



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: August 19, 2021

To: Humboldt County Planning Commission

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

Subject: **Bubba's Bud Farm, LLC, Conditional Use Permit**
Record Number: PLN-11516-CUP
Assessor's Parcel Number (APN): 223-281-003
308 Sawmill Road, Garberville area

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Please contact Cameron Purchio, assigned planner, at (707) 443-5054 or by email at purchioc@lacoassociates.com if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date August 19, 2021	Subject Conditional Use Permit	Contact Cameron Purchio
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Project Description: A Conditional Use Permit for continued cultivation of 15,000 square feet (SF) of outdoor cannabis cultivation of which 2,720 SF is outdoor that is cultivated in light-deprivation hoop houses and 12,280 SF is full-sun outdoor. Ancillary propagation is 1,500 SF and occurs on-site in an existing workshop. Irrigation water is sourced from rainwater catchment. Existing available water storage is 51,200 gallons in a series of hard sided tanks. Prior to the 2022 cultivation season, the applicant is required to install 36,300 gallons of water storage to meet the water demand. Estimated annual water usage is 87,500 gallons. Drying and processing occurs onsite. Up to four (4) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) generators utilized only for back-up in the event of a service outage.

Project Location: The project is located in Humboldt County, in the Garberville area, on the north side of Alderpoint Road, approximately 0.27 miles west of the intersection of Alderpoint Road and Sawmill Road, on the property known as 308 Sawmill Road.

Present Plan Land Use Designations: Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3).

Present Zoning: Agriculture Exclusive (AE), Minimum building site area is one (1) acre unless otherwise indicated on the subdivision map of record (B-6(160)).

Record Number: PLN-11516-CUP

Assessor's Parcel Number: 223-281-003

Applicant

Bubba's Bud Farm, LLC
P.O. Box 141
Garberville, CA 95542

Owner

Gerald Smith
PO Box 150743
Nashville, TN 37215

Agent

Clearwater Ag Services
C/O Diana Totten
446 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.

Bubba's Bud Farm, LLC
Record Number: PLN-11516-CUP
Assessor's Parcel Number: 223-281-003

Recommended Commission Action:

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial a 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 Conditional Use Permit and adopt the Resolution approving the Bubba's Bud Farm, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: Bubba's Bud Farm, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 15,000 square feet (SF) of cannabis of which 2,720 SF is outdoor cultivated in light deprivation hoop houses and 12,280 SF is full-sun outdoor, in accordance with Humboldt County Code 314-55.4 of Chapter 4 of Division 1 Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Cultivation occurs in two distinct areas across the property: Cultivation Area 1 is a flat located in the northern portion of the parcel and contains 2,720 SF of outdoor cultivation in 3 hoop houses and 2,250 SF of full sun outdoor cultivation; and Cultivation Area 2 (central part of the parcel) contains 10,030 SF of full sun cultivation. Ancillary propagation totals 1,500 SF and is located in the existing workshop. The outdoor cultivation in hoop houses will produce up to two (2) harvests per year and the full-sun outdoor cultivation is anticipated to yield one (1) harvest per year, for a growing season that extends from March through November.

Drying and processing occurs onsite utilizing an existing 768 SF structure. Up to four (4) employees are expected to be utilized during peak season. Restroom and sanitary facilities, including hot and cold water, are located in the caretaker's residence and are on a separate septic system than the onsite residence. Power for the operation is provided by Pacific Gas and Electric Company (PG&E), with two (2) generators utilized for back-up only in the event of a service outage. The operation is secured behind a locked entry gate and structures are secured with locks.

A review of aerial imagery on the Humboldt County WebGIS shows timber conversion occurred between 2010 – 2012 and again between 2012 – 2014 in the northern area of the subject parcel and between 2014 – 2016 in the central portion of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) that evaluates the unpermitted conversion pursuant to the Forest Practices Rules. The report shall include monitoring and reporting requirements, including restocking at a 3:1 minimum ratio and with an 85% success rate and three years of monitoring is restocking is recommended by the RPF. The conditions of approval so require the applicant to adhere to and implement the recommendations from the RPF.

Estimated annual water usage is 87,500 gallons (5.83 gal/SF) with peak demand occurring in August and September at approximately 20,000 gallons. Water for irrigation is provided by a rainwater catchment system. The catchment area consists of five (5) discreet surfaces (mainly structures) with a total surface area of 4,470 square feet. The average annual rainfall within the Garberville area over the last ten (10) years is 60 inches. Using a conversion factor of 0.623, there is a potential volume of rainwater catchment of 167,000 gallons, which is sufficient to meet the needs of the project. Water for irrigation is stored in plastic water storage tanks of varying sizes across the property. Currently, approximately 51,200 gallons of water storage exists onsite in the following sizes: 300 gallons, 500 gallons, 1,400 gallons, 2,000 gallons, and 15,000 gallons. Conditions of approval require the applicant to increase water storage to meet annual demand of 87,500 gallons prior to the 2022 cultivation season. No diversionary water is utilized for this project and the permitted onsite well is used for domestic purposes only.

An unnamed creek, a tributary of the main stem of the Eel River, is located downslope of the property and all cultivation-related activities will occur outside of required Streamside Management Area buffers. A Cultivation and Operations Plan was prepared by the applicant in March 2021 (Attachment 3) that includes recommended best practices for erosion control, prevention of runoff, and utilizing a secure storage facility for all cultivation-related materials consistent with the North Coast Regional Water Quality Control Board Order R1-2015-0023 and the State Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant is enrolled in the SWRCB General Order (WDID 1_12CC402154, effective as of 5/38/2018), for which a Notice of Applicability has been submitted. Conditions of approval require the applicant to submit a Site Management Plan (SMP) in accordance with the General Order. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order 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.

A search of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) biological resources database was performed on July 21, 2020. No special status species were documented onsite and the nearest Northern Spotted Owl (NSO) activity center is located approximately 3.0 miles from the project area. The project will be designed so that noise and light does not impact wildlife. All light used for propagation occurs within an enclosed structure. The project will follow all applicable rules of Dark Sky Standards. The project is conditioned such that the back-up generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 60 dB at the property line as required by the CMMLUO. Additionally, any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

The project was referred by the County to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria in August 2017. NWIC noted that for all the project site there was no official record of any previous cultural resource surveys for the area and recommended contacting the local Native American tribes (On file and confidential). By email of April 26, 2019, the Bear River Band of Rohnerville Rancheria requested an archeological survey for the site. A Cultural Resources Investigation of the Property was prepared in February 2021 by Archaeological Research and Supply Company which did not identify any historic or prehistoric resources within the survey area and recommended inadvertent discovery protocols.

Access to the site is via a private driveway off of Sawmill Road, a non-County-maintained road, to Alderpoint Road, a Category 4 County-maintained roadway. A Road Evaluation report was prepared by Clearwater Ag Services in April 2018 (Attachment 3) for a 0.4-mile segment of Sawmill Road from the private driveway to Alderpoint Road and determined that the road segment is developed to the equivalent of a road Category 4 standard. Due to the number of cultivation projects along Sawmill Road, both approved and pending, conditions of approval require the applicant to take steps to form a Road Maintenance Association (RMA) for the maintenance of Sawmill Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities, to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. Additionally, per comments received from the Department of Public Works, Land Use Division in April 2018, the project is conditioned to improve the access road to commercial driveway standards by paving the access road (Sawmill Road) for a minimum width of 20 feet and length of 50 feet where it intersects the County road (Alderpoint Road). All driveways and private road intersections onto the County road shall be maintained in accordance

with County Code Section 341-1 (Sight Visibility Ordinance).

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit.

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number: 21-
Records Number: PLN-11516-CUP
Assessor's Parcel Number: 223-281-003**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Bubba's Bud Farm, LLC, Conditional Use Permit.

