RESOLUTION OF THE ZONING ADMINISTRATOR OF THE COUNTY OF HUMBOLDT

Resolution Number: 25-040

Record Number: PLN-11966-SP Assessor's Parcel Number: 210-141-008

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Fantastic Gardens Humboldt, LLC Special Permit.

WHEREAS, Fantastic Gardens Humboldt, LLC provided an application and evidence in support of approving a Special Permit for 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 950 square foot nursery; 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 Section 15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 15, 2025, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: A Special Permit for 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 950 square foot nursery. Irrigation water is provided by a point of diversion and an existing rainwater catchment pond. Annual water usage is estimated to be 280,000 gallons per year with storage consisting of 30,000 gallons in hard tanks and 150,000 gallons in the pond for a total of 180,000 gallons. Power is provided by three generators and the project is conditioned to transition to renewable energy by January 1, 2026. The project proposes onsite relocation to move cultivation out of a streamside management area. A Special Permit is included for cultivation area restoration and the construction of

the pond within the streamside management area.

EVIDENCE:

a) Project File: PLN-11966-SP

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 section 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. The project is conditioned to provide a Site Management Plan. The project also has a Lake or Streambed Alteration Agreement.
- d) A review of the California Natural Diversity Database indicates the project is potentially in the vicinity of a ranked plant, the Yolla Bolly Mountains Bird's Foot Trefoil (Hosackia yollabolliensis). applicant provided a Botanical Survey prepared by a qualified professional which concluded no species of concern are present in the project area. The project site does contain multiple streams and streamside management areas that are depicted on the site plan. With exception to some minor relocation the cultivation areas are sufficiently set back from streams. The nearest mapped Northern Spotted Owl activity centers are (HUM0174) approximately 1.25 miles to the north and (HUM0548) approximately 1.35 miles to the south. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The project has been conditioned to ensure lighting associated with the operation adheres to Dark Sky Association standards including security lighting Permit conditions of approval also prohibit using synthetic netting for erosion control, ensure refuse is contained in wildlife-proof

storage and prohibit use of anticoagulant rodenticides to further protect wildlife. Additionally, any noise sources are limited to 50dB at 100 feet or forest edge, whichever is closer. 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) An evaluation of the road to the subject parcel indicates it can accommodate expected traffic.
- f) The continued cultivation of commercial cannabis will not result in timber conversion.
- g) Consultation with tripes resulted in the standard inadvertent discovery protocol as a condition of approval.

FINDINGS FOR SPECIAL PERMIT

3. FINDING:

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

EVIDENCE:

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

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zone in which the site is located.

EVIDENCE:

- a) The Forestry Recreation (FR) zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.
- b) General agriculture is a principally permitted use in the Forestry Recreation (FR) zone.

- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis 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 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification conducted by staff.
- d) All structures meet appropriate setbacks as depicted on the site plan.

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 Forestry Recreation (FR) (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations by Parcel Map 58 (lot 57) recorded in Book 1 of Parcel Maps page 75.
- c) The project will obtain water from rainwater catchment and a point of diversion which are eligible water sources. The applicant has provided rainwater catchment data demonstrating sufficient irrigation water can be collected in a low rainfall year.
- d) A road evaluation conducted by the applicant found the access roads can accommodate the expected traffic with maintenance and improvements. The recommendations of the engineer are incorporated into the conditions of approval.
- e) The slope of the land where existing cannabis will be cultivated is 15% to 30%. No new grading will occur.
- f) The continued cultivation of cannabis will not result in conversion of timberland.
- 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 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 if recommended improvements are implemented.
- b) The site is in a rural part of the County where the typical parcel size is 40 acres or more 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.
- Irrigation water will come from a rainwater catchment and a point of diversion which are eligible water sources.
- 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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this permit, the total approved permits in this planning watershed would be 156 permits and the total approved acres would be approximately 49.43 acres of cultivation.

DECISION

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

- · Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Fantastic Gardens Humboldt, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on May 15, 2025.

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

John H. Ford, Director

Planning and Building Department

CONDITIONS OF APPROVAL PLN-11966-SP

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.
- 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 A7 through A11. 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.
- 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.
- 3. 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.
- 4. Prior to resuming cultivation, the permittee shall install and maintain water meter(s) for the point of diversion and the rainwater catchment pond and maintain monthly water usage logbooks to track water usage for cannabis irrigation. Records must be kept of monthly usage and made available during annual inspections.
- Within 90 days of the permit effective date, the permittee shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE

AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by the Board of Supervisors will be required.

