



## Referral Early Consultation

**Date:** February 19, 2020  
**To:** Distribution List (See Attachment A)  
**From:** Jeremy Ballard, Associate Planner, Planning and Community Development  
**Subject:** USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO.  
PLN2019-0133 – LEGACY NURSERY – S. DAUBENBERGER ROAD  
**Respond By:** March 5, 2020

---

**\*\*\*\*PLEASE REVIEW REFERRAL PROCESS POLICY\*\*\*\***

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

---

**Applicant:** Jennina Chiavetta dba Legacy Nursery, LLC  
**Project Location:** 2201 S. Daubenberger Road, between S. Golden State Boulevard and E. Linwood Avenue, in the Turlock area.  
**APN:** 044-036-006  
**Williamson Act Contract:** N/A  
**General Plan:** Industrial  
**Current Zoning:** M (Industrial)

**Project Description:** Request to operate a commercial cannabis nursery business in three phases for a total of 30,240 square feet of building space on a 38.1-acre parcel. Phase 1 will consist of construction of a 10,080 square-foot greenhouse for cultivation of clonal starter cannabis plants for wholesale to other licensed businesses. Phase's 2 and 3 will each include construction of one 10,080 square-foot greenhouse for expansion of the nursery activities. The proposed project will also include a modular bathroom for employees and a container for storage of non-cannabis supplies. The applicant anticipates at full build-out six employees on a maximum shift, with hours of operation as 7 A.M. to 7 P.M. daily. Vehicle trips associated with supply deliveries are one per day. The site will be served by an existing private well and of a private septic system.

Full document with attachments available for viewing at:  
<http://www.stancounty.com/planning/pl/act-projects.shtm>

**USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2019-0133 – LEGACY NURSERY – S. DAUBENBERGER ROAD**

Attachment A  
Distribution List

	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
	CA DEPT OF WATER RESOURCES		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT		STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: TURLOCK		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
X	COUNTY OF: MERCED	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: TURLOCK RURAL	X	STAN CO SUPERVISOR DIST 2: CHIESA
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: TURLOCK		StanCOG
X	MOSQUITO DIST: TURLOCK	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
	MUNICIPAL ADVISORY COUNCIL:	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	PACIFIC GAS & ELECTRIC	X	SURROUNDING LAND OWNERS
	POSTMASTER:	X	TELEPHONE COMPANY: AT&T
X	RAILROAD: UNION PACIFIC		TRIBAL CONTACTS (CA Government Code §65352.3)
X	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: TURLOCK UNIFIED		US FISH & WILDLIFE
	SCHOOL DIST 2:		US MILITARY (SB 1462) (7 agencies)
	WORKFORCE DEVELOPMENT		USDA NRCS
X	STAN CO AG COMMISSIONER		WATER DIST:
	TUOLUMNE RIVER TRUST	X	CDFA -CALCANNABIS CULTIVATION LICENSING
			CA DEPARTMENT OF CONSUMER AFFAIRS – BUREAU OF CANNABIS CONTROL



STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: \_\_\_\_\_

SUBJECT: USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO.
PLN2019-0133 – LEGACY NURSERY – S. DAUBENBERGER ROAD

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- \_\_\_\_\_ Will not have a significant effect on the environment.
\_\_\_\_\_ May have a significant effect on the environment.
\_\_\_\_\_ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
2.
3.
4.

Listed below are possible mitigation measures for the above-listed impacts: PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):

- 1.
2.
3.
4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_
\_\_\_\_\_

Response prepared by:

Name Title Date

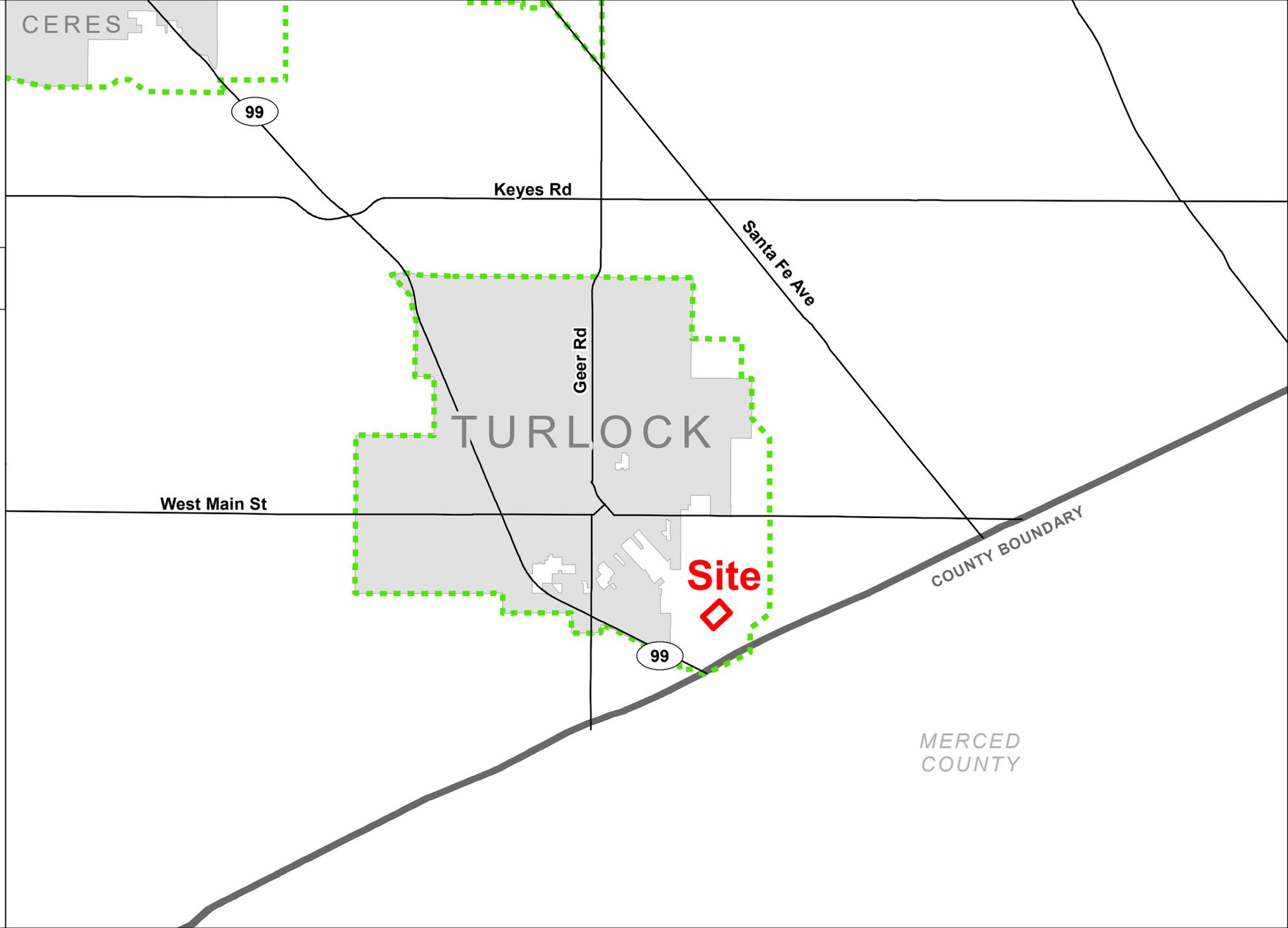
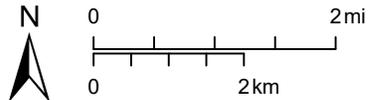
# LEGACY NURSERY, LLC

