



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: June 17, 2021

To: Humboldt County Zoning Administrator

From: David J. R. Mack, AICP, Planner (Contract)

Subject: **Kenneth Holland Special Use Permit**
Record Number PLN-13188-SP
Assessor's Parcel Number (APN) 110-051-028
266 Parsons Road, Whitethorn (Shelter Cove) area.

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Please contact David J. R. Mack, AICP, Planner (Harris & Associates) at 831-320-0413 or by email at david.mack@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 17, 2021	Special Use Permit (x2)	David Mack

Project Description: Kenneth Holland seeks approval for two Special Use Permits (PLN-13188-SP), one for cannabis manufacturing and one for cannabis processing, both occurring within one (1) existing 2,000 square foot (SF) commercial metal building. The project also proposes the installation of a 10' x 60' loading zone and six (6) parking stalls, including one (1) accessible stall with a striped unloading area for people with disabilities.

The cannabis manufacturing and processing facility will not be open to the public and will not accept visitors without a pre-arranged specific business purpose. Hours of operation will typically be from 7:00 AM to 7:00 PM daily. During periods of seasonally high workload, the hours of operation may be expanded to 24 hours per day. However, shipping, receiving, and other traffic or noise generating activities will remain limited to normal business hours (7:00 AM to 7:00 PM daily). The facility will employ two (2) to three (3) persons on a full-time basis.

The facility is solely for cannabis processing and manufacturing and does not include any cannabis cultivation on the subject parcel. All products will be sold to State-licensed facilities on a wholesale basis. Only authorized representatives of State-licensed customer facilities and appropriately licensed vendors will be allowed to enter the site and/or be in close proximity to the products.

The facility is accessed from Parsons Road, via an existing gravel driveway. Power is provided to the site via an existing PG&E supply line and connection.

Project Location: The project is located at 266 Parsons Road, southwest of the Parsons Road/Olson Road intersection, in the unincorporated Whitethorn (Shelter Cove) area in southern Humboldt County.

Present Plan Land Use Designations: Commercial General (CG), which is intended for lands that are suitable for commercial development because of location, access, and availability of services.

Present Zoning: C-2-Q-D [Community Commercial, with Qualified (Q) and Design Review (D) overlays]

Record Number: PLN-13188-SP

Assessor's Parcel Number: 110-051-028

Applicant

Kenneth Holland
260 Landis Road
Shelter Cove, CA 95589
rustyfarivork@gmail.com
(707) 496-9697

Owner

Sean Moynihan
11740 Corp Ranch Road
Ashland, OR 97520
805-441-7266

Agents

N/A

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: No major issues/concerns were identified for this project.

Kenneth Holland

Record Number: PLN-13188-SP

Assessor's Parcel Number: 110-051-028

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Adopt the Resolution to:

1. *Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Special Use Permit; and*
3. *Approve the Kenneth Holland Special Use Permit (PLN-13188-SP) as recommended by staff subject to the recommended conditions.*

Executive Summary: Kenneth Holland seeks approval for two Special Use Permits (PLN-13188-SP), one for cannabis manufacturing and one for cannabis processing, both occurring within one (1) existing 2,000 square foot (SF) commercial metal building. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The parcel (APN 110-051-028) measures approximately 0.34 acres, is zoned C-2-Q-D [Community Commercial, with Qualified (Q) and Design Review (D) overlays], and is designated Commercial General (CG) in the Humboldt County General Plan.

Existing development onsite includes the 2,000-SF commercial structure, septic tank, and leach fields. Proposed development onsite includes the installation of a 10' x 60' loading zone and six (6) parking stalls, including one (1) accessible stall with a striped unloading area for people with disabilities. The loading zone is consistent with the requirements of Section 109.1.4.3.2.5. The provision of six (6) total parking spaces is consistent with Section 109.1.2.11 (Variable Demand), which requires the number of parking spaces provided to be based upon the periods of highest parking demand, which for this application is five (5) employees per shift. Therefore, the provision of six (6) parking spaces (5 standard stalls and 1 accessible stall) is adequate for the proposed project

Processing & Manufacturing Operations Plan

The applicant prepared a Processing & Manufacturing Operations Plan & Manual to provide details and technical information regarding access, operations, safety, and chemical/extraction minerals used throughout operations. This technical document is similar to a Cultivation Operations Plan used by cannabis growers. This document is on file with Humboldt County as part of the project file.

Neighborhood Design Survey

In August 2018, a Neighborhood Design Survey (NDS) was conducted to determine compatibility with surrounding structures. The NDS determined that the existing commercial metal structure was consistent with other structure within the immediate vicinity, most of which were constructed of T-111 siding (5 occurrences), horizontal lap siding (6 occurrences), metal (2 occurrences), or stucco and lap siding (1 occurrence). No evidence of inconsistency or incompatibility with surrounding structures was documented. The NDS is on file with Humboldt County as part of the project file.