- Within 90 days of the permit effective date, the permittee shall provide the Planning and Building Department with a copy of their Site Management Plan consistent with their Notice of Applicability and the State Water Board General Order.
- 7. Within 90 days of the effective date of permit approval, the permittee shall provide an updated site plan that shows the location of emergency turnarounds and water storage dedicated exclusively to fire protection.
- 8. The permittee shall obtain permits or exemptions for all structures associated with the cannabis operation.
- 9. The permittee shall provide documentation demonstrating that the LSAA has been amended to include the rainwater catchment pond.
- 10. The permittee shall provide documentation demonstrating that the recommendations of the engineer in Tables 2 and 3 in Exhibit 2 of the road evaluations have been implemented.
- 11. The permittee shall provide documentation demonstrating that the pond has been lined and an appropriate spillway installed per the engineer's recommendations in Attachment 4I.
- 12. Prior to January 1, 2026 the project must transition to renewable energy reserving generator use for emergencies only.
- 13. Within one year of the effective date of permit approval, the permittee shall provide documentation demonstrating that cultivation infrastructure and materials have been removed from the streamside management area. Documentation shall also include implementation of the restoration plan described in Attachment 4F consisting of the planning of 200 square feet of native erosion control mix and planting 14 trees, 7 Douglas Fir and 7 Ponderosa Pine. These plantings will be monitored for three years and must have a 75% survival rate.

B. General Conditions

- The cultivation area is limited to the amounts and type as described in the staff report and site plan. Cultivation area is limited to the proportion of irrigation water available from approved sources. If available irrigation water is less than the annual water budget, then the amount of cultivation will be reduced accordingly. Domestic water or other water sources shall not be used.
- 2. No new grading is authorized.
- Portable toilets may be used to support cultivation operations (but not processing in the form of trimming or packaging). Records of the provision of portable toilets must be kept and made available upon request during annual inspections.
- 4. The residence may not be used by employees until an onsite wastewater system is approved by the Division of Environmental Health.
- 5. No timber conversion is authorized.
- 6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this project cost.
- 7. 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.
- 8. 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.
- 9. 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.

- If monofilament netting is used, best management practices must be implemented to ensure no wildlife entrapment or release into the environment. See also Condition of Approval C5.
- 11. The burning of plant material associated with the cultivation and processing of commercial cannabis is prohibited.

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.
- 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 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.
- 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.
- 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. <u>Inspections</u>. 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. <u>Permit Renewals to Comply with Updated Laws and Regulations</u>. 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. <u>Transfers</u>. 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:
 - Identifying information for the new owner(s) and management as required in an initial permit application;
 - 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. None

Fantastic Gardens Humboldt LLC

APN: 210-141-008 | HCPB APPS# 11966 | WDID: 1_12CC424328





CULTIVATION & OPERATIONS PLAN

prepared for:

Humboldt County Planning Department

Application under Ordinance No. 2559

•Revision Date: 12/28/20•

~prepared by Verdant Bridge Enterprises~

STATEMENT OF RELEVANCE AND COHESION TO PREVIOUS VERSION(S):

Please be advised that as this is a living document, operational changes may have occurred since the initial Cultivation & Operations Plan was submitted. As such, and because the requirements from multiple governing agencies have evolved over time, there may be inconsistencies in format and content of the Cultivation & Operations Plan on file when compared to other submitted documents. Because this application was initially submitted under a previous version of the Ordinance, the cultivation plan is constantly being updated to accurately encompass all aspects as required by the current County Ordinance and will be submitted as necessary.

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APPENDICES

Appendix A: Plot Plan for 210-141-008 by Omsberg & Preston dated 9/22/20

Appendix B: Quitclaim Deed - Fantastic Gardens Humboldt LLC

Appendix C: LSAA 1600 Application prepared by NRM 6/18/20

Appendix D: LSAA Final Agreement dated 12/14/20

Appendix E: Road Evaluation Report by NorthPoint Consulting dated 2/18/19

Appendix F: State Water Board - Notice of Applicability dated 7/28/20

Appendix G: State Water Board - SIUR Certificate dated 5/20/20

Appendix H: Fantastic Gardens Humboldt LLC Articles of Organization filed with CA SOS

Appendix I: Fantastic Gardens Humboldt LLC Statement of Information filed with CA SOS

Appendix J: Fantastic Gardens Humboldt LLC Operating Agreement - P. Jivanov & M. Dimitrov