## UP & DA PLN2019-0133

### AREA MAP

#### LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road



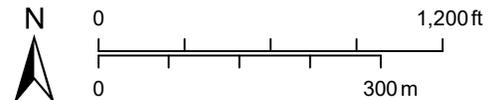
# LEGACY NURSERY, LLC

## UP & DA PLN2019-0133

### ACREAGE MAP

#### LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel/Acres
-  Road





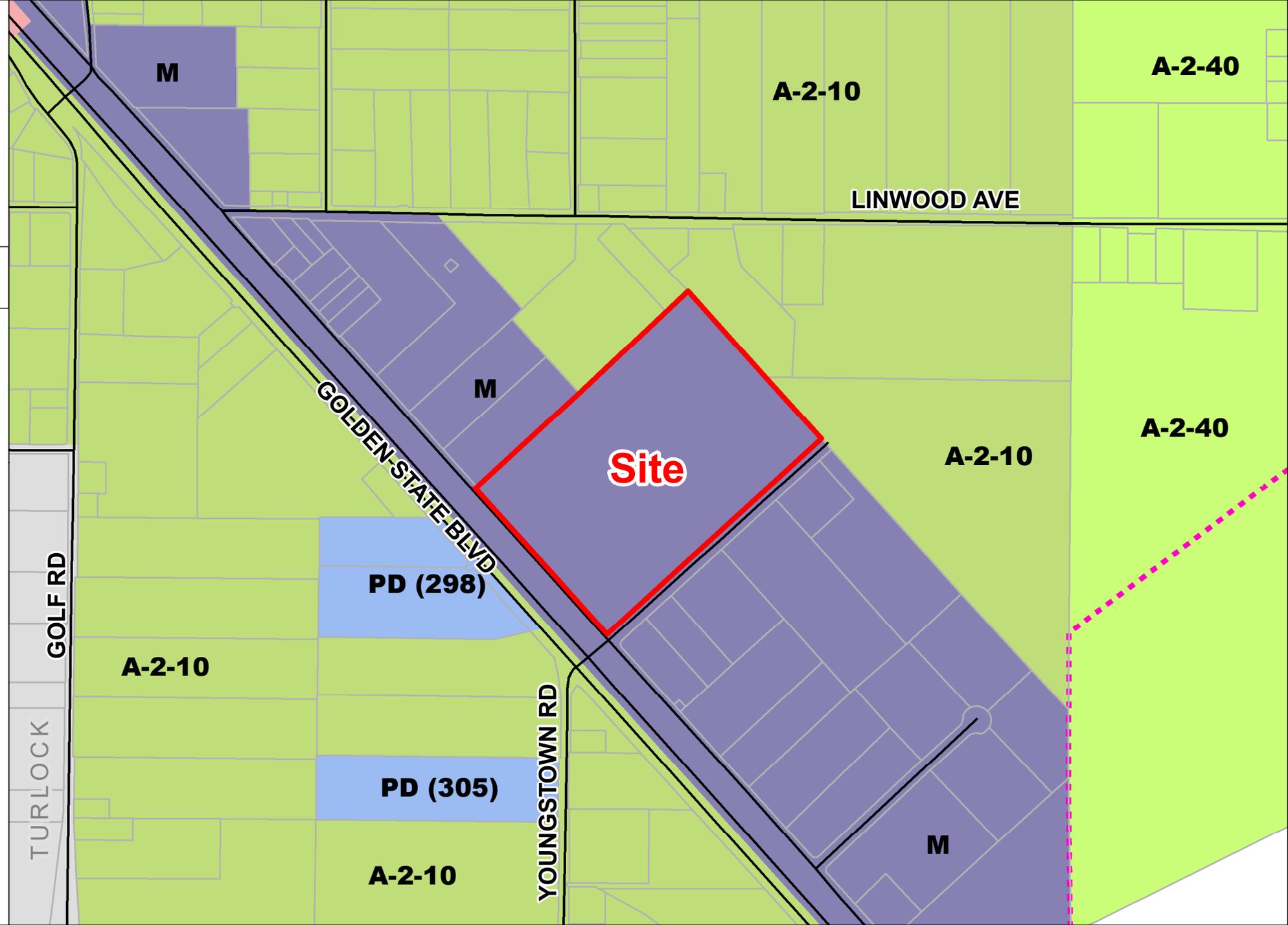
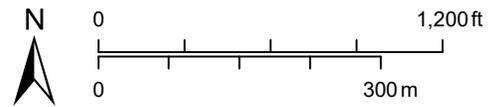
# LEGACY NURSERY, LLC

## UP & DA PLN2019-0133

### ZONING MAP

#### LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel
-  Road
- Zoning Designation**
  -  Industrial
  -  Planned Development
  -  General Agriculture 10 Acre
  -  General Agriculture 40 Acre



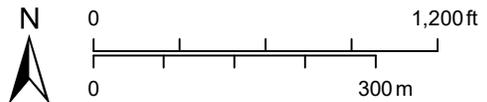
# LEGACY NURSERY, LLC

UP & DA  
PLN2019-0133

## 2017 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Sphere of Influence
-  Road



# LEGACY NURSERY, LLC

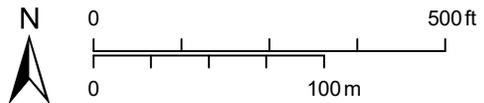
UP & DA  
PLN2019-0133

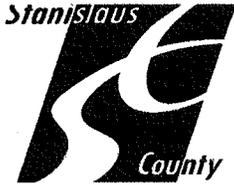
## 2017 AERIAL SITE MAP

### LEGEND

 Project Site

 Road





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354

Planning Phone: (209) 525-6330 Fax: (209) 525-5911

Building Phone: (209) 525-6557 Fax: (209) 525-7759

Form Available Online: <http://www.stancounty.com/planning/applications.shtml>

# APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

**APPLICATION FOR:**

Staff is available to assist you with determining which applications are necessary

