adequate to protect the fish and wildlife resources the diversion or obstruction could adversely affect. Site-specific information could include biological or hydrological studies or surveys based on the season of diversion, the location of the diversion relative to other diversions in the watershed, the method of diversion, and the quantity of water to be diverted, such as the following:





1. *Water Availability Analysis* to determine if the water can be diverted without causing substantial adverse effects on downstream fish and wildlife resources. Water availability analyses are based on a comparison of flows without any diversions (unimpaired flows) and flows available when all known diversions are "subtracted" (impaired flows);
2. *Instream Flow Study* to determine the minimum bypass flows needed and maximum rates of withdrawal possible to provide adequate depths and velocities to protect habitat for all life stages of aquatic resources. The study plan must be prepared by a qualified fisheries biologist and approved by the Department, will determine the effects of the proposed diversion on flow depth and velocity.
3. *Water Quality Study* to assess the effects of the proposed water diversion or impoundment on water temperature and water quality at and downstream from the point(s) of diversion.

**II. Permanent or Temporary Reservoir**

Please provide the information below *if* the project includes the construction of a reservoir, whether permanent or temporary, and/or the filling of an existing reservoir by diverting or obstructing the flow of a river, stream, or lake.

A. Proposed use of the stored water:

N/A

B. Construction plans for the reservoir and dam. (*Attach plans*)

C. A complete description of the reservoir and dam, including the methods and materials that will be used to construct the reservoir and dam and the following dimensions certified by a licensed professional: the width, length, depth, and total surface area of the reservoir pool; the volume of water in acre-feet that will be stored in the reservoir; and the height and length of the dam.

D. The amount of riparian land that will be inundated (i.e., upstream from the dam): \_\_\_\_\_

E. Where vehicles will enter and exit the project site during construction and for maintenance purposes after construction. (*Attach map*)

F. The maximum distance of the disturbance that will occur upstream and downstream during construction:

N/A      none - none

G. The methods employed to ensure that the flow is maintained below the dam at all times when water is being diverted into the reservoir:



*RJA*

H. Specify the time period when the area below the dam becomes dry, if at all.

I. The methods employed to ensure that adult and juvenile fish will be able to pass over or around the dam:

J. If a fish ladder is necessary to enable adult and juvenile fish to pass over or around the dam, provide construction plans and an operation plan for the fish ladder. *(Enclose, if applicable)*

K. The methods employed to monitor and maintain water quality (including temperature) within the reservoir:

**III. Temporary Reservoir**

Please provide the information below *if* the project includes the construction of a temporary reservoir only within the stream zone.

A. Date of dam installation: \_\_\_\_\_

B. Date of dam removal: \_\_\_\_\_

C. Amount of time it will take to construct the dam: \_\_\_\_\_

D. Amount of time it will take to remove the dam: \_\_\_\_\_

E. Methods to ensure that the reservoir pool will be drained in a manner that does not strand or otherwise harm fish:



Applicant Name: La Donna Auxler

Project Name: Not Fade Away Farms

**ATTACHMENT E**

**Cannabis Cultivation**

**Complete this attachment if the project includes cannabis cultivation and you are seeking a standard Lake or Streambed Alteration Agreement or if activities include remediation of a marijuana (cannabis) cultivation site.**

**“Cultivation”** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis (Business and Professions Code, section 26000 et seq.). *Please note that if you are seeking authorization under the General Agreement for Cannabis Cultivation you must notify online at the California Department of Fish and Wildlife (CDFW) website: <https://www.wildlife.ca.gov/Conservation/LSA>*

**Complete Sections I through V and VII for all Agreement types.**

**Complete Section VI if any aspect of the project includes remediation.** “Remediation” means to perform work that reduces or eliminates the direct and indirect adverse impacts on fish and wildlife resources associated with past or existing cannabis activities subject to Fish and Game Code 1602.

**Submit Attachment E with the Notification form (DFW 2023) and applicable fees.**

**I. LOCAL ORDINANCE OR PERMIT – Complete this section for all Agreement types.**

Does the town, city, or county where cultivation will occur have a rule, ordinance, or other regulation or law that governs the cultivation of cannabis?

Yes: Town/City

Yes: County

No

Are you required to have written authorization (permit) from the city/town and/or county to cultivate cannabis within the city/town and/or county?

Yes.

Enclose written authorization and/or completed application(s).

No

**II. PROPERTY DIAGRAM – Complete this section for all Agreement types.**

Enclose the cultivation Property Diagram that has been, or will be, submitted to the California Department of Food and Agriculture (CDFA) (California Code of Regulations, title 3, section 8105). For Property Diagram requirements, refer to <http://calcannabis.cdfa.ca.gov/>, or CDFA’s Reference Guide for the Cultivation Plan.

Cultivation Property Diagram enclosed?

Yes

Enclose the property diagram required by CDFA (Cal. Code Regs., tit. 3, § 8105).

No

If “no” is checked, enclose a brief description explaining why the property diagram is not enclosed.



**III. CULTIVATION OPERATION – Complete this section for all Agreement types.**

Provide information regarding any license CDFA has issued to the Entity, or that the Entity has applied or will apply for:

Type of Operation:

- Proposed new cannabis cultivation operation
- Existing cannabis cultivation operation

**Type of CDFA License you have or will apply for :**

Specialty Cottage:

- Specialty Cottage Outdoor
- Specialty Cottage Indoor
- Specialty Cottage Mixed-Light Tier 1
- Specialty Cottage Mixed-Light Tier 2

Specialty:

- Specialty Outdoor
- Specialty Indoor
- Specialty Mixed-Light Tier 1
- Specialty Mixed-Light Tier 2

Small:

- Small Outdoor
- Small Indoor
- Small Mixed-Light Tier 1
- Small Mixed-Light Tier 2

Medium:

- Medium Outdoor
- Medium Indoor
- Medium Mixed-Light Tier 1
- Medium Mixed-Light Tier 2

- Nursery
- Processor

CDFA Annual or Provisional License # (if applicable): \_\_\_\_\_

CDFA Temporary License # (if applicable): \_\_\_\_\_



**IV. WATER SUPPLY** – Complete this section for all Agreement types. Add additional pages as necessary.

How will or how is water supplied to the cannabis cultivation site(s)?

- For geographic coordinates, provide the latitude and longitude coordinates for the water supply (if applicable). CDFW utilizes decimal degrees and WGS 84 datum. Access [Google Maps Help](#) if you need assistance in finding your coordinates.

**Diversion, Obstruction, Extraction, or Impoundment of a River, Stream, or Lake**

Yes  No

If yes is checked, you **must** also complete Attachment C.

Provide geographic coordinates for **each** diversion, obstruction, extraction, or impoundment:

Latitude: <del>34 10 00</del>	Longitude: <del>120 50 00</del>
-------------------------------	---------------------------------

**Spring(s)**

Yes  No

If yes is checked, you **must** also complete Attachment C.