Appendix K: Revised Botanical Survey by NRM dated July 2020

Appendix L: Relocation Plan by NRM dated 9/14/20

Appendix M: HCPB CAV performed 4/5/18 and Related Email Correspondence dated 6/6/18

Appendix N: Independent CAV by Verdant Bridge performed 9/16/19

1. PROJECT OVERVIEW

1.1. Project Summary & Site Location

The project requires a Zoning Clearance Certificate for pre-existing total cultivation footprint of 9500 sq. ft. and has been issued an Interim Permit through HCPB for 3500 sq. ft. of Outdoor and 6000 sq. ft. of Mixed Light cultivation. The operation generally produces two harvest cycles per season. Please see Section 2.1 for more information on operational information and schedule of activities.

The property is a 40 acre parcel (42.83 GIS acres) located within the Little Van Duzen River watershed, approximately 4.5 miles southeast of the town of Dinsmore, in an unincorporated area of Humboldt County near Buck Mountain and Swayback Ridge. Access to the parcel is from Burr Valley Road and/or Buck Mountain Road, off Highway 36. More information about parcel access roads can be found in the Road Evaluation Report by NorthPoint Consulting, attached to this document as Appendix E. The parcel is zoned FR-B-5 with a General Plan designation of RA20-160. The site has no postal address.

According to current GIS data, the parcel contains no Prime Ag soils. The general slopes across the parcel range from gentle to moderate (more info on Plot Plan, included as Appendix A). No cultivation sites have a slope of 30% or greater. Parcels surrounding the property are listed as either Improved Rural Residential or Vacant Rural on Humboldt GIS and are also zoned FR-B-5. The cultivation areas are over 200 feet from the nearest property boundaries, the nearest being the middle site which is approximately 215 feet from the western border.

1.2. Right to Occupy and Company Members

The property is owned by Fantastic Gardens Humboldt LLC and the QuitClaim Deed is attached to this document as Appendix B. Peter Jivanov and Mario Dimitrov are the two members of Fantastic Gardens Humboldt LLC, with each partner owning 50% of the company. Please find company documents filed with the CA SOS as Appendices H and I, with the Operating Agreement attached as Appendix J.

1.3. Regulatory Agencies and Compliance Status

Fantastic Gardens Humboldt LLC is committed to becoming fully compliant with all local and state cultivation regulations. We realize that in this burgeoning industry there are many laws and/or agencies that have not fully come into play, as well as constant changes to existing regulations. As such, we are dedicated to remain in good standing with all regulatory departments and guidelines through this integrational period.

The following sections (1.3.1.-1.3.4.) outline compliance status and progress with some of the main regulatory agencies as of the winter of 2020. As this is a living document, the information contained herein will change as time passes, our operation matures, and as the regulatory process evolves.

1.3.1. Humboldt County Building Department

We understand that in addition to any proposed structures or developments, all pre-existing structures with a nexus to the cannabis operations will need to be retroactively permitted. Fantastic Gardens Humboldt LLC has enlisted the help of Omsberg & Preston, Engineers to oversee the process of attaining any building, septic, and/or grading permits that may be necessary to achieve approval of our cannabis permit from the County of Humboldt.

As mentioned in Section 1.4 below, we intend to retain the mixed light status for the northern and southern greenhouses, and continue with light deprivation in the middle greenhouse, in accordance to Humboldt County's definition of "outdoor." Ag-exempt building permits will be sought upon project approval for all three cultivation areas.

1.3.2. CA Dept. of Fish & Wildlife (CDFW)

An LSAA application was prepared by NRM Corp. of Eureka and submitted to CDFW on 6/18/20. Other than the point of diversion water source, the 1600 points addressed are mostly concerned with ford and culvert crossings that need improvement or decommission. Please see the initial LSAA application, attached to this document as Appendix C. The Final LSAA Agreement is attached to this document as Appendix D, and only asks for pond spillway modification in addition to the items listed on the application. The pond is not connected to surface water, so no additional permits are needed. NRM has all relevant documentation and correspondence regarding CDFW compliance on file at their office in Eureka.

1.3.3. State Water Resources Control Board (SWRCB)

This property was enrolled under the Statewide Cannabis Order WQ 2017-0023-DWQ as Tier 1 effective as of 3/9/20. The registration number for the Division of Water Rights is H509338 and the SIUR Certificate H100676 was issued on 5/20/20. The Notice of Applicability from the State Water Quality Control Board dated 7/28/20 is attached to this document as Appendix F, and the SIUR Certificate as Appendix G. NRM has all relevant documentation and correspondence regarding State Water Board Enrollment on file at their office in Eureka.

