

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

**Resolution Number: 24-54**

**Record Number: PLN-12171-CUP**

**Assessor's Parcel Number: 217-271-002**

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

**WHEREAS**, Overland Road, LLC provided an application and evidence in support of approving a Conditional Use Permit for 11,700 square feet of existing mixed light and 4,050 square feet of existing full sun commercial cannabis cultivation and a Special Permit for restoration; and

**WHEREAS**, the lead agency, prepared an Addendum to the 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 1, 2024 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:** A Conditional Use Permit for 11,700 square feet of existing mixed light and 4,050 square feet of existing full sun commercial cannabis cultivation. Ancillary nursery uses will not be separate and occur within an existing cultivation greenhouse. Annual water usage is estimated at 160,000 gallons from a point of diversion. Power is to be provided by PGE through an eligible renewable energy program augmented by solar. No generators will be used. Processing will occur offsite at a licensed facility. Onsite relocation and restoration of a previous cultivation area is proposed. The project includes a Special Permit for restoration within a Streamside Management Area.

**EVIDENCE:**            a) Project File: PLN-12171-CUP

**2. FINDING:**

**CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the project pursuant to Section 15164 of the CEQA guidelines.

**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) The project has demonstrated compliance with the State Water Board Cannabis General Order for Waste Discharge by providing a copy of the Notice of Applicability and a Site Management Plan.
- d) The nearest mapped Northern Spotted Owl activity centers are (HUM1006) approximately 1.51 miles to the southwest, (HUM1140) approximately 1.63 miles to the northeast, and (HUM1139 and HUM0894) approximately 1.65 miles to the southeast. The proposed project will utilize the pre-existing disturbed areas created prior to baseline. The project has been conditioned to ensure supplemental lighting associated with the nursery and mixed light cultivation adheres to Dark Sky Association standards including security lighting. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.
- e) A review of the California Natural Diversity Database indicates the likely presences of obscure bumblebee (*Bombus caliginosus*). This species of bee is considered vulnerable but is not among the four species currently under consideration for listing under the California Endangered Species Act. Per the Database, no other known rare or endangered species in the project area.
- f) A Road Evaluation Report prepared by an engineer concludes the route leading to the subject parcel is developed to the equivalent of

a category 4 road standard, is in good condition, and does not have any evidence of a site-specific safety problem.

- g) The continued cultivation of commercial cannabis will not result in a net timber conversion. The project is conditioned requiring restocking of timber removed after 2015.
- h) Consultation with the Bear River Band of the Rohnerville Rancheria resulted in the standard inadvertent discovery protocol as a condition of approval.

#### **FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT**

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

**EVIDENCE:** a) General agriculture is a use type permitted in the Timberland (T) 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 Timber Production Zone (TPZ) in which the site is located.

**EVIDENCE:** a) The Timber Production Zone (TPZ) is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

b) All accessory agricultural uses are principally permitted in the TPZ.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis cultivation and up to 22,000 square feet of existing mixed-light commercial 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 11,700 square feet of existing mixed light and 4,050 square feet of existing full sun commercial cannabis cultivation on a 30-acre parcel is consistent with this and with the cultivation area verification prepared conducted by staff.

- d) All cultivation is at least 30 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

**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 TPZ (HCC 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations. The subject parcel was created legally by deed, recorded on July 20, 1942 in Book 256 of Deeds, page 155, prior to the establishment of applicable subdivision regulations.
  - c) The project will obtain water from a point of diversion, an eligible water source. The applicant has provided a Right to Divert and Use Water registration.
  - d) A Road Evaluation Report conducted by an engineer found the access roads to be functionally appropriate for the expected traffic.
  - e) The slope of the land where existing cannabis will be cultivated is 0% to 15%. No new grading will occur.
  - f) The continued cultivation of cannabis will not result in the net conversion of timberland. The project is conditioned to restock the approximate 1.0 acre of timber conversion that occurred after 2015.
  - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING:** The continued cultivation of 17,780 square feet of existing 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 road that has been found 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 sizes in the area.
  - c) Irrigation water will come from a point of diversion, an eligible water source.
  - d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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

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

- 8. FINDING:** Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

- EVIDENCE:**
- a) The project site is in the Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this Conditional Use Permit, the

total approved permits in this Planning Watershed would be 78 permits and the total approved acres would be approximately 36.94 acres of cultivation.