Number of Springs \_\_\_\_\_

Provide geographic coordinates for **each** spring:

Latitude: <del>34 10 00</del>	Longitude: <del>120 50 00</del>
-------------------------------	---------------------------------

**Private Well(s)**

Yes  No

Provide geographic coordinates for **each** well:

Latitude: <del>34 10 00</del>	Longitude: <del>120 50 00</del>
-------------------------------	---------------------------------

If a private well is being utilized, provide a copy of the well log/well completion report filed with the Department of Water Resources (DWR) pursuant to Section 13751 of Water Code. If no well log is available, provide evidence from DWR indicating that DWR does not have a record of the well log. See DWR's Groundwater Management page for more information at: <https://water.ca.gov/Programs/Groundwater-Management/Wells>

**Public Water System**

Yes  No

Name of public water system: \_\_\_\_\_

If Yes, provide the most recent copy of water service bill or will-serve letter from the water service provider.

**Water Hauling**

Yes  No

Name of water hauler: \_\_\_\_\_

**Other Source**

Specify: \_\_\_\_\_



**V. CALIFORNIA LICENSED PROFESSIONAL OR QUALIFIED ENVIRONMENTAL CONSULTANT/BIOLOGIST –**  
 Complete this section for all Agreement types.

Have you consulted with or retained a California licensed professional or qualified environmental consultant/biologist to address your cannabis cultivation?

Yes (Provide the information below)       No

Name of Company	Name of Professional or Consultant/Biologist	Business Telephone

**VI. REMEDIATION –** Complete this section if any aspect of the project includes remediation.

Remediation reduces or eliminates direct and indirect adverse effects on fish and wildlife resources associated with a past or existing project or activity that supports or relates to cannabis cultivation, whether on or off a cultivation site. Remediation projects typically include modification, repair, removal, restoration, construction, or reconstruction activities. Examples of remediation projects include, but are not limited to:

- Repairing a stream crossing used to access a cultivation site;
- Removing a staging area on a stream bank; and
- Repairing a water diversion structure used to irrigate a cultivation site.

**A. Order or Notice.** Are you required to perform remediation work described in this notification pursuant to a court or administrative agency notice or order?

Yes (Enclose a copy of the order or notice)       No

Did you receive a notice of violation (NOV) from CDFW that relates to the remediation work described in this notification?

Yes (Enclose a copy of the NOV)       No

**B. Remediation Area.** What is the amount of area requiring remediation?

Remediation area in total: \_\_\_\_\_ square feet

**C. Remediation Plan.** Has a plan to remediate the area been prepared?

Yes (Enclose the plan)       No

**Note:** If “yes” is checked, submit the remediation plan with the Notification. If “no” is checked, your Notification may be incomplete and CDFW may request you have a California licensed professional or qualified environmental consultant/biologist amend the plan or submit a new plan for your Notification.



**VII. REMEDIATION FEES** – Entity must pay the fee(s) at time of Notification.

The current fee schedule is available at <https://www.wildlife.ca.gov/Conservation/LSA> and specified in Section 699.5, subdivision (b) of the California Code of Regulations, title 14.

Remediation fees, if applicable, are specified in Section 699.5, subdivision (l) of the California Code of Regulations, title 14. The remediation fee is in addition to the notification fee and must be submitted by **separate** check or other method of payment.

You may pay by credit card at CDFW's Online License Sales and Services page at: <https://www.wildlife.ca.gov/Licensing>. Attach copy of sales receipt to the notification. A handling charge will be applied (Fish and G. Code, § 1055.1, subd. (d)) to the credit card transaction.

Remediation Fee Included (if applicable)?

\$ 3,187.75 if the total remediation area identified in Section VI (B) above is less than or equal to 1,000 square feet

\$5,313.00 if the total remediation area identified in Section VI (B) above is greater than 1,000 square feet

State of California  
**Well Completion Report**  
 Form DWR 188 Submitted 5/13/2019  
 WCR2019-006574

Owner's Well Number 1 Date Work Began 04/01/2019 Date Work Ended 04/01/2019  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 18/19-0909 Permit Date 03/26/2019

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>Ladonna Auxier</u>	Activity <u>New Well</u>
Mailing Address <u>1272 Evergreen rd #414</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>redway</u> State <u>ca</u> Zip <u>95560</u>	

Well Location	
Address _____	APN <u>216-382-059</u>
City _____ Zip _____ County <u>Humboldt</u>	Township <u>04 S</u>
Latitude <u>40 8 53.4875</u> N Longitude <u>-123 39 30.6287</u> W	Range <u>05 E</u>
Deg. Min. Sec.                      Deg. Min. Sec.	Section <u>06</u>
Dec. Lat. <u>40.148191</u> Dec. Long. <u>-123.658508</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>70</u> (Feet below surface)
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____
Total Depth of Boring <u>120</u> Feet	Water Level <u>65</u> (Feet) Date Measured <u>04/01/2019</u>
Total Depth of Completed Well <u>120</u> Feet	Estimated Yield* <u>8</u> (GPM) Test Type <u>Air Lift</u>
	Test Length _____ (Hours) Total Drawdown _____ (feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	20	brown top soil
20	60	blue clay
60	100	fractured shale with quartz
100	120	solid blue sand stone

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	120	Screen	PVC	OD: 5.563 in. I Thickness: 0.375 in.	0.375	5.563	Milled Slots	0.032	0-100 blank pvc. 100-120 perforated .032 slots

Annular Material					
Depth from Surface Feet to Feet	Fill	Fill Type Details		Filter Pack Size	Description
0	23	Bentonite	Non Hydrated Bentonite	3/8	
23	120	Filter Pack	Other Gravel Pack	3/8s pea gravel	



**Other Observations:**

**Borehole Specifications**

Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	120	9

**Certification Statement**

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

Name: BUSHNELL ENTERPRISES  
 Person, Firm or Corporation

649 BEAR CREEK ROAD GARBERVILLE CA 95542  
 Address City State Zip

Signed electronic signature received 05/13/2019 403708  
 C-57 Licensed Water Well Contractor Date Signed C-57 License Number

