



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

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3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **Christina Giannelli**  
Application Number PLN-12087-CUP  
Assessor's Parcel Number (APN) 223-072-004  
Garberville area

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Please contact Abbie Strickland, Planner, at 707-441-2630 or by email at [astrickland@co.humboldt.ca.us](mailto:astrickland@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> November 4, 2021	<b>Subject</b> Conditional Use Permit	<b>Contact</b> Abbie Strickland
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**Project Description** The applicant is seeking a Conditional Use Permit for 31,500 square feet of outdoor cultivation. Light deprevation techniques are utilized to obtain two harvests annually. Water for irrigation is sourced from a registered spring diversion. Projected annual water usage totals 284,000 gallons and water storage onsite totals 200,500 gallons in hard tanks and two water bladders. All processing occurs onsite, and the applicant will have employees. Energy will be supplied by a generator.

**Project Location:** The project is located in Humboldt County, in the Garberville area, on the east side of Flat Rock Road approximately .8 mile south from the intersection of Alderpoint Road and Flat Rock Road, on the property known to be in Section 21 Township 04 South, Range 04 East, Humboldt Base Meridians.

**Present Plan Land Use Designations:** Residential Agriculture (RA40), Density: 40 acres per unit, 2017 General Plan, Slope Stability: High Instability (3).

**Present Zoning:** Unclassified (U)

**Application Number:** PLN-12087-CUP

**Assessor Parcel Numbers:** 223-072-004

**Applicant**

Christina Giannelli  
11139 Bixler Place  
Grass Valley, CA 95949

**Owner**

Christina Dickman  
2935 China Well Road  
Auburn, CA 95603

**Environmental Review:** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

**State Appeal Status:** The proposed project is NOT appealable to the California Coastal Commission

**Major Issues:** Inconsistency with Humboldt County Code, lack of adequate information to support making required findings for approval, and uncooperative applicants.

**Christina Giannelli**  
PLN-12087-CUP  
APN: 223-072-004

**Recommended Commission Action:**

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the Resolution to do the following:

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the project site is in violation of Humboldt County Code and that the applicant has not provided the County the information necessary to make the required findings for approval and deny the Christina Giannelli project.

**Executive Summary:** For Planning Commission consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Conditional Use Permit for 31,500 square feet of existing outdoor commercial cannabis cultivation. The Christina Giannelli application was submitted on December 20, 2016.

Staff is recommending denial of the project because the applicant has been unresponsive to County requests for information and has repeatedly violated county ordinance. The submitted application does not include evidence to support making the required findings under Section 312-17.1 of the Humboldt County Code (required findings for all permits). This project is not consistent with section 314-55.4.12.1.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. By initiating cultivation without the required County permit and State License, the applicant has violated the Humboldt County Code, as well as violated various provisions of state law as described below.

On July 5, 2018, the applicant was notified that cultivation was occurring on the subject parcel without the required County Interim Permit and state license. The applicant was directed to obtain an Interim Permit and state license or remove the unauthorized cultivation. The applicant received an Interim Permit from the County of Humboldt on October 31, 2018, which authorized the continued cultivation of 13,600 square feet. The *Compliance Agreement* associated with the Interim Permit advised the applicant that any expansion beyond the verified cultivation area would be a violation of the Interim Permit, Humboldt County Code, and State Law.

On December 14, 2019, the applicant received notice from the Planning Department that the applicant would not be receiving an Interim Permit for the 2020 cultivation season due to unpaid taxes from the 2018 cultivation season.

On April 24, 2020, a *Violation Letter* was issued to the applicant for an expansion of 7,960 square feet over the approved cultivation area during the 2019 cultivation season. The applicant was required to pay a penalty fee of \$15,920 and was notified that repeated unauthorized cultivation would lead to denial of the permit application.

On July 13, 2020, the applicant received a *Violation Letter* for the unauthorized cultivation of 21,123 square feet during the 2020 cultivation season. On August 3, 2020, the applicant contacted the Planning Department and was unwilling to remove the unauthorized cultivation. At this time the applicant had not paid the excise tax due for the 2018 and 2019 cultivation seasons. On November 23, 2020, the Code Enforcement Unit (CEU) visited the property and posted a *Notice*

to *Abate Nuisance*. On December 2, 2020, the applicant contacted CEU and provided photographs showing that one greenhouse had been removed. The applicant was notified that all infrastructure needed to be removed by January 4, 2021. The information in the record shows that the applicant did not contact CEU or the Planning Department to verify removal of the structures. No further contact was made to the applicant until September 29, 2021.

On September 29, 2021, the applicant received a *Violation Letter* for the unauthorized cultivation of 22,080 square feet in the 2021 cultivation season. This *Violation Letter* also acknowledged the unauthorized cultivation during the 2020 cultivation season, which remained unresolved. The applicant was notified that the permit application would be brought forward to the Planning Commission on October 21, 2021, with a recommendation of denial.

**Summary:** The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Because cultivation was initiated without a permit, the project is not consistent with 314-55.4.8.1, which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. Finally, the department has attempted to contact the applicant and the applicant has failed to respond.

**ALTERNATIVES:** The Planning Commission could elect to direct staff to continue to attempt to reach the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq. However, given that staff has made multiple attempts to contact the applicant and he has been unresponsive, staff does not recommend this alternative.

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

**Resolution Number: 21-  
Records Number: PLN-12087-CUP  
Assessor's Parcel Number: 223-072-004**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Christina Giannelli Conditional Use Permit.**

**WHEREAS, Christina Giannelli**, submitted an application on December 20, 2016, for a Conditional Use Permit for 31,500 square feet of pre-existing outdoor commercial cannabis cultivation; and

**WHEREAS**, the property has repeatedly been operated in violation of the county ordinance and state law; and

**WHEREAS**, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on November 4, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

**1. FINDING:** **Project Description:** A Conditional Use Permit for 31,500 square feet of pre-existing outdoor commercial cannabis cultivation.

**EVIDENCE:** a) Project File: PLN-12087-CUP

**2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

**EVIDENCE:** a) Section 15270 of the CEQA Guidelines

**FINDINGS FOR CONDITIONAL USE PERMIT**

**3. FINDING** The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE** a) The applicant has repeatedly violated Humboldt County Code Section 314-55.4.8.1 which states that permittees and operators shall conduct all commercial cannabis activities in compliance with all applicable state laws and County ordinances. The site has repeatedly been utilized for commercial cannabis without the necessary county and state authorization and has been unresponsive to county direction for resolution of violations.

b) By cultivating without the required state license, the applicant has violated various provisions of state law.

**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
- Denies the Conditional Use Permit for Christina Giannelli, based upon the Findings and Evidence.

Adopted after review and consideration of all the evidence on November 4, 2021.

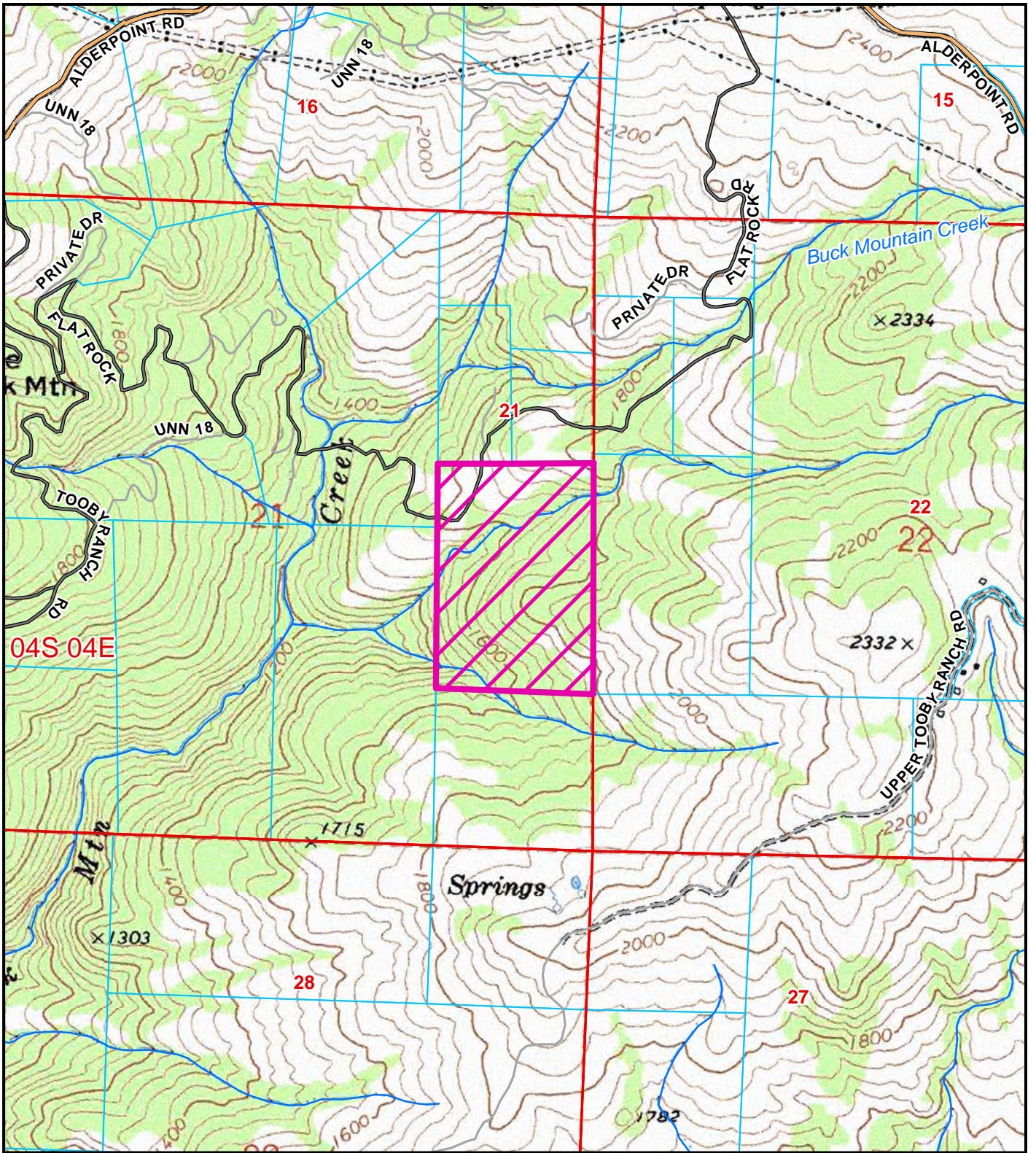
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