### 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 and Special Permit for Overland Road, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **August 1, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote:

AYES: Commissioners: Noah Levy, Iver Skavdal, Jerome Qiriazzi, Peggy O'Neill, Sarah West

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Thomas Mulder, Lorna McFarlane

DECISION: Motion carried 5/0

I, John H. 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.



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John H. Ford, Director  
Planning and Building Department

## CONDITIONS OF APPROVAL PLN-12171-CUP

### APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.

**A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.**

1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval **A16** through **A18**. All activities described in 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.
2. Within 60 days of the effective date of project approval, the permittee shall obtain a will serve letter from the Fire Protection District OR 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.
3. Within 60 days of the effective date of project approval, the permittee 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 and Building Department.
4. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.

5. Prior to October 15, 2024 the permittee shall have a licensed engineer evaluate the geologic stability of the unpermitted grading for slope failure and sinkholes to determine if there is any immediate risk to health, safety, or the environment. The engineer's report must include recommendations, if any are needed, to stabilize the site. If the report recommends immediate measures, such as, but not limited to, an erosion and sediment control plan, those recommendations must be implemented to the satisfaction of the Planning and Building Department prior to October 15, 2024.
6. Prior to October 15, 2024 the permittee shall provide documentation to the satisfaction of CDFW and the Planning and Building Department demonstrating that all trash and refuse and degraded plastic tarps have been cleaned up and disposed of at a waste management facility.
7. Prior to October 15, 2024 the permittee shall provide documentation to the satisfaction of CDFW and the Planning and Building Department demonstrating that imported soil on site has either been removed or fully contained using best management practices.
8. Within 90 days of the effective date of project approval, the permittee shall provide an update to the Site Plan that depicts:
  - a. Parking area for all anticipated employees; and
  - b. The historic cultivation/restoration area in the southwestern portion of the parcel; and
  - c. All of greenhouse #4 identified for removal
  - d. Relabel Domestic Shed 4 as a Cannabis Cultivation and Drying Structure to be removed
  - e. If condition of approval A19e is chosen, an updated site plan will need to show the location of the additional tanks.
9. Within 90 days of the effective date of project approval, the permittee shall provide documentation demonstrating they have applied for an amendment to their Lake and Streambed Alteration Agreement to address sediment delivery from a stream crossing to Waters of the State.
10. Within 180 days of the effective date of project approval, the permittee shall provide an invasive species plan for review and approval by the Planning and

Building Department and CDFW to address the Yellow starthistle (*Centaurea solsalis*) in the central cultivation area and the Himalayan blackberry (*Rosaceae rubus*) in the restoration area. The permittee shall demonstrate implementation of the invasive species management plan within one year of the effective date of project proposal and at each annual inspection.

11. Within 180 days of the effective date of project approval, the permittee shall provide a timber restocking plan from a Registered Professional Forester for review and approval by the Planning and Building Department to address the approximately 1.0-acre timber conversion that occurred in 2019 per the Timberland Conversion Evaluation provided by Blair Forestry. The restocking plan shall include monitoring and success criteria. The permittee shall demonstrate implementation of the subsequent restocking plan within one year of the effective date and provide documentation in accordance with the monitoring and reporting provisions of the restocking plan. Restocking will not be required within 30 feet of approved structures.
12. Within one year of the effective date of project approval, the permittee shall obtain demolition permits and complete the demolition and removal for Greenhouse #4 and the structure built in 2018 for cannabis cultivation and drying (labeled as Domestic Shed 4 in Attachment 1C). Demolition shall also include the awning and concrete pad attached to the 2018 cultivation structure that was used for a fuel tank.
13. Within one year of the effective date of project approval, the permittee shall implement the Timber Restocking Plan prepared by Timberland Resource Consultants for the 0.15-acre restoration area in the southwest corner of the property. The restocking plan is amended to include proportional replanting of at least three different species of either Douglas-fir, Live Oak, Tan Oak, Bay, or Madrone (instead of only Douglas-fir). Restocking will be 10 feet apart with 55% survival criteria with three years of monitoring. A point count stocking sampling survey by a Registered Professional Forester will be required each year until the monitoring period is successfully completed. If less than 55% of the planted area meets the 300-point count minimum described in the restocking plan, the replanting process will be repeated until there is 55% survival for three consecutive years.
14. Prior to resuming cultivation, the permittee shall provide documentation to the Planning and Building Department demonstrating the Notices of Violation issued