- General Plan Amendment
- Subdivision Map
- Rezone
- Parcel Map
- Use Permit
- Exception
- Variance
- Williamson Act Cancellation
- Historic Site Permit
- Other DA

**PLANNING STAFF USE ONLY:**

Application No(s): UPDA RW28-0133  
 Date: 12/27/19  
 S 25 T 5 R 10  
 GP Designation: FVD  
 Zoning: M  
 Fee: \$6,442.00  
 Receipt No. \_\_\_\_\_  
 Received By: JB  
 Notes: 553351

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

## PROJECT INFORMATION

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**\*Please note:** A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).

Please see attached.

**PROJECT SITE INFORMATION**

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10<sup>th</sup> Street - 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 044 Page 030 Parcel 006

Additional parcel numbers: 2201 S Dambenberger RD  
Project Site Address  
or Physical Location: Turlock, CA

Property Area: Acres: 39 acres or Square feet: \_\_\_\_\_

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)  
field crops, residence

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)  
N/A

Existing General Plan & Zoning: Industrial / M

Proposed General Plan & Zoning: \_\_\_\_\_  
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: field crops

West: Hwy / orchards, fields, train tracks

North: Truckyard, field

South: petread business, plastic yard, TOW YARD, TRUCK yard, container corp, pet food factory.

**WILLIAMSON ACT CONTRACT:**

Yes  No

Is the property currently under a Williamson Act Contract?  
Contract Number: \_\_\_\_\_

If yes, has a Notice of Non-Renewal been filed?

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

Yes  No

Do you propose to cancel any portion of the Contract?

Yes  No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: \_\_\_\_\_

**SITE CHARACTERISTICS:** (Check one or more)

Flat  Rolling  Steep

**VEGETATION:** What kind of plants are growing on your property? (Check one or more)

Field crops  Orchard  Pasture/Grassland  Scattered trees   
Shrubs  Woodland  River/Riparian  Other

Explain Other: \_\_\_\_\_

Yes  No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

**GRADING:**

Yes  No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) \_\_\_\_\_

**STREAMS, LAKES, & PONDS:**

Yes  No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes  No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) \_\_\_\_\_

Yes  No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes  No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

**Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.**

**STRUCTURES:**

Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_

**PROJECT SITE COVERAGE:**

Existing Building Coverage: > 3,000 Sq. Ft.

Landscaped Area: \_\_\_\_\_ Sq. Ft.

Proposed Building Coverage: 40,000 Sq. Ft.

Paved Surface Area: 30,240 Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) \_\_\_\_\_

3 x 10,000 sqft Greenhouses, Support Building

Number of floors for each building: 1

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) \_\_\_\_\_

24'

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) \_\_\_\_\_

NA

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) \_\_\_\_\_

gravel

**UTILITIES AND IRRIGATION FACILITIES:**

Yes  No  Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: TID

Sewer\*: septic

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

Gas/Propane: \_\_\_\_\_

Water\*\*: Domestic Well

Irrigation: TID

Community Services District, etc.

**\*\*Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.**

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

NO

**Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.**

Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

Yes  No  Will the project include affordable or senior housing provisions? (If yes, please explain)

**RESIDENTIAL PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

**COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): 10,000 x 3

Type of use(s): Greenhouses, Commercial Cannabis

DAYS & HOURS OF OP 7am - 7pm / 7 days a week

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: we will have consistent flow, peak months April-June. No change in equipt

Occupancy/capacity of building: 10,000, no permanent occupants. More capacity than people employed. Not open to the public.

Number of employees: (Maximum Shift): 10 (Minimum Shift): 4

Estimated number of daily customers/visitors on site at peak time: 0 / Not open to public

Other occupants: 1 resident / caretaker of property.

Estimated number of truck deliveries/loadings per day: 1

Estimated hours of truck deliveries/loadings per day: 1 hr / day

Estimated percentage of traffic to be generated by trucks: 0%

Estimated number of railroad deliveries/loadings per day: 0 / NA

Square footage of:

Office area: 70 sqft Warehouse area: \*see other

Sales area: 0 Storage area: 200 sqft

Loading area: TRUCK loading Manufacturing area: 0

Other: (explain type of area) 400 sqft 10,000 x 3 mixed light cultivation

Yes  No  Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

\* Please see waste management Plan.

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

S. Daubenbarger

Yes  No  Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes  No  Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes  No  Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

**Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.**

**STORM DRAINAGE:**

How will your project handle storm water runoff? (Check one)  Drainage Basin  Direct Discharge  Overland

Other: (please explain) \_\_\_\_\_

If direct discharge is proposed, what specific waterway are you proposing to discharge to? \_\_\_\_\_

**Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.**

**EROSION CONTROL:**

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

N/A

**Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.**

**ADDITIONAL INFORMATION:**

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

\* Please see Commercial Cannabis Business License.

\* Please see attached information.

**❑ BUFFER AND SETBACK STATEMENT OF COMPLIANCE**

Our operations are compliant with the guidelines of both Stanislaus County General Plan and Agricultural Element and Commercial Cannabis Business Ordinances.

**50 FOOT FROM PROPERTY LINE/ 150 FT BUFFER FROM NEAREST OCCUPANT/ ACTIVITY.**

**ALL ACTIVITY WILL BE CONDUCTED SOLELY INDOORS**

**ALL ACTIVITY WILL BE FENCED BY A SOLID 7 FOOT FENCE**

**Low employee numbers and all work will be completed inside an enclosed building.**

\* Neighborhood Compatibility plans are below.

\*Please also see Site plans and Building plans in application binders.