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

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

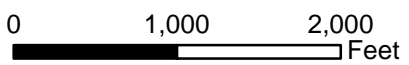
\_\_\_\_\_  
 John Ford, Director  
 Planning and Building Department





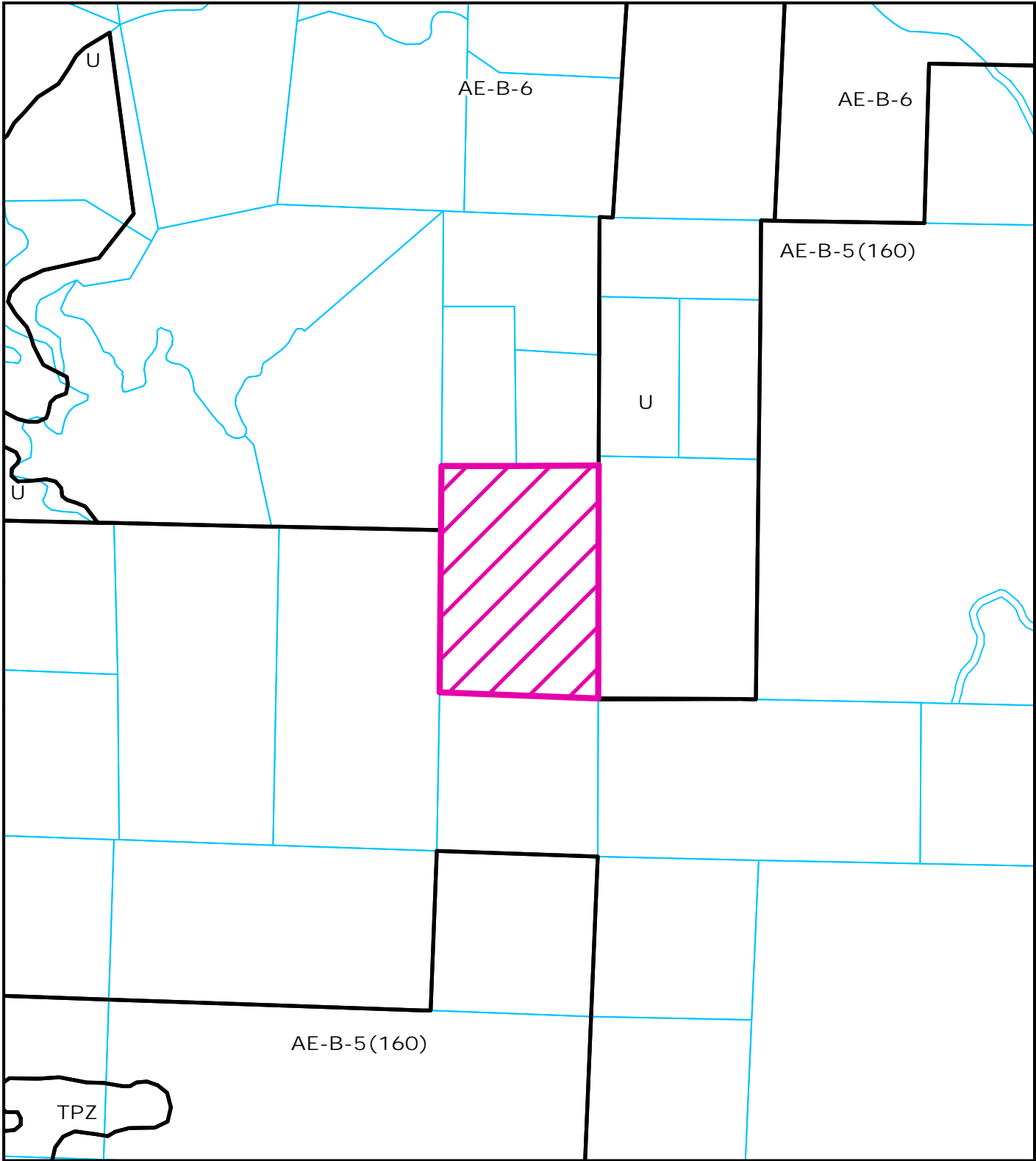
Project Area = 

**TOPO MAP**  
**PROPOSED CHRISTINA DICKMAN**  
**GARBERVILLE AREA**  
**CUP-16-535**  
**APN: 223-072-004-000**  
**T04S R04E S21 HB&M (HARRIS)**



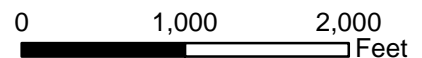
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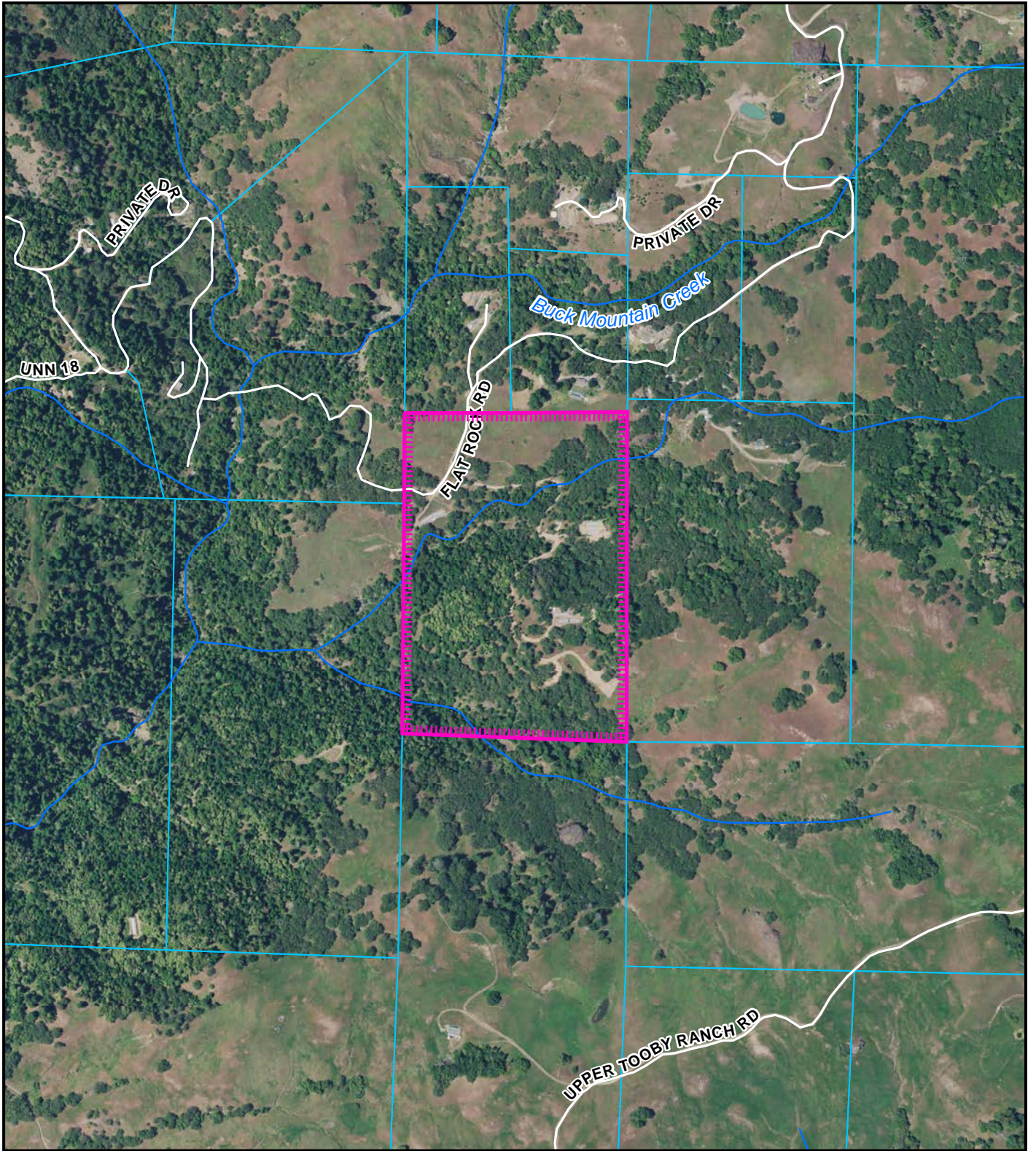
Project Area = 

**ZONING MAP**  
**PROPOSED CHRISTINA DICKMAN**  
**GARBERVILLE AREA**  
**CUP-16-535**  
**APN: 223-072-004-000**  
**T04S R04E S21 HB&M (HARRIS)**



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



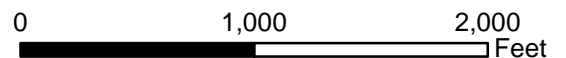


**AERIAL MAP**  
**PROPOSED CHRISTINA DICKMAN**  
**GARBERVILLE AREA**  
**CUP-16-535**  
**APN: 223-072-004-000**  
**T04S R04E S21 HB&M (HARRIS)**

Project Area = 



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



**ATTACHMENT 1**  
**VIOLATION LETTERS**





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792

12/14/2019

Christina Giannelli  
11139 Bixler Place  
Grass Valley, CA 95949

**RE: Extension of Zoning Clearance Certificate for Interim Permit  
Application No. PLN-12087-CUP ; Parcel No. 223-072-004-000:**

The 2019 Zoning Clearance Certificate (ZCC) for an Interim Permit for existing cannabis cultivation associated with your ongoing application under the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) has NOT been approved for extension and will **NOT be continued into 2020.**

To legally cultivate cannabis in Humboldt County, you must have both a valid County Cultivation Permit and a license issued by the State of California. In addition you were required to pay Measure S taxes to the County of Humboldt. Our records show that you have not paid the required Measure S taxes to the County of Humboldt and/or you do not have an active state license application.