WHEREAS, Bubba's Bud Farm, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 15,000 square foot (SF) cannabis cultivation of which 2,720 SF is outdoor using light deprivation techniques in hoop houses and 12,280 SF is full-sun outdoor with 1,500 SF of appurtenant propagation in an existing workshop, drying, and processing activities. Annual water use is 87,500 gallons and there is a total of 51,200 gallons of water storage onsite in a series of hard-sided tanks and the applicant will be adding an additional 36,300 prior to the 2022 cultivation season. There will be a maximum of 4 people on-site during peak operations. Power is provided by PG&E with two (2) generators utilized only for back-up in the event of a service outage; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 19, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit for the continued operation of an existing 15,000 square foot (SF) cannabis cultivation of which 2,720 SF is outdoor using light deprivation techniques in hoop houses and 12,280 SF is full-sun outdoor with 1,500 SF of appurtenant propagation in an existing workshop, drying, and processing activities. Annual water use is 87,500 gallons and there is a total of 51,200 gallons of water storage onsite in a series of hard-sided tanks and the applicant will be adding an additional 36,300 prior to the 2022 cultivation season. There will be a maximum of 4 people on-site during peak operations. Power is provided by PG&E with two (2) generators utilized only for back-up in the event of a service outage.

EVIDENCE: a) Project File: PLN-11516-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 Cultivation and Operations Plan was prepared by the applicant in March 2021 that includes recommended best practices for erosion control, prevention of runoff, and utilizing a secure storage facility for all cultivation-related materials consistent with the North Coast Regional Water Quality Control Board Order RI-2015-0023 and the State Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant is enrolled in the SWRCB General Order (WDID 1_12CC402154), for which a Notice of Applicability has been submitted. Conditions of approval require the applicant to submit a Site Management Plan in accordance with the General Order. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, 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.
- d) A search of the California Natural Diversity Database (CNDDDB) biological resources database was performed on July 21, 2020. No special status species were documented onsite, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 3.0 miles from the project area. The project will be designed so that noise and light does not impact wildlife. All light used for propagation will be within an enclosed structure. The project will follow all applicable rules of Dark Sky Standards. The project is conditioned such that the back-up generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 60 dB as required by the CMMLUO. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. 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.
- e) A review of aerial imagery on the Humboldt County WebGIS shows timber conversion occurred between 2010 – 2012 and again between 2012 – 2014 in the northern area of the subject parcel and between 2014 – 2016 in the central portion of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) that evaluates the unpermitted conversion pursuant to the Forest Practices Rules. The report shall include monitoring and reporting requirements, including restocking at a 3:1 minimum ratio and with an 85% success rate and three years of monitoring is restocking is recommended by the RPF. The conditions of approval so require the applicant to adhere to and implement the recommendations from the RPF. No additional tree clearing is proposed.
- f) A Cultural Resources Investigation Report was carried by Archeological Research and Supply Company in February 2021, which concluded that the proposed project will not result in any adverse changes to historical or

archaeological resources and recommended Inadvertent Discoveries Protocol.

- g) A Road Evaluation Report was prepared by Clearwater Ag Services in April 2018 for a 0.4-mile segment of Sawmill Road from the private driveway to Alderpoint Road, which determined the road segment is developed to the equivalent of a road Category 4 standard and identified that the road is suitable for safe access to and from the project site. Conditions of approval require the formation of a Road Maintenance Association (RMA) and improve the access road to commercial driveway standards.

FINDINGS FOR CONDITIONAL USE PERMIT

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

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

4. FINDING The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

EVIDENCE a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas of the County in which agriculture is and should be the desirable predominant use and is meant to ensure compatibility with adjacent resource production and open space uses.

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 15,000 square feet (SF) of outdoor cannabis cultivation on a 28.2-acre parcel is consistent with this and the cultivation area verification on file.

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

EVIDENCE a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 19 of Parcel Map 993, Book 008, Page 137).

c) Water for irrigation is provided by a rainwater catchment system. The catchment area consists of five (5) discreet surfaces (mainly structures) with a total surface area of 4,470 square feet. The average annual rainfall within the Garberville area over the last ten (10) years is 60 inches. Using a conversion factor of 0.623, there is a potential volume of rainwater catchment of 167,000 gallons, which is sufficient to meet the needs of the

project. Water for irrigation is stored in plastic water storage tanks of varying sizes across the property, totaling 51,200 gallons of onsite storage. Conditions of approval require the applicant to increase water storage by 36,300 gallons to meet annual demand of 87,500 gallons prior to the 2022 cultivation season.

- d) A Road Evaluation report was prepared by Clearwater Ag Services in April 2018 for a 0.4-mile segment of Sawmill Road from the private driveway to Alderpoint Road, a County-maintained road. The Report determined that the road segment is developed to the equivalent of a road Category 4 standard and was found to be functionally appropriate for the expected traffic. Conditions of approval require the formation of a Road Maintenance Association (RMA) and improve the access road to commercial driveway standards.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The proposed project will result in a loss of timberland. A review of aerial imagery on the Humboldt County WebGIS shows timber conversion occurred between 2010 – 2012 and again between 2012 – 2014 in the northern area of the subject parcel and between 2014 – 2016 in the central portion of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) that evaluates the unpermitted conversion pursuant to the Forest Practices Rules. The report shall include monitoring and reporting requirements, including restocking at a 3:1 minimum ratio and with an 85% success rate and three years of monitoring is restocking is recommended by the RPF. The conditions of approval so require the applicant to adhere to and implement the recommendations from the RPF. No additional tree clearing is proposed.
- 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 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 15,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a rainwater catchment system. Estimated annual water required is 87,500 gallons. The catchment area consists of five

(5) discreet surfaces (mainly structures) with a total surface area of 4,470 square feet. The average annual rainfall within the Garberville area over the last ten (10) years is 60 inches. Using a conversion factor of 0.623, there is a potential volume of rainwater catchment of 167,000 gallons, which is sufficient to meet the needs of the project. Water for irrigation is stored in plastic water storage tanks of varying sizes across the property, totaling 51,200 gallons of onsite storage. Conditions of approval require the applicant to increase water storage by 36,300 gallons to meet annual demand of 87,500 gallons.

- 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. A Cultivation and Operations Plan was prepared by the applicant that includes recommended best practices for erosion control, prevention of runoff, and utilizing a secure storage facility for all cultivation-related materials consistent with the North Coast Regional Water Quality Control Board Order RI-2015-0023 and the State Water Resources Control Board Cannabis General Order. The applicant is enrolled in the State Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1_12CC402154 Conditions of approval require the applicant to submit a Site Management Plan in accordance with the General Order.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and 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 on this parcel.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Bubba's Bud Farm, 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