1.3.4. Calfire SRA Requirements

The property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating fire turnarounds and pull-out areas for emergency vehicles at each cultivation site as well as management of trees and ladder-fuel vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the required 30-foot SRA setback from property lines. As shown on the Plot Plan, a 150,000 gallon rainwater pond is centrally located on the parcel for easy access and availability to CalFire should fire-fighting measures ever be needed.

1.4. "Pre-Existing" Cultivation & Area Verification

As shown on the independent CAV (Cultivation Area Verification) dated 6/29/15 which was prepared by Verdant Bridge, all three cultivation sites were light deprivation greenhouses prior to January 1, 2016. Because the CAV performed by HCPB dated 8/11/15 shows the middle area to be uncovered on the satellite imagery date, the Interim Permit was issued for 6000 Mixed Light and 3500 Outdoor.

We intend to retain the mixed light status for the northern and southern greenhouses, and <u>continue</u> with light deprivation in the middle greenhouse, in accordance with Humboldt County's definition of "outdoor." The CAV by HCPB is attached to this document as Appendix M, and VB's CAV is Appendix N.

2. OPERATIONAL PROCEDURES

2.1. Seasonal Schedule of Activities

March -April

- Season begins: site preparation, maintenance of water lines, tilling in cover crops or amending of soil for the season as needed
- Property maintenance as the weather permits
- · Begin vegging clones, creating mothers for second crop

May

- · Amend soil and begin to transplant and transition first crop into greenhouses
- Second crop propagation & preparation vegetative stage
- · Water, fertilizer, and pesticide use monitoring and recording

Iune

- · First crop transitions into blooming stage, crop maintenance
- Maintenance of vegetative second crop
- Water, fertilizer, and pesticide use monitoring and recording

July

- · Begin harvest phase of first crop, drying stage begins
- Transition into second crop planting & maintenance
- Water, fertilizer, and pesticide use monitoring and recording

August

- Harvest: Continued drying and processing of first crop
- Second crop maintenance blooming stage begins
- · Water, fertilizer, and pesticide use monitoring and recording

September

- Second crop bloom stage maintenance
- · Water, fertilizer, and pesticide use monitoring and recording

October

- · Second crop bloom stage ends near end of month
- · Harvest begins: drying and processing of second crop
- · Water, fertilizer, and pesticide use monitoring and recording

November

- Harvest, drying and processing of second crop continues
- · Skins are removed from greenhouses and season wrap-up commences

December

- · Pots and beds covered and secured for winter
- Supplies stored for winter
- Water lines prepared for winter

2.2. Greenhouses & Other Operational Structures

As shown on the Plot Plan, this application concerns 9500 sq. ft. total between three greenhouses, that are constructed out of lumber and metal piping, (see Plot Plan which has been included as Appendix A for locations and dimensions). The existing greenhouses have unimproved flooring and the footpaths are bare ground covered with weed fabric.

There is also a proposed 545 sq. ft greenhouse in the southernmost cultivation area that will be the receiving site for relocated areas lost due to shortening the other two greenhouses so that they clear SMA's. The proposed "recovery" greenhouse will also have unimproved flooring and the footpath will be bare ground covered with weed fabric.

The ancillary structures included in the operational nexus are as follows: one 20'x50' nursery greenhouse, an 800 sq. ft storage shed where pesticides, nutrients, and farm supplies are kept, and the 1485 sq. ft. residence which was constructed prior to 2015, has functional bathroom and kitchen facilities and houses the seasonal workers. There is also a 144 sq. ft. shed on the northern side of the property which is in the SMA; this has been slated for removal.

2.3. Propagation & Transplant Protocols

As stated above, there is a 1000 sq. ft. greenhouse that we use for a nursery. (see Plot Plan for location). In recent years, we have purchased clones in the spring and propagated the second cycle from the first cycle while still in the vegetative state.

In the future we may transition to creating our clones in-house, so that we can control the propagation quality, timing, strain integrity, and avoid contamination with pests and disease. It is also highly cost-effective to create our own cloned crops from mothers that we house during the winter rather than purchasing plants at the beginning of the season.

Our workers use gloves and keep the environment very clean when handling our genetics. Our supplies are cleaned and stored properly to avoid cross contamination, and we keep safety and cleanliness protocols posted at the work site.