The compliance agreement which you signed stated that you would comply with all of these provisions and that if the terms of the compliance agreement were not complied with the Interim Permit would be revoked or in this case not extended. Your 2018 and/or 2017 cannabis cultivation taxes have not been paid, and/or you have not applied for or obtained the required provisional state license for 2019. The consequence of this action is that you do not have a permit to cultivate cannabis in Humboldt County.

Cultivation sites not in compliance with Humboldt County Code cannot be approved. Cultivation on the subject property after December 31, 2019 is a violation of Humboldt County Regulations. The only path to legal cultivation associated with this application is to obtain approval of the actual permit. We strongly encourage you to contact this Department as soon as possible to determine what steps need to be taken to receive approval of the permit.

Sincerely,

John H. Ford, Director  
Planning and Building Department

April 24, 2020

Christina Giannelli  
11139 Bixler Place  
Grass Valley, CA 95949

**RE: Permit Application No. 12087, Key APN 223-072-004**

Dear Christina Giannelli,

As part of its ongoing review of cannabis projects, the Planning and Building Department evaluates satellite imagery of cultivation areas. That review process has identified a potential violation for the above referenced project. The County is committed to helping all cannabis applicants remedy violations and comply with local and state regulations. Your immediate attention is requested to resolve the issues described below.

According to our records, an interim permit was issued for 13,600 square feet of outdoor cultivation. Analysis of satellite imagery has concluded that cultivation occurred in excess of issued permits and approvals. Specifically, unauthorized cultivation consisting of 7,960 square feet of outdoor cultivation occurred during the 2019 season.

The penalty fee for the expansion is calculated by multiplying the area of expansion by twice the Measure S Excise Tax (\$2 a square foot for outdoor and \$4 a square foot for mixed light cultivation). The total penalty for the unauthorized cultivation described in this letter is \$15,920. The area of unauthorized cultivation must also be removed and restored. Please also be advised that repeated unauthorized cultivation may lead to revocation of the Interim Permit and/or denial of the permit application.

Response Required

The following options are available, and a response must be communicated to the Department in writing within 30 days:

1. If the aerial imagery analysis is accurate, resolve the violation by paying the penalty fee and removing the expanded cultivation area including infrastructure. Restoration of the expansion area will be a condition of provisional permit issuance; OR
2. Withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition; OR
3. Respond to this letter with clear and substantial evidence to establish why the cultivation area did not expand.

Responses must be received within 30 days of the date of this letter. If no response is received within 30 days of the date of this letter, the application will be prepared for hearing with the evidence presently in the file. Staff will recommend denial and refer the project for enforcement actions.

If you have questions about this letter, please contact Meghan Ryan at (707) 445-7541 or at [mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cliff Johnson', with a long horizontal line extending to the right.

Cliff Johnson  
Supervising Planner

ENC: Satellite Imagery



PLN-12087-CUP / APN 223-072-004

April 21, 2019 – Google Earth

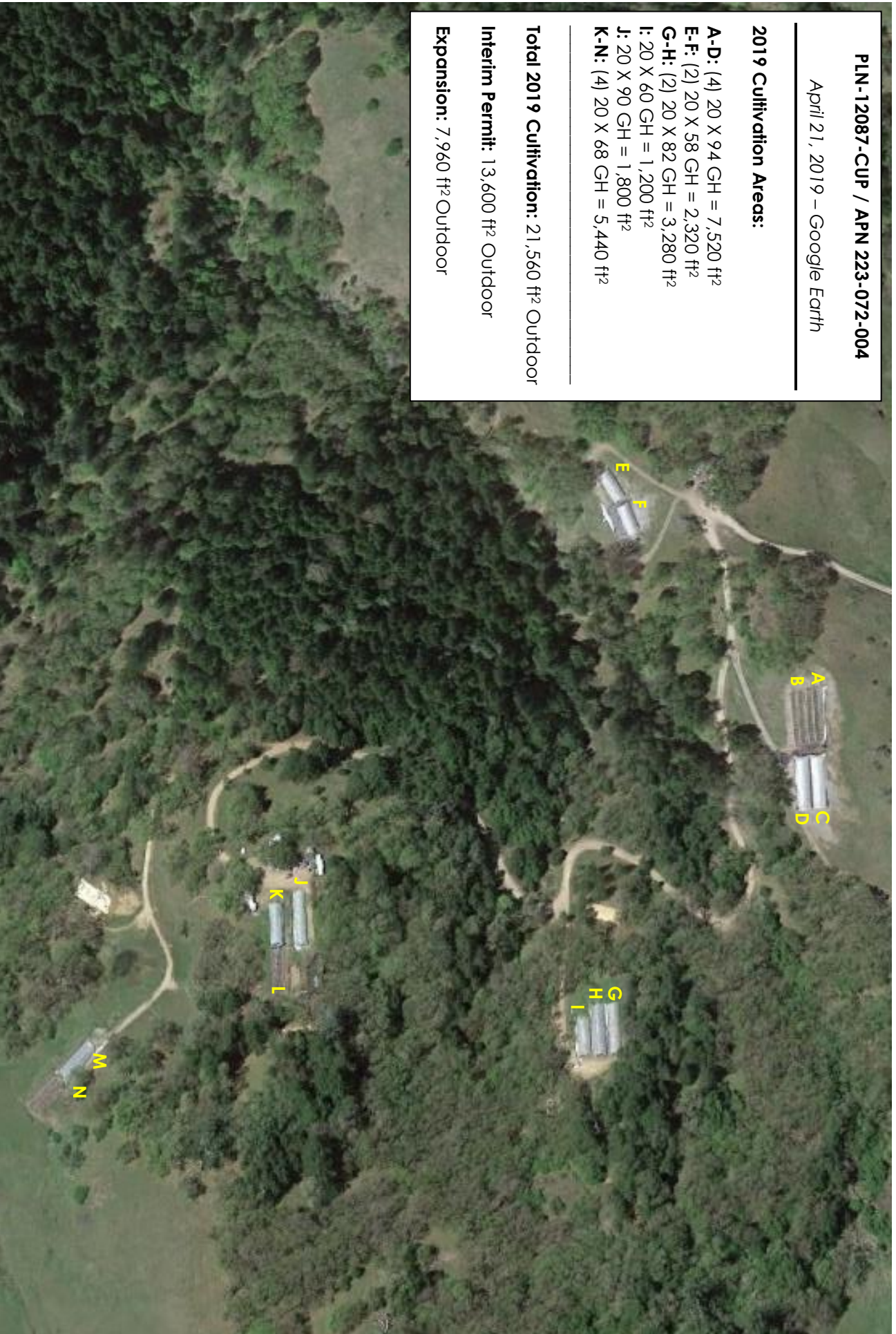
**2019 Cultivation Areas:**

- A-D:** (4) 20 X 94 GH = 7,520 ft<sup>2</sup>
- E-F:** (2) 20 X 58 GH = 2,320 ft<sup>2</sup>
- G-H:** (2) 20 X 82 GH = 3,280 ft<sup>2</sup>
- I:** 20 X 60 GH = 1,200 ft<sup>2</sup>
- J:** 20 X 90 GH = 1,800 ft<sup>2</sup>
- K-N:** (4) 20 X 68 GH = 5,440 ft<sup>2</sup>

**Total 2019 Cultivation:** 21,560 ft<sup>2</sup> Outdoor

**Interim Permit:** 13,600 ft<sup>2</sup> Outdoor

**Expansion:** 7,960 ft<sup>2</sup> Outdoor





PLN-12087-CUP / APN 223-072-004  
June 3, 2019 - DigitalGlobe





**PLN-12087-CUP / APN 223-072-004**  
September 2019 - Planet

July 13, 2020

Christina Giannelli  
11139 Bixler Place  
Grass Valley, CA 95949

RE: Permit Application No. 12087, APN 223-072-004-000

Christina Giannelli,

Your site has previously been identified as commercially cultivating cannabis without the proper authorizations, licenses and permits from the county and the state. You were notified in a previous letter that this was not permissible and that cultivation may not occur on the property until the required permits and licenses had been obtained.

According to our records, there are still no active permits to cultivate currently in place at this property. Analysis of satellite imagery has concluded that cultivation is again occurring without the required permits and approvals. Specifically, unauthorized cultivation consisting of 21,123 square feet occurred during the 2020 season.

**As a result of these repeated violations of county code and state law, the county does not believe the permit application is supportable for approval. Accordingly, you have the following options.**

Response Required

The following options are available, and a response must be communicated to the Department in writing within 10 days:

1. Withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition; OR
2. Respond to this letter with clear and substantial evidence that demonstrates that the unauthorized cultivation is not occurring.

If no response is received within 10 days of the date of this letter, the application will be prepared for decision and staff will recommend denial and refer the project for enforcement actions. You will also then be billed for the additional staff costs for preparing the application for denial.

If you have questions about this letter, please contact Branden Howton at (707) 476-2367 or at [bhowton1@co.humboldt.ca.us](mailto:bhowton1@co.humboldt.ca.us)

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cliff Johnson', with a long horizontal flourish extending to the right.