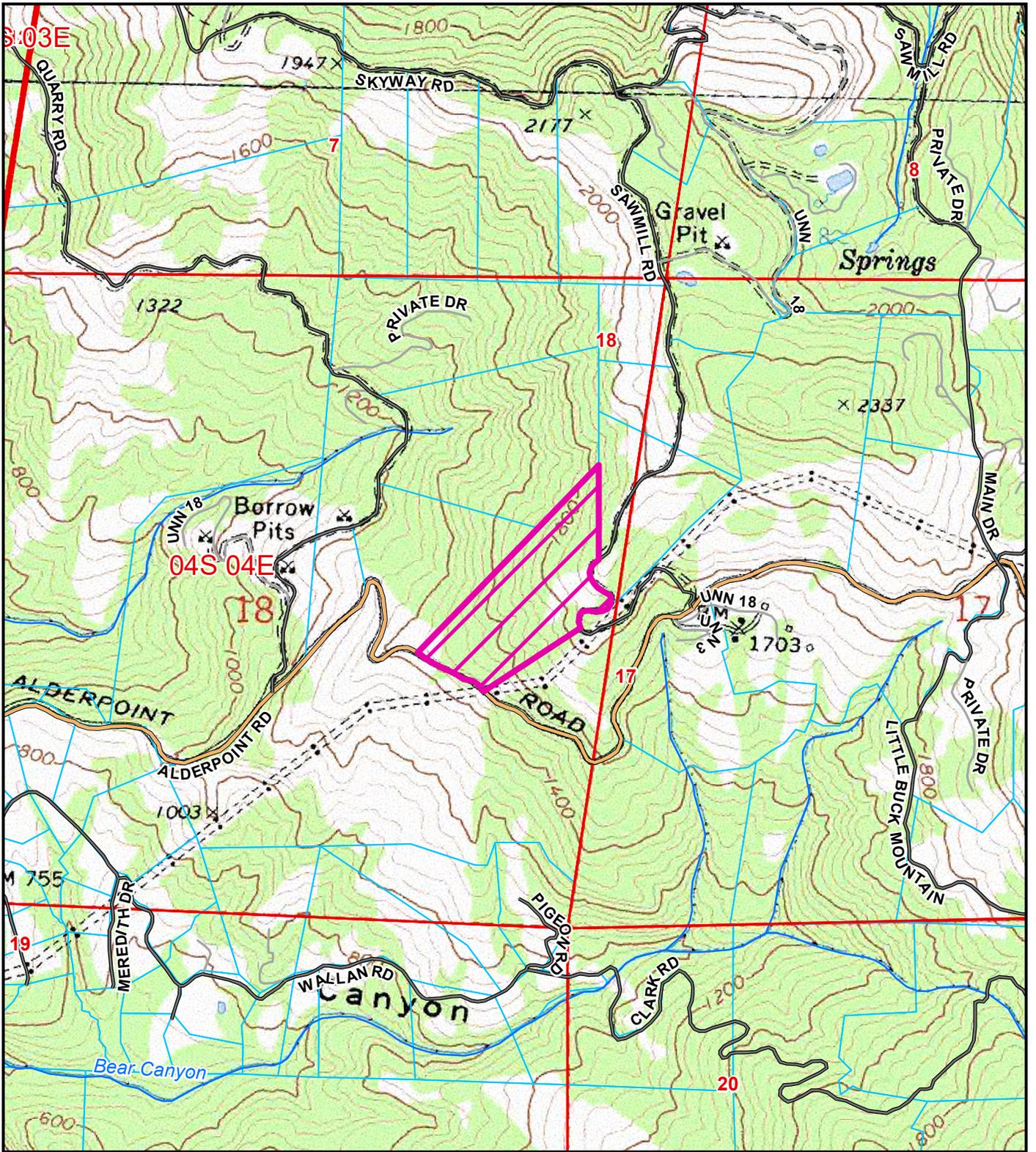
Adopted after review and consideration of all the evidence on August 19, 2021.

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

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

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

 John Ford, Director
 Planning and Building Department

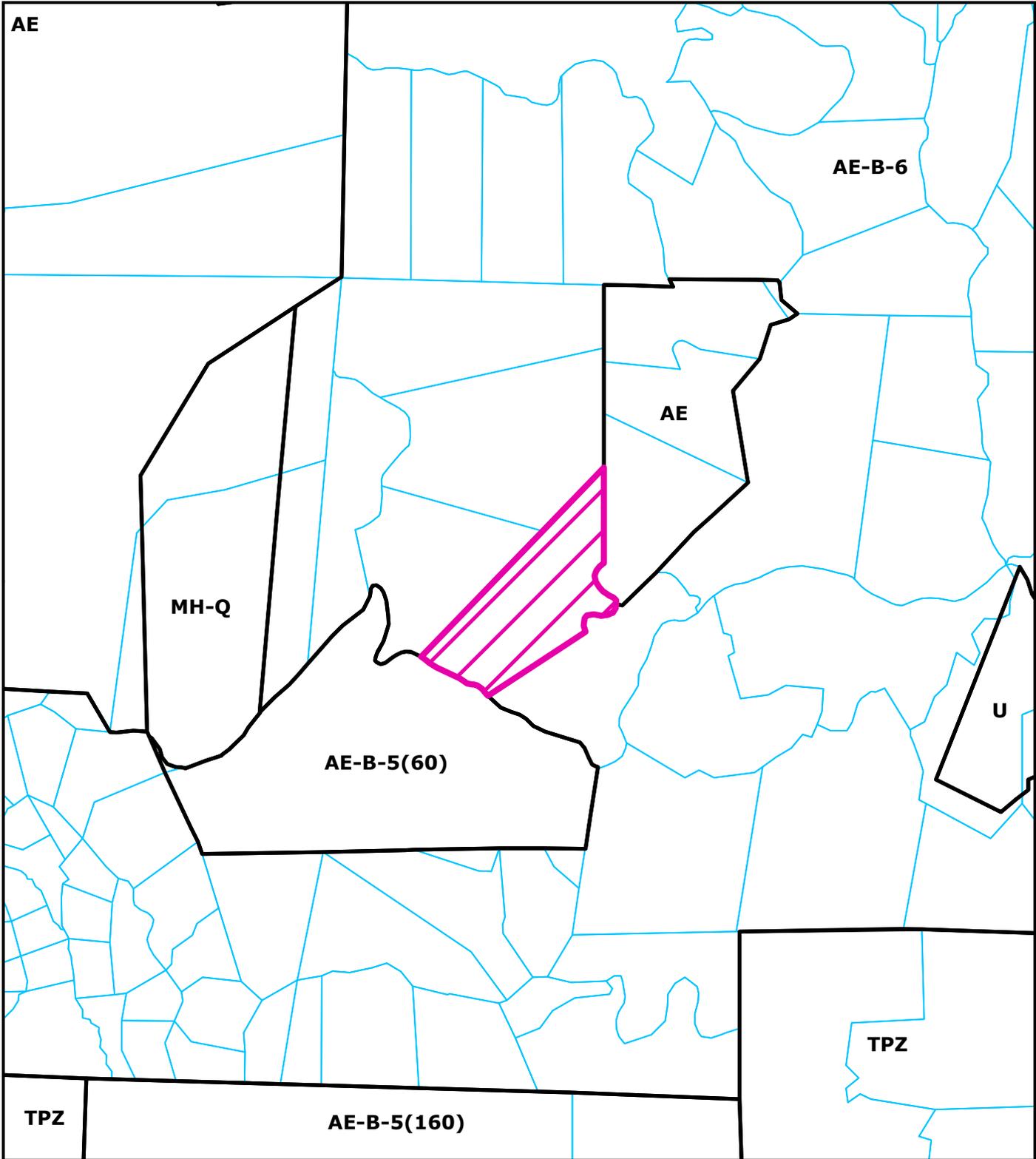


TOPO MAP
PROPOSED BUBBA'S BUD FARM
GARBERVILLE AREA
CUP-18-008
APN: 223-281-003
T04S R04E S18 HB&M (GARBERVILLE)