Resort Improvement District (Shelter Cove) Referral

The project was referred to the Resort Improvement District (RID) to consider a request for upgrading the power supply from residential to commercial power. During the December 12, 2020 meeting of the RID Board of Directors, the Board voted unanimously to approve the request (Agenda Item X.2). The minutes for the RID meeting are on file with Humboldt County as part of the project file.

Road Way Evaluation/Access

The project is located at 266 Parsons Road, southwest of Parsons Road/Olson Road intersection, in the unincorporated Whitethorn (Shelter Cove) area in southern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and did not request a road evaluation report. DPW recommended conditions of approval related to fences/gates (**Condition 8**), site driveway (**Condition 9**), parking lot storm water runoff (**Condition 10**), driveway/private road intersection visibility (**Condition 11**), dedication of an avigation easement (**Condition 12**), and compliance with MS4/ASBS requirements (**Condition 13**).

Archaeological Investigation

A records search for known cultural resources was requested from the Northwest Information Center (NWIC) on January 16, 2019. The results indicated that a prior study (#S-185, Fredrickson 175) may have included all or parts of the project site based on the maps, but it was unclear if the researchers surveyed the project site. The NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that they had no concerns, as no ground disturbance is included/indicated in the project description.

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in April 2021. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted for the CMMLUO, and thus has prepared an addendum to the MND for consideration by the Zoning Administrator (See **Attachment 2** for more information).

RECOMMENDATION:

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda; survey the audience to see if any person would like to discuss the application; if no one requests discussion, make all the required findings based on the evidence in the record; and approve the application subject to the recommended conditions.

Alternatives

Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

- c) A records search for known cultural resources was requested from the Northwest Information Center (NWIC) in January 2019. The results indicated that a prior study (#S-185, Fredrickson 175) may have included all or parts of the project site in its maps; however, it was unclear as to whether the researchers surveyed the project site. The NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that they had no concerns, as no ground disturbance is included/indicated in the project description.

FINDINGS FOR SPECIAL USE PERMIT

3. FINDING The proposed development is in conformance with the County General Plan.

EVIDENCE a) Commercial General (CG) land use designation is intended for lands that are suitable for commercial development because of location, access, and availability of services.

4. FINDING The proposed development is consistent with the purposes of the existing C-2 (Community Commercial) zoning district.

EVIDENCE a) Community Commercial (C-2) zoned parcels are intended to apply where more complete commercial facilities are necessary for community convenience.
 b) Humboldt County Code section 314-55.4.8.4 and 55.4.8.5 allow processing and manufacturing facilities (respectively) within the C-2 zoning designation, subject to approval of a Special Use Permit. The application for a 2,000 SF processing and manufacturing facility in an existing commercial structure, is consistent with the Humboldt County Code.

5. FINDING The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE a) The CMMLUO allows existing cannabis processing and manufacture to be permitted in areas zoned Community Commercial (C-2) (HCC 314-55.4.8.4 and 314-55.4.8.5).
 b) The parcel in its current configuration was created in compliance with all applicable state and local subdivision regulations, as part of a recorded subdivision map (Tract 42, Block 14 of Maps, Pages 116, 117 & 121) – Shelter Cove Subdivision.
 c) The location of the processing and manufacture complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING The processing and manufacture of cannabis within a 2,000 SF building and the conditions under which it may be operated and maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE a) The project is located at 266 Parsons Road in the Whitethorn (Shelter Cove) area, on the southwest of Olson Road, approximately 0.1 mile from the

intersection of Olson and Parsons Road, in southern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and did not request a road evaluation report. DPW recommended conditions of approval related to fences/gates (**Condition 8**), site driveway (**Condition 9**), parking lot storm water runoff (**Condition 10**), driveway/private road intersection visibility (**Condition 11**), dedication of an avigation easement (**Condition 12**), and compliance with MS4/ASBS requirements (**Condition 13**).

- b) The existing cannabis processing and manufacturing will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis processing or manufacture. Approving processing and manufacture on this site and the other sites, which have been approved or are in the application process, will not change the character of the area due to the large parcel sizes in the area.
- c) The location of the proposed cannabis processing and manufacturing facility is more than 300 feet from the nearest offsite residence.

7. FINDING

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

EVIDENCE

- a) The parcel currently does not contain a residential unit. The approval of cannabis processing and manufacture on this parcel will not conflict with or reduce the residential density of the subject parcel.