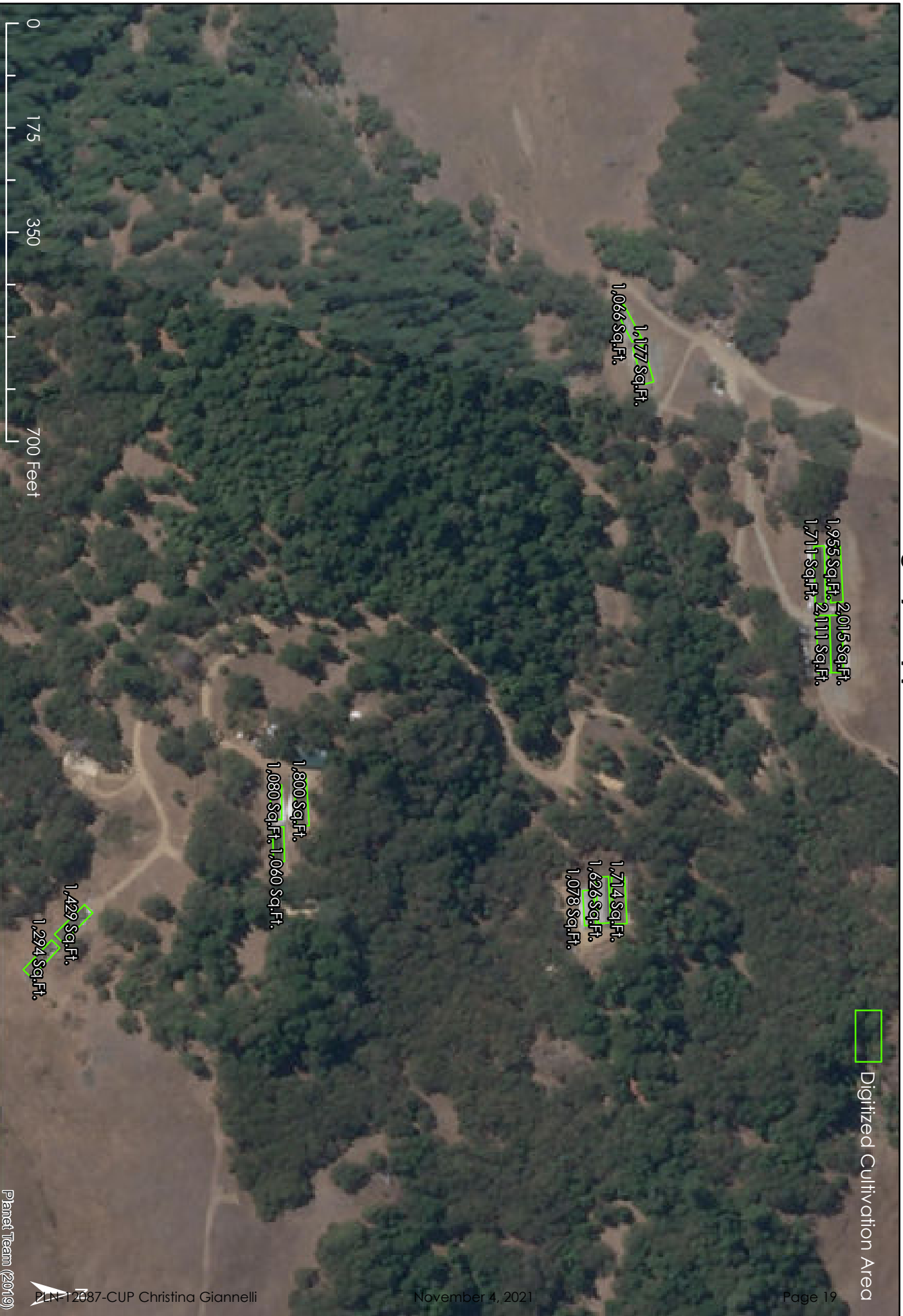
Cliff Johnson  
Supervising Planner

ENC: Satellite Imagery  
EC: [christinagiannelistyles@gmail.com](mailto:christinagiannelistyles@gmail.com)  
CC:

Owner:  
Christina Dickman  
2935 China Well Rd  
Auburn, CA 95603

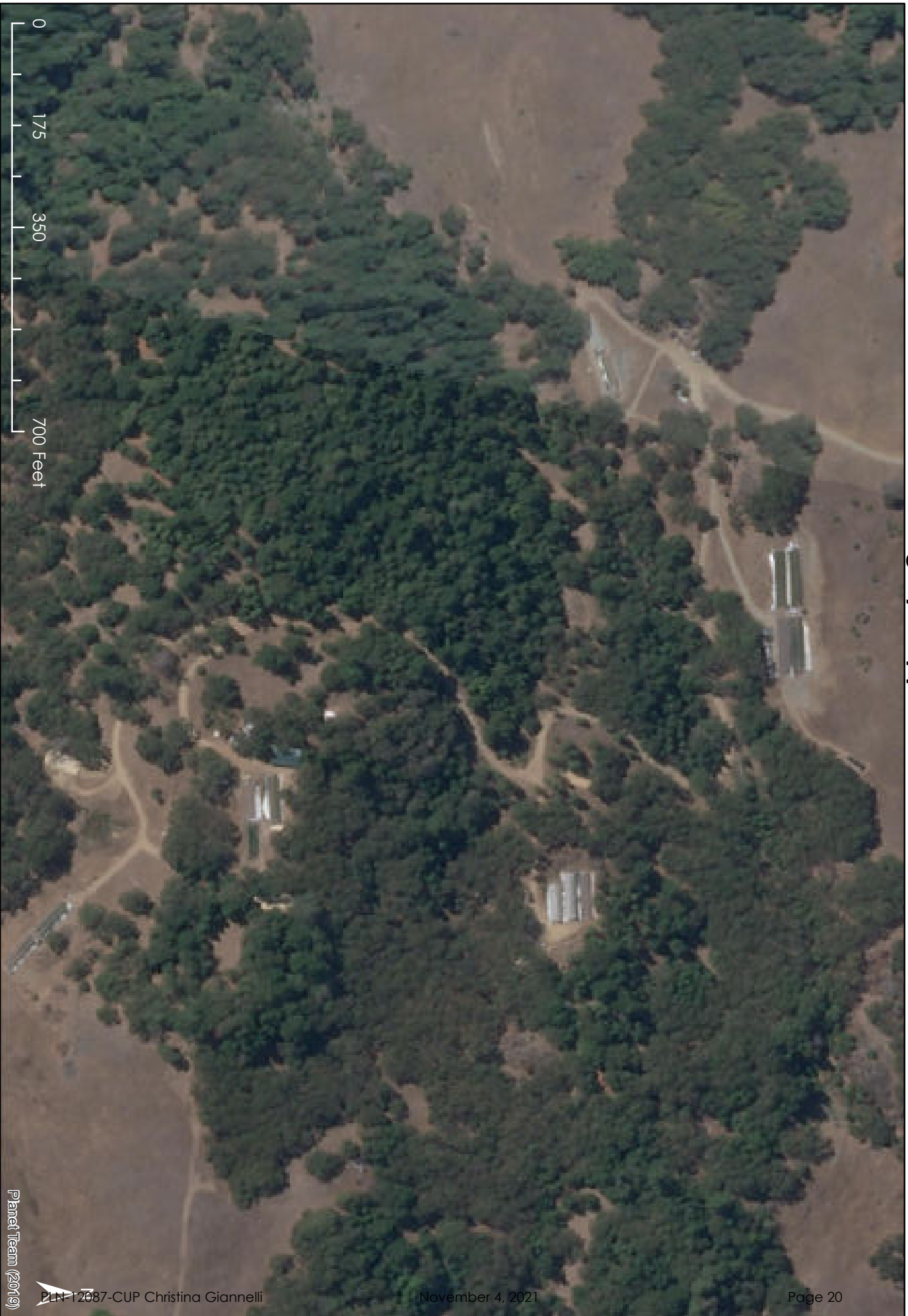


# Satellite Imagery - Application No. 12087



September 2019 Planet Labs Monthly Mosaic Image

additional imagery of cultivation activity is available upon request, as well as specific date and time of each image reviewed



0  
175  
350  
700 Feet

**September 2019 Planet Labs Monthly Mosaic Image**

additional imagery of cultivation activity is available upon request, as well as specific date and time of each image reviewed



**June 2020 Planet Labs Monthly Mosaic Image**  
additional imagery of cultivation activity is available upon request, as well as specific date and time of each image reviewed



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

3015 H Street Eureka CA 95501  
Fax: (707) 268-3792 Phone: (707)445-7541

September 29, 2021

Christina Giannelli  
11139 Bixler Place  
Grass Valley, CA 95949

RE: Permit Application No. 12087, APN 223-072-004

Christina Giannelli,

On April 24, 2020, a letter identifying a violation of county ordinance due to approximately 7,960 square-feet of unauthorized commercial cannabis cultivation occurring on the parcel during the 2019 cultivation season was sent to you (attached). This letter identified the steps necessary to bring the application back into compliance, which included the removal of all unauthorized cannabis and related infrastructure and the payment of a financial penalty for the unauthorized cannabis. This letter also stated that repeated unauthorized cultivation will lead to denial of the permit application.

As part of its ongoing review of cannabis projects, the Planning and Building Department evaluates satellite imagery of cultivation areas. According to our records, there are no active permits to cultivate currently in place at this property. Based upon the aerial imagery provided below, it appears that 22,080 square feet of unauthorized commercial cannabis cultivation occurred in 2020 and unauthorized cultivation is occurring currently during the 2021 season. The analysis of satellite imagery includes evidence that greenhouses have been constructed and tarps utilized (see attached images). **All cannabis and cannabis infrastructure must be removed from the property no later than Friday, October 8, 2021.** If evidence is not submitted demonstrating the removal, this issue will be referred to code enforcement for action.

Additionally, based on the repeated violation of county ordinance and state law, the county intends to recommend to the Planning Commission that your project be denied. We are currently working to schedule this for a hearing, and you will be billed for the effort and cost involved in preparing the project for hearing. Alternatively, you may withdraw your application and avoid the expense of this effort.

