



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: **BFCCF, LLC Modification of Conditional Use Permit 11842**
Application Number 16847
Case Numbers PLN-2020-16847
Assessor's Parcel Number 220-282-008
2525 Blue Slide Creek Road, Whitethorn area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Topo Map	9
Zoning Map	10
Aerial Map	11
Site Plans	12
Attachments	
Attachment 1: Recommended Conditions of Approval	15
Attachment 2: CEQA Addendum	20
Attachment 3: Applicant's Evidence in Support of the Required Findings	24
Attachment 4: Referral Agency Comments and Recommendations	29

Please contact Steven A. Santos, Senior Planner, at 707-268-3749 or by email at sasanots@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date August 19, 2021	Subject Modification to Conditional Use Permit	Contact Steven A. Santos
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Project Description: Modification of an approved Conditional Use Permit including the addition of a commercial nursery in two phases. The first phase will be 3,243 square feet comprised of three, 675 square foot greenhouses and a 1,218 square foot outdoor area. The second phase will add a 1,600 square foot building. At completion, the commercial nursery will be 4,843 square feet. The proposed commercial nursery will provide cannabis nursery products such as seeds, starts and clones for other permitted and licensed cannabis farms. The greenhouses for the commercial nursery will be modified to include internal hoop structures for pollen control. Also added will be a 1,012 square foot cannabis research garden to develop and maintain genetics. The research garden will occur in existing greenhouse space that was previously used for ancillary propagation. The total cultivation area will be reduced from 16,440 square feet of outdoor to 13,197 square feet outdoor cannabis cultivation, a total reduction of 3,243 square feet. Ancillary propagation area will also be reduced from 3,925 square feet to 2,912 square feet.

Project Location: This project is in Humboldt County, in the Whitethorn area, on the east side of Blue Slide Creek Road, approximately 1,700 feet east from the intersection of Blue Slide Creek Road and Robbins Lane, on the property known as 2525 Blue Slide Creek Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: 40 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2)

Present Zoning: Unclassified (U)

Record Number: PLN-2020-16847

Assessor's Parcel Number: 220-282-008

Applicant BFCCF LLC PO Box 325 Whitethorn, CA 95589	Owner Theodore Blair PO Box 325 Whitethorn CA 95589	Agents N/A
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Environmental Review: An Addendum to a previously adopted Final Environmental Impact Report 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

BFCCF, LLC

Record Number: PLN-2020-16847
Assessor's Parcel Number: 220-282-008

Recommended Zoning Administrator Action

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

Find that the Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section 15164 of the State CEQA Guidelines, make all required findings for approval of the Modification to the Conditional Use Permit and adopt the Resolution approving the BFCCF, LLC Conditional Use Permit Modification as recommended by staff subject to the recommended conditions.

Executive Summary: Applicant is seeking to modify a Conditional Use Permit approved on September 5, 2019, under application PLN-11842-CUP. The original CUP approved 16,440 square feet of outdoor cannabis cultivation, 3,925 square feet of ancillary propagation, processing in an existing 2,500 square foot building, and the construction of a new 400 square foot building. The modification proposes the addition of a wholesale commercial nursery in two phases. The first phase will be 3,243 square feet comprised of three, 675 square foot greenhouses and a 1,218 square foot outdoor area. The second phase will add a 1,600 square foot building. At completion, the commercial nursery will be 4,843 square feet. The proposed commercial nursery will provide cannabis nursery products such as seeds, starts and clones for other permitted and licensed cannabis farms through delivery only. No customer traffic is associated with this project. The greenhouses for the commercial nursery will be modified to include internal hoop structures for pollen control. Also added will be a 1,012 square foot cannabis research garden to develop and maintain genetics. The research garden will occur in existing greenhouse space that was previously used for ancillary propagation. This total cultivation area will be reduced from 16,440 square feet of outdoor to 13,197 square feet outdoor cannabis cultivation, a total reduction of 3,243 square feet to accommodate the commercial nursery. Ancillary propagation area will also be reduced from 3,925 square feet to 2,912 square feet to accommodate the research garden. The approved 400 square foot building will be expanded to 1,600 square feet to complete the implementation of the commercial nursery.

Water Source

No additional water usage is expected from what was approved under the original Conditional Use Permit. The water budget of 90,500 gallons per year remains unchanged. The irrigation source remains as approved with two permitted wells that are disconnected from waterbodies in addition to rainwater catchment.

Natural Resources

No timber clearing or grading will be needed to implement the modified project description. In most cases, existing structures are being repurposed for the new uses. For example, greenhouses used for ancillary propagation will be used for the research garden and greenhouses and an outdoor area formerly used for cultivation will be repurposed for the commercial nursery. The total coverage of land is expanding by 1,200 square feet. The original Conditional Use Permit authorized the construction of a new 400 square foot building. This has been increased to 1,600 square feet to support full build out of the commercial nursery. This building is proposed to be located on existing disturbed area adjacent to existing uses and will not require grading or tree removal.