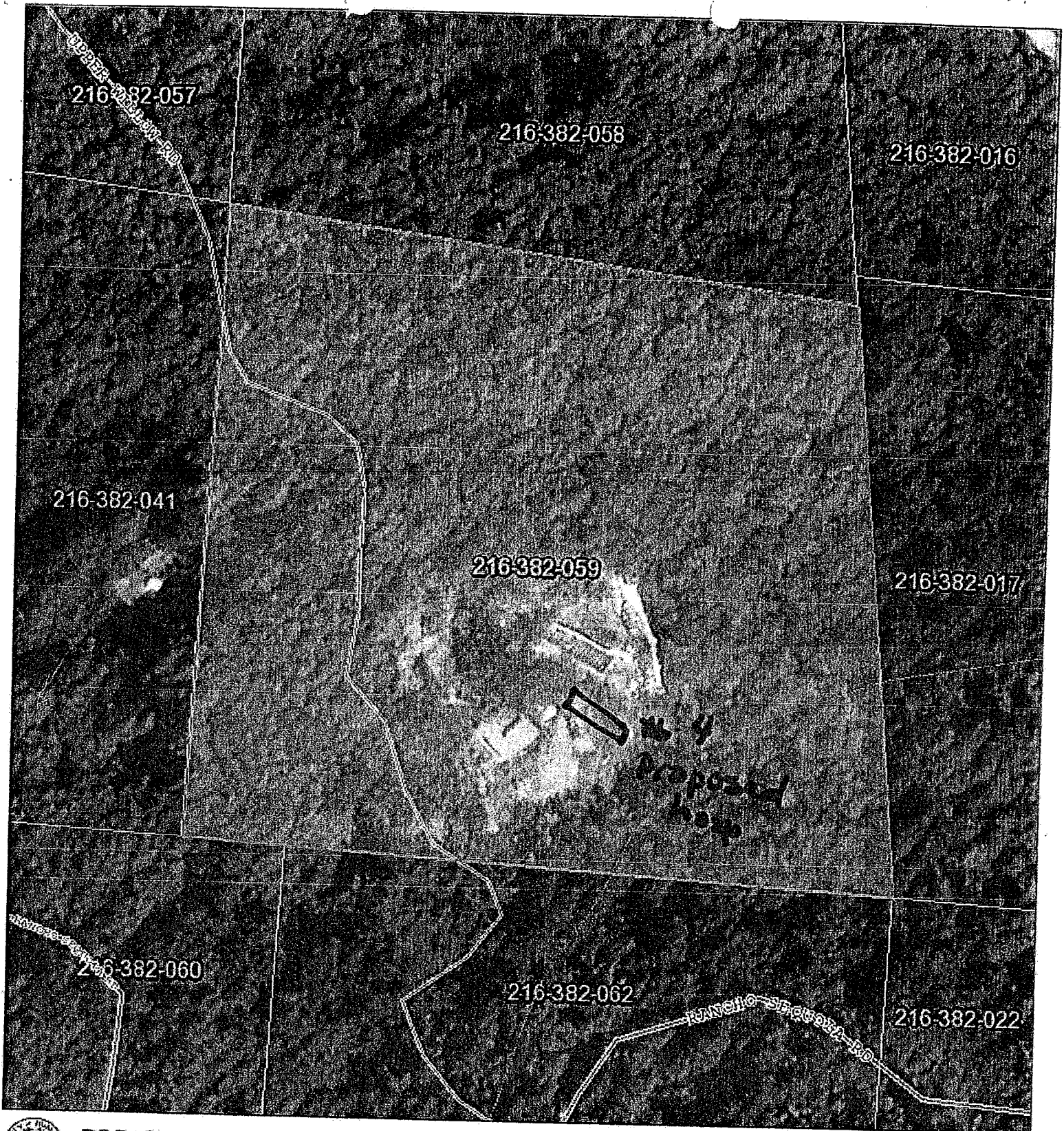
**DWR Use Only**

CSG #	State Well Number	Site Code	Local Well Number

Latitude Deg/Min/Sec										Longitude Deg/Min/Sec									

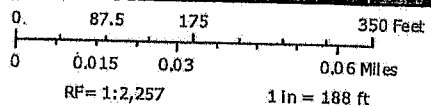
TRS:  
APN:



# POD GIS Map

Humboldt County Planning and Building Department

- |                     |                               |                                   |
|---------------------|-------------------------------|-----------------------------------|
| Highways and Roads  | ----- Private or Unclassified | ----- Intermittent                |
| Principal Arterials | ----- Major River or Stream   | ----- Subsurface                  |
| Minor Arterials     | ----- Blue Line Streams       | ----- City Boundary               |
| Major Collectors    | ----- Perennial 1-3           | ----- Counties                    |
| Minor Collectors    | ----- Perennial > 4           | ----- Parcels (Owners)            |
| Local Roads         | -----                         | ----- Parcels (Owners, no labels) |