If you have questions about this letter, please contact Abbie Strickland, Assigned Planner at (707)441-2630 or at [astrickland@co.humboldt.ca.us](mailto:astrickland@co.humboldt.ca.us)

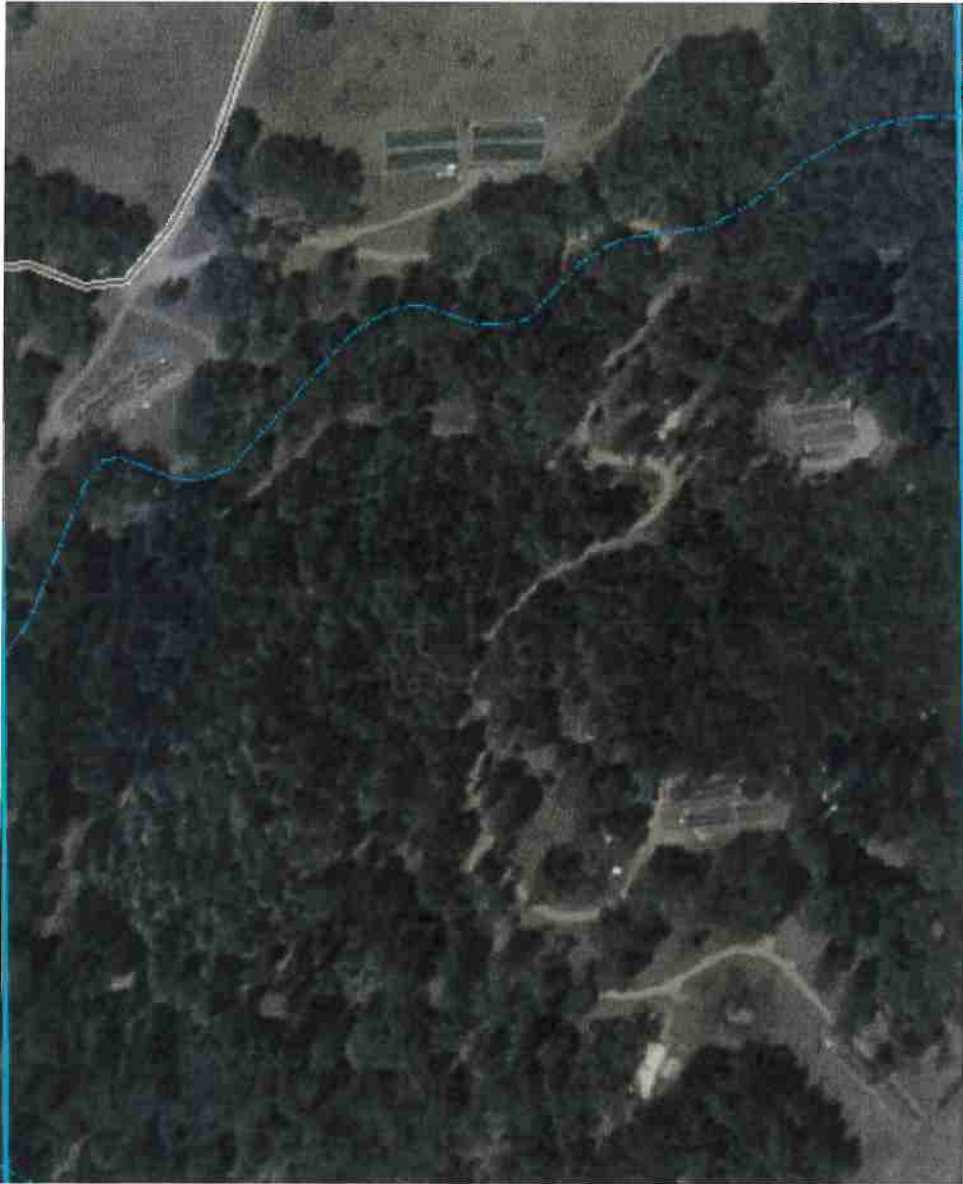
Sincerely,

Cliff Johnson  
Supervising Planner

ENC: Satellite Imagery

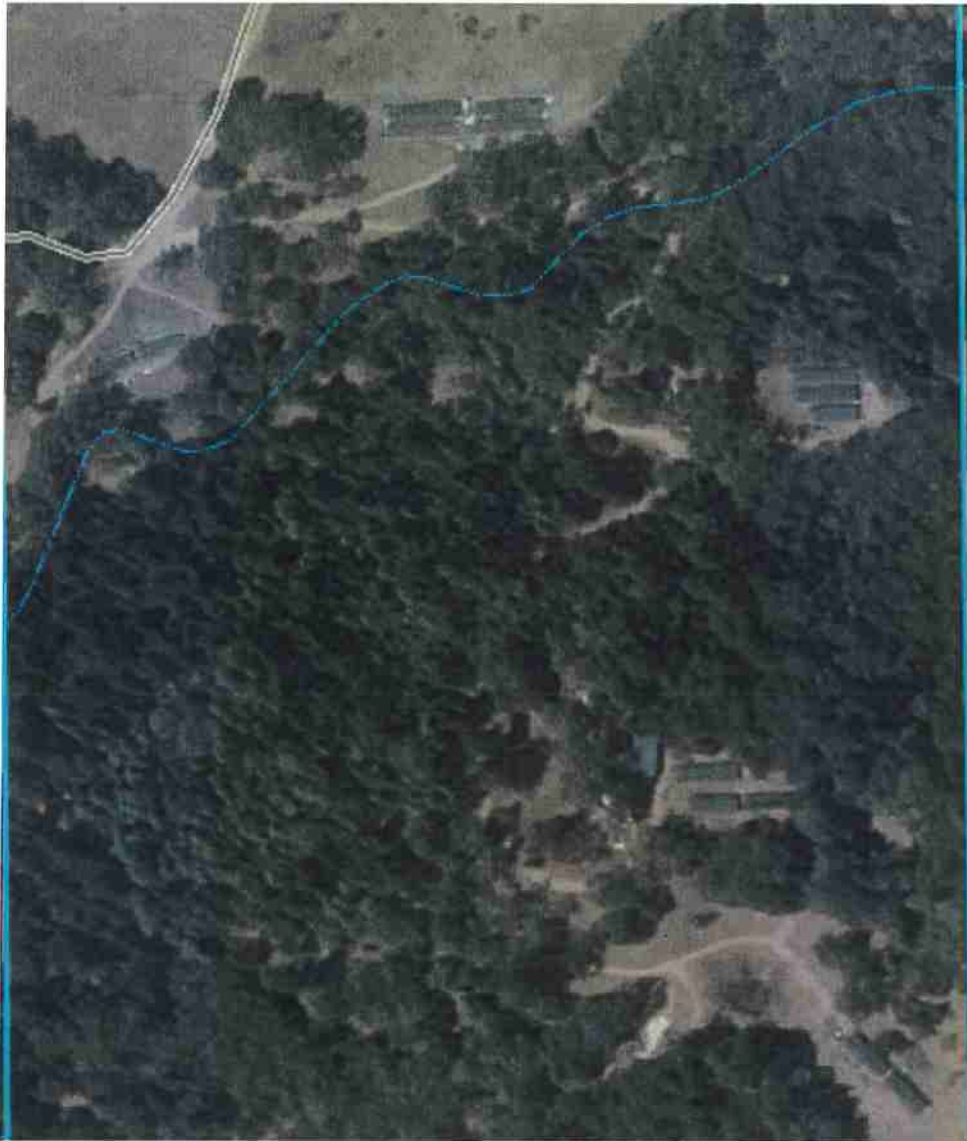


C: Department of Cannabis Control



**Figure 1: July 2020 Imagery**





**Figure 2: September 2020 Imagery**



**Figure 3: Aerial Imagery September 2021**

**ATTACHMENT 2**  
**NOTICE TO ABATE NUISANCE**



**COUNTY OF HUMBOLDT**  
CODE ENFORCEMENT UNIT  
3015 H Street  
Eureka, California 95501  
(707) 476-2429

# NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

**Address of Affected Property:**

2275 Flat Rock Rd, Garberville, CA 95542

**Assessor's Parcel Numbers:**

223-072-004-000

**Owners:**

Christina Giannelli  
2935 China Well Rd  
Auburn, CA 95603

**NOTICE IS HEREBY GIVEN** that conditions described in "Attachment A – Conditions Constituting a Nuisance" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "nuisance" pursuant to Humboldt County Code Section 351-3.

**YOU ARE HEREBY ORDERED** to **ABATE** said nuisance within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that, if the Humboldt County Code Enforcement Unit determines that the condition or conditions causing said nuisance is imminently dangerous to human life or limb or is detrimental to the public health or safety, the Code Enforcement Unit may order that the affected property be vacated pending the correction or abatement of the condition or conditions causing the nuisance.

**NOTICE IS FURTHER GIVEN** that you may not retaliate against a lessee of the affected property pursuant to Section 1942.5 of the California Civil Code.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an appeal of the determination that a nuisance exists on the affected property within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that an appeal of the Code Enforcement Unit’s determination that a nuisance exists on the affected property must be prepared using the form attached hereto as “Attachment C – Code Enforcement Appeal Hearing Request Form.”

**NOTICE IS FURTHER GIVEN** that, upon receipt of an appeal of the determination that a Nuisance exists on the affected property, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Code Enforcement Appeal Hearing as set forth in Humboldt County Code Section 351-9.

**NOTICE IS FURTHER GIVEN** that the date of the Code Enforcement Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Code Enforcement Appeal Hearing is served.

**NOTICE IS FURTHER GIVEN** that, if the required corrective action or actions set forth in “Attachment A – Conditions Constituting a Nuisance” is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits set forth in the Finding of Nuisance and Order of Abatement, the Code Enforcement Unit may correct or abate the condition or conditions causing the nuisance on the affected property pursuant to Humboldt County Code Section 351-13.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may become a charge against the affected property and made a special assessment against the property, and that said special assessment may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may also become a charge against the affected property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

**NOTICE IS FURTHER GIVEN** that any personal property collected by the Code Enforcement Unit during the correction or abatement of the condition or conditions causing the nuisance on the affected property may be sold in the same manner as surplus personal property of the County of Humboldt, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of the Humboldt County Code.

For the Humboldt County Code Enforcement Unit:

Signature: 

Title: Investigator

Name: Brian Bowes

Date: November 23, 2020



## ATTACHMENT A

### CONDITIONS CONSTITUTING A NUISANCE

Code Section(s)	Nature of Violation	Conditions Causing Nuisance	Corrective Action Required
314-55.4.3	Violation of the Commercial Cannabis Land Use Ordinance	Unpermitted commercial cannabis operation with approximately 21,123 square feet of cultivation.	Remove all cannabis and cease all commercial cannabis cultivation operations and activities including removing the skins/tarps from greenhouse/hoophouse structures

# ATTACHMENT B LEGAL DESCRIPTION

## EXHIBIT "A"

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

That portion of Sections 15, 21, and 22, in Township 4 South, Range 4 East, Humboldt Meridian, described as follows:

### PARCEL ONE

Parcel 3 as shown on Parcel Map No. 943 on file in the office of the County Recorder of Humboldt County, California, in Book 8 of Parcel Maps, pages 73 and 74.