Project Area = 

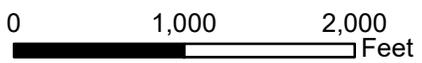


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

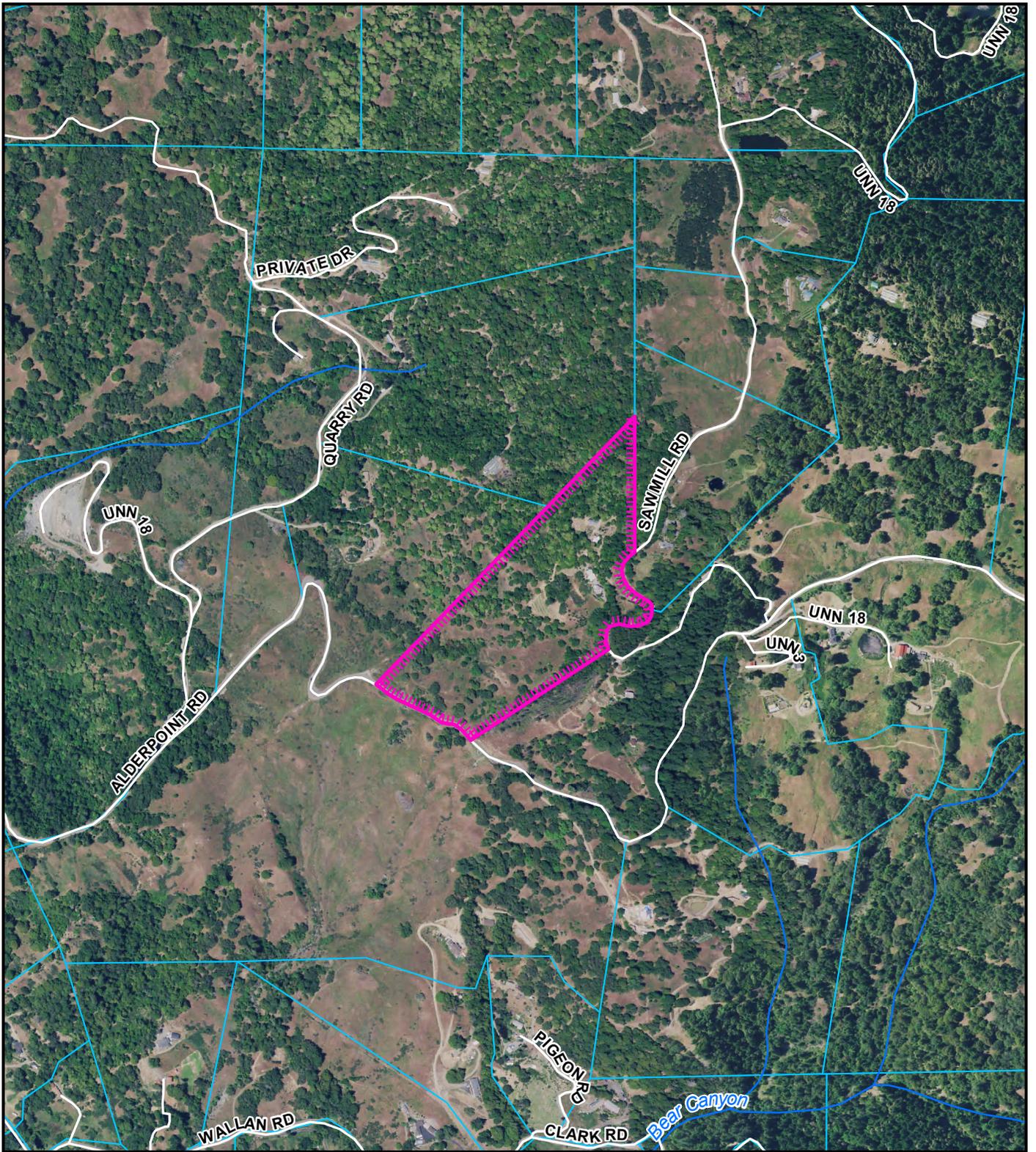


Project Area = 

ZONING MAP
PROPOSED BUBBA'S BUD FARM
GARBERVILLE AREA
CUP-18-008
APN: 223-281-003
T04S R04E S18 HB&M (GARBERVILLE)



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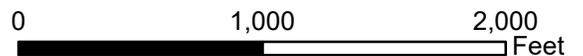


AERIAL MAP
PROPOSED BUBBA'S BUD FARM
GARBERVILLE AREA
CUP-18-008
APN: 223-281-003
T04S R04E S18 HB&M (GARBERVILLE)

Project Area = 



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.



Bubba's Bud farm
debicole1954@gmail.com.

707-223-6960

Green House

A - 1120 sf.
B - 800 sf.
C - 800 sf.

Sent out
5-14-21
Also mailed
Payment

- #1 Buckeye - 7,130 sf.
- #2 Orchard - 2900 sf.
- #3 Between GH - 2&3 - 540 sf.
- #4 below GH - 3 - 450 sf.
- #5 above veggie Garden - 300 sf.
- #6 below veggie Garden - 960 sf.

Using a total of 14,730 sf
The 15,000 sf.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. 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. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. 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 #6 through #15. 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.
6. Within 90 days of the effective date of permit approval, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Buffers/setback distances for natural waterways, including streams, springs, and ponds in conformance with the Streamside Management Area and Wetlands Ordinance (SMAWO) definition in HHC Section 314-6.1 as follows:
 1. 100 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams.
 2. 50 feet measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams.
 3. The width of the SMA shall not exceed 200 feet measured as a horizontal distance from the top of bank. The width of Streamside Management Areas shall be expanded to up to 200 feet measured as the horizontal distance from the top of bank as necessary to include slides or areas with visible evidence of slope instability.

4. 50 feet for seasonal wetlands.
 5. 150 feet from perennial wetlands.
 - b. Tier 4 diesel generator and emergency backup generators are at least 200 feet from all waterways as requested by CDFW in their January 2018 referral comments.
 - c. Additional water storage tanks to increase available water storage to 87,500 gallons as described by COA #11.
 - d. Propagation area limited to 1,500 square feet located in the existing workshop.
7. Within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Sawmill Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
8. Per comments received from the Department of Environmental Health (DEH) in April 2018, within 1 year from the effective date, the applicant shall apply to permit the existing onsite wastewater treatment system (OWTS) as serving the "caretaker's residence" as described in the Cultivation and Operations Plan. The applicant shall submit a letter or similar communication from DEH stating this condition has been met. A sign-off from Planning will satisfy this condition.
9. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage, 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.
10. The applicant shall improve the intersection of Alderpoint Road and the Sawmill Road as follows:
 - a. The applicant shall pave the access road (Sawmill 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.
 - b. 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.
 - c. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
11. Prior to the 2022 cultivation season, the applicant shall install an additional 36,300 gallons of water storage to allow for the rainwater catchment system to meet the annual expected demand and

fully provide water to the project throughout the growing season. The water storage shall be installed in a previously disturbed area. The site plan shall be revised to show the additional water storage as described by COA #6. The applicant shall provide evidence (e.g. photographs) the additional water store is installed. Alternatively, the applicant may contact the Planning Department to request a site inspection to demonstrate the water tanks are installed. A sign-off from the Planning Department will satisfy this condition.

12. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability and 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.
13. 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.
14. The applicant shall submit a Less Than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) that evaluates the unpermitted conversion pursuant to the Forest Practices Rules. The report shall include monitoring and reporting requirements, including restocking at a 3:1 minimum ratio and with an 85% success rate and three years of monitoring is restocking is recommended by the RPF. The conditions of approval so require the applicant to adhere to and implement the recommendations from the RPF. 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.
15. The applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
16. 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.
17. 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 and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
18. 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.

19. 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.
20. 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 light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. 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. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
4. 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.
5. 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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).
16. 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.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. 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.
19. 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).
20. Show continual use of portable bathroom facilities prior to the annual inspection of the permit.

21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. 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

26. 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."
27. 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).
28. 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.
29. 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.

30. 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

31. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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.

32. 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.

33. 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.

34. 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.

35. 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 #32 and 33 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 223-381-003; 308 Sawmill Road, Garberville area
County of Humboldt**

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

August 2021

Background

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

The modified project involves a Conditional Use Permit for an existing 15,000 square foot (SF) outdoor medical cannabis cultivation operation of which 2,720 SF is outdoor that is cultivated in light-deprivation hoop houses and 12,280 SF is full-sun outdoor. Ancillary propagation totals 1,500 square feet and occurs onsite within the existing workshop. Irrigation water is sourced from rainwater catchment. Existing available water storage is 51,200 gallons in a series of hard sided tanks of various sizes across the property. Estimated annual water usage is 87,500 gallons (5.83 gal/SF). The catchment area consists of five (5) discreet surfaces (mainly structures) with a total surface area of 4,470 square feet. The average annual rainfall within the Garberville area over the last ten (10) years is 60 inches. Using a conversion factor of 0.623, there is a potential volume of rainwater catchment of 167,000 gallons, which is sufficient to meet the needs of the project. Water for irrigation is stored in plastic water storage tanks of varying sizes across the property, totaling 51,200 gallons of onsite storage. Conditions of approval require the applicant to increase water storage by 36,300 gallons to meet annual demand of 87,500 gallons.

