SUPPLEMENTAL INFORMATION No. D5

For Zonning Administrator Agenda of: April 4, 2019

Item No.: D5

Re:

Applicant
Case Numbers

Hanging Gardens, LLC

SP-18-120

Assessor Parcel Number

206-411-025-000

Attached are the following documents:

- Email chain from both the applicant and agent request to convert the Special Permit to a Conditional Use Permit to be scheduled for Planning Commission May 16, 2019.
- Project opposition letter submitted April 2, 2019.
- Project opposition letter submitted April 3, 2019.

Email chain with applicant and agent:

From: alicia mason <4hbss707@gmail.com>

Sent: Wednesday, April 3, 2019 9:12 AM

To: Fred Fletcher <fletcher@lawca.us>; Steven Luu <steve.luu101@gmail.com>

Cc: Johnson, Cliff < Clohnson@co.humboldt.ca.us>

Subject: Re: Apps#13665/14348 Hanging Gardens SP-18-120

This is Lindsey Taylor. I would like to confirm we would like to have the special permit changed into a conditional use permit. Thank you,

Lindsey Taylor

707-572-7463

On Wed, Apr 3, 2019 at 8:55 AM Steven Luu <steve.luu101@gmail.com> wrote:

Cliff,

I have discussed the concern regarding public controversy with the applicant and we request Apps# 13665/14348 SP-18-120 Hanging Gadens Inc modification to ZCC be changed to a Use Permit due to comments that have been received and that the project be withdrawn from the agenda of the administrative hearing tomorrow.

Please advise if additional correspondence is required to formalize this request.

Thank you,

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Steven Luu SL Consulting Services Inc

707-440-9033

Date: 4/2/2019

To: Humboldt County Planning and Building Department

3015 H Street, Eureka, CA 95551

Attn: Planning Division- Humboldt County Zoning Administrator

Sent via Email to: planningclerk@co.humboldt, psaucedo1@co.humboldt.ca.us

CC: JFord@co.humboldt.ca.us, EFennell@co.humboldt.ca.us

From: Adram and Siobhan Darwish

APN# 206-411-020

800 Riverside Park Rd, Carlotta CA 95521

707-599-0082

Adram.darwish@gmail.com

RE: Public Hearing for Case Number SP18-120, Hanging Gardens, LLC Special Permit Review

The purpose of this letter is to express opposition to the proposed project described as Hanging Gardens, LLC located at APN#206-411-025.

It is our feeling and documented observation that the actual activities taking place and the approved uses are not in alignment or entirely within legal compliance. Since Hanging Gardens, LLC has begun operations they have received multiple written complaints and have received multiple visits from Law Enforcement Officers of varying agencies. We have witnessed and documented past and continuing activities that fall outside the bounds of local and state laws and regulations.

We would like for it to be noted that we live in a legal and existing residence within one hundred (100') feet of this exclusively Business operation. It is our observation that the County Zoning Regulations for our Property and the Property being used for this entirely Commercial operation favor Residential Use, and Agricultural Use as a secondary or complementary use. Hanging Gardens, LLC has zero (0) permanent permitted structures and temporarily Leases the land used entirely for Commercial activities. They utilize no affiliated residences or permitted support structures.

The nature of the activities occurring at APN# 206-411-025 significantly affects its direct and indirect neighbors to a detriment. The use categories that we have observed Hanging Gardens, LLC significantly impact are as follows.

Increased Quantity and Quality of Traffic:

Hanging Gardens, LLC employs multiples of workers various vehicles that come and go at all hours of day and night. We have observed and documented multiple instances where there are in excess of 5 seperate vehicles coming and going at the same time to or from the operation located at APN# 206-411-025. We have on multiple occasions observed and documented vehicles travelling on our driveway at a high rate of speed and/or encroaching outside of their legal boundaries while parking loading/ unloading and maneuvering. Our home is so close to the Hanging Gardens, LLC that there have been multiple instances of mistaken responsibility (for ourselves) for sudden neighborhood traffic increases, speeding, littering and irregular hours of traffic.

The front door of our residence is within twenty feet (20') from their access 'road' which is actually our driveway. The most commonly used access gate to APN# 206-411-025 is within seventy-five (75') of our front door.

We acknowledge the property leased by Hanging Gardens, LLC does benefit to an access easement through, and on top of our property. It should be known that the easement is not their only available access point. Until the commencement of cannabis activities all traffic to and from the parcel 206-411-025 went through the property owner's abutted property located at 802 Riverside Park Road, through an established gate and pathway, the easement served utility purpose solely.

Sanitation and Environmental Impact:

Hanging Gardens, LLC has located their portable toilets within one-hundred (100') feet of our residence and kitchen windows. It is our opinion that the required Odor Control Measures found in the current version HumCo.'s Regulations shall include ALL cannabis activities. Including offensive sewage created from Cannabis Workers' Excrement. This is a fully developed neighborhood and all other properties benefit from permanent sewage waste systems and do not require frequent added traffic and impact from sewage trucks.