2.4. Nutrient/Amendment Protocols & Storage

Fertilizer is bought and used as needed. Very little is stored onsite. Any unused fertilizer and amendments is kept in the 800 sq. ft. shed on the eastern side of the parcel (See Plot Plan for location).

We primarily use the following nutrients/amendments:

- Vitamin B1 liquid supplement
- Humic Acid
- Max Sea Grow & Bloom
- Superthrive
- Cal-Mag Plus by Botanicare
- Molasses
- Canna PK by House & Garden
- Top Booster by House & Garden
- · Clearex by Botanicare

Before fertilizer application, operators are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, cross-contamination, equipment malfunctions, or creation of any health hazards. Care is taken that plants are not over watered to minimize runoff in order to prevent nutrients from entering any watercourses.

As we continue to streamline our operation under the new, evolving regulations, we will keep a detailed farm log of all products used in cultivation for more accurate records than were kept in the past. All officers and workers are required to follow labels and feeding charts as well as standard safety protocols when administering any nutrients.

As previously stated, Material Safety Data Sheets for all products used in our operation are kept onsite with our farm log and compliance paperwork.

2.5. Harvest, Drying & Processing

As shown in Section 2.1. Seasonal Schedule of Activities, there are an average of two crop cycles per season. Harvesting is done in stages during July/August and October/November. All processing will take place off-site for the immediate future. Because of this, the product is taken in small batches and replaced with the second crop during the first cycle. The second harvest is also cut down in small batches and sent out to a licensed facility for processing.

2.6. Staffing Requirements & Employee Safety Policies

The existing cultivation operation requires two workers during the farming season. The workers stay in the residence onsite and (as stated previously in this document) have access to fully functional kitchen and bathroom facilities. We don't anticipate needing further laborers during harvest, as all processing takes place off-site, but in the event that we find ourselves understaffed, we will hire employees through a local, established staffing agency for temporary seasonal help.

All employees are provided with gloves and protective eyewear as needed. We keep bottled water, eye wash solution and basic first aid kits onsite for employees to use as needed. As stated elsewhere in this document, Material Safety Data Sheets for all nutrients, amendments, and other compounds used for the operation are kept on location so that employees can easily identify how to respond to any spills, accidents, or emergencies. Spill kits are kept in multiple locations on the premises.

2.7. Security Plan and Hours of Operation

The parcel where this operation is located is in a very remote rural location near Buck Mountain in what is primarily thickly forested area, and to this point, no stringent security measures have been necessary. The cultivation area is isolated from view and cannot be easily accessed from any well-traveled public road or hiking paths. There is no foot traffic through or near the parcel except by the property owner and the employees who work for Fantastic Gardens Humboldt LLC, and the only vehicular access to the site is from the private drive through a locked gate. There is always at least one worker on-site for 24 hours a day during the farming season.

We are willing to employ any additional security measures that the governing agencies deem necessary for permit approval. Our hours of operation are generally 8:00am to 10:00am, Monday through Friday during the farming season. These hours change with weather and daylight throughout the farming year, so inspectors and contractors are encouraged to call the contact number at the bottom of this document to schedule appointments.

3. ENVIRONMENTAL CONSERVATION

3.1. Water Source and Storage

Water for the cannabis operation comes from two sources. There is a point of diversion for storage purposes to the east of the middle greenhouse that is used only from November 1st to March 31st. We will adhere to Water Board requirements of 3 gpm and 80% bypass when filling tanks from this source. The other water source is an off-stream pond used for rainwater catchment that holds approximately 150,000 gallons.

There is an additional total of 30,000 gallons of water storage devoted to the operation in hard tanks (see Plot Plan for locations), which are all fitted with functional float valves that automatically shut off water flow when the tank is full. There are additional tanks for SRA and domestic use on the plot plan for a total of 32,500 gallons of tank storage on the property. The tanks are in addition to the 150,000 gallons held in the pond, so the total water storage capacity on the parcel is 182,500 gallons. We will implement more storage as needed to make sure we can adhere to forbearance periods and watershed protection.