As noted in the original Conditional Use Permit, resource mapping does not identify any observations of the Northern Spotted Owl (NSO) in the project site. Observations of the NSO are shown approximately 1.4 miles northeast and approximately 2.2 miles to the southeast of the boundary of the project site. No activity centers are shown within 1.4 miles of the project area. Conditions of approval already adopted

require noise attenuation for all generators, fans and dehumidifiers on the parcel. Conditions of approval also require the project complies with International Dark Sky Association standards. Low wattage supplemental light for propagation needs only would be used.

Energy Source

Electricity continues to be provided by onsite solar. Additional photovoltaic infrastructure is proposed to be added to the commercial nursery area at full build out of the project. A generator will only be used for emergency backup.

Employees

At peak operation, upon completion of all phases, there will be a net increase of up to four additional employees associated with the nursery operation. At completion, during peak operations, the total number of employees on site involved in all aspects of the project will be no more than 10 employees.

Traffic and Road Use

The commercial nursery will be delivery only through a licensed transporter. Deliveries will be batched resulting in a slight increase of traffic associated with this modification. There will be an estimated one additional vehicle per week associated with the proposed commercial nursery for 52 trips annually. This traffic will be for pick up or delivery of seeds and seedlings produced by the nursery. The project was referred to the Public Works Department which recommended approval without comment.

Environmental Review and Staff Recommendation

Environmental review for this project was conducted and based on the results of that analysis, staff concludes that all aspects of the project have been considered in a previously adopted Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance. An addendum to the Environmental Impact Report has been prepared for consideration by the Zoning Administrator (Attachment 2).

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

Alternatives: Several alternatives may be considered: 1) The Planning Commission could elect to add or delete conditions of approval; 2) The Planning Commission could deny approval of the requested permit(s) if it is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-2020-16847
Assessor's Parcel Number: 220-282-008**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the BFCCF, LLC, Conditional Use Permit modification.

WHEREAS, BFCCF, LLC, submitted an application and evidence in support of approving a Conditional Use Permit modification to reduce cultivation area to 13,197 square feet and ancillary propagation area to 2,912 square feet and add a 1,012 square foot research garden and a 4,843 square foot wholesale commercial nursery.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. 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 modification 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:** Modification of an approved Conditional Use Permit including the addition of a commercial nursery in two phases. The first phase will be 3,243 square feet comprised of three, 675 square foot greenhouses and a 1,218 square foot outdoor area. The second phase will add a 1,600 square foot building. At completion, the commercial nursery will be 4,843 square feet. The proposed commercial nursery will provide cannabis nursery products such as seeds, starts and clones for other permitted and licensed cannabis farms. The greenhouses for the commercial nursery will be modified to include internal hoop structures for pollen control. Also added will be a 1,012 square foot cannabis research garden to develop and maintain genetics. The research garden will occur in existing greenhouse space that was previously used for ancillary propagation. The total cultivation area will be reduced from 16,440 square feet of outdoor to 13,197 square feet outdoor cannabis cultivation, a total reduction of 3,243 square feet. Ancillary propagation area will also be reduced from 3,925 square feet to 2,912 square feet.

EVIDENCE: a) Project File: PLN-2020-16847

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been satisfied. The Humboldt County Planning Commission has considered the Addendum to an Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- 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 EIR. 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) Unauthorized timber conversion prior to 2015 is addressed through existing conditions of approval and compliance agreement requiring analysis by a Registered Professional Forester and compliance with the Forest Practices Act.
 - d) Previous consultation with the Bear River Tribal Historic Preservation Office did not recommend conducting a cultural resource survey.

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 U zone in which the site is located.

- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
 - b) All general agricultural uses are principally permitted in the U zone.

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

- EVIDENCE**
- a) The CCLUO (HCC 314-55.4.6) allows new cannabis cultivation and therefore commercial nurseries and research gardens to be permitted in areas zoned U (Unclassified).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations because it qualifies for a Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map through a completed Determination of Status (DS18-001).
 - c) The project will obtain water from a non-diversionary water source.
 - d) The slope of the land where cannabis will be cultivated is less than 15%
 - e) The cultivation of cannabis will not result in the net conversion of timberland. No known timberland conversion is associated with the modification.

- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The wholesale nursery and research garden and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been evaluated 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 varies. 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 sites are more than 300 feet from the nearest off-site residence and 270 feet from the nearest undeveloped parcel.
- d) Irrigation water will come from a groundwater well and rainwater catchment in accordance with necessary permits and standards.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

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 modification for BFCCF, 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

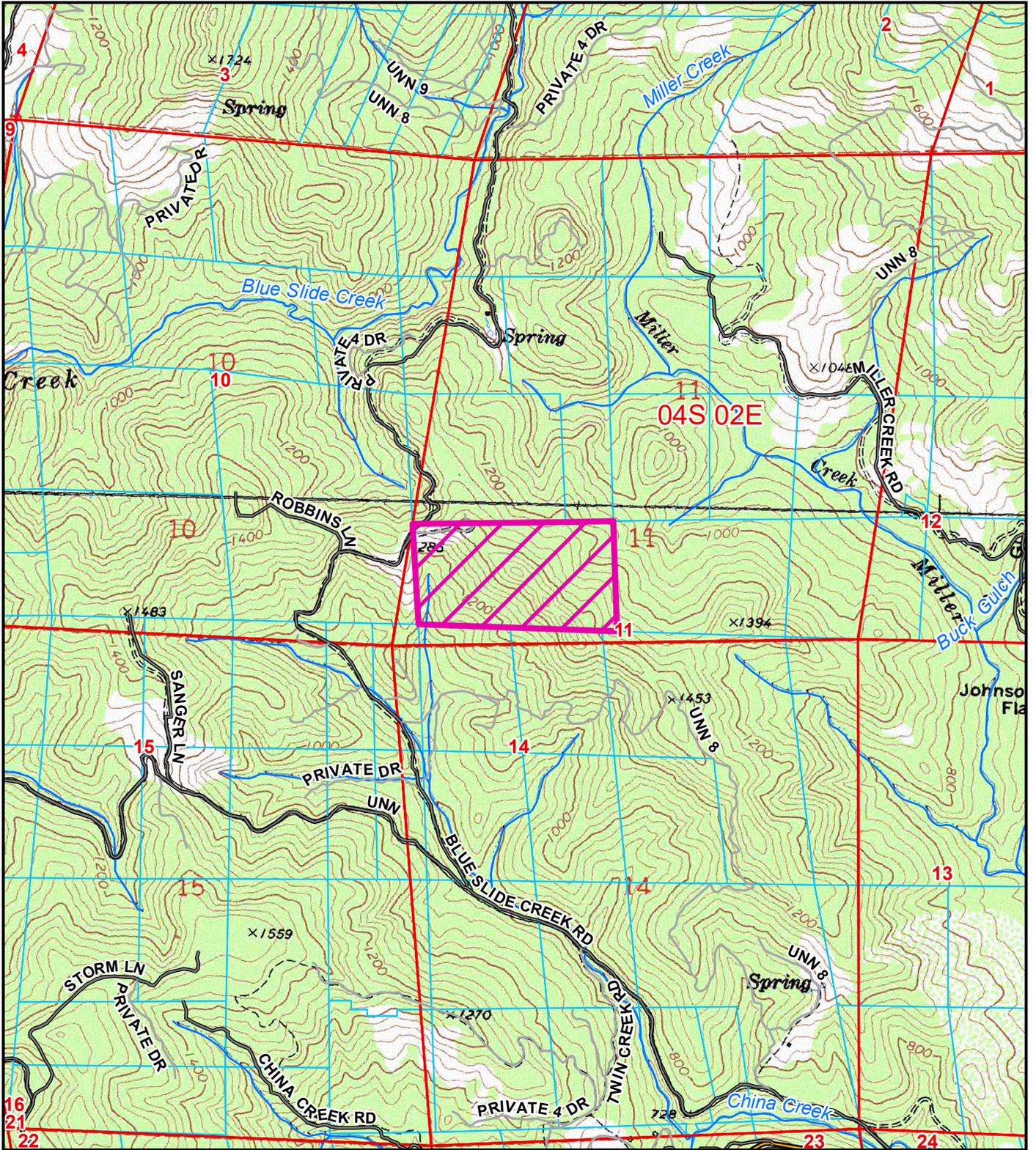
Adopted after review and consideration of all the evidence on August 19, 2021