Printed: March 15, 2018

Web AppBuilder 2.0 for ArcGIS

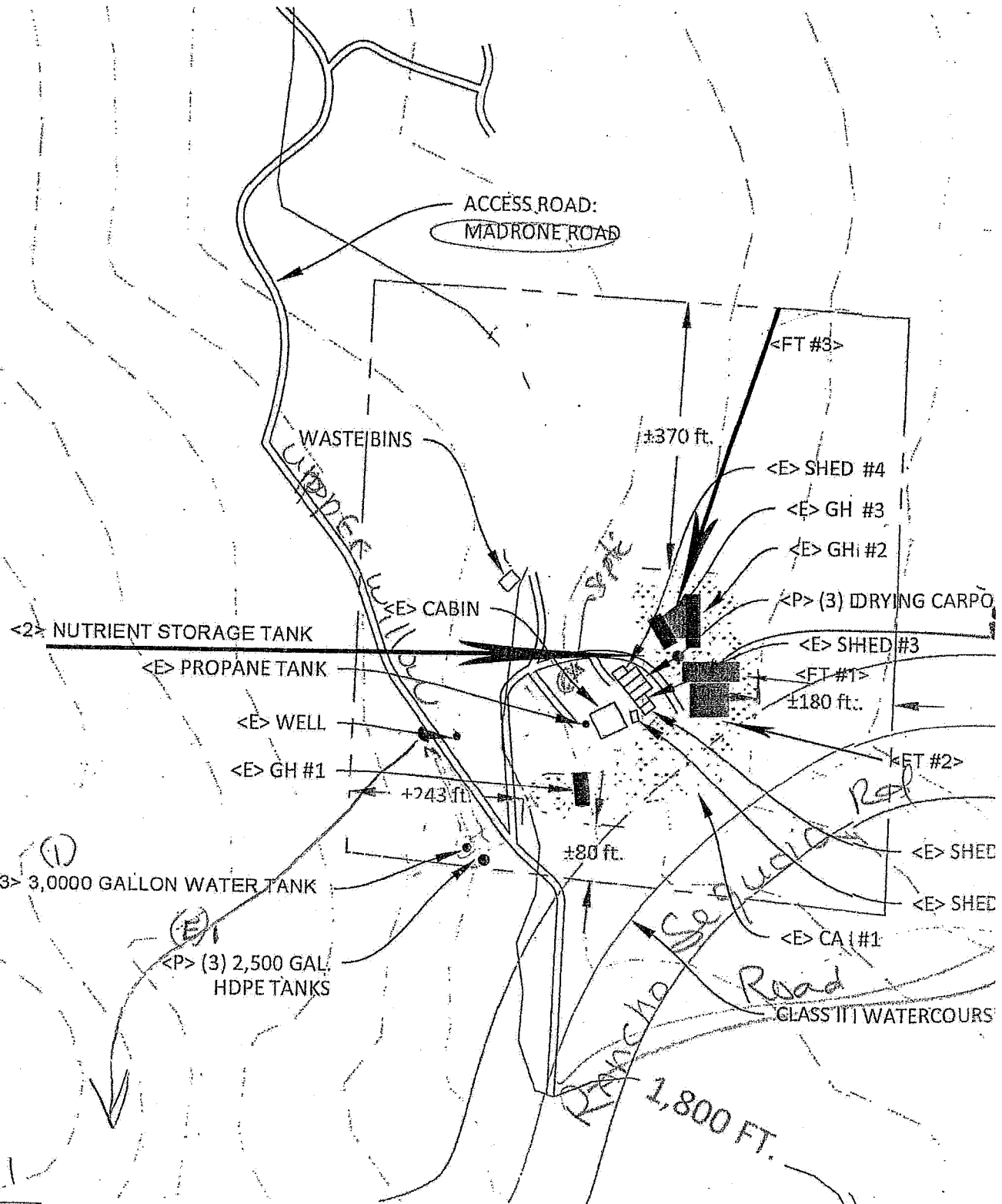
**Map Disclaimer:**

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: Humboldt County GIS, California Coastal Commission GIS/Mapping Unit, 2014, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

PARCEL OVER

APN:216-382



well

Latitude 40.148191

Longitude - 123.658508°



**CULTIVATION INFORMATION**

**EXISTING OUTDOOR CULTIVATION AREA**

CA #1 = 7325 sqft

GH #1 = 280sqft FT #1 1500 sqft  
 GH #2 = 1325sqft FT #2 1440 sqft  
 GH #3 = 1600sqft FT #3 1225 sqft

4,914

GH #4 50x25 = 1250 sqft 18x35 (use Terrace)

TOTAL EXISTING OUTDOOR CULTIVATION AREA = 23,800 ft<sup>2</sup>

new hoop = 24x50 = 1200 → 2

**CULTIVATION | DOMESTIC AND USE**

CULTIVATION BUILDING	USE	YEAR	SIZE
SHED #1	DRYING	2017	10' x 20'
SHED #2 - SHED #3	FUEL AND TOOL STORAGE	2003	10' x 10'
	DRYING	2008	10' x 10'

DOMESTIC BUILDING	USE	YEAR	SIZE
CABIN	CAMPING	2017	7' x 10'
SHED #4	PLACE OF LIVING	2005	800 ft <sup>2</sup>
	DOMESTIC STORAGE	2008	10' x 7'

**PROPOSED WATER STORAGE**

TYPE	NUMBER	SIZE
HDPE	3	2,500 GALLONS
HDPE	3	3,000 GALLONS

**WATER STORAGE**

TYPE	NUMBER	SIZE
NUTRIENT TANK	2	1,000 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 3,500 GALLONS  
 TOTAL AMOUNT OF PROPOSED WATER STORAGE = 7,500 GALLONS

**WATER SOURCE**

WELL

CLASS I & II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES  
 CLASS III DRAINAGE WITH REQUIRED 50 FT. BUFFER ZONE

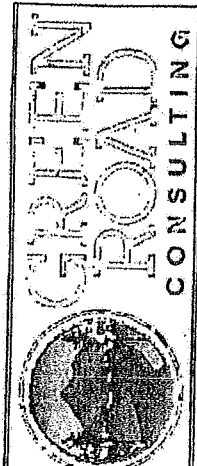
**POWER SOURCE**

2 KW GENERATOR

**SURROUNDING BUILDINGS**

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITH IN 600 FEET OF THE CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



**PROJECT INFORMATION**

PROPERTY OWNER: LADONNA AUXIER  
 ADDRESS: APN: 216-382-058-1  
 SHEET INFO: PARCEL OVERVIEW

**REVISIONS**

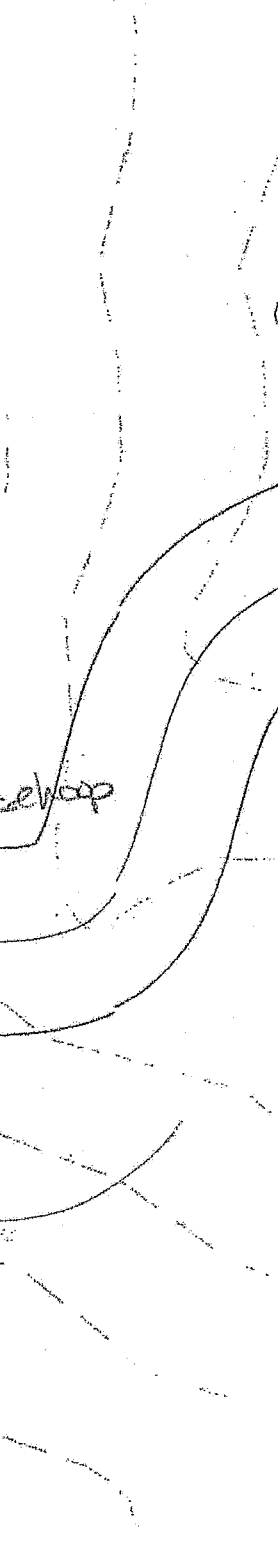
NO.	NOTES	DATE

DATE: 9/12/17  
 DRAFTER: X  
 SCALE: AS SHOWN

SHEET  
**PO**

W

new hoop







Humboldt County  
Department of  
Health & Human  
Services

\$373.00

Division of Environmental Health  
100 H Street - Suite 100 - Eureka, CA 95501  
Phone: 707-445-6215 - Toll Free: 800-963-9241  
Fax: 707-441-5699  
envhealth@co.humboldt.ca.us

MAR 26 2019

18/19-0909

**WATER WELL APPLICATION**

**HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH CONSTRUCTION - REPAIR - DESTRUCTION**

The Well Permit will be returned to the property owner when approved by Humboldt County Division of Environmental Health (DEH)

**Instructions:**

1. Complete both sides and submit the Water Well Application with required fee. Include Well Driller's signature and property owner's signature.
2. Work on a well shall not be started prior to approval of the Water Well Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. Well Driller shall notify DEH a minimum of 24 hours prior to sealing the annular space.

Site Address 5500 Rancho Sequoia Dr. - 382 - APN 216-382-059  
 City/State/Zip Alderpoint Ca 95511 CA \_\_\_\_\_  
 Directions to Site up on willow

Applicant Bushnell Ent Contact \_\_\_\_\_  
 Mailing Address 641 Bear Creek Rd Work Phone 923 2104  
 City/State/Zip Garberville Ca 95542 Cell Phone 499 284

Property Owner \_\_\_\_\_ Home Phone \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Work Phone \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_ Cell Phone \_\_\_\_\_

I hereby grant 'right-of-entry' for inspection purposes  \_\_\_\_\_

Drilling Contractor George Bushnell C-57 License # 403708

I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.