**Neighborhood Compatibility Plan (with proposed location)  
2201 S. Daubenberger Road, Turlock, CA 95380**

**Legacy Nursery Greenhouse Compound**

**2201 S. Daubenberger Road, Turlock, CA 95380**

**Parcel Number: 044036006**

**Zone: Industrial M**

**Description of Property**

Parcel Number 044036006 is on 2201 S. Daubenberger Road, Turlock, CA. It is a 40 acre parcel that generally grows field crops. with a gravel driveway to a cleared, leveled dirt pad 370 feet from the road. Legacy Nursery will be erecting a grouping of greenhouses surrounded by a gate on this leveled pad. No cannabis will be seen outside of the fencing. The greenhouse compound is down a gravel driveway. The entire parcel measures 1,555 feet by 1,096 feet and is a 38 acre parcel. There are no sensitive uses around this parcel. We will have a fully compliant security system and plan to deter any criminal activity. We will keep our surrounding area clean and tidy and there will be no storage of cannabis outside our building. There will be little foot traffic seen coming in and out of the greenhouse compound.

**ALL ACTIVITY WILL BE CONDUCTED INDOORS AND WITHIN FENCED AREA.**

**WE ARE IN COMPLIANCE WITH THE 150 FT BUFFER.**

Evidence of Zoning Compliance  
Zone M

•COMMERCIAL CANNABIS PERMITTING	**ZONING DISTRICT															
	RESIDENTIAL				COMMERCIAL			INDUSTRIAL					OTHER		***AGRICULTURE	HISTORICAL
	R-1	R-2	R-3	R-A	C-2	C-1	H-1	M	LM	LI	PI	IBP	PD	SP	A-2	H-5
<b>LICENSE TYPE</b>	R-1	R-2	R-3	R-A	C-2	C-1	H-1	M	LM	LI	PI	IBP	PD	SP	A-2	H-5
<b>RETAILER</b>																
<i>(Max of seven commercial cannabis Retailers permitted in all zoning districts combined)</i>																
RETAILER STOREFRONT	NP	NP	NP	NP	UP	NP	NP	UP	NP	NP	NP	NP	DP	SP	NP	HSP
RETAILER NON-STOREFRONT	NP	NP	NP	NP	NP	NP	NP	UP	NP	NP	UP	NP	DP	SP	NP	HSP
<b>MANUFACTURER</b>																
MANUFACTURER (NON-VOLATILE)	NP	NP	NP	NP	NP	NP	NP	UP	UP	NP	UP	NP	DP	SP	NP	HSP
MANUFACTURER (VOLATILE)	NP	NP	NP	NP	NP	NP	NP	UP	NP	NP	NP	NP	DP	SP	NP	HSP
<b>TESTING LAB</b>																
TESTING LAB	NP	NP	NP	NP	UP	NP	NP	UP	UP	NP	UP	NP	DP	SP	NP	HSP
<b>DISTRIBUTOR</b>																
DISTRIBUTOR	NP	NP	NP	NP	NP	NP	NP	UP	UP	NP	UP	NP	DP	SP	NP	HSP
<b>CULTIVATOR <i>(May include nursery)</i></b>																
ENCLOSED GROW ONLY	CULTIVATION	NP	NP	NP	NP	NP	NP	UP	UP	NP	UP	NP	DP	SP	UP	HSP
	NURSEY ONLY	NP	NP	NP	NP	NP	NP	UP	UP	NP	UP	NP	DP	SP	UP	HSP

\*ALL ACTIVITIES SUBJECT TO BOARD OF SUPERVISORS APPROVED DEVELOPMENT AGREEMENT

\*\* SUBJECT, WHEN APPLICABLE, TO WRITTEN CITY APPROVAL WHEN LOCATED WITHIN A LOCAL AGENCY FORMATION COMMISSION (LAFCO) SPHERE OF INFLUENCE

\*\*\* WILLIAMSON ACT CONTRACTED LAND INCLUDED IN PROPOSED A-2 CULTIVATION ALLOWANCE.

NP = NOT PERMITTED

UP = USE PERMIT REQUIRED (ENVIRONMENTAL REVIEW/PLANNING COMMISSION REQUIRED)

DP = DEVELOPMENT PLAN SPECIFYING USE REQUIRED (ENVIRONMENTAL REVIEW/PLANNING COMMISSION/BOARD OF SUPERVISORS)

SP = SPECIFIC PLAN SPECIFYING USE REQUIRED (ENVIRONMENTAL REVIEW/PLANNING COMMISSION/BOARD OF SUPERVISORS)

HSP = HISTORIC SITE PERMIT REQUIRED (ENVIRONMENTAL REVIEW/PLANNING COMMISSION APPROVAL REQUIRED)

**Compliant:** We are a mixed-light greenhouse/warehouse in M. We are a permanent structure protected by an exterior envelop or assembly that provides protection of all structural members from detrimental effects of the exterior environment. We are also using mixed-light.

**6.78.080 (E)**

All commercial cannabis operations shall occur within a greenhouse or fully enclosed building. If conducted within a greenhouse supplemental lighting shall not exceed 25 watts per square foot to be used up to one hour before sunrise or after sunset unless the greenhouse or facility is equipped with light-blocking measures to ensure no light escapes.

**Compliant:** We will not be exceeding 25 watts a square foot. We are under 10 watts a square foot and to be used up one hour before sunrise or after sunset unless the greenhouse or facility is equipped with light-blocking measures to ensure no light escapes. We will have light deprivation tarping if we need to add supplemental light over one hour before sunrise or after sunset.

**6.78.120 (6)(A) Compliant:**

The neighbors residence is outside of 200 feet from Greenhouse compound.

**6.78.120 (6)(B) Compliant:**

50 foot setbacks from boundary of adjoining parcel.

**Sensitive Uses**

**6.78.120 (7) Compliant:**

There are no commercial daycare centers, youth centers, libraries or parks anywhere within a 600 foot radius. The Nearest school is Cunningham Elementary which is 2. 3 miles away.