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

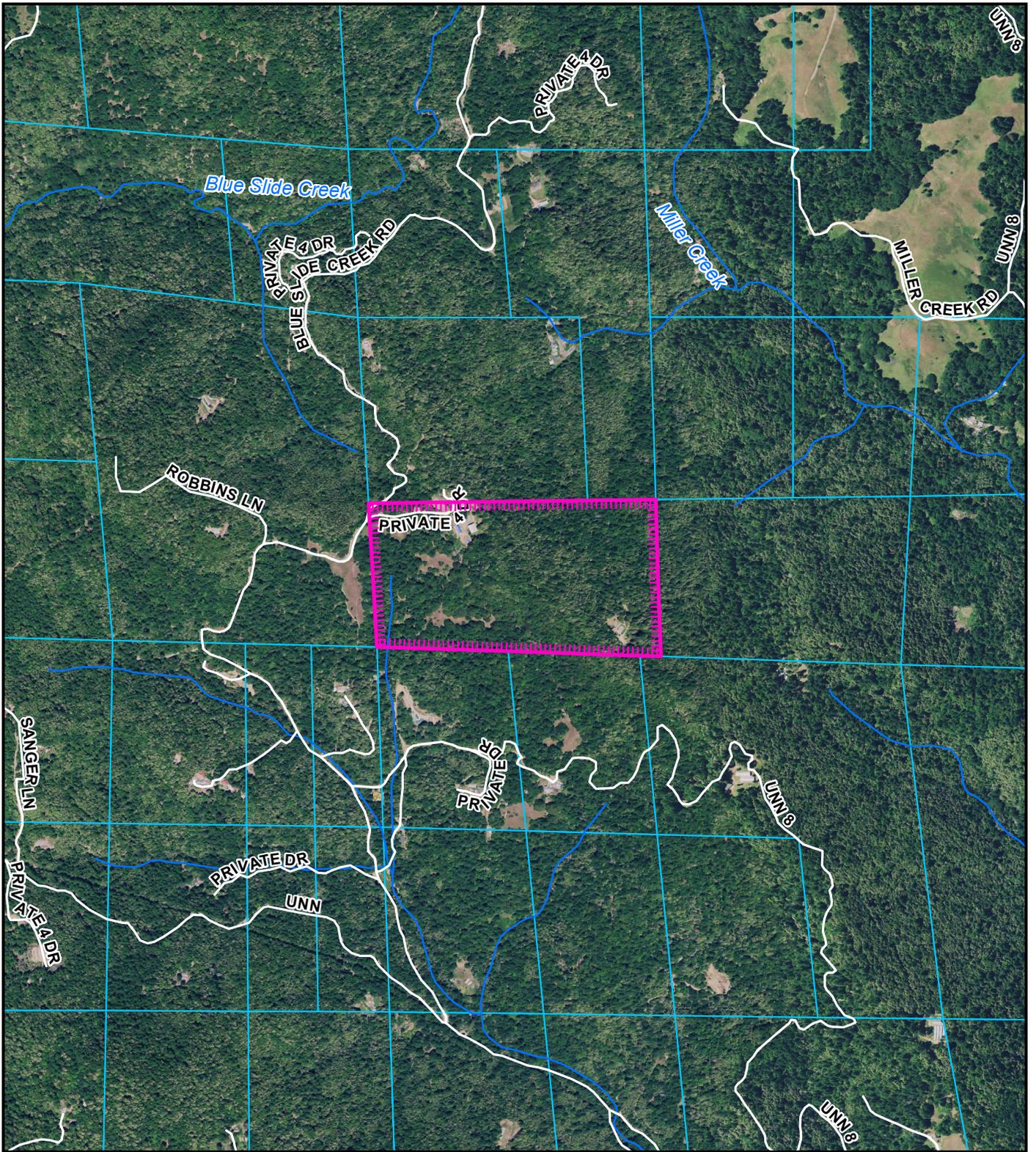


Project Area = 

TOPO MAP
PROPOSED LLC BFCCF
BRICELAND AREA
PLN-2020-16847
APN: 220-282-008
T04S R02E S11 HB&M (BRICELAND)