by the California Department of Fish and Wildlife and the Regional Water Quality Control Board have been resolved to their satisfaction.

15. Prior to resuming cultivation, the permittee shall install water meters and monthly water usage logbooks to track water usage for cannabis irrigation. Records must be kept of monthly usage and made available during annual inspections.
16. The permittee shall obtain grading permits for all existing, unpermitted grading associated with the existing cannabis operation. No new grading is authorized.
17. The permittee shall obtain permits or exemptions for all structures associated with the cannabis operation.
18. The permittee shall provide documentation demonstrating that an encroachment permit has been obtained and the intersection of the private road and Alderpoint Road has been improved to the satisfaction of Public Works.
19. Prior to utilizing the onstream pond for irrigation storage the permittee must:
  - a. Provide a report to the Planning and Building Department prepared by a qualified professional that determines the total maximum volume of the pond; and
  - b. Install a measuring device that displays the volume of the pond at all times; and
  - c. Provide documentation to the Planning and Building Department demonstrating review and approval by the California Department of Fish and Wildlife and Water Board of the design and installation of a 100% bypass system during the transfer season of April 1 to October 31 (unless documentation is obtained from these agencies that specifically waives the requirement for bypass); and
  - d. Provide documentation to the Planning and Building Department Demonstrating that the Water Board approves of transferring pond irrigation water to tanks for use outside the transfer season and year-over-year. If Water Board approval is not provided or available, the permittee shall either 1) provide an update to the Operations Plan irrigation season schedule restricting water use to the transfer season of April 1 to October 31 and that irrigation water cannot be stored in tanks season to season, year-over year, or 2) add a minimum of 20,000 gallons of rainwater catchment and storage, to be separately metered from the pond storage.

- e. The conditions above (COA A19a through COA A19d) are not required if the permittee chooses to use the pond as a point of diversion only subject to forbearance and not use the pond as onstream storage. Exercising this option would require the installation of at least an additional 111,000 gallons of tanks for a total of 141,000 gallons.
20. In the event that the adjoining landowner exercises their deeded rights to the pond in a manner that prevents the permit holder from meeting the obligations of the LSAA, all cultivation must cease and the permit holder shall apply for a permit modification.

## **B. General Conditions**

1. During operation, portable toilets must be used. The septic system in the southwestern corner of the property in the streamside management area next to the residence may not be used for wastewater services for the cannabis project.
2. Cultivation area is limited to the proportion of irrigation water available from approved sources. If irrigation water less than the annual water budget is available, then the amount of cultivation will be reduced accordingly. Domestic water or other water sources shall not be used. The unpermitted well shall not be used for cannabis irrigation. Approval of the Conditional Use Permit does not authorize the permittee to utilize water for cannabis irrigation beyond what is entitled under the property deed, water right, and Lake and Streambed Alteration Agreement.
3. No generator use will occur on the property per the Operations Plan.
4. Processing in the form of trimming and/or final packaging will occur offsite at a licensed facility.
5. For the life of the project, the intersection of the private access road and Alderpoint Road shall be maintained for visibility consistent with HCC 341-1. Compliance with this condition shall be demonstrated to the satisfaction of Public Works.
6. The permittee may cultivate cannabis within the approved greenhouses (depicted as Greenhouses one through three on the site plan in Attachment 1C) as light deprivation with no artificial light until PGE power is connected through a renewable energy program.