Drying, curing, and processing will occur onsite within an existing 768 SF structure. Power for the operation is provided by PG&E, with small generators utilized only in the event of a service outage.

An unnamed creek, a tributary of the main stem of the Eel River, is located downslope of the property. All cultivation-related activities will occur outside of required Streamside Management Area buffers and on slopes less than 15%. The Nearest Northern Spotted Owl (NSO) activity center is approximately 2 miles from the project area. The project will be designed so that noise and light does not impact wildlife. Conditions of approval require light and noise attenuation measures to ensure the project has a Less than Significant Impact on NSO. All light used in mixed-light greenhouses or nursery greenhouses will be covered with an opaque black-out tarp so that no light escapes during the night. The project will follow all applicable rules of Dark Sky Standards. The project is conditioned such that the back-up generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 60 dB at the property line as required by the CMMLUO. 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 15,000 square feet of cultivation with ancillary 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):

- Site Plan prepared by the applicant dated 5/14/21.
- Cultivation and Operations Plan prepared by the applicant dated 03/18/21.
- .
- Road Evaluation for Sawmill Road prepared by Clearwater Ag Services dated 4/5/18.
- Cultural Resources Investigation of the Garberville Cole Property prepared by Archaeological Research and Supply Company dated February 2021.
- CNDDDB biological resources search conducted by LACO Associates on 7/21/21.

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. (Site Plan prepared by the applicant dated 5/14/21- **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the applicant dated 03/18/21- **Attached**)
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. (**Attached** - Notice of Applicability WQ-2017-0023-DWQ, WDID 1-12CC402154; On file – Enrollment with State Waterboard Online Cannabis Water Quality Monitoring & Reporting Program, WDID 1-12CC402154, dated May 17, 2018; Condition of Approval – Site Management Plan and annual reporting)
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. (Domestic Use Only, Permit dated 10-8-1980 – On file)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (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 for Sawmill Road prepared by Clearwater Ag Services dated 4/5/18. (**Attached**)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form), prepared by applicant and not dated. (On file)
17. Cultural Resources Investigation of the Garberville Cole Property, prepared by Archaeological Resources and Supply Company, dated February 2021. (Confidential – On file)
18. CNDDDB biological resources search conducted by LACO Associates on 7/21/21. (Confidential – On file)

CULTIVATION AND OPERATIONS PLAN

Bubba Buds Farm, LLC

Jerry Smith (owner)

Debi Cole (manager)

MARCH 18, 2021

BUBBA BUDS FARM, LLC

308 Sawmill Road

Garberville, CA 95542

Cultivation and Operations Plan (6/1/2017) updated (April 30,2021)
Bubba Buds Farm, LLC.

Description of Cultivation Activities

Bubba Farm, LLC, operates as an existing commercial outdoor medical cannabis farm in Southern Humboldt County. This document is prepared specifically for the Bubba Buds Farm, LLC. which is located at 308 Sawmill Rd, Garberville, CA 95542. The parcel number is 223-281-003. This parcel is zoned for agriculture. The existing cultivation site is 15,000 sq. ft. on the 28.23 acres parcel.

Cultivation is as follows: Greenhouse A, with dimensions of 58ft X 24ft, has a total canopy space of 1120 sq ft. Greenhouse B, with dimensions of 43ft X 24ft, has a total canopy space of 800 sq. ft. Greenhouse C, also with dimensions of 43ft X 24ft, has a total canopy space of 800 sq ft. The total cultivation canopy space for all three greenhouses is 2720 sq. ft. All three greenhouses are under License number CCL19-0003749 Adult – use – specialty Mixed Light Tier 1. There are six full sun areas number 1 is called Buckeye is 7130 sq ft of canopy space using beds and smart pots. Number 2 full sun area is named Orchard, also using smart pots and beds with the canopy space of 2,900 sq ft. Number 3 is between greenhouse B and C it has a canopy space of 540 sq ft. Number 4 is below greenhouse C with a canopy space of 450 sq ft. Number 5 is above my vegie garden with a canopy space of 300 sq ft. Number 6 is below my vegie garden with a canopy space of 960 These full sun areas are under License number CCL19-0003748. With all three greenhouses and all six full sun areas we are using 14,730 sq ft of the allotted 15,000. There are no neighbors within 1000 ft. of cultivation and no school bus stop, school, or place of worship within several miles of cultivation.

Description of generator use, power source, and storage

1. Electricity used for ventilation fans is provided by PG & E.
2. Two backup generators, powered with gasoline, can be used if power is down.
3. Gas is stored in workshop.

Processing Plan

A workshop is used for processing it has been coded and permitted. The workshop has dimensions of 32ft X 24ft, with a total area of 768 sq. ft. of working space.

- a. All surfaces and equipment are cleaned with alcohol. (tables/chairs)
- b. All day workers are provided gloves and scissors, kept on the property. Scissors are cleaned with alcohol and stored in air-tight heavy plastic container when not in use.
- c. Workers will wear gloves while cultivating and processing cannabis.
- d. The drying and harvesting and trimming of the cannabis will occur in the processing facility, which will be heated and de-humidified as needed. Unless it is sent to the distro where it will be trimmed, weighed and packaged for sale.
- e. Adequate lighting will be provided as needed.
- f. Processed cannabis is weighed, packaged, labeled, and stored. Weighing will be done by Debi Cole, the weighmaster License number 100937.
- g. Bubba Buds Farm, LLC. reserves the right to improve and advance the processing techniques with the advancement of technology.

Description of location where processing will occur.

Processing occurs on the premises within the existing structure, described in the above section.

Schedule of activities during each month of the growing and harvesting season.

The monthly activities of Bubba Buds Farm, LLC. are outlined below. Bubba Buds Farm, LLC. reserves the right to alter the activities as needed per agricultural necessity.

Table 1: Bubba Buds Farm, LLC.				
Month	Non-commercial Propagation Activities	Cultivation Schedule	Processing Activities	Water Use
March	Buy plants from the nursery with available clones. Popping seeds for outdoor/growing moms for next round in the greenhouses	Transplant clones /caring for seed sprouting and moms	N/A	2500 gallons
April	Growing of clones / turning & amending soil in greenhouses / planting plant seed sprouts/ caring for moms	Transplant into larger pots & plant in greenhouses	N/A	3000 gallons
May	Putting seedlings out in sun getting ready for planting/ getting soil ready for planting	Pruning greenhouses	N/A	5000 gallons
June	Planting outdoor full-term plants	Growing clones for next round of greenhouses / pruning outdoor plants & caging	N/A	10,000 gallons
July	Continuing to grow clones/replant greenhouses	Harvesting all greenhouses / turn & amend soil / plant clones	Cutting, curing and trimming the greenhouses	15,000 gallons
August	Growing greenhouses and full term outdoor	Continuing to grow, prune and caging	Continuing to trim.	20,000 gallons
September	Continuing to grow	Cultivating.	N/A	20,000 gallons
October	Harvest 1 st and 2 nd cuttings of outdoor and greenhouses	Cultivation. Harvest (seasonally variable)	Curing & Harvesting	10,000 gallons
November	Continuing to Harvest last cuttings from outdoor and greenhouses	Cultivation. Harvest (seasonally variable)	Curing, trimming & harvesting	2,000 gallons of water to flush tanks
December	N/A	N/A	Cleaning property and trimming	N/A
			Total Water Use	87,500 gallons

Best Management Practices

Bubba Buds Farm, LLC. is dedicated to being a good neighbor and minimizing any negative impact to the rural community or the natural environment surrounding this parcel. This would include eliminating light pollution, noise pollution, minimizing road usage, or any other adverse effect to our neighbors. We also adhere to BMP's established by the North Coast Regional Water Board's Cannabis Cultivation Discharge Waiver program for protecting the environment we work closely with the county and state to keep in compliance and run a safe, clean farm. We function with great regard for the ecosystem in which we operate. Permaculture practices are implemented to protect and enhance the environment. We have planted persimmon trees, apple trees, pear trees, fig bushes, blackberry bushes, and more to enhance the ecosystems and environments on our farm. Specific implemented Best Management Practices include, but are not limited to the following:

- a. Winter water is collected from our well and stored for 75% of irrigation needs.
- b. Swales capture rainwater to allow groundwater recharge.
- c. Branches harvested during fuel reduction are cut and used in swales, pathways, and remediation buffers to prevent nutrient runoff, reduce soil temperature, store carbon, and promote a healthy soil microbial community.
- d. Only organic products are used in the cultivation of cannabis.
- e. Cultivated soils are covered, cropped, and mulched in the off season with clover, rye, vetch, barley, and bell beans to enhance the soil fertilization and eliminate runoff.