### PARCEL TWO

A non-exclusive right of way for Ingress, egress and public utilities, within that portion of Parcels 1 and 2 as shown on said Parcel Map No. 943, that lies within a strip of land 50 feet in width, designated as Road "A" on said parcel map, which right of way is appurtenant to Parcel "A" herein described and all portions thereof regardless of the number of divisions made therein as to ownership.

### PARCEL THREE

A non-exclusive right of way for Ingress, egress and public utilities, within that portion of Parcels 2 and 3 as shown on Parcel Map No. 804, on file in the office of the County Recorder of Humboldt County, California, in Book 7 of Parcel Maps, pages 68, 69 and 70, that lies within Road "P" as set forth on said parcel map, being the same as conveyed to Stewart R. Gable and wife, by Deed recorded February 23, 1977, in Book 1396 of Official Records, at page 567, and in Book 1396 of Official Records at page 568.

APN: 223-072-004

# ATTACHMENT C

## CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

**Address of Affected Property:**

2275 Flat Rock Rd, Garberville, CA 95542

**Assessor's Parcel Number:**

223-072-004-000

**To:** Humboldt County Code Enforcement Unit

3015 H Street

Eureka California, 95501

Pursuant to Humboldt County Code Section 351-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a nuisance exists on the above-referenced property.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

[Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected property]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a nuisance exists on the affected property]:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

I understand, and agree, that if I fail to appear at the place and time set for the requested appeal hearing, as set forth in the Notice of Code Enforcement Appeal Hearing issued pursuant to Humboldt County Code Section 351-9, the Code Enforcement Unit's determination that a nuisance exists on the affected property will become final after ten (10) calendar days after service of the Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-13.

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT 3**  
**OPERATIONS PLAN**



**CULTIVATION, OPERATIONS, AND SECURITY PLAN  
(APN 223-072-004-000 - APPS #12087)**

**PROJECT DESCRIPTION**

Applicant proposes to continue an existing 31,500 square foot area of cultivation on a parcel in the Bridgeville area of Humboldt County.

**OPERATIONS PLAN**

**1. Water Source, Storage, Irrigation Plan & Projected Water Usage**

**WATER SOURCE & STORAGE:** The primary source of irrigation water is an on-site surface water diversion. Applicant has submitted a proposed Lake and Streambed Alteration Agreement (“LSAA”) to the California Department of Fish and Wildlife (“CDFW”). Applicant will also be submitting a Water Management Plan (“WMP”) prepared by Natural Resource Management Corporation, which will outline the forbearance and bypass flow requirements for the surface water diversion. Applicant is working with Natural Resources Management to develop the WMP and Water Resources Protection Plan (“WRPP”) per the North Coast Regional Water Quality Control Board’s Order No. R1-2015-0023.

Presently, Applicant has approximately 200,500 gallons of water storage on-site. There are three 50,000-gallon water bladders, one 20,000-gallon water bladder, five 5,000-gallon water tanks, one 3,000-gallon water tank and one 2,500-gallon water tank. Applicant will minimally increase storage with additional hard plastic tanks to meet water requirements throughout the forbearance period, and to provide a buffer in water storage quantities.

**IRRIGATION PLAN:** Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant will water in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier will be used to minimize weed growth, which reduces water loss during watering. Applicant will use natural soil amendments to aid in soil moisture retention as part of irrigation plan.

**PROJECTED WATER USAGE:** Applicant will be cultivating approximately 31,500 sq. ft. of sun-grown cannabis, pursuant to a Conditional Use Permit. Based on California Department of Fish and Wildlife (CDFW) estimates for cannabis irrigation needs, and Applicant’s irrigation practice of watering every other day, CDFW estimates that Applicant will be using approximately 266,000 gallons of water ((169 days ÷ 2) x 3150 gallons) during the forbearance period required by the



ordinance. Based on a 180-day growing cycle, Applicant's total yearly water usage is estimated by CDFW methods to be approximately 284,000 gallons.

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

## **1. Site Drainage, Runoff & Erosion Control Measures**

**SITE DRAINAGE:** The site drains to the West, towards the East Branch of the South Fork of the Eel River. A class two tributary to Buck Mountain Creek passes through the parcel. All cultivation will occur outside of the buffer zone of the creek, and best management practices will be employed around all cultivation so as to manage and minimize any runoff, and avoid any nutrient or sediment discharge to surface waters. All road and graded surfaces shall have maintained spillways and ditch relief culverts in good working order so as to minimize runoff and discharge from any sediment or other contaminants that may be transported.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resource Management Corporation to improve site drainage on an as needed basis.

**EROSION CONTROL MEASURES:** Applicant has performed minimal grading work on-site, and has not had any issues with sediment discharge into surface waters. The site does not have any immediate runoff issues, and is well vegetated with forest and perennial grasses.

The roads on the property have been rocked to reduce damage from storm events. Applicant will consult with, and implement recommendations from Omsberg & Preston and Natural Resources Management Corporation to improve erosion control measures on an as needed basis.

**RUNOFF CONTROL MEASURES:** There is no current runoff from any cultivation activities. Applicant will use drip irrigation and raised beds, will water at agronomic rates, and plans to use timers to avoid overwatering. In addition, Applicant will maintain vegetation around cultivation and riparian areas to minimize runoff and sediment transport to receiving waters. Applicant will provide appropriate runoff and sediment mitigation measures to deal with any concentrated storm water runoff from any cultivation areas. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters.

Applicant will consult with, and implement recommendations from, Omsberg & Preston and Natural Resources Management Corporation to improve runoff control measures on an as needed basis.

## **2. Measures Taken to Ensure Protection of Watershed & Nearby Habitat**

**PROTECTION OF WATERSHED & HABITAT:** The site has been developed for cultivation, and will continue to be utilized during the 2017 season. All cultivation areas shall be located outside of all SMA's on the property and native vegetation buffers shall be maintained between cultivation sites and riparian areas. Applicant's surface diversion is appropriately screened to minimize harm to organisms within habitat and riparian zones. Applicant's WMP will address water storage and water conservation and develop a plan that meets irrigation needs while observing forbearance periods and bypass flow requirements to promote and maintain in-stream flows.

**CULTIVATION RELATED WASTE PROTOCOLS:** Applicant will implement measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in raised beds or individual pots, and will use bio-amendments (cover crops) to re-amend soils, resulting in minimal soil waste on site. All waste soils will be placed in a refuse pile outside of streamside management areas and will be covered with a tarp and surrounded with straw waddles to contain any discharge that may occur. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will dispose of site cultivation refuse on an as needed basis.

**REFUSE DISPOSAL:** The site generates little human refuse. However, Applicant does have wildlife proof garbage cans equipped with lids which are kept in secondary containment to prevent leaching and transport of foreign materials to receiving waters. Applicant will continue to dispose of waste in the same fashion as they have historically. There are employee trailers on-site, and waste generated by the employees will continue to be disposed of at the dump. All cultivation related waste that cannot be composted, recycled, or reused will also be taken to the dump.

**HUMAN WASTE:** Sewage Disposal for the agricultural operations with septic testing, design and report will be prepared by Omsberg & Preston at a later date.

### **3. Protocols for Proper Storage & Use of Fertilizers, Pesticides & Other Regulated Products**

**PESTICIDES:** Pesticides shall be stored in an on-site shed equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant shall maintain and keep personal protective equipment required by the pesticide label in good working order. All proper pesticide application protocols will be followed.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

**FERTILIZERS & SOIL AMENDMENTS:** Fertilizers and other amendments will be stored in the on-site shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols used for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer or soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

**PETROLEUM PRODUCTS & STORAGE:** All petroleum products stored on-site will be properly stored and managed to prevent any discharge of contaminants into the surrounding landscape. Secondary containment, as required by law, will be utilized on-site.

#### 4. Cultivation Activities

**CULTIVATION ACTIVITIES:** Applicant is proposing to permit an existing sun-grown cultivation site with cultivation area of 31,500 square feet. Applicant will be applying for a conditional use permit for the above referenced activity. Applicant will irrigate cultivation from a surface water diversion pursuant to agreement with DFW. Applicant will be cultivating in raised beds and smart pots to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant anticipates hiring some employees at the site for cultivation activities, as needed.

Applicant shall follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

#### 5. Processing Plan & Activities

**PLAN:** Processing will occur on-site, unless it is found to be more economical to take product to a licensed processing facility. In that case, Applicant will identify permitted processing facility once permits for such facilities have been issued by the County. All processing will occur within a licensed and permitted commercial structure. Appropriate processing facilities will be provided, as required by federal, state, and local law, and under all applicable statutes relating to agricultural product processing and employment standards.