7. The 4,050 square feet of approved full sun commercial cannabis cultivation may not be placed in structures (e.g. greenhouses or hoophouses).
8. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this cost to the project.
9. 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.
10. 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 to keep the permit valid.
11. 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. 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.

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

1. 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, ground-stone 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.

2. 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. 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.
3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded 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. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.
4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
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 the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CMMLUO, and these conditions of approval.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. 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.
13. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship,

or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

14. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
15. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Agreement obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

## Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall “provide a statement declaring the applicant is an ‘agricultural employer,’ as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;

- (6) Job hazard analyses; and
  - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
29. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

30. Inspections. 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 Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;

- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

**Informational Notes:**

1. Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.
2. The project site contains an unpermitted well that the Division of Environmental Health has requested to be legalized or destroyed.

**Site Plan Overview**  
**Cultivation and Operations Plan**

**Applicant/Owner**

Overland Road, LLC

1701 Kristin Way, McKinleyville CA 95519

APN 217-271-002

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## I. Site Plan Overview

### 1.0 Project Information

Overland Road, LLC (“Applicant”) is submitting this application for a Use Permit for 15,750 square feet of existing, mixed light commercial cannabis cultivation on a 30-acre parcel, located near Blocksburg, CA (“Parcel”), Assessor’s Parcel Number 217-271-002. The site is accessed 1,000 feet from the paved, Category 4, & county maintained Alderpoint Road.

The Applicant sources water from a 1,000,000 gallon on-stream pond. Onstream impoundment for summertime use is authorized by the CA Waterboard and California Department of Fish & Wildlife via a Small Irrigation Use Registration and Lake and Streambed Alteration Agreement, respectively. A maximum of 500,000 gallons of pond-source irrigation water is available annually. The total water use on site for cannabis irrigation is estimated at 160,000 gallons annually. Domestic water is sourced from an onsite well.

There are currently nine (9) buildings on site as well as four conex boxes. Six buildings and the conex boxes are used for cultivation-related activities, with the other three buildings used for domestic purposes only. Building dimensions and use are described in Section 9 below.

No future generator use is proposed on the site. PG&E power lines run adjacent to the property, and the applicant is in the process of obtaining a power drop for use in the cannabis operation. Until a utility connection is permitted and installed, no mixed light cultivation (electric lighting outside of nursery areas) will occur on site (Phase 1). In the meantime, the project will be limited to light deprivation techniques powered 100% through solar power units. Once connected to PG&E (Phase 2), the applicant will enroll in the Redwood Energy Authority Renewables program and may proceed with grid-powered, supplemental lighting.

The Applicant anticipates two (2) harvests from the greenhouses in Phase 1, July and October. This will be increased to three (3) harvests in Phase 2, June through November. The Applicant anticipates needing three (3) regular employees for cultivation activities at full build-out, with short-term increases during harvest periods. Greenhouses are automated. Employees will live off-site. Processing will be completed off-site by a licensed 3<sup>rd</sup> party. Cannabis waste will be composted or hauled off site to an authorized waste facility.

This application has been prepared in accordance with Humboldt County’s (“County”) Commercial Medical Marijuana Land Use Ordinance (“CMMLUO”).

The Use Permit would achieve the following results for the Applicant:

- a. Permit 15,750 square feet of existing light deprivation (outdoor) commercial cannabis cultivation activities in compliance with the County CMMLUO as verified by a county CAV.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board (“Water Board”) and California Department of Fish and Wildlife (“CDFW”).

## 2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Blocksburg, CA. The Parcel is comprised of 30-acres and is identified by Assessor's Parcel Number ("APN") 217-271-002. The street address along Alderpoint Road is currently unassigned.

### 2.1 Zoning Classification

The County's Zoning Classification of the Parcel is Timberland (TPZ) with a Current General Plan Framework of Timberland and Rural Community Center (the residential area only). The CCLUO permits existing commercial cannabis cultivation on land with this zoning with existing Mixed Light cultivation up to 22,000 square feet with a Use Permit.