Water Management Plan

Water Source

Bubba Buds Farm, LLC. fills tanks during the winter rainy season for irrigation with a capacity of 40,000 gallons. For domestic use, we use water from the well.

Water Storage

Water use for the farm is stored within tanks, made of rigid plastic, ranging in size from 500 gallons to 1,500 gallons. Each tank is plumbed separately to prevent catastrophic loss of stored water.

Irrigation Plan

An irrigation drip line is set up for Greenhouse A, B, and C, and all full-term plants, with the option of hand watering compost tea every 6 days.

Projected Water Usage

The projected water usage is presented in Table 1.

Description of site drainage, including runoff and erosion control measures

Site Drainage

Gravel rich soil drains extremely well, helping reduce runoff issues. Swales capture rainwater to allow ground water recharge and eliminate groundwater runoff.

Erosion Control

Gravel roads are maintained to alleviate erosion and aid in minimum runoff. All roads will be maintained year-round to ensure that water runoff causes a minimal impact on the surrounding environment. Any bare soils are mulched and seeded.

Detail of measures taken to ensure protection of watershed and nearby habitat.

There are no rivers or creeks within our property. We protect nearby habitats. Natural vegetation is in place on the property and kept intact. Blackberry bushes, fig trees, apple trees, plum trees and pear trees.

Soil Management and Permaculture Methods

Used soil is contained in an area where it can be recycled for future use. Mulching and cannabis waste products are added to this used soil to enhance composting and rejuvenation of the soil. Covered crops will be used in the off season to also rejuvenate the soil in the beds of the greenhouses, reducing the need for new soil.

Annual Soil Amendment and Nutrient Use

Organic Water-Soluble Fertilizer

- a. 50 gallons of dolomite (bought as needed)
- b. 50 gallons of azymite (bought as needed)
- c. 50 gallons of powdered bone meal (bought as needed)
- d. 50 gallons of nitrogen guano (bought as needed)
- e. 50 gallons of compost (bought as needed)
- f. 50 gallons of worm castings (bought as needed)

Compost Tea Spray

- a. 2000 gallons of compost tea (brewed as needed contains vital worm castings, malibu compost, fish hydrolysate, molasses, kelp powder, humic acid.
(All materials used are stored on site and sprayed every six days).

Pest Prevention

- a. 1 gallon (stored on site) Central Coast Green Cleaner
- b. 5 gallons (stored on site) Doctor Zyme's Eliminator, an all natural insecticide and fungicide is sprayed twice a month.
- c. **Plant Therapy as needed.**

Protocols for proper storage and use of fertilizers, pesticides.

- a. All fertilizers and nutrients are stored in a secure garden shed with secondary containment. Each supplement is properly labeled and used according to directions by the manufacturer. Great care is taken in the handling and application of these supplements. Personal protective equipment, like gloves, safety goggles, and respirators are available and used during the application. Instructions for use are posted and adhered to for maximized results. Bubba Buds Farm, LLC. reserves the right to increase or decrease nutrient use for optimum plant growth.
- b. All fertilizer and nutrient containers will be recycled at an appropriate facility in Garberville, CA.

Working Standards

During certain periods of the cannabis production, there will be need for additional help. We anticipate during, harvest, planting and processing having help if needed from family or day labor or independent contractors. At all times, workers shall have access to safe drinking water, toilets and handwashing facilities. The processing facility is equipped with a full bathroom and work area.

Safety Practices

Bubba Buds Farm, LLC. shall implement safety protocols to protect the health and safety of all workers. All workers will be provided with adequate safety training.

- a. All workers will understand where the first aid boxes are located.
- b. Eye wash solution will be available in the garden shed and the house onsite.
- c. Emergency contact numbers will be posted.
- d. Workers will have secure communication devices for communication and emergencies.
- e. Workers will be trained in emergency response protocols.
- f. All accidents will be reported to management and management will take appropriate action.
- g. All safety equipment will be supplied by Bubba Buds Farm, LLC.

- h. Workers will be trained in the use of all equipment and tools for the production of cannabis.

Emergency Contacts

Bubba Buds Farm, LLC. operations and processing facilities shall visibly post and maintain an emergency contact list which includes at a minimum:

1. Emergency responder contact(s): Emergency call 911
2. Non-emergency Sheriff: 707-445-7251
3. Alderpoint Fire Department: 911
4. Poison Control Center: Emergency call 911
5. Poison Control Center: 1-800-222-1222

Fire Prevention

Bubba Buds Farm, LLC. will be implanting proper fire prevention and safety protocol. Each worker will be trained in fire prevention. This will include education and general awareness of equipment use and precautions during times of high fire danger.

- a. Smoke alarms and fire extinguishers will be placed in each building.
- b. Fire extinguishers will be marked with appropriate signage and workers will be trained on how to use them.
- c. Fire standpipes and fire hoses are available throughout the entire property. Workers will be trained on the appropriate use of tools to extinguish a fire, however, at no time will workers ever be putting themselves in danger.
- d. Workers will be trained with an evacuation plan and how to conduct a safe evacuation in the event of a fire or earthquake.

Parking and Road Usage

Access is on a gravel road of approximately .75 miles. The road is maintained by the property owners of Sawmill Rd. Parking is available on the property.

Security Plan

Bubba Buds Farm, LLC. security plan utilizes remote rural location to our advantage.

- a. To access Bubba Bud's Farm, LLC there is one locked gate, accessible with a keypad. The keypad access code is only privileged to workers living on the property.
- b. Further security includes the Sawmill neighborhood watch. Signs are located along the road.
- c. Additional security measures from a home security system will be in place.
- d. Signs will be in place stating "No Trespassing," " Private Property," and "Security cameras in place."
- e. Vendors and workers will be instructed on discretion concerning details of the cultivation and operation of the site.
- f. Greenhouses and processing facilities are not visible by any public road.
- g. Processing facilities and the house have adequate locking doors.
- h. Operations shall be discreet and will not draw attention.

Division of Environmental Health Information

- a. On site wastewater system consists of two separate septic systems. These systems are sufficient for processing wastewater for the existing and projected use. One system is located at the owner's residence and will not be used in association with commercial cannabis activities. The other system is located next to the caretaker's residence. These two systems will process all wastewater generated on site.
- b. Peak operations will occur from June through October.

- c. People living on property will be responsible for property operations including property management and fire prevention.

Consumer Protection

There is no food production on facility or service on site, nor is there an existing or proposed commercial kitchen infrastructure.

Hazardous Materials

We do not have hazardous materials on this property. We do not operate with machines or equipment that generate hazardous materials.

- a. Gas Generator
- b. Electric dehumidifiers
- c. Electric heaters
- d. Off-road vehicle
- e. Pick-up trucks
- f. Gas weed-eaters

Equipment maintenance is taken offsite to a mechanic: therefore, we do not deal with the disposal of any fluids that would be hazardous regarding equipment maintenance.