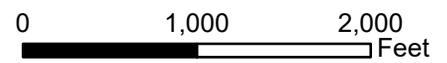


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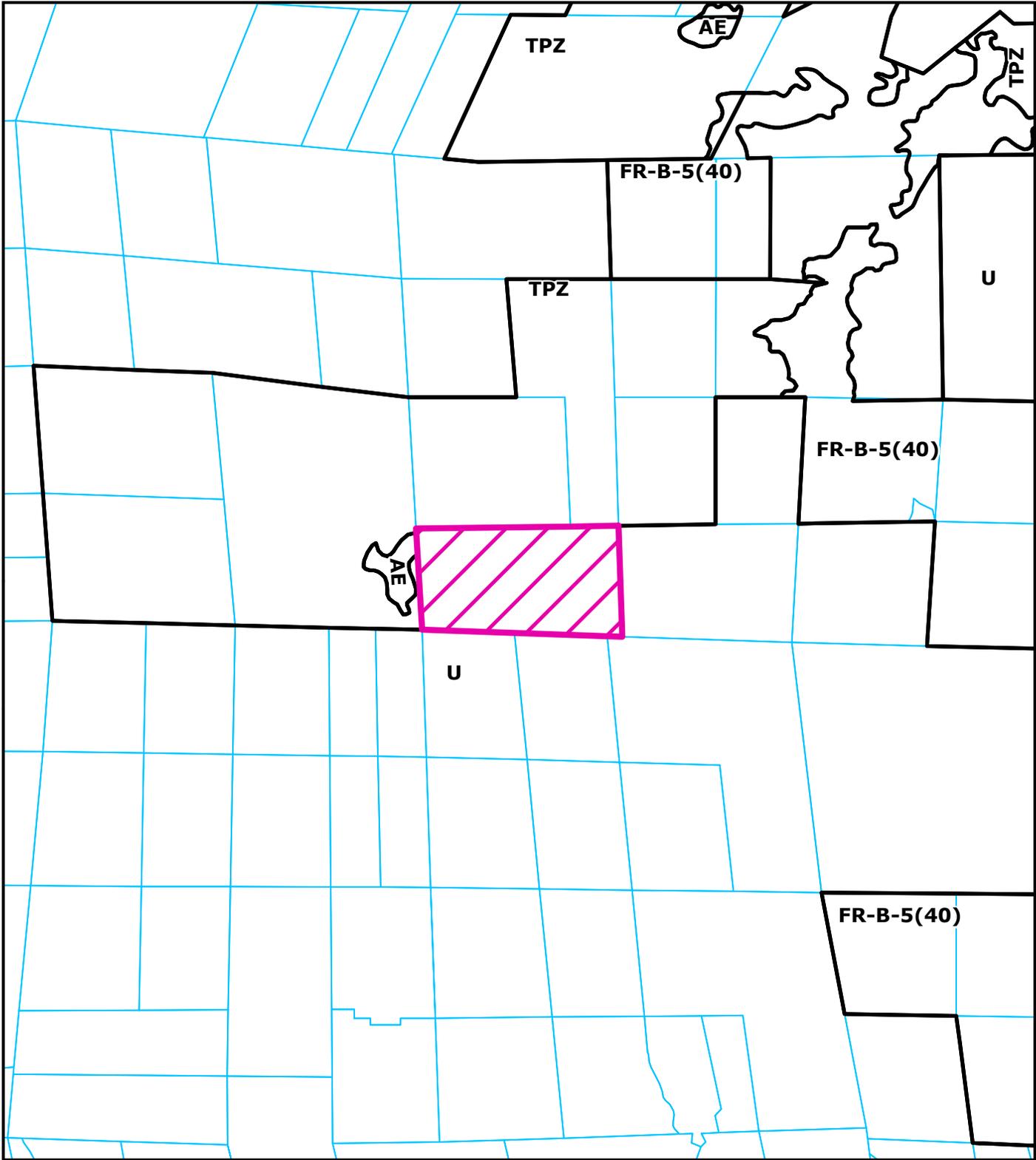


Project Area = 

**AERIAL MAP
 PROPOSED LLC BFCCF
 BRICELAND AREA
 PLN-2020-16847
 APN: 220-282-008
 T04S R02E S11 HB&M (BRICELAND)**

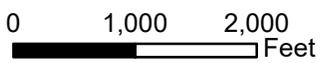


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



Project Area = 

ZONING MAP
PROPOSED LLC BFCCF
BRICELAND AREA
PLN-2020-16847
APN: 220-282-008
T04S R02E S11 HB&M (BRICELAND)



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.

SITE PLAN



PROJECT INFORMATION:

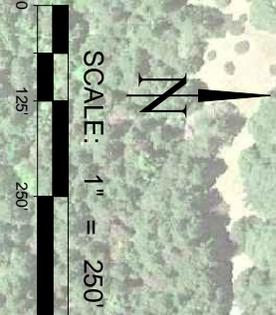
Applicant: BBCCF, LLC

APN: 220-282-008

Site Address:
2525 Blue Slide Creek Road
Redway, CA 95560

Land Owner:
Ted Blair
PO Box 325
Redway, CA 95560

Agent:
Clearwater Ag Services
446 Maple Lane
Garberville, CA 95542



DIRECTIONS TO SITE:

1. Take US 101 South
2. Take Exit 642 for Redwood Drive
3. Continue on Redwood Drive (1.8 Mi.)
4. Turn Right onto Briceland-Thorn Road (6.5 Mi.)
5. Turn Right onto China Creek Road (1.4 Mi.)
6. Turn Right on Blue Slide Creek Road (1.1 Mi.)
7. Turn Right at Site