### 2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

## 3.0 Easements

The following information is taken from Exhibit "A" of the Grant Deed, a copy of which is included in Evidence of Ownership and Authorization section of this application:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

### PARCEL ONE

COMMENCING at a point on the North line of Section 20, Township 2 South, Range 5 East, Humboldt Meridian, situated 584.07 feet South 89 degrees 19 minutes East from the quarter section corner between Sections 17 and 20 in said township; and running thence South 14 degrees 29 minutes West, 66.86 feet;  
thence South 20 degrees 23-1/2 minutes West, 196.01 feet;  
thence South 16 degrees 41 minutes East, 155.32 feet;  
thence South 06 degrees 57 minutes East, 394.64 feet;  
thence South 16 degrees 40-1/2 minutes East, 97.61 feet;  
thence South 26 degrees 18 minutes East 328.55 feet to point on West side of a private road and marked by an iron pipe set in the ground;  
thence leaving road and running South 20 degrees 50-1/2 minutes West, 43.54 feet;  
thence South 01 degree 58 minutes West, 68.21 feet;  
thence South 06 degrees 51 minutes West, 79.09 feet;  
thence South 25 degrees 43-1/2 minutes West, 104.95 feet;  
thence South 02 degrees 37 minutes East, 22.42 feet;  
thence South 31 degrees 20 minutes West, 53.85 feet;  
thence South 57 degrees 52-1/2 minutes West, 110.52 feet;  
thence South 54 degrees 05 minutes West, 152.68 feet;  
thence South 78 degrees 56 minutes West, 89.03 feet;  
thence South 18 degrees 07-1/2 minutes East 196.34 feet to the North line of land formerly belonging to the Estate of Roscoe M. Hope;  
thence along the North line of said Hope Estate tract in a Northeasterly direction 1090 feet, more or less, to the Northeast corner of same a point on the East line of the West Half of Northeast Quarter of said Section 20 and distant about 1206 feet North from the Southeast corner thereof;  
thence North along said East line to the Northeast corner of the West Half of Northeast Quarter of said

Section 20; thence North 89 degrees 19 minutes West along the North line of said Section 20 to the point of commencement.

**PARCEL TWO**

A non-exclusive easement for ingress, egress and public utility purposes over and across the existing road running northerly from Alderpoint County Road to the south line of Parcel One above.

**PARCEL THREE**

A non-exclusive easement for ingress, egress and public utility purposes over and across the that portion of the existing road, running northerly along or near the westerly line of Parcel One above, that lies within the Parcel to the west of Parcel One above.

Being the same as granted in the deed from Robin Ronay recorded January 28, 2014 as Instrument No. 2014-001743-2, Humboldt County Official Records.

**PARCEL FOUR**

The right to take 50% of the water from the existing pond which lies partly on the above described lands and partly on the parcel to the north.

**PARCEL FIVE**

A non-exclusive easement for public utility purposes in across a strip of land running northerly from the existing PG&E power source on the parcel to the south of the above described lands.

**4.0 Natural Waterways**

Two small watercourses pass through the subject property. All cultivation has been located outside of applicable setbacks.

**5.0 Location and Area of Cultivation**

Cultivation will be situated on an existing landing on the parcel. One portion of cultivation was relocated from the residential area at the bottom of the parcel which was adjacent to the riparian area. All cultivation is not consolidated in one area. Specific locations and dimensions are shown on the attached site plan.

**6.0 Setbacks of Cultivation Area**

The closest cultivation to riparian setbacks is positioned 230' from the pond. The closest cultivation to property boundary is positioned 150' from the eastern property boundary.

**7.0 Access Roads**

The nearest Category 4 road is Alderpoint Road which is paved and county maintained to category 4 standards. From there the site is accessed via a private road (1,000 feet) which is maintained by the neighborhood road association (all neighboring parcels have open cannabis cultivation permits)

**8.0 Graded Flats**

There are three flats on the Parcel, where cultivation occurs (the "cultivation flat"), the residential area, and the location domestic shed 4 which is ungraded.