Fuels and oils used on this property

- a. 1250 gallons of propane is stored on site in appropriate containers provided by Blue Star Gas.
- b. 10 gallons of gasoline are stored on site in appropriate containers for the weed-eater and lawn mower.
- c. The only fuel or oil kept on the property is for the weed-eaters or the lawn mowers. Storage of this fuel is kept in the shed.

Cleaning Supplies

- a. During harvest seasons, we use alcohol for cleaning trim scissors, which are kept in proper containers located in the work space.

Solid Waste/Recycling

- a. We have 50 gallon plastic trash cans clearly marked with the appropriate waste material - aluminum, glass, and plastic, and trash.
- b. Self-hauled garbage and recycling will be taken to the Eel River Resource Recovery Center in Redway, CA.
- c. We have a compost for the household and another large compost sight at the Buckeye garden for cultivation waste.



Attn: RWQCB



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

May 17, 2018

WDID:1_12CC402154

BUBBAS BUD FARM
GERALD SMITH
308 SAWMILL ROAD
GARBERVILLE, CA 95542

GERALD SMITH
PO BOX 150743
NASHVILLE, TN 37215

NOTICE OF APPLICABILITY - WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, GERALD SMITH, HUMBOLDT COUNTY APN(s) 223-281-003

223-281-003

Gerald Smith (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on May 02, 2018, 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 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 No. WQ-2017-0023-DWQ (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_12CC402154.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (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

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skyline Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by July 30, 2018, 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 the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP 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.

5. ANNUAL FEE

According to the information submitted, the Discharger is classified as Tier 1 Low Risk with the current annual fee assessed at \$600. 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 Notice of Termination, 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

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order or will be unable to implement an

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

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

Applicant Name: Bubba's Bud Farm LLC APN: 223-281-003

Planning & Building Department Case/File No.: ZCC16-157

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

From Road (Cross street): Alderpoint Road

To Road (Cross street): private driveway

Length of road segment: .4 miles miles Date Inspected: 4/4/2018

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

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

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

Diana Totten
Signature

April 5, 2018
Date

Diana Totten
Name Printed

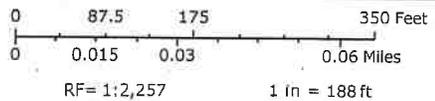
Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



ArcGIS Web 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 (no APN labels) |
| --- Local Road | RLN-11516-CUP Bubba's Bud Farm | |



Printed: April 5, 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: NRCS, Humboldt County GIS, California Coastal Commission GIS/Mapping Unit, 2014, Esri, HERE, Garmin, © OpenStreet Map contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	No Comment	Attached
California Department of Fish & Wildlife		No Response	Attached – 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
Regional Water Quality Control Board		Comments	Attached
Southern Humboldt JT Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
Garberville Fire Protection District		No Response	

From: [Meghan Ryan](#)
To: ["Van Hattem, Michael@Wildlife"](#)
Cc: ["Johnson, Cliff"](#); [Cameron R. Purchio](#)
Subject: APPS #11516 - Bubba Bud Farms, APN: 223-281-003/PROJECTED HEARING DATE: AUGUST 19, 2021
Date: Friday, August 6, 2021 2:50:00 PM

Good afternoon, Michael – I hope you're doing well! I am reviewing APPS #11516, Bubba Bud Farms, located near Garberville, and I did not see any comments from CDFW. The project description is the following:

A Conditional Use Permit for continued cultivation of 15,000 square feet (SF) of outdoor cannabis cultivation of which 2,720 SF is outdoor that is cultivated in light-deprivation hoop houses and 12,280 SF is full-sun outdoor. Ancillary propagation is 1,500 SF and occurs on-site. Irrigation water is sourced from rainwater catchment. Existing available water storage is 51,200 gallons in a series of hard sided tanks. Estimated annual water usage is 87,500 gallons. Drying and processing occurs onsite. Up to four (4) employees may be utilized during peak operations. Power is provided by Pacific Gas and Electric Company (PG&E), with two (2) generators utilized only for back-up in the event of a service outage.

Please let me know if CDFW has any comments or questions on this project.

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



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

DEH received
9-19-17

17/18-0726

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Southern Humboldt Joint Unified School District

Applicant Name Bubba Buds Farms, LLC **Key Parcel Number** 223-281-003-000

Application (APPS#) 11516 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP18-008

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends conditional approval pending the following:

- Operator shall apply to permit the existing Onsite Waste Treatment System (OWTS) as serving the "caretaker's residence" as described in the provided Cultivation and Operations Plan within 12 months of receiving Planning approval.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 4/27/2018 **Recommendation By:** Joey Whittlesey





DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARGATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 4-17-2018

RE:

Applicant Name	Bubba Bud Farms, LLC
APN	223-281-003
APPS#	11516 ZCC16-157

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11516

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

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

COUNTY ROADS- DRIVEWAY (PART 1):
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

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

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

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

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

// END //

Exhibit "D"

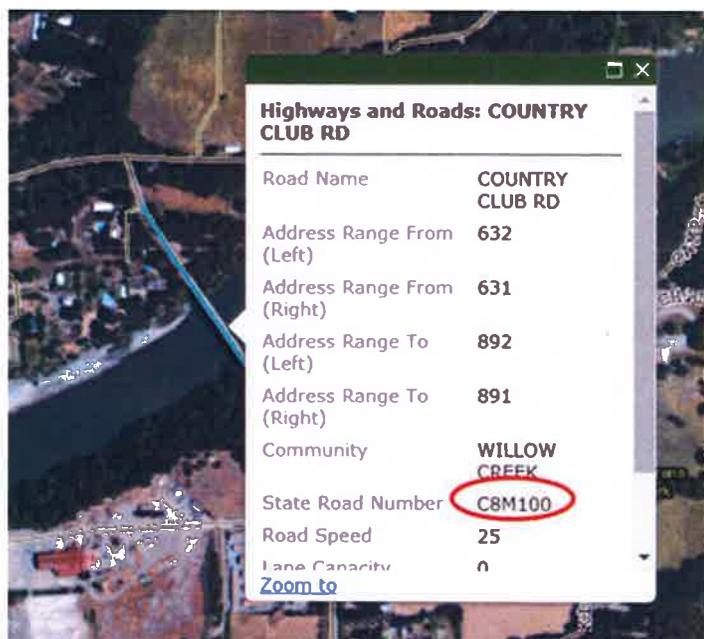
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD
A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the **green** heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the **red** heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

North Coast Regional Water Quality Control Board

CEQA Project Review and Comment Cannabis Program Project Name: Bubba's Bud Farm WDID No. (1_12CC402154) Date: 3/4/19			
APN: 223-281-003	County: Humboldt	Case, File or Appl. No. PLN-11516-CUP	RWB Reviewer: A. Piscitelli
Date Referral Received: 1/28/19		Date Comments Requested By: 2/12/19	
Site Location and Landowner Information			
Physical Site Address: 308 Sawmill Road Garberville, CA 95542		Mailing Address: Patrick Woods, Gayna Uransky, Gerald Smith PO Box 141 Garberville, CA 95542	
CEQA Lead Agency Contact	Document Type		
Humboldt County	CEQA: <input type="checkbox"/> CE <input type="checkbox"/> NOP <input type="checkbox"/> IS <input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> DEIR Other: <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Project Referral		
Project Description			
15,000 square feet (SF) existing outdoor commercial medical cannabis cultivation area. Water source is rainwater catchment tanks totaling 110,000 gallons. Per the applicant, there is sufficient storage for annual water demand of 87,500 gallons. Processing, including drying and harvesting, occurs onsite in an existing structure. Electricity is provided by PGE, with a generator for back-up.			
Cannabis Program Enrollment			
North Coast Regional Water Quality Control Board Order No. R1-2015-0023 Enrolled? <input type="checkbox"/> Yes, <input type="checkbox"/> No Enrollment Tier <input type="checkbox"/> Tier 1, <input type="checkbox"/> Tier 2, <input type="checkbox"/> Tier 2*, <input type="checkbox"/> Tier 3	State Water Board Cannabis Program Order No. WQ-2017-0023-DWQ Enrolled? <input checked="" type="checkbox"/> Yes, <input type="checkbox"/> No, <input type="checkbox"/> Exempt (Personal Use), <input type="checkbox"/> Conditionally Exempt Enrollment Tier <input checked="" type="checkbox"/> Tier 1, <input type="checkbox"/> Tier 2 Risk Level <input checked="" type="checkbox"/> Low, <input type="checkbox"/> Medium, <input type="checkbox"/> High		