Well Driller Signature: George Bushnell

Would driller like a copy of approved application?  Yes  No

U.S. Mail address: Sam

Email address: \_\_\_\_\_



- Type of Application:**
- Construction
  - Destruction
  - Repair/Modification

**Construction:**  
 Estimated Depth (ft.) 200'  
 Diameter (in.) 9"  
 Depth of Seal (ft.) \_\_\_\_\_  
 Sealing Material Bentonite

- Intended Use:**
- Domestic - private
  - Community Supply
  - Irrigation
  - Other \_\_\_\_\_

Estimated Work Dates:

Start 9-18

Completion 9-18

Casing:

Diameter (in.) 4 1/2

Material PUC

Type of Sewage System:

Community Sewer

OWTS (Septic)

Distance from well site to OWTS 200'

Special Requirements/Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLOT PLAN

FOR OFFICE USE ONLY

Fee: \$373<sup>00</sup>

Date: 3/26/19

Receipt: 0-Pay see below

Project #: \_\_\_\_\_

Paid by: LaDonna Auxier

Site Approved by: J. Whittington

Site Approved Date: 4/2/19

Sealed to Depth of: \_\_\_\_\_

Seal observed:  Yes  No

Final Approved Date: \_\_\_\_\_

Co # 11W70V 0-Pay



State of California  
**Well Completion Report**  
 Form DWR 188 Submitted 5/13/2019  
 WCR2019-006574



Owner's Well Number 1 Date Work Began 04/01/2019 Date Work Ended 04/01/2019  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 18/19-0909 Permit Date 03/26/2019

<b>Well Owner (must remain confidential pursuant to Water Code 13752)</b>		<b>Planned Use and Activity</b>	
Name <u>Ladonna Auxier</u>		Activity <u>New Well</u>	
Mailing Address <u>1272 Evergreen rd #414</u>		Planned Use <u>Water Supply Irrigation - Agriculture</u>	
City <u>redway</u>	State <u>ca</u> Zip <u>95560</u>		

Well Location			
Address _____		APN <u>216-382-059</u>	
City _____	Zip _____	County <u>Humboldt</u>	Township <u>04 S</u>
Latitude <u>40</u> <u>8</u> <u>53.4875</u> N	Longitude <u>-123</u> <u>39</u> <u>30.6287</u> W	Range <u>05 E</u>	Section <u>06</u>
Deg. Min. Sec.	Deg. Min. Sec.	Baseline Meridian <u>Humboldt</u>	
Dec. Lat. <u>40.148191</u>	Dec. Long. <u>-123.658508</u>	Ground Surface Elevation _____	
Vertical Datum _____	Horizontal Datum <u>WGS84</u>	Elevation Accuracy _____	
Location Accuracy _____	Location Determination Method _____	Elevation Determination Method _____	

Borehole Information	
Orientation <u>Vertical</u>	Specify _____
Drilling Method <u>Direct Rotary</u>	Drilling Fluid <u>Air</u>
Total Depth of Boring <u>120</u> Feet	
Total Depth of Completed Well <u>120</u> Feet	

Water Level and Yield of Completed Well	
Depth to first water <u>70</u> (Feet below surface)	
Depth to Static _____	
Water Level <u>65</u> (Feet)	Date Measured <u>04/01/2019</u>
Estimated Yield* <u>8</u> (GPM)	Test Type <u>Air Lift</u>
Test Length _____ (Hours)	Total Drawdown _____ (feet)
*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	20	brown top soil
20	60	blue clay
60	100	fractured shale with quariz
100	120	solid blue sand stone

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	120	Screen	PVC	OD: 5.563 in. I Thickness: 0.375 in.	0.375	5.563	Milled Slots	0.032	0-100 blank pvc. 100-120perferated .032 slots

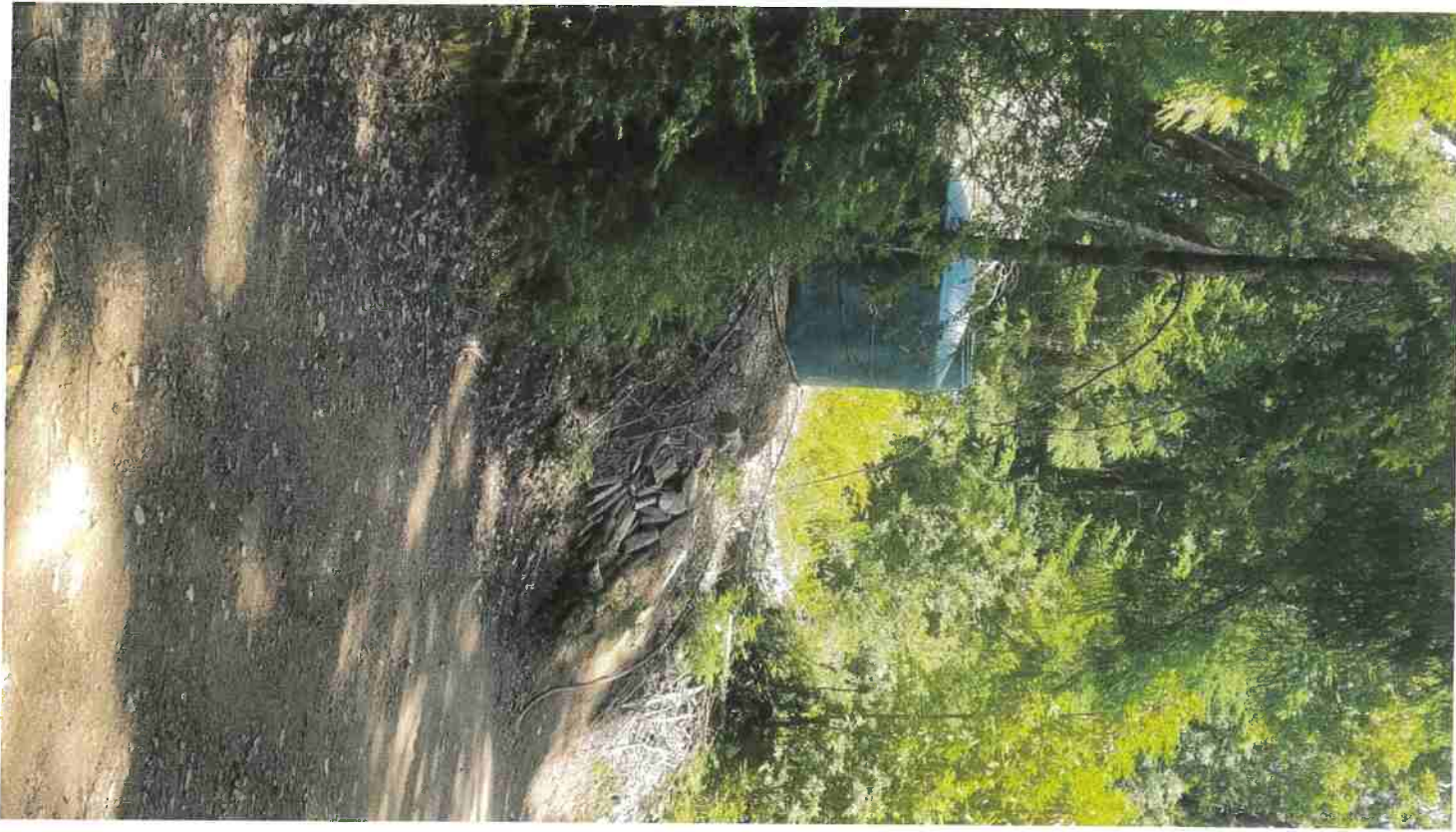
Annular Material					
Depth from Surface Feet to Feet	Fill	Fill Type Details		Filter Pack Size	Description
0	23	Bentonite	Non Hydrated Bentonite	3/8	
23	120	Filter Pack	Other Gravel Pack	3/8s pea gravel	