## 9.0 Existing and Proposed Buildings

Currently there are nine (9) buildings on site, with building permits submitted for cultivation related structures (approval pending):

Greenhouses 1-3 – 30'x130' each, constructed 2018. Permanent, gabled greenhouse structures with perimeter foundations and pervious floors. Hard-walled and auto light deprivation equipped. Used for cultivation and nursery

Greenhouse 4 – 30'x135' hoop framed greenhouse structure used for cultivation (This greenhouse is currently 20' too long at 155' and will be shortened)

Storage shed 1 – 26'x35' roofed pad with no walls, constructed 2018. Previously used for generator shed, proposed for miscellaneous storage.

Storage shed 2 – 30'x40' storage shed, constructed 2018. Used for mixing nutrients and tool storage

Conex Boxes (4) – used for seasonal cannabis drying and storage.

Residence – 30'x31' house with additional covered porch, constructed 2013.

Domestic shed 3 – 30'x40' storage shed, constructed 2013. Used for domestic storage.

Domestic shed 4 – 40'x80' shed, constructed 2018. To be permitted and used for domestic purposes only

## 10.0 Water Source, Storage, Irrigation Plan and Projected Water Use

### 10.1 Water Source

The Applicant will source water from a historical on-stream pond located on the northern end of the property. Impoundment of surface waters for cannabis irrigation use is authorized by Small Irrigation Use Registration (SIUR) H511547. Water use from the pond is further authorized by CDFW Lake and Streambed Alteration Agreement # EPIMS-HUM-34121-R1. The LSAA restricts water use by prohibiting diversion from the pond after levels reach one-half total capacity in order to protect larval native amphibian species. Water will be pumped via solar pump to tanks situated on the cultivation flat, where they will gravity feed to the cultivation areas.

Even in dry years, the pond has been known to fill completely. Even given evaporation and seepage, the 50% threshold set by CDFW is not anticipated to impact irrigation requirements even in warm years, given that over 300% of anticipated requirements are available.

An unpermitted groundwater well is maintained on the parcel for domestic use only.

### 10.2 Water Storage

The Applicant will obtain an additional 20,000 gallons of water storage in the form of hard tanks on the cultivation flat. Additional tanks may be added based on proficiency of the solar pump.

**10.3 Irrigation Plan**

The Applicant will irrigate using a timed, metered drip irrigation system, preventing over watering or run-off.

**10.4 Projected Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant estimates their annual water use to be approximately 160,000-gallons.

**10.5 On-Site Water Conservation Measures**

Including but not limited to; rainwater catchment systems, drip irrigation, timers, mulching, irrigation water recycling, and methods for insuring irrigation occurs at agronomic rates.

**10.6 Water Use Record Keeping Practices**

The applicant will adhere to the following metering and record keeping practices.

- A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation.
- Operators shall maintain a record of all water used in Irrigation of permitted Cultivation Areas. A copy of these records shall be stored and maintained at the cultivation site and kept separately of differentiated from any record of water use for domestic, fire protection, or separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.

**11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection**

**Site Drainage, Runoff, Erosion Control Measures**

The Parcel currently meets the Standard Conditions for Site Maintenance, Erosion Control and Drainage Features. The Site Management Plan (SMP) completed to outline compliance with the State Waterboard Cannabis General Order outlines areas where risk of erosion control and be reduced.

### **Watershed Protection**

The Parcel does currently meet the Standard Conditions for Riparian and Wetland Protection and Management. The Cultivation Areas are removed from natural watercourses beyond the required setbacks.

### **12.0 Distances from Significant Landmarks**

There are no schools, school bus stops, places of worship, or state parks within 600 feet of the cultivation site. There are also no Tribal Lands, areas of Traditional Tribal Cultural Affiliation within 1,000 feet of the cultivation site.

## **II. Cultivation and Operations Plan**

### **1.0 Materials Storage**

All fertilizers and amendments are located in Sheds 1 and 2 on the cultivation flat. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

Power for the Parcel will be provided by solar until a connection to PG&E grid power can be permitted and installed. No generators or substantial fuel storage will be located onsite, other than for domestic purposes.

Trash and recycling is stored in water tight containers in a trailer at the cultivation area. Trash is removed weekly to the disposal center in Redway and recycling is removed bi-monthly.