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



Tribal Authorization, for cultivation within 600 feet of tribal lands (PRC section 21073)

- Authorized
- Request for authorization denied by Tribe
- Authorization required
- Not applicable (Cultivation not within 600 feet of tribal lands)

CEQA Document Review and Project Proposal Comments

- No Comment at this time
- Recommend Conditions be Applied to the Project (See requirements below)
- Recommend Environmental Impact Report
- Additional Information Requested or Potential Permits Required (see comments below)

Regional Water Board Authority

The North Coast Regional Water Quality Control Board (Regional Water Board) implements the Porter Cologne Water Quality Control Act and Federal Clean Water Act, and is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) otherwise known as Waters of the State and United States and the protection of the beneficial uses associated with those waters. We regulate the discharge of waste to land and waters of the state as well as implement the federal Clean Water Act in California.

The Regional Water Board’s Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: “Waters of the state’ refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e).” This definition is broader than that of “waters of the United States” and consequently should always be acknowledged and considered when determining impacts upon water resources.

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated.

Any impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. Project proponents are required to first avoid and second to minimize impacts to waters of the State, such efforts must be fully exhausted prior to deciding to mitigate for their loss. If a project’s impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

Antidegradation Policy

The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board’s Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. Therefore, projects are

not authorized to discharge increased concentrations of pollutants, increased volumes of treated wastewater, or adversely modify an ecosystem that may result in degradation of high quality waters.

Please consider the following water quality concerns identified below when adding conditions of approval to a project or conducting a CEQA analysis of potential impacts.

Watershed	Section 303 d Listings
-----------	------------------------

Eel River, South Fork

Cal Water (version 2.2) – South Fork Eel River, Benbow, Redwood Creek, Garberville 1111.320806
HUC 12 – Lower South Fork Eel River, Ohman Creek-South Fork Eel River 180101060403

Section 303 d Listings

- Sediment
- Siltation
- Nutrients
- Temperature
- Aluminum
- Oxygen, Dissolved
- Mercury
- Indicator Bacteria
- PCBs
- Microcystin
- Phosphorous
- pH (High)
- Turbidity
- Manganese
- Specific Conductivity
- Organic Enrichment/Low Dissolved Oxygen
- Diazinon
- Dioxins Toxic Equivalents
- Biostimulatory Conditions

TMDL Projects

- NONE
- Total Maximum Daily Load Implementation Policy for Sediment Impaired Receiving Waters
- Albion River
- Big River
- Eel River, North Fork
- Eel River, Upper Main
- Eel River, Middle Main
- Eel River, Middle Fork
- Eel River, Lower Main
- Eel River, South Fork

- Elk River
- Freshwater Creek
- Garcia River
- Gualala River
- Klamath River
- Laguna De Santa Rosa
- Lost River, Upper
- Lost River, Lower
- Mad River
- Mattole River
- Navarro River
- Noyo River
- Redwood Creek
- Russian River
- Salmon River
- Scott River
- Shasta River
- Stemple Creek
- Ten Mile River
- Trinity River
- Trinity River, South Fork
- Van Duzen River

Beneficial Uses

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> MUN--Municipal and Domestic Supply <input checked="" type="checkbox"/> AGR--Agricultural Supply <input checked="" type="checkbox"/> IND--Industrial Service Supply <input checked="" type="checkbox"/> PRO--Industrial Process Supply <input checked="" type="checkbox"/> GWR--Groundwater Recharge <input checked="" type="checkbox"/> FRSH--Freshwater Replenishment <input checked="" type="checkbox"/> NAV--Navigation <input checked="" type="checkbox"/> POW--Hydropower Generation <input checked="" type="checkbox"/> REC-1--Water Contact Recreation <input checked="" type="checkbox"/> REC-2--Non-Contact Water Recreation <input checked="" type="checkbox"/> COMM-- Commercial and Sport Fishing <input checked="" type="checkbox"/> WARM--Warm Freshwater Habitat <input checked="" type="checkbox"/> COLD--Cold Freshwater Habitat <input type="checkbox"/> ASBS--Preservation of Areas of Special Biological Significance <input type="checkbox"/> SAL--Inland Saline Water Habitat | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> WILD--Wildlife Habitat <input checked="" type="checkbox"/> RARE--Rare, Threatened, or Endangered Species <input type="checkbox"/> MAR--Marine Habitat <input checked="" type="checkbox"/> MIGR--Migration of Aquatic Organisms <input checked="" type="checkbox"/> SPWN--Spawning, Reproduction, and/or Early Development <input type="checkbox"/> SHELL--Shellfish Harvesting <input type="checkbox"/> EST--Estuarine Habitat <input checked="" type="checkbox"/> AQUA--Aquaculture <input type="checkbox"/> CUL--Native American Culture <input type="checkbox"/> FLD--Flood Peak Attenuation/ Flood Water Storage <input type="checkbox"/> WET--Wetland Habitat <input type="checkbox"/> WQE--Water Quality Enhancement <input type="checkbox"/> FISH--Subsistence Fishing |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Threatened and Endangered Species

- Tidewater Goby

- Lost River Sucker
- Modoc Sucker
- Bull Trout
- Eulachon
- Longfin Smelt
- Green Sturgeon
- Chinook Salmon California Coastal ESU
- Coho Salmon Central California Coast ESU
- Coho Salmon Southern Oregon Northern California Coastal ESU
- Steelhead Trout Northern California Distinct Population Segment (DPS)
- Steelhead Trout Central California Coast DPS
- California Tiger Salamander
- California Red Legged Frog
- Scott Bar Salamander
- Shasta Salamander
- Siskiyou Mountains Salamander
- Southern Torrent Salamander
- Point Arena Mountain Beaver
- Freshwater Shrimp

This is not a comprehensive account of listed species, please refer to the CA Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and NOAA-National Marine Fisheries Service for a complete list.

Documentation Required to Assess Project Compliance with the Water Code

- Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
- Low Impact Development Strategy
- Waste Characterization/Disposal Strategy
- Riparian/Stream/Wetland Avoidance Strategy
- Water Rights Documentation
- Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
- Site Management Plan
- Cleanup and Restoration Plan
- Evidence of Consultation with Army Corps of Engineers
- Evidence of Consultation with Dept. of Fish and Wildlife
- Cumulative Impact Assessment for Project Sub Watershed
- Other, described as follows:

Permits and Mitigations Likely Required for Project Compliance

- Federal Clean Water Act section 401 State Water Quality Certification
https://www.waterboards.ca.gov/water_issues/programs/cwa401/
- Cannabis Regulatory Program Enrollment

https://www.waterboards.ca.gov/water_issues/programs/cannabis/

Waste Discharge Requirements / Water Quality Certification for Instream Work

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190125/180731_031616_401_WQ2017-0023-Application.pdf

Construction Storm Water General Permit (for disturbed area greater than one acre)

https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html

Industrial Storm Water Permit

https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html

National Pollutant Discharge Elimination System Permit (NPDES)

Describe NPDES permit required:

Additional Comments or Recommendations

In the event the project proponent or lead agency has already addressed requested information please provide the information identified above or develop such information to demonstrate compliance with the Water Code. In the event that the project applicant determines the requested information is not necessary, please provide justification to support the project's compliance with the Water Code.

Provide Site Management Plan.

Submit 2018 Annual Report under State Cannabis Order (WQ 2017-0023-DWQ), due March 1, 2019.

Signature Block

Amanda Piscitelli

Date: 3/4/19