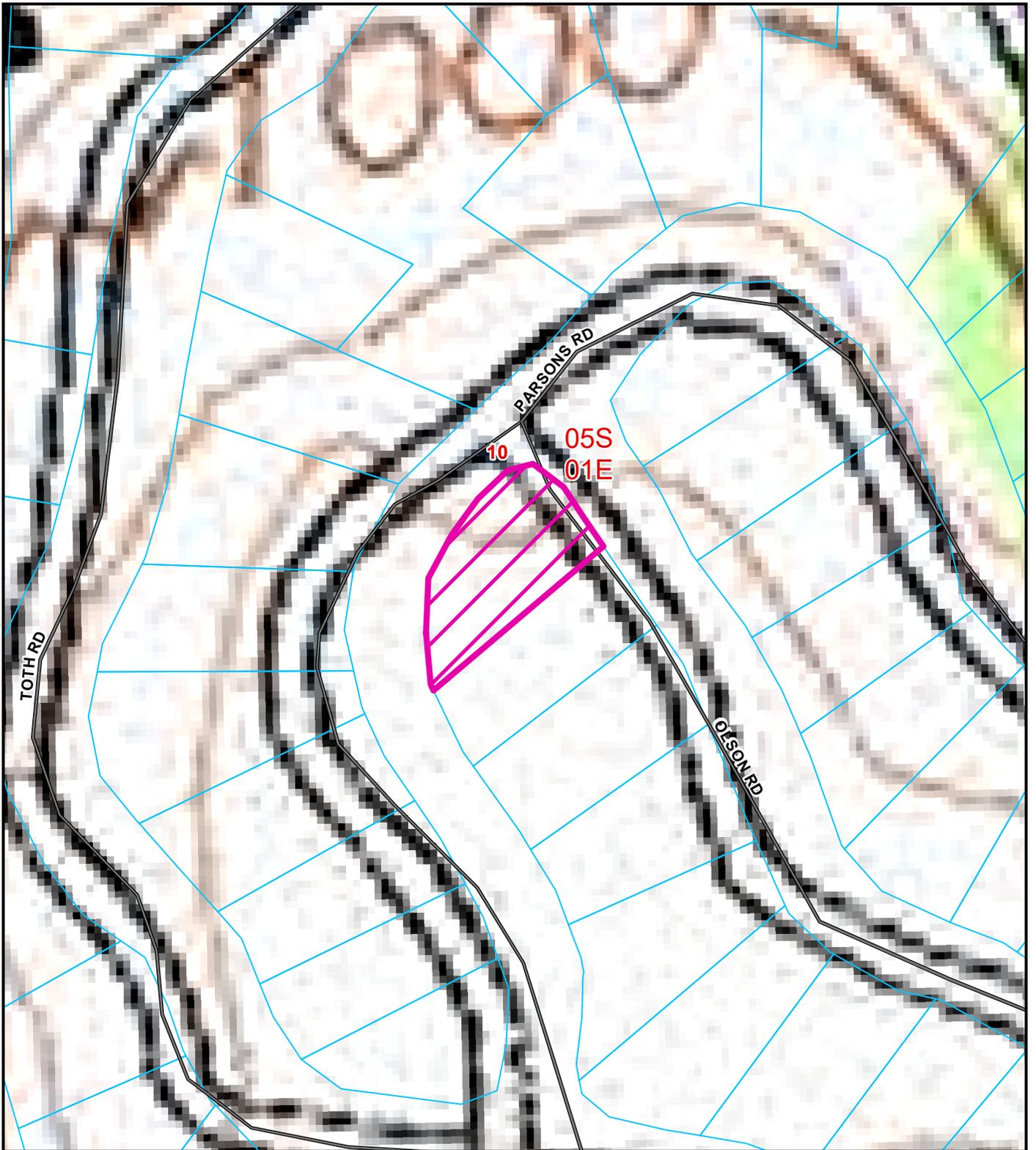
DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Special Use Permit (PLN-13188-SP) for Kenneth Holland, subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on **June 17, 2021**.