**Liquor Stores**

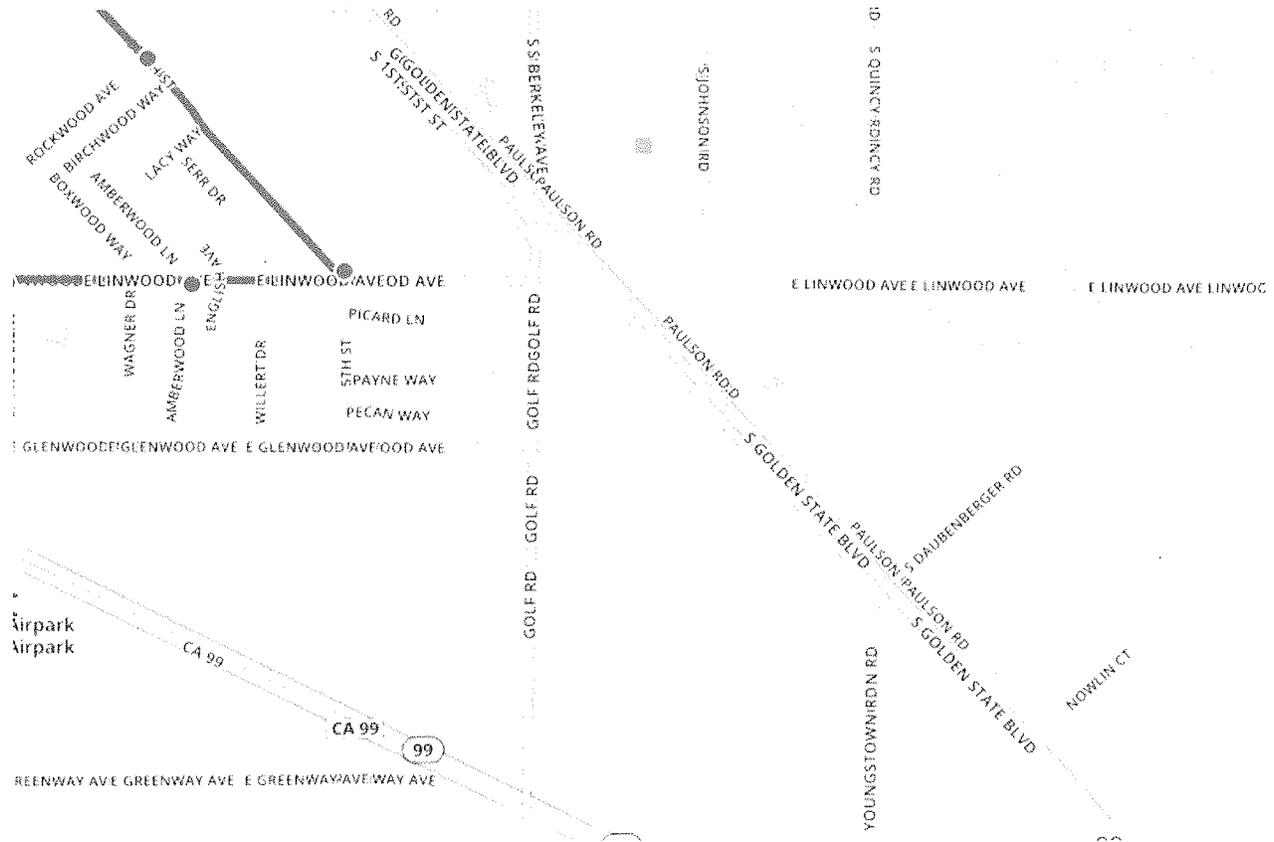
The nearest liquor store is the Liquor Locker which is 2. 1 miles away.

**Traffic**

The only people who will be at the greenhouse compound on a daily basis will be the owners and up to 3 employees in the future. Other traffic includes compliance officers for check ups, distributors, deliveries of supplies (most of the time we will bring supplies in with us).

People will arrive for their shifts, increased traffic will happen on change of shift. We will have shift changes for our armed security guard and greenhouse attendants. We do not anticipate distributors coming more than twice a week. Compliance check ins are anticipated to be on a monthly basis. All arrivals will be scheduled. We will not be open to the public. The Greenhouses will have parking available for employees inside the compound fencing.

## Public Transportation Map/Turlock Transit



### WILL SERVE LETTER

We have private domestic well water, we also have water service from TID.  
Please see attached.

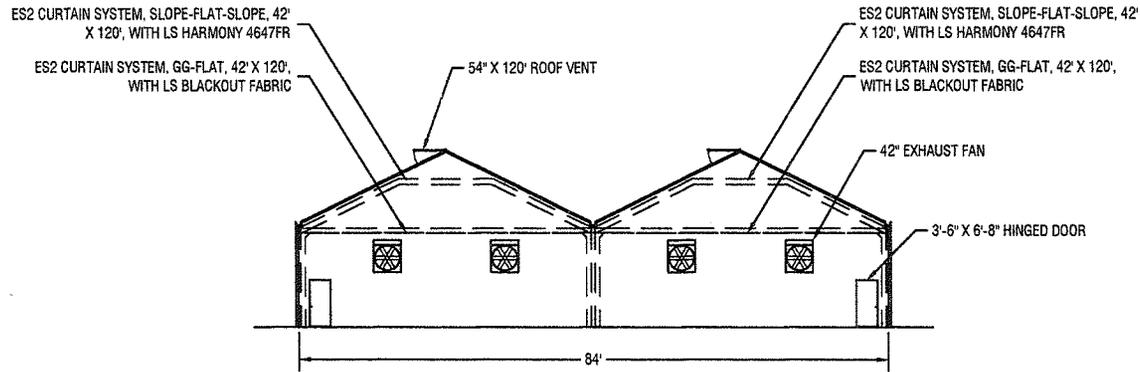
### ADJOINING COUNTY INFORMATION

N/A We are not located next to any parcels that fall under this description. There are no parcels located in an adjoining county with in one quarter mile, (1320 ft) and/or two parcels in each direction, of applicants property. This was taken from the latest assessment roll of the counties.



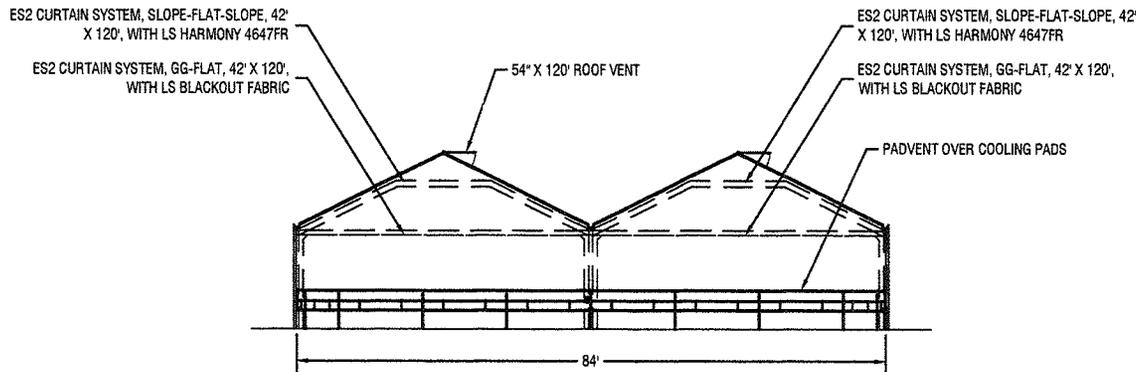


LEGAL NOTICE: This document contains Proprietary and Confidential information owned by Agra Tech, Inc. (Agra Tech), which is protected by United States and Foreign copyright and other laws. The document and information is provided to Agra Tech customers and/or suppliers under written purchase order and/or other agreement with the understanding that the design, engineering and document was created by and is owned by Agra Tech and is to be used solely for manufacture by Agra Tech and construction and/or assembly by Agra Tech or an Agra Tech authorized contractor. It is further understood that the document and information is to be kept Confidential, not copied or disclosed to others and/or used other than mandated by Agra Tech. Violators will be prosecuted to the fullest extent of the law. Unauthorized disclosure and/or use may result in the assessment of triple damages.