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet	Borehole Diameter (inches)	
0	120	9

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	BUSHNELL ENTERPRISES		
	Person, Firm or Corporation		
649 BEAR CREEK ROAD	GARBERVILLE	CA	95542
Address	City	State	Zip
Signed	<i>electronic signature received</i>	05/13/2019	403708
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

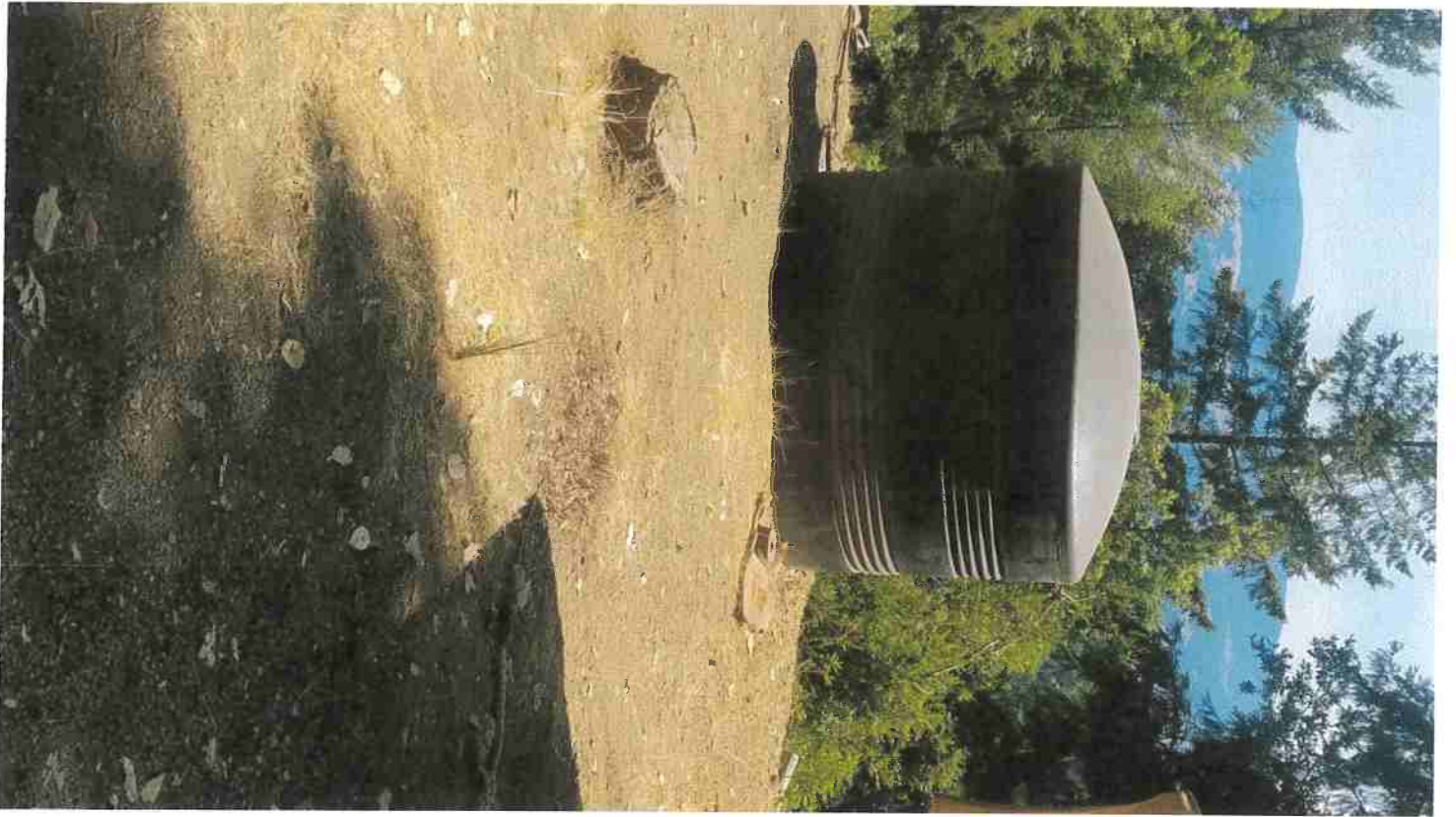
DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
		N	W
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			



Installed 4.1.19  
 3,000 Gal  
 Ag tank



2500 Gal Domestic Tank.jpg



Installed 4.1.19  
 2500 Gal  
 Domestic

State of California  
**Well Completion Report**  
 Form DWR 188 Auto-Completed 7/15/2019  
 WCR2019-006574

Owner's Well Number 1 Date Work Began 04/01/2019 Date Work Ended 04/01/2019  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 18/19-0909 Permit Date 03/26/2019

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>XXXXXXXXXXXXXXXXXXXX</u>	Activity <u>New Well</u>
Mailing Address <u>XXXXXXXXXXXXXXXXXXXX</u> <u>XXXXXXXXXXXXXXXXXXXX</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>XXXXXXXXXXXXXXXXXXXX</u> State <u>XX</u> Zip <u>XXXXX</u>	

Well Location	
Address _____	APN <u>216-382-059</u>
City _____ Zip _____ County <u>Humboldt</u>	Township <u>04 S</u>
Latitude <u>40</u> <u>8</u> <u>53.4875</u> N Longitude <u>-123</u> <u>39</u> <u>30.6287</u> W	Range <u>05 E</u>
Deg. Min. Sec. Deg. Min. Sec.	Section <u>06</u>
Dec. Lat. <u>40.148191</u> Dec. Long. <u>-123.658508</u>	Baseline Meridian <u>Humboldt</u>
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	
Orientation <u>Vertical</u> Specify _____	
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	
Total Depth of Boring <u>120</u> Feet	
Total Depth of Completed Well <u>120</u> Feet	