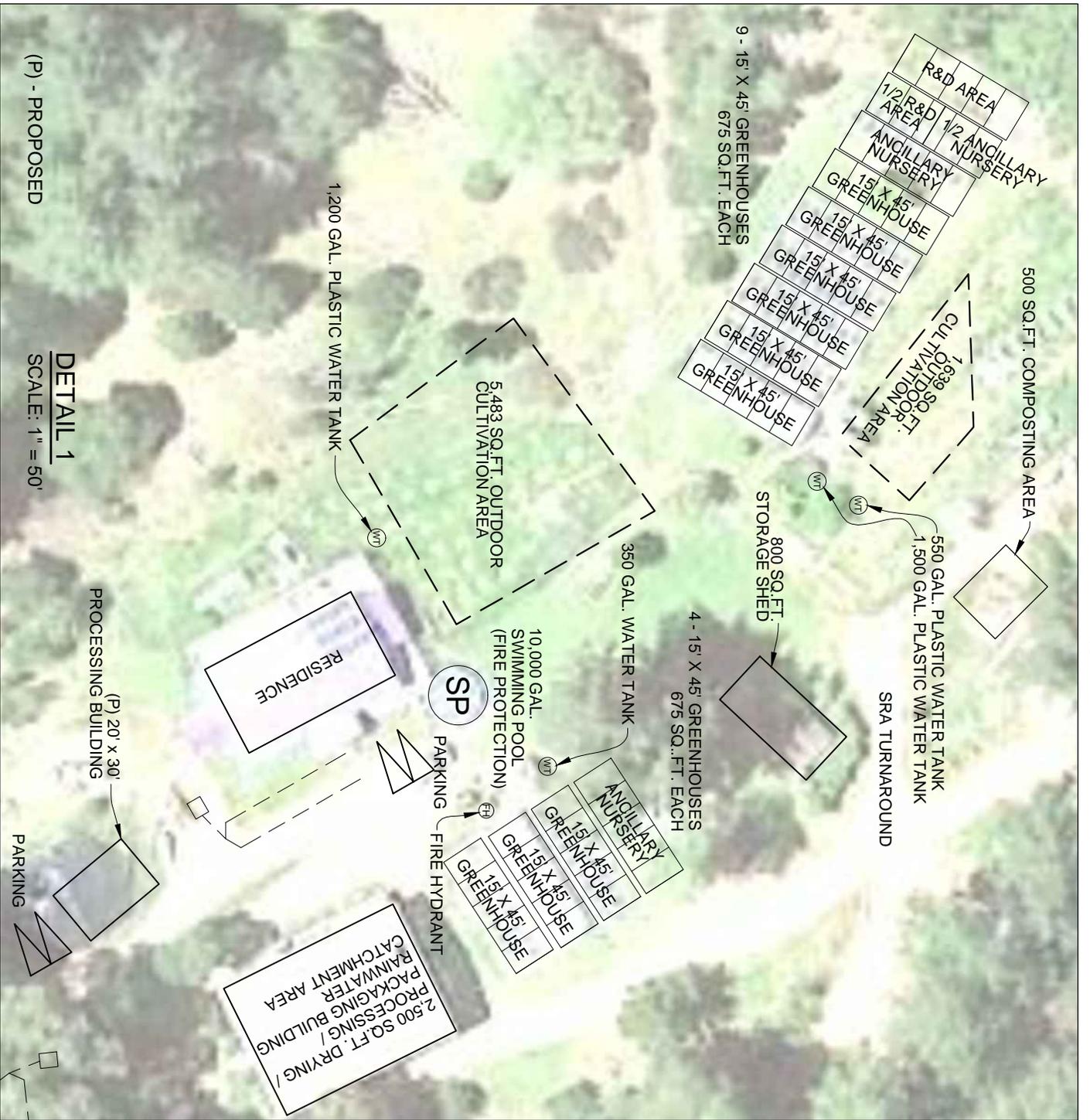


707-923-2767

7/23/21

Page 1 of 3

SITE PLAN



(P) - PROPOSED

DETAIL 1
SCALE: 1" = 50'

PROJECT INFORMATION:

Applicant: BBCCF, LLC

Site Address:
2525 Blue Slide Creek Road
Redway, CA 95560
APN: 220-282-008

Land Owner:
Ted Blair
PO Box 325
Redway, CA 95560

Agent:
Clearwater Ag Services
446 Maple Lane
Garberville, CA 95542

This map is provided without warranty on any kind. Spatial data is approximate. Parcel positions are estimates only. Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist. The positional accuracy of the data is approximate and is not intended to represent surveyed information. Do not use this map to determine property boundaries.