**7. Tentative Schedule of Activities During Each Month of the Growing & Harvesting Season  
(NO CULTIVATION CURRENTLY EXISTS ON-SITE)**

January, February, March

- Purchase seeds and clones of desired strains
- Clean greenhouses/cultivation areas and make necessary repairs
- Prepare beds for planting
- Any cover crops from prior year are established and more are planted
- Apply mulch
- Plant clones and starts at end of March
- Till cover crops and amend soils

April

- First run plants are re-potted in bigger pots
- Irrigation begins
- Apply nutrient feed with every watering
- Construct trellis system for plants
- Attach tarps for light deprivation first run

May

- Apply nutrient feed with every watering
- Applicant continues to transplant starts and clones
- Nursery activities
- Plant first run in ground
- Mulch soil

June

- Top dress first run
- Irrigation continues
- Begin pulling tarps
- Apply nutrient feed with every watering
- Re-pot second run of plants in bigger pots
- General landscape and bed maintenance

July

- Irrigation continues
- Apply nutrient feed with every watering
- General landscape and bed maintenance
- Rotate in second run of plants into beds
- Continue pulling tarps
- Re-pot second run of plants in bigger pots
- Harvest first run of plants

## August

- Irrigation continues
- Apply nutrient feed with every other watering
- Rotate in second run of plants into beds
- Continue pulling tarps
- De-leaf plants
- Manicure first harvest

## September

- Irrigation continues
- Apply nutrient feed with every third watering
- Continue pulling tarps

## October, November, December

- Begin harvesting full-term plants
- De-leaf plants
- Harvest second cycle of plants
- Trim and manicure harvested plants
- End of year reporting
- Cleanup/Winterize cultivation site

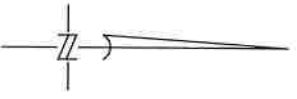
## **8. Security features**

Applicant will implement security measures to safeguard the product and prevent nuisance from occurring on the property. T-post and metal fencing will be established around some cultivation. The parcel has a locking gate and two access driveways onto the parcel. All doors and windows on all buildings and cultivation facilities shall remain locked when the parcel is not occupied. Security cameras shall be utilized along the outer perimeter of the cannabis garden, as deemed appropriate by the Applicant. All finished product shall be stored under lock and key and away from processing activities. A prominent "No Trespassing" sign shall be displayed at the parcel's entrance. To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level, and as required by law. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

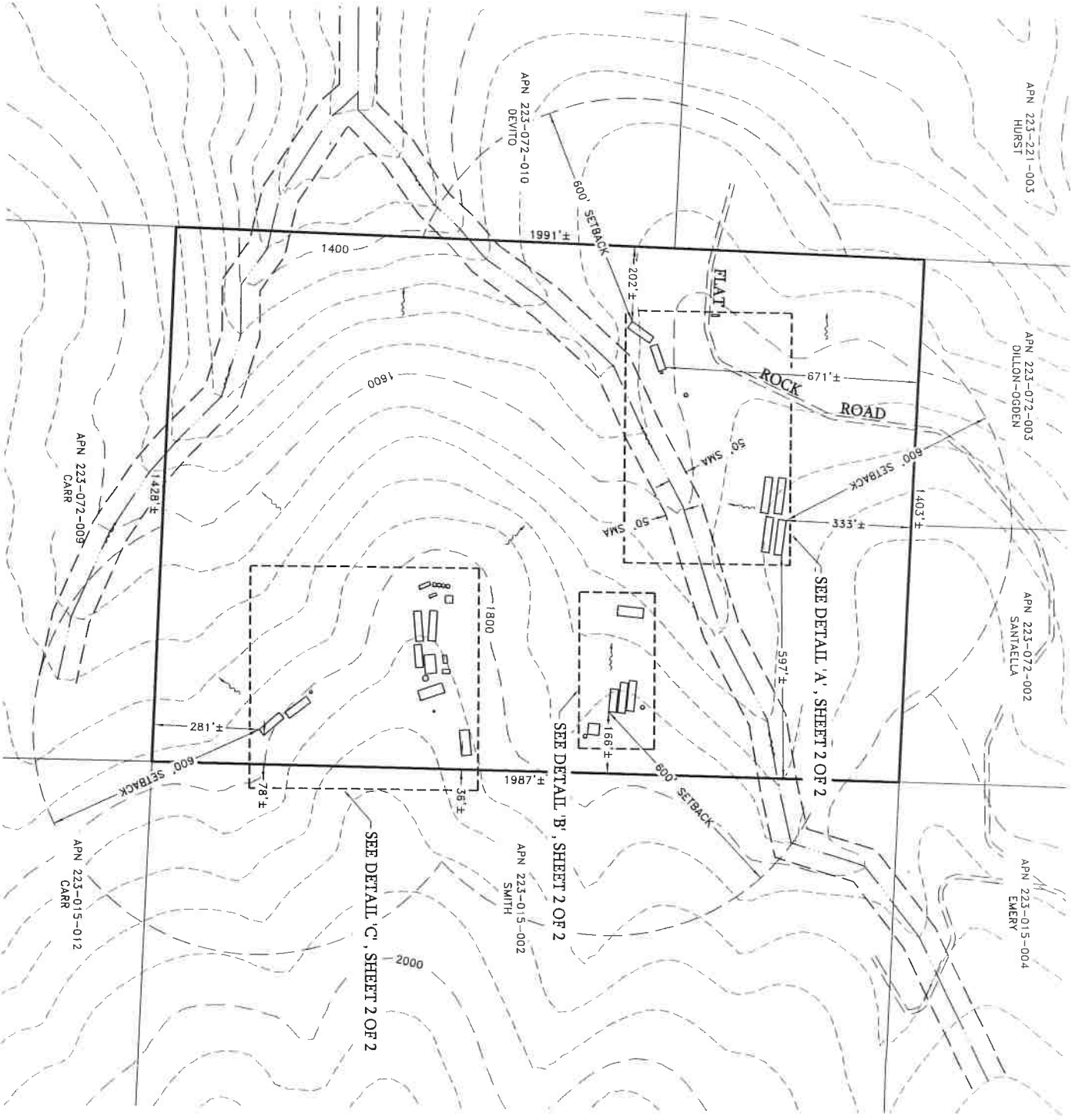
**ATTACHMENT 4**

**SITE PLAN**

SCALE: 1" = 200' If printed on 24" x 36"



*Kimberly D. Preston*  
 KIMBERLY D. PRESTON  
 P.L.S. 9153  
 DATE 8-31-17



**UTILITIES**

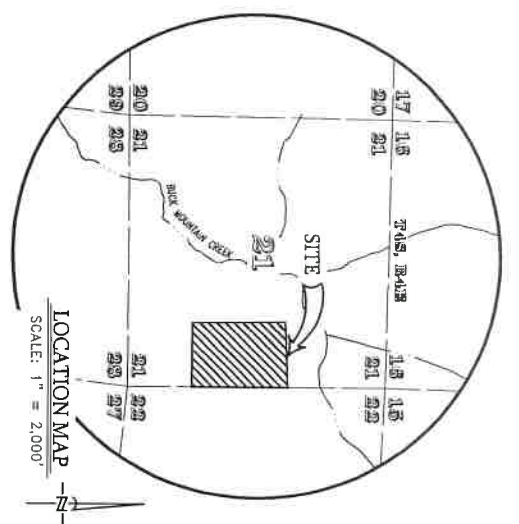
WATER	ON-SITE (CREEK)
SEWER	ON-SITE
GAS	ON-SITE (PROPANE)
ELECTRIC	GENERATOR

**LEGEND**

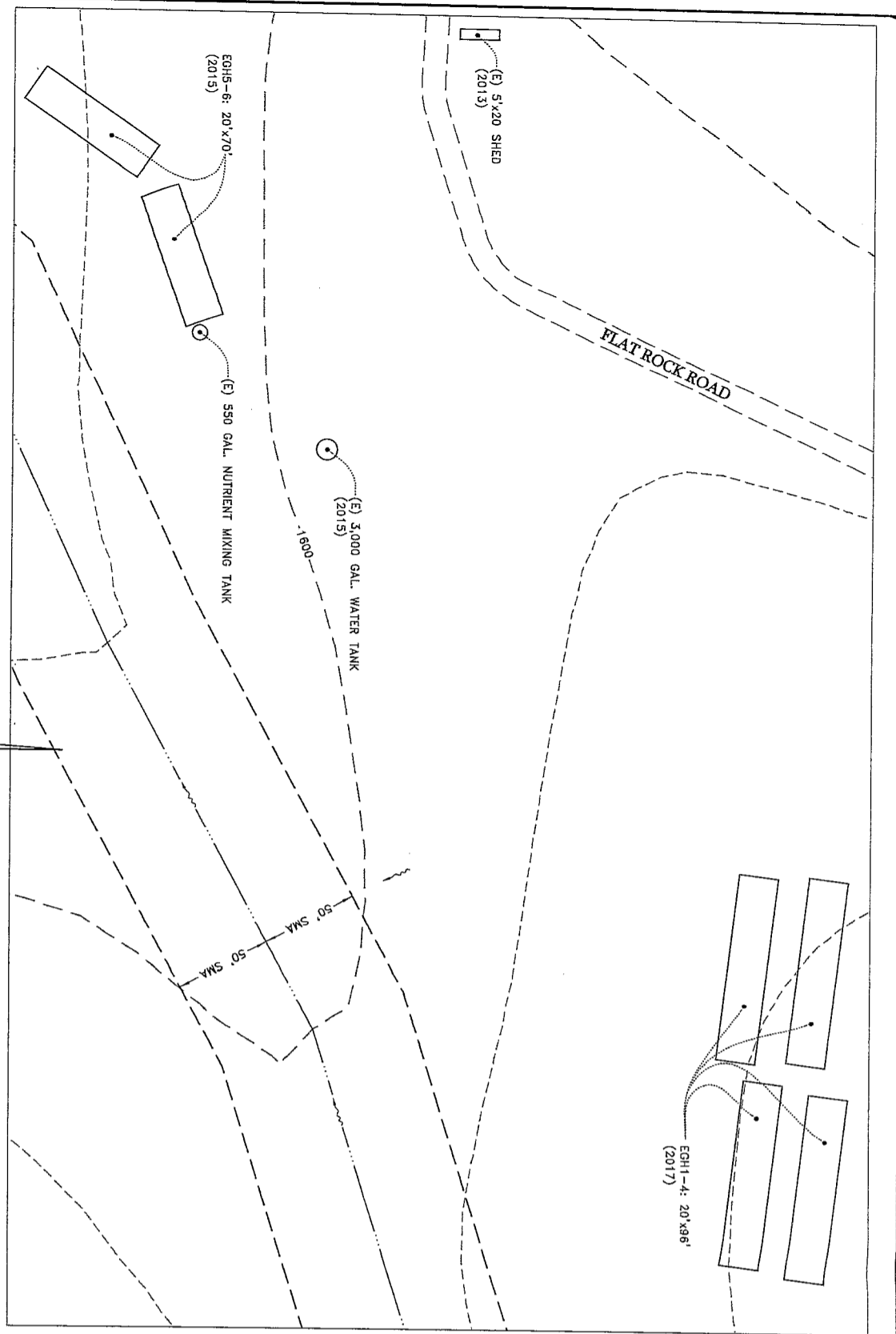
SYMBOL	INDICATES
(P)	DIRECTION OF SURFACE WATER RUNOFF PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL.	GALLON
S.F.	SQUARE FEET
(YEAR)	YEAR CONSTRUCTED/INSTALLED
EGH	EXISTING GREENHOUSE
SMA	STREAMSIDE MANAGEMENT AREA
---	CONTOUR AT 40 FOOT INTERVALS
---	EXISTING CREEK
---	DIRT ROAD