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

John Ford, Zoning Administrator,
Planning and Building Department



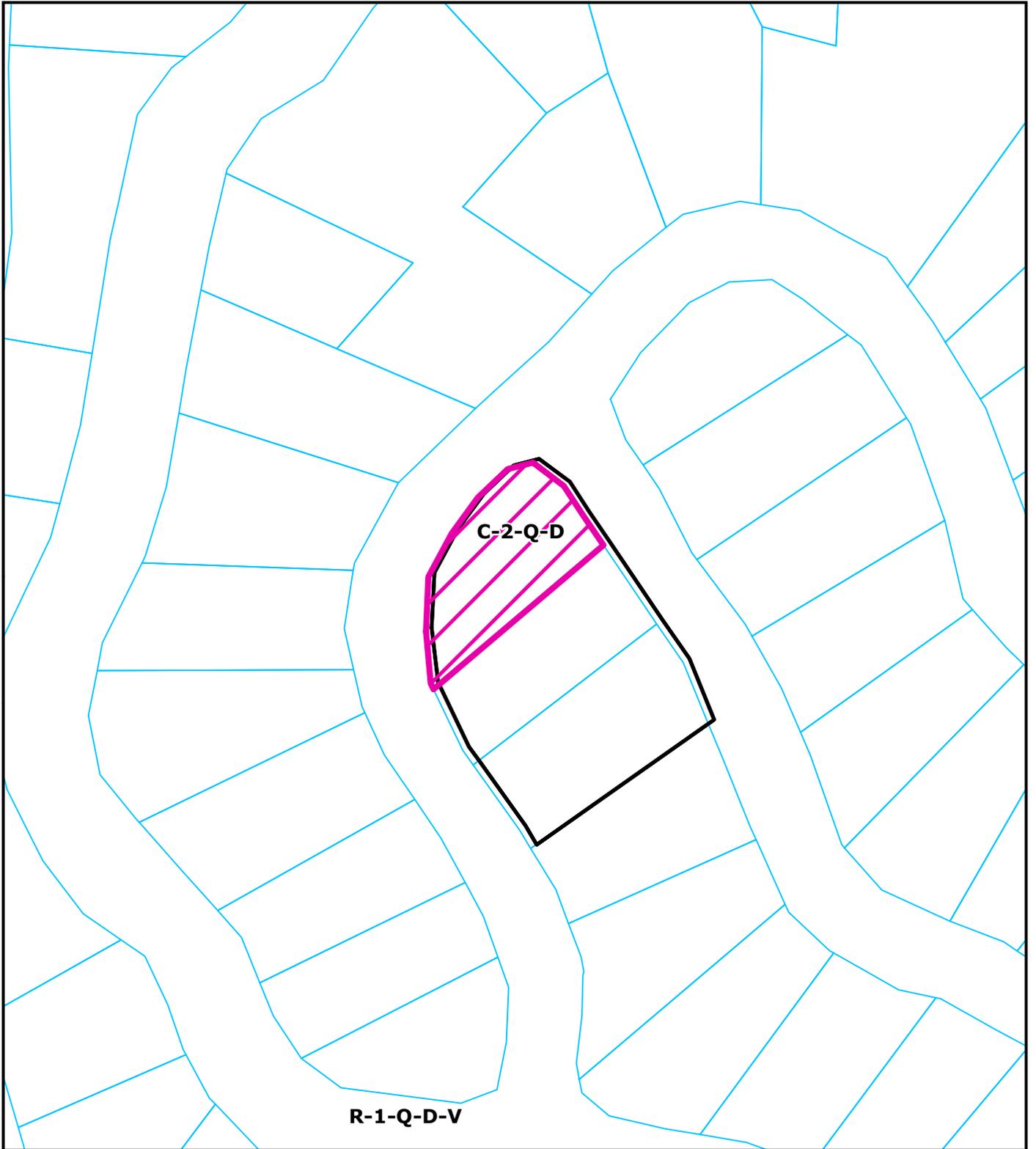
TOPO MAP
PROPOSED SEAN MOYNIHAN
SHELTER COVE AREA
SP-16-810; SP-16-811
APN: 110-051-028-000
T05S R01E S10 HB&M (SHELTER COVE)

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.





R-1-Q-D-V

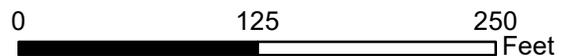
C-2-Q-D

Project Area = 

ZONING MAP
PROPOSED SEAN MOYNIHAN
SHELTER COVE AREA
SP-16-810; SP-16-811
APN: 110-051-028-000
T05S R01E S10 HB&M (SHELTER COVE)



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.



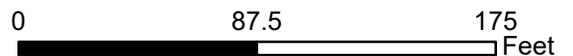


AERIAL MAP
PROPOSED SEAN MOYNIHAN
SHELTER COVE AREA
SP-16-810; SP-16-811
APN: 110-051-028-000
T05S R01E S10 HB&M (SHELTER COVE)

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.



PROJECT INFORMATION

OWNERS: SEAN MOYNIHAN
 SITE ADDRESS: 266 PARSONS ROAD
 APN #: 110-051-028
 ZONING: C-2
 USE CODE: 5203 COMMERCIAL WAREHOUSE
 WATER: COMMUNITY
 POWER: COMMUNITY

PROJECT DESCRIPTION

PROPOSED PROJECT IS TO OBTAIN PROCESSING AND MANUFACTURING PERMITS FOR THE EXISTING 2,000 SQUARE FEET COMMERCIAL BUILDING LOCATED ON THE PROPERTY.