Compost is stored onsite and contained with fencing.

### **2.0 Cultivation Activities**

**Refer to the cultivation chart as an attachment in this section.**

Cultivation activities may vary based on strain, climate and the Applicants' personal schedule.

Cultivation activities begin with obtaining clones or sprouting seeds onsite, sometime in March and placing them within greenhouses. A portion of one greenhouse will be used as a nursery area where small lights may be used to keep plants from transitioning to the flowering phase prematurely. Greenhouses are equipped with automatic blackout tarps that will ensure the Applicant is abiding by the International Dark Sky Standards. In Phase 1, the Applicant will be using light deprivation techniques only in the greenhouses. No artificial lighting will be used in the

flowering greenhouses in Phase 1. The Applicant will be harvesting the greenhouses sometime in July, replanting and harvesting again sometime in October, give or take a few weeks. Once power is provided to the site in Phase 2, lights may be used to prolong the cultivation season in the greenhouses, again utilizing automated blackout tarps for compliance with

Additionally, once fully licensed, the applicant will:

- Maintain compliance with all applicable state laws and County ordinances
- Maintain valid licenses issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.
- Where subject to state licensures, participate in local and state programs for “Track and Trace” once available.
- Maintain a current, valid business license at all times.
- 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
- Pay all applicable application and annual inspection fees.
- Comply with any special conditions applicable to the permit or Premises which may be imposed.

### **3.0 Processing Practices**

Plants will be harvested one at a time using hand shears and taken into the existing conex boxes where it will be dried and cured. All processing will be performed off-site by a 3<sup>rd</sup> party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing the state Metrc track-and-trace system, abiding by all appropriate record keeping practices.

### **4.0 Employees**

The number of employees will fluctuate year to year and throughout any given cultivation season, with a maximum estimated 8 employees working for short periods during harvest season. Applicant 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code.)

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:

- Emergency action response planning as necessary;
- Employee accident reporting and investigation policies;

- Fire prevention;
- Hazard communication policies, including maintenance of material safety data sheets (MSDS);
- Materials handling policies;
- Job hazard analyses; and
- Personal protective equipment policies, including respiratory protection.

Applicant will visibly post and maintain an emergency contact list which includes at a minimum:

- Operation manager contacts;
- Emergency responder contacts;
- Poison control contacts.

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.

Employees will be housed off-site. Portable toilets will be provided for day use and will be serviced monthly or more frequently as needed.

#### **5.0 Security Measures**

The access to the parcel is gated and locked. The applicant plans to install additional cameras for additional security.