Water Level and Yield of Completed Well	
Depth to first water <u>70</u> (Feet below surface)	
Depth to Static _____	
Water Level <u>65</u> (Feet) Date Measured <u>04/01/2019</u>	
Estimated Yield* <u>8</u> (GPM) Test Type <u>Air Lift</u>	
Test Length _____ (Hours) Total Drawdown _____ (feet)	
*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
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Annular Material				
Depth from Surface Feet to Feet	Fill	Fill Type Details	Filter Pack Size	Description
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23	120	Filter Pack	Other Gravel Pack	3/8s pea gravel

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	120	9

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	BUSHNELL ENTERPRISES		
Person, Firm or Corporation			
649 BEAR CREEK ROAD	GARBERVILLE	CA	95542
Address		City	State Zip
Signed	<i>electronic signature received</i>	05/13/2019	403708
C-57 Licensed Water Well Contractor		Date Signed	C-57 License Number

DWR Use Only			
CSG #	State Well Number	Site Code	Local Well Number
			N
Latitude Deg/Min/Sec		Longitude Deg/Min/Sec	
TRS:			
APN:			



## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division		No Response	
Division Environmental Health	✓	Conditional Approval	<b>Attached</b>
Public Works, Land Use Division	✓	Comments	<b>Attached</b>
Alderpoint Fire Protection District		No Response	
California Department of Fish & Wildlife		No Response	<b>Attached</b> – Planning staff request for comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file and confidential
So. Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff	✓	Approval	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



[Return to](#)

NOTICE: When searching Planning records below, it is recommended to use the wildcard % before and after your search, i.e. %12345% to search for record number 12345.

Home **Planning** Building

Search Cases

**Record PLN-12628-CUP:**  
**Historic Planning**  
**Record Status: In Referrals**

[Add to collection](#)

Record Info

Payments

Conditions **2**

Custom Component



A notice was added to this record on 01/21/2020.  
Condition: Parcel Status Severity: Notice  
Total Conditions: 2 (Notice: 2)

[View Condition](#)

## Application Location

## Record Details

### Applicant:

Organization  
Not Fade Away Farms LLC  
Work Phone: 9165243761  
Mobile Phone: 9165243761  
ssockwell@hotmail.com

### Project Description:

Not Fade Away Farms LLC - Existing cultivation - 7,668 SF outdoor  
A Special Permit for 7,668 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from a well onsite. Water storage onsite consists of one 3,000 gallon hard tank. Processing activities are proposed in an existing 192 square foot shed. The applicant anticipates the need for up to three employees for proposed activities. Power is provided by generators with a supplemental solar system.

### Owner:

Auxier Ladonna & Rempfer Eric  
1271 Evergreen Rd #414  
Redway CA 95560

### More Details

#### Related Contacts

#### Cannabis Licensee information

Sole Proprietorship  
Not Fade Away Farms  
5500 Rancho Sequoia  
Alderpoint, CA, 95511

#### Property Owner information

Individual  
LaDonna Auxier  
1271 Evergreen Road  
Redway, CA, 95560

Work Phone:7074978892  
Mobile Phone:7074978892  
E-mail:lisa2727@yahoo.com

**Referral Agency information**

Organization  
AG Commissioner  
5630 S Broadway St.  
EUREKA, CA, 95503  
Home Phone:7074415260  
Work Phone:7074415260  
Mobile Phone:7074415260  
E-mail:agcommissioner@co.humboldt.ca.us

**Referral Agency information**

Organization  
District Attorney  
EUREKA, CA  
E-mail:districtattorney@co.humboldt.ca.us

**Referral Agency information**

Organization  
Sheriff  
E-mail:kireland@co.humboldt.ca.us; ssopoaga@co.humboldt.ca.us

**Referral Agency information**

Organization  
Building Inspections  
E-mail: buildinginspections@co.humboldt.ca.us;  
mail: awilson1@co.humboldt.ca.us

**Referral Agency information**

Organization  
RWQCB  
EUREKA, CA  
E-mail:NorthCoast.Cannabis@Waterboards.ca.gov

**Referral Agency information**

Organization  
School District  
EUREKA, CA

**Referral Agency information**

Organization  
Bear River Band  
EUREKA, CA  
E-mail:erikacooper@brb-nsn.gov

**Additional Contact information**

Individual  
Joe Bilandzija  
PO Box 262  
Alderpoint, CA, 95511  
Home Phone:7079514427  
Work Phone:7079514427  
E-mail:coach@thehumboldtcure.com

**Assigned Planner information**

Individual  
LACO Associates

**Referral Agency information**

Organization  
County Counsel  
E-mail:jellinwood@co.humboldt.ca.us; nduke@co.humboldt.ca.us

**Referral Agency information**

Organization  
Environmental Health  
E-mail:envhealth@co.humboldt.ca.us

**Referral Agency information**

Organization  
PW Land Use  
E-mail:ecearley@co.humboldt.ca.us; kmartinique@co.humboldt.ca.us

**Referral Agency information**

Organization  
FPD  
EUREKA, CA

**Referral Agency information**

Organization  
NCUAQMD  
United States  
E-mail:jdavis@ncuaqmd.org; support@ncuaqmd.org

**Referral Agency information**

Organization  
Cal Fish & Wildlife  
EUREKA, CA  
E-mail: CoastalCannabis@wildlife.ca.gov; CEQAReferrals@wildlife.ca.gov  
mail:

**Referral Agency information**

Organization  
NWIC  
EUREKA, CA  
E-mail:nwic@sonoma.edu

**Agent information**

Organization  
DTN Engineering  
David Nicoletti  
Eureka, CA, 95501  
United States  
Home Phone:9162157769  
Work Phone:9162157769  
E-mail:dnicoletti@dtngineering.com

**Individual information**

Individual  
Megan LACO Marruffo  
21 W 4th Street

Deirdre Clem  
Eureka, CA, 95501  
Home Phone:7074435054  
Mobile Phone:7074435054  
E-mail:marruffom@lacoassociates.com

Eureka, CA, 95501  
United States  
Work Phone:7074435054  
E-mail:marruffom@lacoassociates.com

### Individual information

Individual  
Meghan LACO Ryan  
United States  
Work Phone:7074435054  
E-mail:ryanm@lacoassociates.com

### Application Information

#### PLANNING

**Project Type Primary:** Conditional Use Permit (CCLUO1)  
**Case Type 1:** CUP1  
**Slope Stability:** 2  
**Cannabis Project:** Yes  
**Project Location:**

The project is located in Humboldt County, in the Alderpoint area, on the east side of Willow Road, approximately 0.4 miles north from the intersection of Rancho Sequoia Drive and Willow Road, on the property known as 785 Willow Road.