PROJECT NOTES

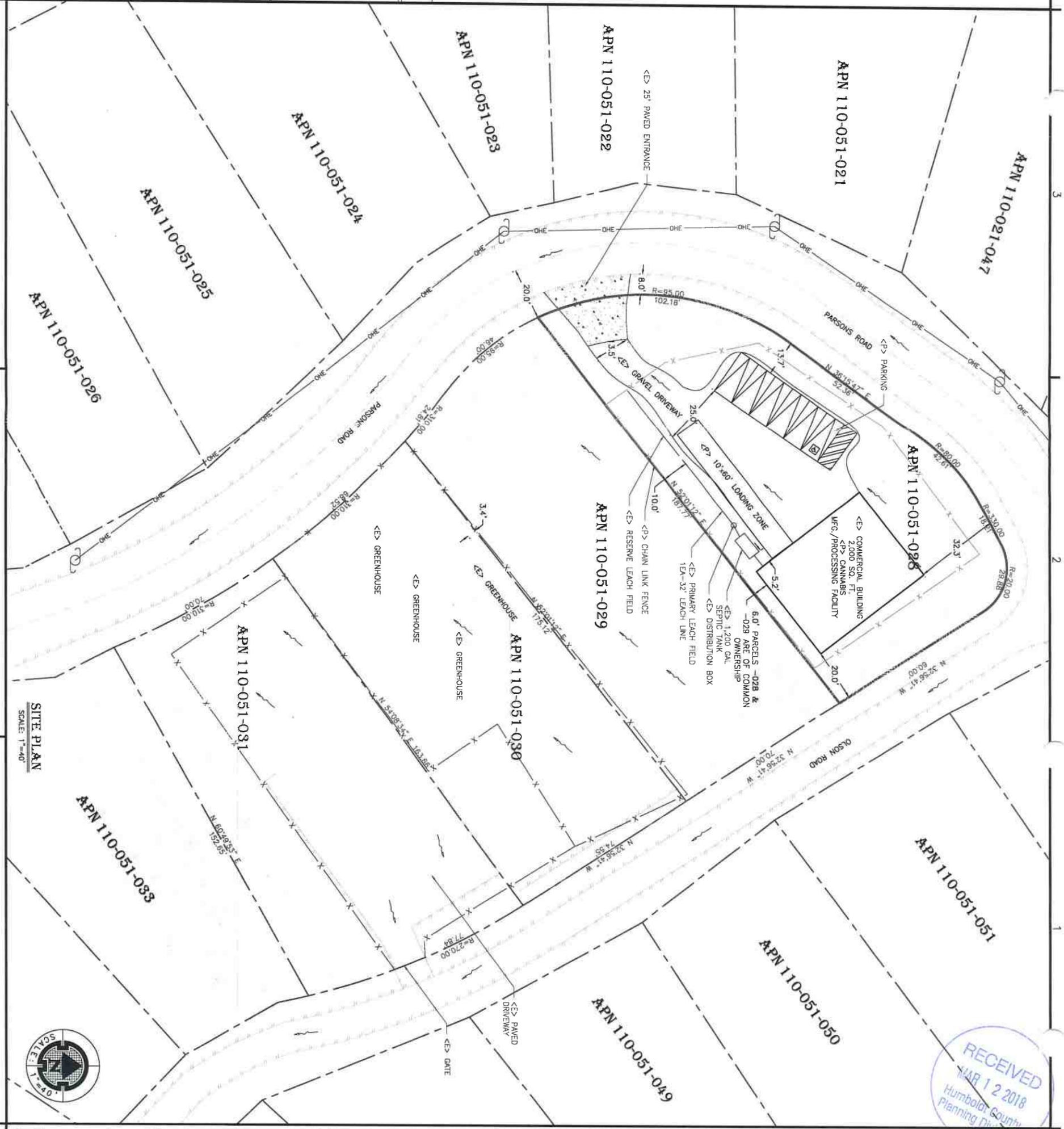
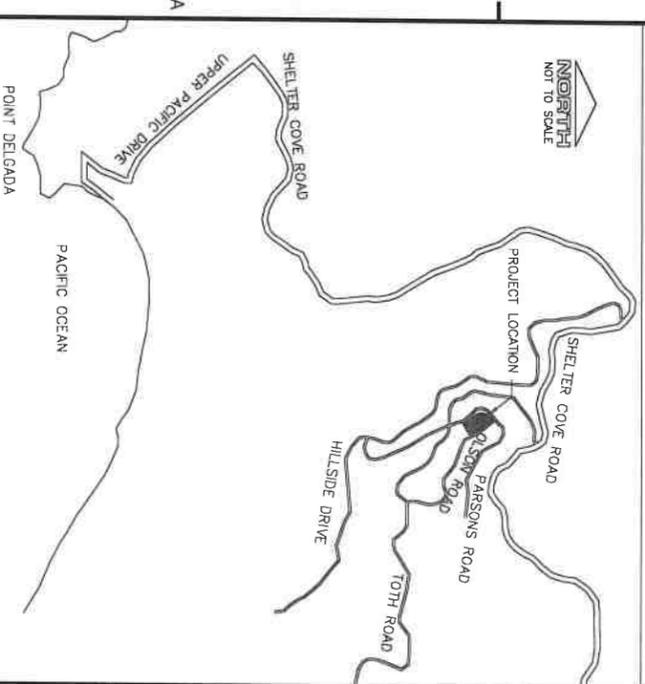
1. PROPERTY IS ZONED COMMUNITY COMMERCIAL WITH QUALIFIED AND DESIGN CONTROL COMBINING ZONES.
2. BASED ON LUMBOLDT COUNTY GIS FEMA FLOOD ZONES, THE PROPERTY IS NOT LOCATED WITHIN A FLOOD ZONE.
3. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE PER AERIAL PHOTOGRAPHY AND ARE APPROXIMATE LOCATIONS ONLY.
4. DIRECTIONS OF RUNOFF SHOWN ARE APPROXIMATE.
5. NO KNOWN HAZARDOUS WASTE OR SUBSTANCE SITES ARE LOCATED WITHIN 400 FT. OF SUBJECT SITE.
6. NO KNOWN HISTORIC BUILDINGS OR ARCHAEOLOGICAL SITES ARE LOCATED WITHIN 400 FT. OF SUBJECT SITE.
7. THE PROPERTY IS NOT LOCATED WITHIN THE COASTAL ZONE.
8. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, ARE LOCATED WITHIN 800 FEET OF CULTIVATION SITE.