NORTH ELEVATION

SCALE: 1" = 16'



SOUTH ELEVATION

SCALE: 1" = 16'



TECH  
 TEL (925) 432-3399  
 FAX (925) 432-3521



MANUFACTURED BY  
**AGRA**  
 2131 PIEDMONT WAY  
 PITTSBURG CA 94565

LEGACY NURSERY  
 MODESTO, CA  
 ELEVATION VIEWS

DATE	10/10/2018
JOB NO.	17230
DRAWN BY	JTR
DRAWING NUMBER	L-3

**6.78.120 (6)(A) Compliant:**

The neighbors residence is outside of 200 feet from Greenhouse compound.

**6.78.120 (6)(B) Compliant:**

50 foot setbacks from boundary of adjoining parcel.

**Sensitive Uses**

**6.78.120 (7) Compliant:**

There are no commercial daycare centers, youth centers, libraries or parks anywhere within a 600 foot radius. The Nearest school is Cunningham Elementary which is 2.3 miles away.

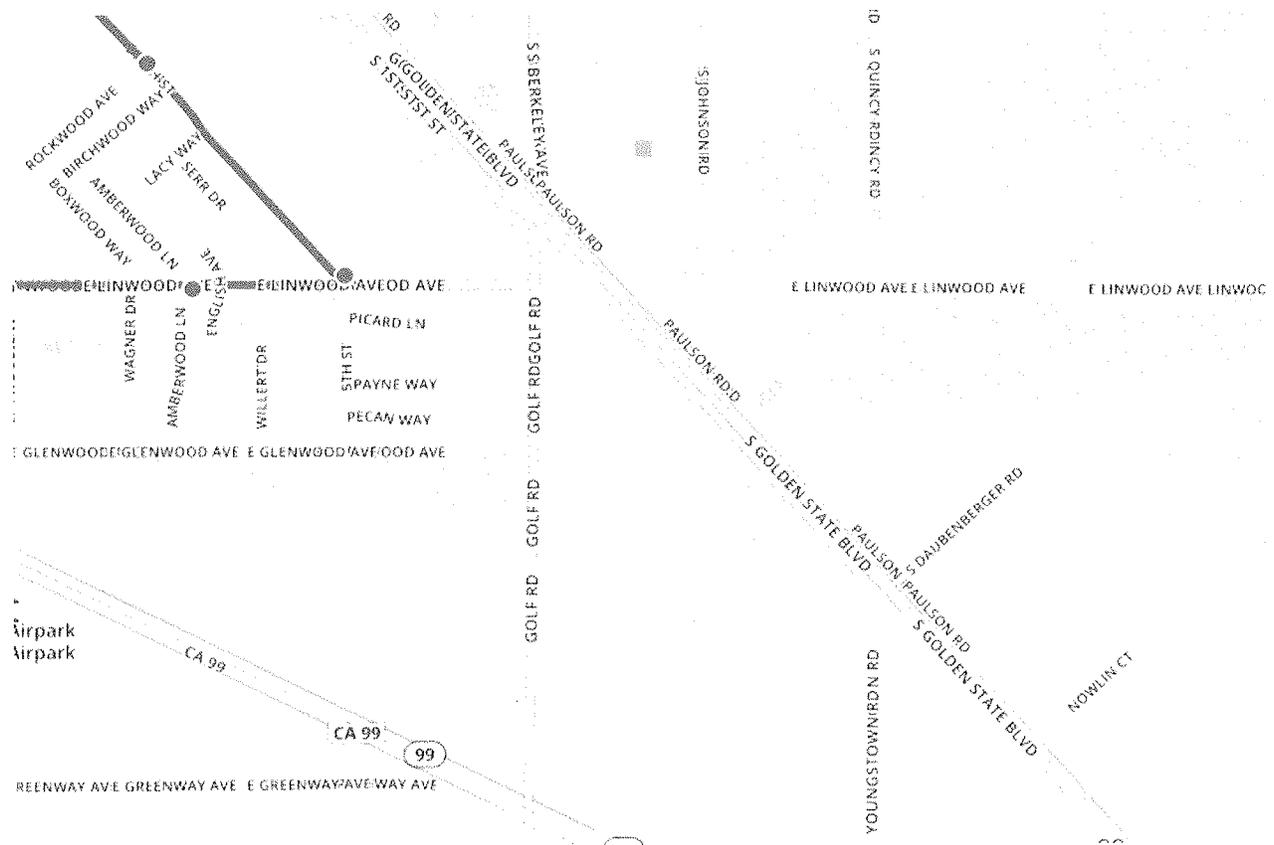
**Liquor Stores**

The nearest liquor store is the Liquor Locker which is 2.1 miles away.

**Traffic** The only people who will be at the greenhouse compound on a daily basis will be the owners and up to 3 employees in the future. Other traffic includes compliance officers for check ups, distributors, deliveries of supplies (most of the time we will bring supplies in with us).

People will arrive for their shifts, increased traffic will happen on change of shift. We will have shift changes for our armed security guard and greenhouse attendants. We do not anticipate distributors coming more than twice a week. Compliance check ins are anticipated to be on a monthly basis. All arrivals will be scheduled. We will not be open to the public. The Greenhouses will have parking available for employees inside the compound fencing.

**Public Transportation Map/ Turlock Transit**



**Noise**

6.78.120 (N)

Our operation is very quiet. We use LED technology which cuts down on supporting fans and air conditioning.

**Light Pollution**

6.78.080 (E)

There will be no light pollution, all light will be tarped if we need supplemental light over one hour before dawn and over one hour past dusk. The only other event of light being an issue at night is in the event our motion detection lights are activated.