707-923-2767

7/23/21

Page 2 of 3

SITE PLAN



DETAIL 2
SCALE: 1" = 50'

PROJECT INFORMATION:

Applicant: BBCCF, LLC	2,912 Sq.Ft. Ancillary Nursery Area
Site Address: 2525 Blue Slide Creek Road Redway, CA 95560 APN: 220-282-008	1,012 Sq.Ft. Research & Development Area 6,075 Sq.Ft. Greenhouse Cultivation Area 7,122 Sq.Ft. Outdoor Cultivation Area 2,025 Sq.Ft. Greenhouse Commercial Nursery Area 1,218 Sq.Ft. Outdoor Commercial Nursery Area 1,600 Sq.Ft. (P) Commercial Nursery Building
Land Owner: Ted Blair PO Box 325 Redway, CA 95560	Trees to be Removed - None Earthwork Quantities - None
Agent: Clearwater Ag Services 446 Maple Lane Garberville, CA 95542	Water: Well Sewer: Permitted Septic Power: Solar Parcel Size: 65± Acres Zoning: U General Plan Designation: RA40 No Easements No Water Crossings

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. APPLICANT HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.

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707-923-2767

7/23/21

Page 3 of 3

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE CANNABIS OPERATION MAY BE INITIATED.

A. General Conditions

1. The applicant shall comply with all the terms and conditions as described in PLN-11842-CUP excepting those modified herein.
2. Prior to constructing the 1,600 square foot building for the commercial nursery, the applicant must demonstrate that it meets the applicable setback standards in HCC 314-55.4.6.44 or obtain waivers or reductions from adjacent property owners.
3. Prior to conducting any trimming or packaging onsite, the applicant shall secure any required permits and ensure the structure supporting the trimming or packaging meets the appropriate commercial occupancy standards.
4. Applicant shall ensure that cannabis grown for research purposes is prevented from entering the stream of commerce.
5. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Exemption will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Exemption and will charge this cost to the project.

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. 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. 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.

3. The applicant shall adhere to the Invasive Species and Soils Management Plan for the life of the project.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above 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. The generator onsite may only be used for emergency purposes.
6. 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.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. 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.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO as applicable to the permit type.
13. 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.

14. Possession of a current, valid required license, or licenses, issued by any agency of the State of California.
15. 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.
16. 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).
17. Maintain enrollment in Tier 1 or 2 certification with State Water Resources Control Board Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. 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).
19. 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.
20. 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).
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 Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

32. 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.
33. 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.
34. 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.
35. 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.
36. 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. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), January 2018**

APN 220-282-008; 2525 Blue Slide Creek Road, in the Whitethorn 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 Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO 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. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a modification of an approved Conditional Use Permit including the addition of a commercial nursery in two phases. The first phase will be 3,243 square feet comprised of three, 675 square foot greenhouses and a 1,218 square foot outdoor area. The second phase will add a 1,600 square foot building. At completion, the commercial nursery will be 4,843 square feet. The proposed commercial nursery will provide cannabis nursery products such as seeds, starts and clones for other permitted and licensed cannabis farms. The greenhouses for the commercial nursery will be modified to include internal hoop structures for pollen control. Also added will be a 1,012 square foot cannabis research garden to develop and maintain genetics. The research garden will occur in existing greenhouse space that was previously used for ancillary propagation. The total cultivation area will be reduced from 16,440 square feet of outdoor to 13,197 square feet outdoor cannabis cultivation, a total reduction of 3,243 square feet. Ancillary propagation area will also be reduced from 3,925 square feet to 2,912 square feet.

The modified project will comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) 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 EIR 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 EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize a commercial nursery and a research garden by reducing the size of cultivation and ancillary propagation areas is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- Operations Plan and Plot Plan for BFCC, LLC
- County GIS

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 EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a new 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 EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. 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.

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. **(On File – Application Form)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On File)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. **(Attached with project Maps)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(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. **(Attached in Cultivation Operations Plan)**
7. Copy of Notice of Applicability and Site Management Plan and other documents filed with the State Water Resources Control Board demonstrating enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(Included in Compliance Agreement On File PLN-11842-CUP)**
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 – November 2019 Notification to CDFW stating no jurisdictional projects on file.)**
9. If the source of water is a well, a copy of the County well permit, if available. **(On File PLN-11842-CUP)**
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. **(Included in Compliance Agreement On File PLN-11842-CUP)**

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 PLN-11842-CUP)**
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 PLN-11842-CUP)**
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 PLN-11842-CUP)**
15. A road assessment dated March 23, 2018. **(On File PLN-11842-CUP)**
16. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). **(On File PLN-11842-CUP)**

Addendum to Cult/Ops Plan for Modification of Cannabis Cultivation Permit APPS 11842, issued Sept. 10, 2019.***Project Description***

The addition of a commercial nursery in two phases. The first phase will be 3,243 square feet comprised of three, 675 square foot greenhouses and a 1,218 square foot outdoor area. The second phase will add a 1,600 square foot building. At completion, the commercial nursery will be 4,843 square feet. The proposed commercial nursery will provide cannabis nursery products such as seeds, starts and clones for other permitted and licensed cannabis farms. The greenhouses for the commercial nursery will be modified to include internal hoop structures for pollen control.