ABBREVIATIONS

APN ASSESSORS PARCEL NUMBER
 AC ASPHALT
 <E> EXISTING
 <P> PROPOSED

LEGEND

- PROJECT PROPERTY LINES
- PARCEL PROPERTY LINES
- BUILDING FOOTPRINT
- BUILDING EDGE
- EDGE OF PAVING
- <E> FENCE
- <E> DRAINAGE DIRECTION
- OVERHEAD ELECTRICAL LINES
- UTILITY POLE
- <E> TREES
- <E> SHRUBS



JOB NUMBER 16-1945	SHEET NUMBER C-1	Date: JANUARY 4, 2018 Scale: Drawn by: AS SHOWN NM	MOYNIHAN PROPERTY 266 PARSONS ROAD SHELTER COVE, CA 95589 APN 110-051-028	SITE PLAN PACIFIC AFFILIATES, INC. HEREBY EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PRIORITY RIGHTS IN THESE PLANS. THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF PACIFIC AFFILIATES, INC. NOR ARE THEY ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING WRITTEN PERMISSION AND CONSENT.	REGISTERED PROFESSIONAL ENGINEER FRANCIS L. SCHNEIDER EXP. 12-31-2018 CIVIL STATE OF CALIFORNIA	PACIFIC AFFILIATES CONSULTING ENGINEERS 990 W WATERFRONT DRIVE, EUREKA, CA 95501 TEL (707) 445-3001 FAX (707) 445-3003	REVISIONS
							BY

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS, WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Planning and Building Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to cannabis processing and manufacturing or other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

8. Public Works – County Roads – Fences & Encroachments- All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
9. Public Works – County Roads – Driveway (Part 2)- Any existing or proposed driveway that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches. If the County road as a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and length of 50 feet. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
10. Public Works – County Roads – Parking Lot-Storm Water Runoff- Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
11. Public Works – County Roads – Driveway & Private Road Intersection Visibility- All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 31-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
12. Public Works – Airport – Part 1 (ALUCP) - The applicant shall cause to be dedicated to the County of Humboldt an aviation easement. The aviation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.
13. Public Works – MS4/ASBS Areas- The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.

3. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
4. All refuse shall be contained in wildlife proof storage containers at all times and disposed at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
8. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit, except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
9. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
10. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
11. The permittee shall have possession of a current, valid required license or licenses, issued by any agency of the State of California in accordance with the MAUCRSA and the regulations promulgated thereunder, as soon as such licenses become available.
12. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
13. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

14. The permittee shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
15. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
16. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
17. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
18. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

20. Pursuant to the Medical Cannabis Regulation and Safety Act (MCRSA), Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
21. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
22. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
23. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.

- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
24. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices;
 - b. Location where processing will occur;
 - c. Number of employees, if any;
 - d. Employee Safety Practices;
 - e. Toilet and handwashing facilities;
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
 - g. Drinking water for employees;
 - h. Plan to minimize impact from increased road use resulting from processing; and
 - i. On-site housing, if any.
25. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
26. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
27. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
28. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
29. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and

agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

30. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICAL MARIJUANA LAND USE
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)
(State Clearinghouse # 2015102005), January 2016**

**APN 110-051-028, 266 Parsons Road, Whitethorn (Shelter Cove), Ca
County of Humboldt**

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

April 2021

BACKGROUND

Purpose of Addendum

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted, in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations and unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

Kenneth Holland seeks approval for two Special Use Permits (PLN-13188-SP) to permit, one for cannabis manufacturing and one for cannabis processing, both occurring within one (1) existing 2,000 square foot (SF) commercial metal building. The project also proposes the installation of a 10' x 60' loading

zone and six (6) parking stalls, including one (1) accessible stall with a striped unloading area for people with disabilities.

The applicant prepared a Processing & Manufacturing Operations Plan & Manual to detail and provide technical information regarding access, operations, safety, and chemical/extraction minerals used throughout operations. This technical document is similar to a Cultivation Operations Plan used by cannabis growers. This document is on file with Humboldt County as part of the project file.

In August 2018, a Neighborhood Design Survey (NDS) was conducted to determine compatibility with surrounding structures. The NDS determined that the existing commercial metal structure was consistent with other structure within the immediate vicinity, most of which were constructed of T-111 siding (5 occurrences), horizontal lap siding (6 occurrences), metal (2 occurrences), or stucco and lap siding (1 occurrence). No evidence of inconsistency or incompatibility with surrounding structures was documented. The NDS is on file with Humboldt County as part of the project file.

The project was referred to the Resort Improvement District (RID) to consider a request for upgrading the power supply from residential to commercial power. During the December 12, 2020 meeting of the RID Board of Directors, the Board voted unanimously to approve the request (Agenda Item X.2). The minutes for the RID meeting are on file with Humboldt County as part of the project file.