**Air Filtration**

6.78.120 (D)(1)

Due to the nature of a clonal nursery the greenhouses must maintain extremely well controlled and high environmental standards. Precise temperature and humidity control will be maintained as well. Fortunately, the ideal environmental parameters for plants make for a very comfortable and safe working environment.

Every greenhouse will be operated under continuous positive air pressure. Incoming air will be pre filtered through standard air filters. Through the the facility several HEPA filter stations will operate continuously, provided high quality filtration.

#### **Odor**

6.78.120 (D)

Immature cannabis emits a much lighter odor than compared to mature plants. As a control measure the operation will employ several activated carbon air scrubbers that will remove any residual vapors or smells that the HEPA filter systems do not. Even though our immature plants do not create the same smell as more mature plants, we have a higher standard for air movement in place than an average flowering operation, thus making odor a non issue.

#### **Exhaust**

6.78.120 (D)

A controlled building exhaust for air exchange will vent the previously cleaned air. Exhaust air will pass through final filtration units in order to capture any possible "waste" particulates.

Due to the nature of the requirements laid out above, exhaust air from the facility will leave cleaner than the outside air with zero odor.

**Legacy Nursery will have this signage present on the exterior of both businesses to deter all issued addressed:**

We will have no advertisements on the outside of our buildings or fences. We want to stay as discreet as possible. 6.78.120(E)(3)(5)(6)

No Loitering 6.78.120(C)(1) and 6.78.120(D)(6)

Our sign will be in compliance by having it designed this way:

Not less than one square foot in area **"LOITERING PROHIBITED"** in letters not less than two inches high and includes the phrase **"VIOLATION OF THIS NOTICES CONSTITUTES A MISDEMEANOR-SECTION 6.78.120(D)(6)"**

**"NO SMOKING" 6.78.120(E)(4)**

**"NO SMOKING, INGESTING, OR OTHERWISE CONSUMING OF CANNABIS  
In parking areas, on premises, or in the areas adjacent to premises" 6.78.120 (E) (4)**

**"No alcohol on Premise"**

**"No persons under 21 permitted on premise, unless otherwise permitted by law" on  
outside of both facilities. 6.78.120(E)(8)**

6.78.120(E)(5)(6) we will have no advertisement signage of any kind around either of our premises.

### **Surrounding Businesses**

Air exiting the greenhouses will be fully filtered, with state of the art carbon filters and pre-filters. The smell of cannabis will be undetectable outside of the building. We are insulated from the road, tucked away in an orchard. There will be very little other traffic around our greenhouse compound. There are no surrounding businesses, and we are placed within the ordinance set back requirements.

### **All employees are background checked**

6.78.130

Employee Background checks for all potential hires and Hiring parameters:

(B) Legacy will obtain all information set forth in ordinance:

1. Name, address, phone number of applicant/ employee.
2. Age and Verification of applicant/ employee. Permittee shall examine the employee's birth certificate, driver's license, government issued identification card, passport or other appropriate documents to verify that the applicant/ employee is at least twenty-one years of age;
3. Name, address of the Commercial Cannabis Activity where the applicant/ employee will be employed, and the name of the primary manager of that business.
4. A list of any crimes enumerated in California Business and Professions Code Section 26507(B)(4) for which the applicant/ employee has been convicted.
5. Name, address, and contact person for any previous employers from which the applicant/ employee was fired, resigned, or asked to leave and the reasons for such dismissal or firing.
6. The application for employment shall be accompanied by fingerprints and a recent photograph.
7. A signed statement under penalty of perjury that the information provided is true and correct.
8. If applicable, verification that the applicant/ employee is a qualified patient or primary caregiver.

(C) The Permittee shall annually certify to the County that it has conducted a background check on all employees to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

1. Is dishonest; or
2. Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
3. Was convicted of a violent felony as defined in Penal Code section 667.5, a crime of moral turpitude that involved either dishonesty (including fraud), or baseness, vileness or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man; or
4. The illegal use, possession, transportation, distribution, or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for

cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

**This will ensure we are hiring good citizens of the county, and therefore not bringing in any unworthy traffic to the neighborhood.**

**We will employ a 24 hour Armed Guard to deter criminal activity.**

6.78.120 (C)(4)(G)

Security personnel to code. We have hired Hammerhead Security Company to be responsible for staffing an armed, uniformed guard. (PPO: 17153)

**Site Plan [minimum scale of 1/4"] should be included for each potential location**

\*see site plans

**2201 S Daubengerger Road**  
**Air Quality/Odor Control Plan**

Due to the nature of a clonal nursery the greenhouses must maintain extremely well controlled and high environmental standards. Precise temperature and humidity control will be maintained as well. Fortuitously, the ideal environmental parameters for plants make for a very comfortable and safe working environment.

**Air Filtration**

**6.78.120 (D) (1)**

Every greenhouse will be operated under continuous positive air pressure. Incoming air will be pre filtered through standard air filters. Through the the facility several HEPA filter stations will operate continuously, provided high quality filtration.

**Odor**

**6.78.120 (D)**

Immature cannabis emits a much lighter odor than compared to mature plants. As a control measure the operation will employ several activated carbon air scrubbers that will remove any residual vapors or smells that the HEPA filter systems do not. Even though our immature plants do not create the same smell as more mature plants, we have a higher standard for air movement in place than an average flowering operation, thus making odor a non issue.

**Exhaust**

**6.78.120 (D)**

A controlled building exhaust for air exchange will vent the previously cleaned air. Exhaust air will pass through final filtration units in order to capture any possible "waste" particulates.

Due to the nature of the requirements laid out above, exhaust air from the facility will leave cleaner than the outside air with zero odor.

**Surrounding Businesses**

Air exiting the greenhouses will be fully filtered, with state of the art carbon filters and pre-filters. The smell of cannabis will be undetectable outside of the building. We are situated in the middle of the property and optimized our buffers in placement of our greenhouses. There will be very little other traffic around our greenhouse compound. We are placed within the ordinance set back requirements.

**Public:**

We will not be open to the public.

## Air Filtration Breakdown and Diagram

We will have fully filtered air in all rooms greenhouses. Seeing we will have immature plants plants at the site, our operation has considerably less odor than a grow operation with flowering plants.