#### Plan Designation:

Residential Agriculture (RA), 2017 General Plan, Density: 5-20 acres per unit, Slope Stability: Moderate Instability (2)

**File Location:** Main Files

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#### Zoning Information

**Present Zoning:** Forestry Recreation (FR), Special Building Site B-5(10)

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#### CANNABIS

**Cannabis Project Status:** Existing  
**Cultivation:** Yes  
**Cultivation Outdoor:** 7668  
**Cultivation Area:** 7668  
**Eligible for Interim Permit:** Yes  
**Interim Permit Status:** Issued 2.0  
**Interim Permit Outdoor Sq Ft:** 7325  
**Issued:** 08/16/2018  
**Interim Permit Expiration:** 12/31/2021  
**Cultivation – Outdoor:** Yes  
**TCR Reduction:** Yes  
**TCR Year:** 2020  
**TCR Outdoor:** 0

### Application Information Table

#### REFERRALS

**Group:** County  
**Agency:** AG Commissioner  
**Sent:** 10/22/2019  
**Resend:** No  
**Required:** No

**Group:** County  
**Agency:** District Attorney  
**Sent:** 10/22/2019  
**Resend:** No  
**Required:** No

**Group:** County  
**Agency:** Environmental Health  
**Sent:** 10/22/2019  
**Response Received:** 10/30/2019

<b>Reviewer:</b>	BDOLF
<b>Status:</b>	Approved with Conditions
<b>Comments:</b>	Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. DEH has not approved the well permit. The well shall not be used for irrigation until such time as DEH has approved the well construction.
<b>Resend:</b>	No
<b>Required:</b>	No
<b>Group:</b>	County
<b>Agency:</b>	Sheriff
<b>Sent:</b>	10/22/2019
<b>Response Received:</b>	10/30/2019
<b>Reviewer:</b>	HCSO
<b>Status:</b>	Approved
<b>Comments:</b>	Misdemeanors only
<b>Resend:</b>	No
<b>Required:</b>	No
<b>Group:</b>	County
<b>Agency:</b>	PW Land Use
<b>Sent:</b>	10/22/2019
<b>Response Received:</b>	12/06/2019
<b>Reviewer:</b>	KFREED
<b>Status:</b>	Approved with Conditions
<b>Comments:</b>	See Public Works memo dated 12/06/2019
<b>Resend:</b>	No
<b>Required:</b>	No
<b>Group:</b>	County
<b>Agency:</b>	Building Inspections
<b>Sent:</b>	10/22/2019
<b>Resend:</b>	No
<b>Required:</b>	No
<b>Group:</b>	Regional
<b>Agency:</b>	FPD
<b>Other Name:</b>	Alderpoint VFC
<b>Sent:</b>	10/22/2019
<b>Resend:</b>	No
<b>Required:</b>	No
<b>Group:</b>	State
<b>Agency:</b>	RWQCB
<b>Sent:</b>	10/22/2019
<b>Resend:</b>	No
<b>Required:</b>	No
<b>Group:</b>	Regional
<b>Agency:</b>	NCUAQMD
<b>Sent:</b>	10/22/2019
<b>Resend:</b>	No
<b>Required:</b>	No
<b>Group:</b>	Regional
<b>Agency:</b>	School District
<b>Other Name:</b>	Southern Humboldt JUSD
<b>Sent:</b>	10/22/2019
<b>Resend:</b>	No
<b>Required:</b>	No

**Group:**  
**Agency:**  
**Sent:**  
**Resend:**  
**Required:**

State  
Cal Fish & Wildlife  
10/22/2019  
No  
No

▣ **Parcel Information**

**Parcel Number:**  
216-382-059-000  
**Airport Compatibility Zone:**  
N  
**Coastal Zone:**  
N  
**FAR77 Airport Code:**  
N  
**Longitude:**  
-123.6579  
**Parcel Legal Status:**  
LP,1:1  
**Slope Stability:**  
2

**ACTIVE/INACTIVE:**  
Active  
**County Code 333-1:**  
N  
**Community Plan:**  
Inland GP  
**Flood Zone:**  
N  
**MS4:**  
No  
**Recorder Case:**  
16446  
**State Fire Responsibility:**  
Y

@





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

ON-LINE  
 WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX  
 HARRIS & H ST., EUREKA  
 FAX 445-7388  
 LAND USE 445-7205

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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Keenan Hilton, Planner, Planning & Building Department  
 FROM: Kenneth M. Freed, Assistant Engineer *KA*  
 DATE: 12/06/2019

RE:

<b>Applicant Name</b>	<b>LADONNA AUXIER</b>
<b>APN</b>	<b>216-382-059</b>
<b>APPS#</b>	<b>PLN-12628-CUP</b>

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)* are required; See **Exhibit "D"**

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report dated August 18, 2019, no date stamp received by the Humboldt County Planning Division, with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed.

The Department requires all recommendations by engineer to be completed.

Evaluation report has a reference to Price Creek Road, this road is not near the project site and it is the Departments conclusion that it should read Rancho Sequoia Road. In addition, Engineer did not complete Item #1 on Part B of the evaluation form, that states the number of other known cannabis projects included in the ADT calculations. Engineer states the use of counters to obtain the average daily traffic trips but did not provide the count data. Future known cannabis projects should be factored into the data.

// END //



Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12628

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

## Megan Marruffo

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**From:** Megan Marruffo  
**Sent:** Friday, October 15, 2021 7:59 AM  
**To:** Michael Van Hattem  
**Cc:** Cliff Johnson <CJohnson@co.humboldt.ca.us>; Meghan Ryan  
**Subject:** APPS #12628, APN: 216-382-059, Not Fade Away Farms, LLC - PROJECTED HEARING DATE: 11/4/21  
**Attachments:** 12628 LSAA Not Needed 3.23.20.pdf

Good morning, Michael,

I am writing to see if CDFW has comments for the Not Fade Away Farms, LLC project (APPS #12628; APN 216-382-059), located in the Alderpoint area. The project is anticipated to go before the Zoning Administrator for decision on November 4, 2021. The applicant submitted a Notification of Lake or Streambed Alteration, but received a letter from CDFW in March 2020 stating that a Notification was not needed for the project (attached). The project description is as follows:

A Special Permit for an existing 7,948 square foot (SF) outdoor cannabis cultivation with 240 SF of ancillary propagation. Irrigation water is sourced from a permitted groundwater well, with long term plans to add rainwater catchment. Existing available water storage is 6,000 gallons in three (3) hard-sided tanks; however, 2,500 gallons is dedicated for domestic use. Estimated annual water usage is 75,000 gallons. Onsite processing occurs and a maximum of three (3) people will be on-site during peak operations. Power is provided by generators; however, the applicant plans to add solar and switch to a propane generator..

If CDFW has any questions or comments regarding this project, please let me know.

Thank you,  
Megan



Megan Marruffo  
Senior Planner / Project Manager  
LACO Associates  
Eureka | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
707 443 5054  
<http://www.lacoassociates.com>

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