The project is located at 266 Parsons Road, southwest of the Parsons Road/Olson Road intersection, in the unincorporated Whitethorn (Shelter Cove) area in southern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and did not request a road evaluation report. DPW recommended conditions of approval related to fences/gates (**Condition 8**), site driveway (**Condition 9**), parking lot storm water runoff (**Condition 10**), driveway/private road intersection visibility (**Condition 11**), dedication of an avigation easement (**Condition 12**), and compliance with MS4/ASBS requirements (**Condition 13**).

A records search for known cultural resources was requested from the Northwest Information Center (NWIC) in January 2019. The results indicated that a prior study (#S-185, Fredrickson 175) may have included all or parts of the project site in its maps, but it was unclear if the researchers surveyed the proposed project site. The NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that they had no concerns, as no ground disturbance is included/indicated in the project description.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO, which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the operation of an existing 2,000 SF commercial cannabis processing and manufacturing facility is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significant adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Site Plan prepared by Pacific Affiliates, dated January 2018.
- Processing & Manufacturing Operations Plan & Manual, prepared by Lenders Construction Services, LLC, dated December 2018, and Addendum for Manual, received January 5, 2021.
- Bear River Band of the Rohnerville Rancheria email communication, dated May 15, 2019

- Northwest Information Center (NWIC) records search, dated January 16, 2019.
- Humboldt County Department of Public Works Inter-Departmental review dated January 16, 2019.
- Humboldt County Road Evaluation Report, prepared by applicant, dated August 23, 2018.
- Shelter Cove Resort Improvement District Board of Director Meeting Minutes dated December 17, 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Kenneth Holland, would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

1. The proposed project will permit an existing cannabis processing and manufacturing operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal, Kenneth Holland. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division.

1. The name, contact address, and phone number(s) of the applicant. (**On file**)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (**On file**)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by Pacific Affiliates, dated January 2018, **Attached**)
4. An operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. A description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and schedule of activities during each month of the growing and harvesting season. (Processing & Manufacturing Operations Plan & Manual, prepared by Lenders Construction Services, LLC, dated December 2018, and Addendum for Manual, received January 5, 2021, **On file**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (**Not applicable**)
6. Description of water source, storage, irrigation plan, and projected water usage. (**Not applicable**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**Not applicable**)
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (**Not applicable**)
9. If the source of water is a well, a copy of the County well permit, if available. (**Not applicable**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner

has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(Not applicable)**

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. For indoor cultivation facilities, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. **(Not applicable)**
13. Acknowledgment that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section, in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. **(On file)**
14. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). **(On file)**

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. The agencies that provided written comments are indicated with a check under Response.

Referral Agency	Response	Recommendation	Location
Humboldt County Department of Health & Human Services	✓	Approved	On File
Bear River Tribal Band of the Rohnerville Rancheria	✓	Approved	On File
CAL FIRE	✓	Approved	On File
Northwest Information Center (NWIC)	✓	No Recommendation	On File
Humboldt County Public Works Department	✓	Approved with conditions	On File
Shelter Cover Resort Improvement District	✓	Approved	On File



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 287-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Stephen Luther, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 01-16-2019

RE:

Applicant Name	MOYNIHAN
APN	110-051-028
APPS#	PLN-13188-SP

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)* are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items 6, 7, and 8 on Exhibit "C"

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 13188

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS – PART 1. Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?

[] YES [] NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. ROADS – PART 2. Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

[] YES [] NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. ROADS – PART 3. Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? [] YES [] NO

If YES, a Road Evaluation Report must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the Road Evaluation Report form must be completed.

- 4. Deferred Subdivision Improvements. Does the project have deferred subdivision improvements? [] YES [] NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. AIRPORT- PART 1 (ALUCP). Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? [] YES [] NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Road Evaluation Reports

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

From: [Yandell, Rodney](#)
To: [Planning Clerk](#)
Subject: FW: Attached for your review
Date: Wednesday, May 15, 2019 3:20:51 PM
Attachments: [image001.png](#)

Please post

Thank you,



Rodney Yandell
Planner II
[Cannabis Services Division](#)
[Planning and Building Department](#)
707.268.3732

From: Erika Cooper <erikacooper@brb-nsn.gov>
Sent: Wednesday, May 15, 2019 12:18 PM
To: Yandell, Rodney <RYandell@co.humboldt.ca.us>
Subject: Re: Attached for your review

11637 CRS

This was prepared for the NTMP on the property, and unfortunately the survey coverage shown doesn't cover all areas of activity related to this project, especially the SW corner of the parcel where there is an arch site as well as proposed cultivation. The three sites that were recorded under the NTMP all appear to be in areas of existing or proposed activities related to the current project. The project description in the referral also doesn't seem to match up with the plot plan. The description discusses existing cultivation in multiple areas, while the plot plan only shows one area of proposed cultivation. It also mentions existing and proposed facilities, but the plot plan only shows existing facilities.

12013 NWIC
Survey.

10814 CRS

Survey coverage and report are not adequate. The report indicates that a cultural resource was identified within the project area on page 1, but has no other mention of identifying resources. Survey coverage does not include a 600' buffer in many areas and there is no survey coverage of portions of what is depicted on the plot plan as a proposed road.