**\*Number breakdown for how much air we are Filtering and Moving/CFM (cubic feet per minute)**

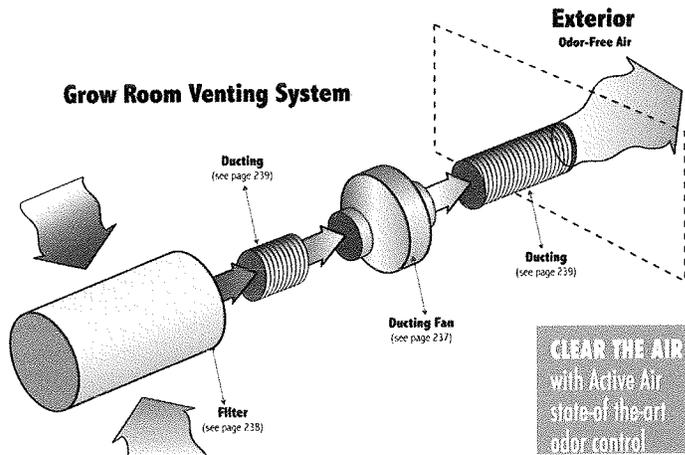
**More air movement = more filtration= less smell**

**\*divide by 3= air is replaced every 3 minutes**

30 x 60 Greenhouses= 30 x 60 x 8= 14,400 / 3= 4,800 CFM needed

We will outfit each 30 x 60 Greenhouse with:

3x Can Fan 12" Q-Max Max Fan and carbon filter installed= 5,127CFM



As you can see, we have outdone the standard amount of air movement. The greenhouse compound is very insulated from the road and all other traffic, housing, etc.

## **Environmental Benefits**

Micropropagation plantlet production is a very low resource consumption method over traditional mother-plant to cutting (MPTC) production method. Reduced space requirements, light, water and nutrient consumption make for a very low environmental impact nursery operation.

### **Small footprint**

The reduced size and high plantlet density of micropropagation techniques directly translates to smaller facility size. Micropropagation uses less than 1/10th of the footprint than mother-plant to cutting (MPTC) technique and this directly translates to large facility energy savings.

### **Energy Use**

#### **Low Power Consumption**

6.78.080 (C) (2)

Micropropagation plantlet production requires less than 20% of the light intensity of MPTC production method. Furthermore the implementation of LED lighting technology cuts power consumption by 50%. End to end savings of 90% in power use expect to be achieved. In addition LED lighting equipment peak output life expectancy is tens of years instead of months for HID lighting bulbs and 18 months for fluorescent tubes. Virtually no lighting related solid waste will be created from this operation.

#### **Water Conservation**

6.78.080 (C) (1)

Micropropagation plantlet production uses a small fraction of water vs. MPTC production methods. In full operation we estimate water consumption to be ~ 200 gallons per day in our micropropagation system, vs. an approximate 2500 gallon per day consumption in a similarly sized MPTC operation.

***Projected water use is reduced by approximately 93% over MTPC production.***

In addition to low water usage we have chosen the dehumidification units (environmental control) that specifically allow the condensate (water) to be recycled into our irrigation feedstock tanks thus conserving approximately 50% of the water used in irrigation.

#### **Materials and Chemicals**

6.78.080 (B)

Micropropagation plantlet production is a very clean, segregated and “sterile” production method that has virtually no pest and disease problems. Thus the requirements for typical farm and garden chemicals is virtually zero. If the need should occasionally arise for chemical treatment applications it will be rare and as such almost zero environmental impact.

#### **Waste Management**

The small scale of micropropagation plantlet production produced virtually no solid waste stream. The lab side of the production facility is estimate to generate less than 5 gallons of solid waste materials per day of operation. Solid waste materials would include items similar to household waste such as paper towels and package wrappers. The greenhouse side of the production is estimated to produce virtually no solid waste. Again, the primary solid waste will be packaging from incoming materials and supplies. We estimate total solid waste to be less than that of a typical household.

## **List of Environmentally Friendly Equipment**

### **Dehumidifier**

6.78.080 (C)(1), 6.78.080 (C)(2)

We will be using the Quest Hydro High-Efficiency Dehumidifier. We have chosen this unit because it is 40% more energy efficient that the next nearest competing unit. The unit has a lower capacity than necessary so we will have to compensate with additional units, increasing our initial cost but lowering our power consumption creating cost and energy savings over time.

### **HVAC**

6.78.080 (C)(2)

Again, we have identified HVAC methods and products that are ~70% more energy efficient than large central units. Specifically we will be installing multiple Pioneer Ductless DC inverter wall mount HVAC Units aka "Mini-Split". We have chosen this particular product because of it's high energy efficiency and robust design.

### **LED Lights**

6.78.080 (C)(2)

Following our energy efficient design methodology, we are choosing to uses state of the art LED lighting technology for plant grow lighting. LED lighting is nearing 2x efficiency over fluorescent lighting, produces ~ 50% less heat energy and produces more photons useable for growth by the plant. The net effect is lower lighting power consumption, lower environmental control energy load and better/faster plant growth (which also translates into lower light power requirements). We expect to see end to end power consumption to be one-half that of traditional clonal propagation setups.

## **Signage plan**

6.78.120 (E)

1. Both sites will have displayed inside, an original copy of CCA Permit and county Business licence.
2. No signs placed on the premises of a CCA shall obstruct any entrance or exit of the building or any window.

**Both sites will have these signs present on the exterior/ entrances:**

We will have no advertisements on the outside of our buildings or fences. We want to stay as discreet as possible. 6.78.120(E)(3)(5)(6)

No Loitering 6.78.120(C)(1) and 6.78.120(D)(6)

Our sign will be in compliance by having it designed this way:

Not less than one square foot in area **“LOITERING PROHIBITED”** in letters not less than two inches high and includes the phrase **“VIOLATION OF THIS NOTICE CONSTITUTES A MISDEMEANOR-SECTION 6.78.120(D)(6)”**

**“NO SMOKING” 6.78.120(E)(4)**

**“NO SMOKING, INGESTING, OR OTHERWISE CONSUMING OF CANNABIS  
In parking areas, on premises, or in the areas adjacent to premises” 6.78.120 (E) (4)**

**“No alcohol on Premise”**

**“No persons under 21 permitted on premise, unless otherwise permitted by law” on  
outside of both facilities. 6.78.120(E)(8)**

6.78.120(E)(5)(6) we will have no advertisement signage of any kind around either of our premises.

**Both sites will have these signs present on the interior:**

**Safety Signage:**

Fire escape routes in all interior rooms and in all greenhouses.

Signs pointing to Fire Extinguishers.

Hazardous materials signage where they are stored and used.  
6.78.080 B

Authorized personnel signage at all secure points.