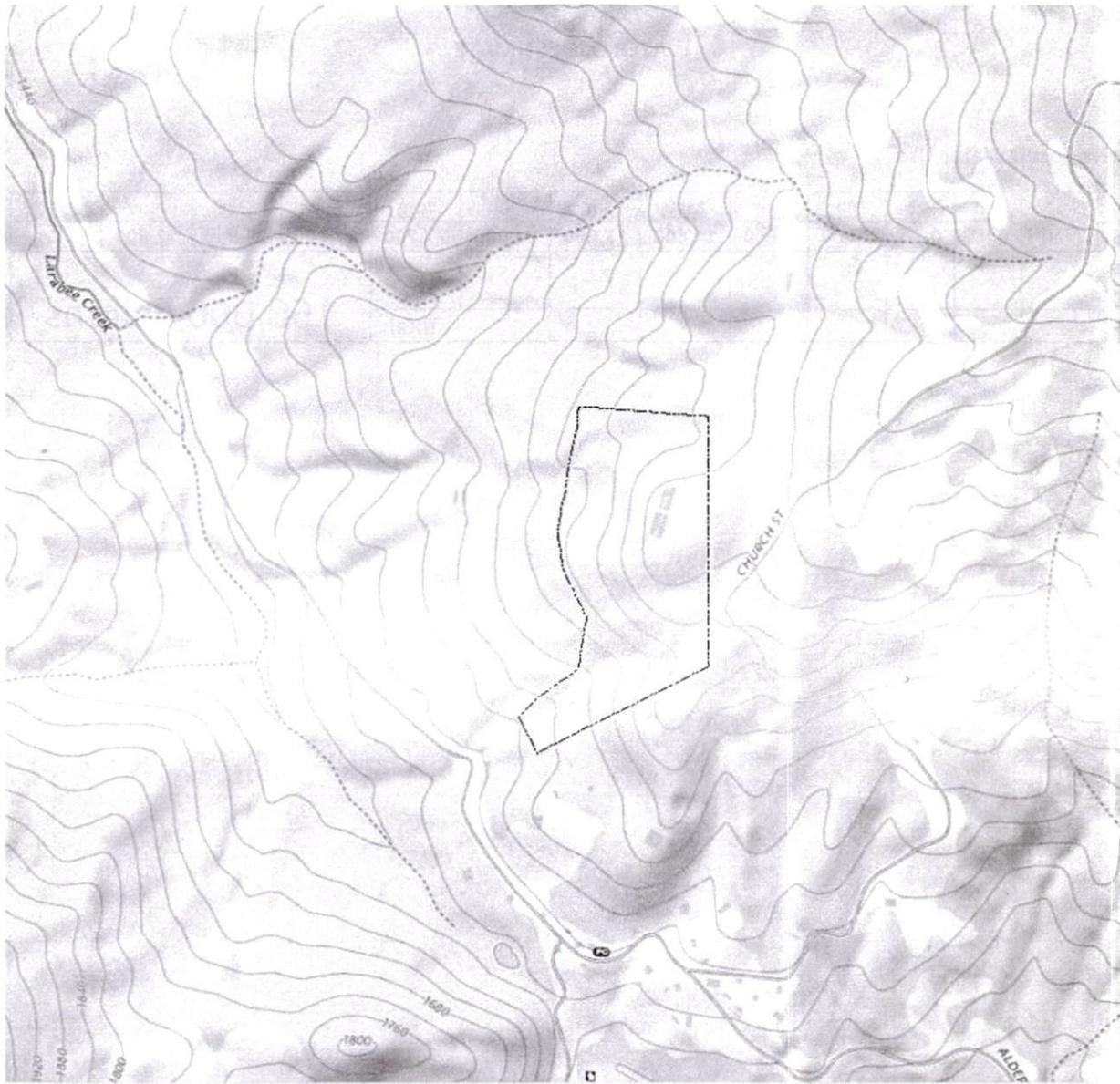
#### **6.0 Noise Assessment and Mitigation**

The property does not rely on noisy generators for power so the only anticipated noise of any significant duration should come from greenhouse fans. This noise is anticipated to be minimal. After final build-out is achieved, measurements can be taken from property boundaries while greenhouse fans are running to determine total noise from cultivation. If noise is found to be in excess of what is allowable, quieter fans will be procured and installed. Noise is anticipated to be less than other similarly sized farms given the hard-sized greenhouse walls and lack of generator use.

#### **7.0 Energy Use**

The site contains an existing solar power generation system. Increased solar capacity is proposed through addition of a second solar array on the cultivation flat. Mechanical ventilation of greenhouses will occur via solar snap fans. Solar panels will be utilized for drying. Water pumping, and domestic needs only. PG&E power lines run past the property, and the applicant is in the process of obtaining a power drop for use in the cannabis operation. In Phase 2 project will be powered 100% through grid connection and enrollment in the Redwood Energy Authority Renewables program. Phase two will see an increased energy use as lighting in flowering greenhouses are used to extend the growing season.

# Attachment A



Topo Map with parcel in yellow

**ATTACHMENT B**  
**WATER USE ESTIMATE**

**Proposed Water Use**

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
Irrigation (gal)	<b>0</b>	<b>0</b>	<b>6,400</b>	<b>9,600</b>	<b>14,400</b>	<b>17,600</b>	<b>24,000</b>	<b>27,200</b>	<b>27,200</b>	<b>20,800</b>	<b>12,800</b>	<b>0</b>
Square footage=									<b>160,000 gallons</b>			
<b>15,750 ft<sup>2</sup></b>								Total:				