Also added will be a 1,012 square foot cannabis research garden to develop and maintain genetics. The research garden will occur in an existing greenhouse space that was previously used for ancillary propagation. BFCCF, LLC will ensure that cannabis grown for research purposes is prevented from entering the stream of commerce by using the California track and trace system known as Metrc. Each plant will be assigned a tag to be tracked. Many different strains are expected to be grown for research, resulting in there wouldn't be enough for commercial sale of any one strain. Only a select few plants will be sent to testing to see if they are good enough to continue that strain for commercial cultivation. All plants and product will be destroyed by composting. All information that is required to destroy plants in the Metrc system will be kept including on-site records.

This total cultivation area will be reduced from 16,440 square feet of outdoor to 13,197 square feet outdoor cannabis cultivation, a total reduction of 3,243 square feet. Ancillary propagation area will also be reduced from 3,925 square feet to 2,912 square feet.

Traffic and Road Use

The commercial nursery will be delivery only through a licensed transporter. Deliveries will be batched resulting in a slight increase of traffic associated with this modification. There will be an estimated one additional vehicle per week associated with the proposed commercial nursery for 52 trips annually. This traffic will be for pick up or delivery of seeds and seedlings produced by the nursery.

Water Use

No additional water usage is expected from what was used for cultivation activities. See revised water use table.

Employees

At peak operation, upon completion of all phases, there will be up to four additional employees associated with the nursery operation. At completion, during peak operations, the total number of employees on site involved in all aspects of the operations will be no more than 10.

Site Preparation

No timber clearing or grading will be needed to implement the project description. The former cultivation site and will be slightly modified for pollen control as noted above.

Cannabis Waste

Cannabis waste will be composted on site as approved by Cal Cannabis License.

On Site Wastewater

An existing septic system provides wastewater system for the parcel. Additionally, a porta potty will be rented and serviced by local vendor.

Energy Source

The project will continue to be served by an on-site solar system. Generator will be used for emergencies only. Upon completion of all phases of the commercial nursery, additional solar infrastructure may be installed.

Fertilizer and Pesticide Use

Only approved natural and organic fertilizers and pesticides will be used on the project. No rodenticides or other illegal chemicals are allowed on site.

Notes:

This parcel has a completed LSAA, SMP, Arch Study, HMBP, California CDFA State License, as well as all other required agency documents required of a legal cultivation operation. Upon approval of this modification a Nursery License will be acquired from CDFA.

Water Usage - Ted Blair

Month	Non-Commercial and Commercial Nursey Propagation Activities	Cultivation Schedule	Processing Activities	Water Usage from Storage
January	Maintain Mother plants for both commercial and ancillary nursery's	N/A	N/A	1,000 gallons
February	Maintain Mother plants for both commercial and ancillary nursery's, Cut clones for both nursery's, Start seeds	N/A	N/A	1,000 gallons
March	Maintain Mother plants for both commercial and ancillary nursery's, Cut clones for both nursery's, Take care of seed starts	Prep garden	N/A	1,000 gallons
April	Maintain Mother plants for both commercial and ancillary nursery's, Cut clones for commercial nursery, Take care of seed starts	Plant clones/cultivate	N/A	3,000 gallons
May	Maintain Mother plants for both commercial and ancillary nursery's, Cut clones for commercial nursery	Planting/Grow	N/A	10,000 gallons
June	Maintain Mother plants for both commercial and ancillary nursery's, Cut clones for both nursery's	Grow	N/A	15,000 gallons
July	Maintain Mother plants for both commercial and ancillary nursery's, Cut clones for both nursery's,	Harvest/Re-plant	Harvest/Dry	15,000 gallons
August	Maintain Mother plants for both commercial and ancillary nursery's, Collect pollen from Male seed plants and pollinate female plants	Grow	Dry/Trim	15,000 gallons
September	Maintain Mother plants for both commercial and ancillary nursery's,	Grow	Dry/Trim	15,000 gallons
October	Maintain Mother plants for both commercial and ancillary nursery's, Harvest pollinated plants and collect seeds	Grow/harvest	Dry/Trim	12,000 gallons
November	Maintain Mother plants for both commercial and ancillary nursery's	N/A	Dry/Trim	1,500 gallons
December	Maintain Mother plants for both commercial and ancillary nursery's	N/A	Trim	1,000 gallons
			Total Water Use (up to)	90,500 gallons

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
Public Works, Land Use Division	✓	Approval	On File