Apparently Hanging Gardens, LLC is unaware of or not following a Waste Management Plan, or a Water Resources Protection Plan. We have observed and recorded the disposal or storage of solid waste and spent soils on the active flood plain that they occupy. According to the orders set forth by the Northcoast Regional Water Quality Control Board, areas with active floodplains should be kept clear of



debris that could cause damage or pollution in the event of a high flow event.

Figure 1: Hanging Gardens, LLC Off- Season Site Conditions October 2018 to Current

Noise Impact:

We oppose the proposition for a backup generator to be added to the use activities permitted at APN# 206-411-025. We and other neighbors live in close-proximity and would be directly and negatively impacted by the addition of an added generator. We are unclear as to how the proposed generator would comply with required noise level standards on measured on adjoining properties.

Property Damage and Increased Road Use Impact:

Hanging Gardens, LLC uses our property to access their work-site. The sudden increase in traffic and movement of equipment and materials has caused documented damage and increased wear on our property. They are not in any sort of road association or cost sharing arrangement as is required under current County Regulations.

Security and Public Safety:

We oppose consideration for a Special Permit to be granted to Hanging Gardens, LLC because it causes a safety situation for ourselves and our family who resides at 800 Riverside Park Road. The fact that Hanging Gardens, LLC operates in such proximity to our home, utilizes our property for access to and travels over our property presents to us a major concern for personal and property safety. Hanging

Gardens, LLC leaves their operation unguarded and unfenced and have threatened us with legal action if we attempt to secure the main road access gate. Our livestock have been released by Hanging Garden employees on multiple occasions causing potential safety issues. Anyone attempting to access Hanging Gardens, LLC comes to our home first and passes through what has traditionally been our yard and livestock grazing areas.

Hanging Gardens, LLC in 2016 initially filed their permits under our home address, 800 Riverside Park Rd., Carlotta. Since this time there has been constant confusion because the property located at APN#206-411-025 does not have an address, uses our driveway, and refuses to use the address or access from 802 Riverside Park Rd., occupied its respective owner and benefitted directly by Hanging Gardens, LLC activities.

I would like to note here that the recent **Notice for Public Hearing mistook our project located at APN#206-411-020, awarded with ZCC16-005 from Application number 11197** that belongs to Blessed Coast, LLC **NOT** Hanging Garden, LLC and is operated by the Darwish family and residents.

Hanging Gardens, LLC; Carlotta Area; Case Number SP18-120; Application Number14348 (filed 6/27/2016); Assessor's Parcel Number 206-411-025-000. A Special Permit to comply with the Special Area Provisions for Odor Mitigation (Section 55.4.6.7 of the CCLUO) for the 10,000 square feet (SF) of mixed-light cannabis cultivation previously approved under Application Number 11197 (Case Number ZCC-16-105). The Special Permit, if approved, would allow for the cultivation to be located less than 600 feet from residentially zoned properties without being located within a fully enclosed structure for odor control

Figure 2: Excerpt from County Notice for Public Hearing, dated March 20, 2019.

Legal Safety:

While Cannabis laws have reformed significantly on the State and local levels it is still considered to be a Schedule 1, illegal drug by the Federal Government. As the burdened property owner of the easement that allows for Hanging Gardens, LLC to cross our land we are not obligated to participate in illegal activities or allow for it to be transported over our private property.

As illustrated by the County mix-up over license numbers we feel as though we are at high risk for Criminal or Law Enforcement action due to confusing, misleading, or possibly illegal actions by Hanging Gardens, LLC and its employees.

We plan on continuing our opposition of the Hanging Garden, LLC Commercial Cannabis activities that must travel over our property while transporting or working on Cannabis cultivation and sales as a commercial pursuit.

In addition to this letter delivered by email, we will represent ourselves and bring the appropriate copies to the public hearing, dated April 4, 2019 at 10:00am. Located at the Humboldt County Planning and Building Department.

If the project is approved by the Zoning Administrator, we will appeal to the maximum extent that we are able to.
Sincerely,
Adram and Siobhan Darwish

Humboldt County Zoning Administrator

3015 H. Street

Eureka, CA 95501



RE: Notice of Public Hearing

Hanging Gardens LLC Carlota Area, Case Number SP18-120 Application Number 14348

Assessor's parcel: 206-411-025-000

I received notice of special permit application on an adjacent property with a cannabis operation.

We are concerned about the addition of a generator to the grow because their previous generator was quite loud and very disturbing to the neighborhood. We want to make sure that any generator is enclosed and will not make significant noise when running.

Over the last few years there were several nights that the lights used in this grow were not covered before dark making our usually dark sky illuminated. I want to make sure that any lighting used will not be visible after dark. If you look around southern Humboldt you will notice large areas of lighted greenhouses that do not comply with the Dark Sky provisions in the permit. I am an amateur astronomer and any light at night is quite disturbing to me.

In the original plot map for the zoning clearance certificate the plot plan included a parcel for the Riverside Acres Water Company. That is not part of this grow and I want to make sure that the county is aware that that map was filed with false information. Please see copy of map.

Paul Domanchuk

790 Riverside Park Road

Carlotta, CA 95501

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