**NOTES**

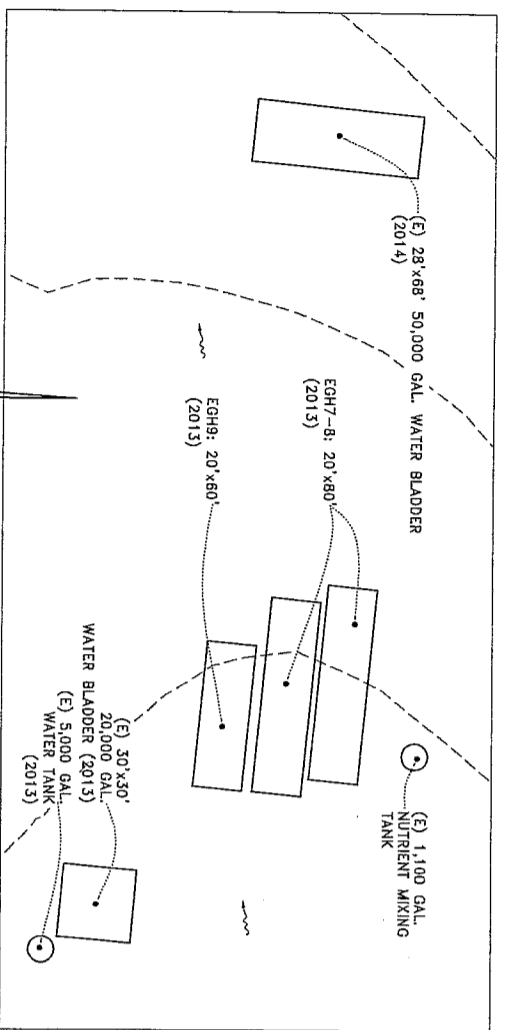
1. THIS PLOT PLAN, FOR APN 223-072-004, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMUUDO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2013-0023.
2. THE PROPERTY HAS A GENERAL PLAN DESIGNATION OF AGRICULTURAL LANDS (A140) AND IS CURRENTLY ZONED UNCLASSIFIED (U).
3. THIS PLAN MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSESSOR'S MAPS, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
4. THE PROPERTY IS CURRENTLY DEVELOPED WITH SEVERAL GREENHOUSES, STORAGE SHEDS, AND TRAVEL TRAILERS.
5. THE SITES EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
6. THE PROPERTY GENERALLY SLOPES TOWARDS THE SOUTHWEST. CONTOURS SHOWN HEREON ARE AT 40-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
7. THE APPROXIMATE LOCATIONS OF TWO SEASONAL CREEKS, TOGETHER WITH THEIR 50-FOOT UNDEVELOPABLE STREAMSIDE MANAGEMENT AREA (SMA), ARE AS SHOWN HEREON.
8. THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
9. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF CULTIVATION SITE.
10. GRADING HAS OCCURRED AT THE SITE, AND A GRADING PERMIT WILL BE APPLIED FOR IN CONJUNCTION WITH THIS PROJECT.
11. SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS SHALL BE ON-SITE, WITH SEPTIC TESTING, DESIGN AND REPORT PREPARATION BY OUSBERG & PRESTON.
12. WATER FOR THE SITE'S AGRICULTURAL OPERATIONS IS FROM AN UNNAMED TRIBUTARY TO BUCK MOUNTAIN CREEK. ALL WATER SOURCES IS/WILL BE PROPERLY PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FOREBARANCE PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN HARD TANKS, BLADDERS AND/OR POND(S).
13. A SOILS REPORT IS BEING PREPARED BY WHITCHURCH ENGINEERING, WHICH WILL DETAIL THE SITE'S SPECIFIC ENGINEERING GEOTECHNICAL RECOMMENDATIONS.
14. ACCESS TO THE SITE IS VIA FLAT ROCK ROAD FROM ALDERPOINT ROAD (Co. Rd. No. F89155).
15. THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
16. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
17. MINIMUM BUILDING SETBACKS: FRONT=20'; REAR=10'; SIDE=5'.



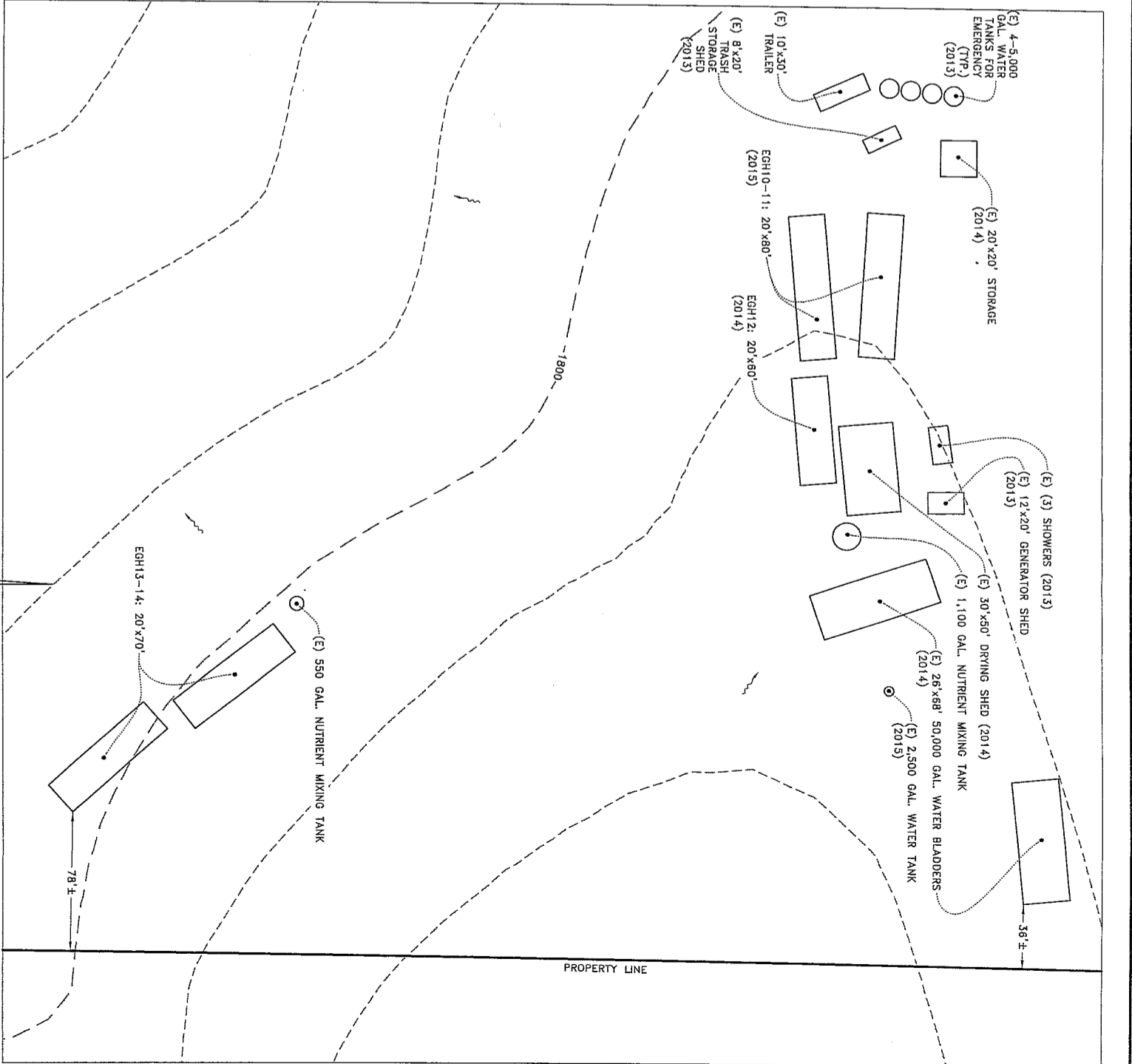
<p>OUSBERG &amp; PRESTON                  434 7th Street                  Eureka, California                  95501                  (707) 443-9861                  Fax: 443-4422</p>	DESIGNED BY:	S.C.N.	DATE:
	CHECKED BY:	C.M.B.	DATE:
<p>PH. LAWRENZ                  ENCUMBRANCES</p>	DATE:	12/14/16	DATE:
<p>CHRISTINA GUAR (DICKMAN) GIANNELLI                  2411 LARKSPUR LANE #15                  SACRAMENTO, CA 95825                  (510) 761-1039</p>	DATE:	12/14/16	DATE:
<p>APPS #12087                  APN 223-072-004</p>	DATE:	08/31/17	DATE:
<p>PILOT PLAN</p>	SCALE:	AS SHOWN	DATE:
<p>CHRISTINA GUAR GIANNELLI                  In the unincorporated area of Humboldt County                  Section 21, T4S, R4E, N8&amp;M</p>	JOB NO.:	16-1936	DATE:
<p>PLN-12087-CUP Christina Giannelli</p>	SHEET:	1	OF:
	SHEET:	2	OF:



DETAIL A  
SCALE: 1" = 40'



DETAIL B  
SCALE: 1" = 40'



DETAIL C  
SCALE: 1" = 40'

**MSBERG & PRESTON**  
484 7th Street  
Easton, MD 21821  
Tel: 410-326-1100  
Fax: 410-326-1101  
www.msberg.com

**ENGINERS**

DESIGNED BY: S.G.N. DATE: 12/14/16  
DRAWN BY: C.M.B. DATE: 12/14/16  
CHECKED BY: W.M.B. DATE: 08/31/17

APPS #12087  
APN 223-072-004

**PILOT PLAN**

for  
**CHRISTINA GIAR GIANNELLI**  
In the unincorporated area of Harford County  
Section 21, T4S, R4E, H3A&4

SCALE: AS SHOWN  
SHEET 2 OF 2