3.2. Irrigation Plan & Projected Water Use

The primary irrigation system is a combination of hand-watering, drip lines and gravity irrigation. Water usage is carefully monitored each month during the cultivation season. Our total water usage per year is approximately 280,000 gallons based on the table below.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ост	NOV	DEC
Gallons Used	0	0	20k	30k	40k	40k	40k	40k	40k	30k	0	0

3.3. Watershed and Habitat Protection

Two of the cultivation areas need slight modifications to remove portions of the greenhouse footprints from within the edges of the SMA's. The total area that would be relocated is 545 sq. ft. and the location of the proposed greenhouse is shown on the Plot Plan by Omsberg & Preston. NRM Corp. is working closely with both CDFW and the State Water Board to make sure that the operation properly mitigates any threat to water quality and/or sensitive habitats and species. Please see Appendices D, K and L for more information about environmental impacts and remediation.

We will work closely with our team of licensed professionals on the design and development of the property as we upgrade and improve the existing conditions. We care very much for preservation of the environment and are committed to proper land stewardship in our agricultural practices.

3.4. Energy and Generator Usage

Power for the operation comes from three small, mobile generators. As stated previously, the northernmost and southernmost greenhouses are mixed light, and the middle greenhouse is light deprivation only. Two of the generators are Honda 3000's and the third is a Honda 2000. All three use gasoline as fuel and have noise rating levels of less than 50 decibels, and run for approximately 200 hours each per season. These figures also include usage for the residence and domestic needs. Upon project approval, we will make plans to invest in alternative energy sources such as solar or hydroelectric power for our long term primary power usage.

3.5. Lighting & International Dark Sky Standards

All greenhouses using early-season, low-impact lighting (like string-style work lights) are covered carefully with blackout tarps and inspected daily to ensure that no light escapes the structures. We use both tarp clips and weighted chains to make sure that the greenhouse coverings stay in place and shield all light from the outside.

We take special care to make sure that our supplemental light does not disrupt any nearby wildlife, or neighboring properties from one hour before sunset until one hour after sunrise. We use the lowest wattage feasible for our operations to conserve energy as well as to prevent unnecessary glow for all other outdoor lighting such as work lights, security/motion lights, etc.

3.6. Use and Storage of Pesticides

We are educated on the Department of Pesticide Regulations' guidelines for products that are acceptable to use on cannabis, and we rarely have any fungal or pest problems needing treatment. On the rare occasion that we develop powdery mildew or mites, we purchase and use one or more of the following products:

- Green Cleaner Active Ingredients: Soybean Oil, Sodium Lauryl Sulfate, Citric Acid
- Organicide Active Ingredients: Sesame Oil
- Potassium Bicarbonate (Baking Soda)
- Neem Oil

Any unused portions are kept in their original containers in the 800 sq. ft. storage shed with the other nutrients and pesticides.

3.7. Use and Storage of Fuels & Other Regulated Products

No diesel fuel is kept on the property. We have a 200 gallon gasoline tank which is serviced regularly by Renner Fuel. There are a few small metal cans with unleaded gasoline for weed eaters and chainsaws. The cans are kept safely out of the elements in a storage shed where the tools and equipment is kept. The shed has a fuel-safe liner. All fuel-powered tools and equipment such as tillers, chainsaws, and string trimmers are maintained off-site at Scotty's Cutters Edge in Fortuna as needed.

All basic cleaning compounds like bleach, vinegar, window cleaner, etc. are kept in the house with the other household supplies. We do not use any hazardous substances, and all of our chemical bottles are properly labelled. As stated previously, we keep MSDS on site for employee reference and safety, and have spill kits handy in multiple locations in case of fuel or nutrient spills.

3.8. Waste Management Plan

Our trash is kept in a cage enclosure near the residence and taken to Eel River Recology in Fortuna every week on average. Most of our supplies are reusable and we strive to create very little waste. The majority of the garbage generated on the property is domestic in nature (like food packaging and recyclables). There is also a 10'x10' compost area due east of the residence for clippings, food spoils, and green waste.

3.9. Soil Management Plan

All of our soil remains in the planting containers during the year (both before and after the season), and we do not replace our soil or discard used soil. We add soil each year during transplantings in the total amount of approximately two pallets of ProMix 3.8 cu. ft bales.

During the winter, the soil that was used during the previous season remains in the containers inside the greenhouses, which are surrounded by straw wattles. We do not have extra soil piles on the premises.

3.10. Wastewater Disposal System

The septic system for the residence was installed prior to 2015 and is fully functional and capable of supporting the two workers who use the facilities during the cultivation season. Please contact Omsberg & Preston, Engineers for more information about the current septic system.

Due to the fact that our processing takes place off-site, no additional workers are needed during that time and there will be no additional wastewater flow.

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APPROVED MAY 1 5 2025