12476 NWIC

Survey. NWIC response indicates previously recorded cultural resources on the project parcel.

12059 NWIC
Inadvertent discovery

12779 NWIC
Survey

13188 NWIC
No concerns. No ground disturbance indicated in project description.

13194 NWIC
Inadvertent discovery. Though there are numerous previously recorded sites in the Shelter Cove area, I am not aware of any known resources on the project parcel nor does it appear to be particularly sensitive.

11703 NWIC
Inadvertent discovery. Parcel is only moderately sensitive and with partial survey coverage indicated in NWIC response, this is sufficient for the current project.

13245 NWIC
Inadvertent discovery

10813 CRS
Survey coverage and report are not adequate. The report indicates that a cultural resource was identified within the project area on page 1, but has no other mention of identifying resources. Cover page indicates 7.6 acres surveyed, page 1 indicates 18.2 acres surveyed. Survey coverage does not include a 600' buffer in any areas.

Erika Cooper, M.A.
Tribal Historic Preservation Officer
Bear River Band of the Rohnerville Rancheria
266 Keisner Road
Loleta, CA 95551
707-733-1900 x233 Office
707-502-5233 Cell
707-733-1727 Fax
erikacooper@brb-nsn.gov

CONFIDENTIALITY STATEMENT: This message, together with any attachments is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this message or any attachment is strictly prohibited. If you have received this item in error, please notify the original sender and destroy this item, along with any attachments. Thank you.

On Mon, May 6, 2019 at 10:36 AM Yandell, Rodney <RYandell@co.humboldt.ca.us> wrote:

Good morning..

Please see the attached for your review.

11637 CRS
12013 NWIC
10814 CRS
12476 NWIC
12059 NWIC
12779 NWIC
13188 NWIC
13194 NWIC
11703 NWIC
13245 NWIC
10813 CRS

Thank you,



Rodney Yandell

Planner II

[Cannabis Services Division](#)

[Planning and Building Department](#)

707.268.3732



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING

3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

18-1325

1/16/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Shelter Cove RID:CSD, Shelter Cove RID:FPD, RWQCB, NCUAQMD, Southern Humboldt Unified:School District, Cal Fish & Wildlife, Division of Water Resources, CalFire, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Sean Moynihan **Key Parcel Number** 110-051-028-000

Application (APPS#) PLN-13188-SP Historic Planning **Assigned Planner** Stephen Luther

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 1/31/2019

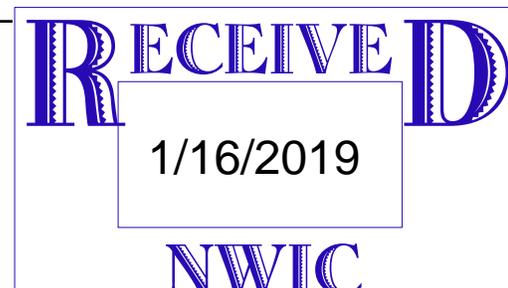
Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____ PRINT NAME: _____



CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

January 29, 2019

File No.: 18-1325

Planning Commission Clerk
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501
*PlanningClerk@co.humboldt.ca.us

re: APPS# PLN-13188-SP, 110-051-028, Sean Moynihan

To Whom It May Concern,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: The Applicant is seeking two Special Permits one for a cannabis manufacturing facility and one for a cannabis processing facility both within the same existing 2,000 square foot commercial building. Water is sourced from the Shelter Cove Resort Improvement District 1. There are an estimated 10 full time employees expected for operations. Power is provided by PGE.

Previous Studies:

XX Study #S-185 (Fredrickson 1975), may have included all or parts of the proposed project area in its maps. However, the report is unclear as to whether the researchers surveyed the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). A study by a qualified professional archaeologist is recommended prior to commencement of project activities.

XX We recommend that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916) 373-3710.

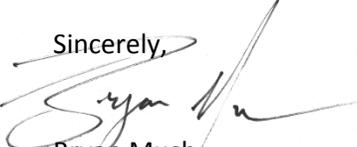
Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call at (707) 588-8455.

Sincerely,

Bryan Much
Coordinator

Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

Hazardous Materials (page 8 section 10)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): N/A

 - Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
 - List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?); Provide amounts and storage method(s): N/A

 - List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s):

 - List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area(s): N/A

- *Attach Safety Data Sheets (SDS)

Solid Waste/Recycling (page 13 section 13/14)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: _____

- Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): _____

- Describe waste removal plan including frequency and destination
 - Garbage (1x/week) _____
 - Recycling(x/month) _____ (avoid nuisances including odors and vermin.)
 - Hauling via Garbage/Recycling Service: _____ or Self Haul _____
- Preferred permitted solid waste/recycling facility: _____

Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Sean Moynihan APN: 110-051-028

Planning & Building Department Case/File No.: 13188

Road Name: Parsons Road (complete a separate form for each road)

From Road (Cross street): Toth Road

To Road (Cross street): Olson Road

Length of road segment: 0.12 miles Date Inspected: 07/08/2018

Road is maintained by: County Other
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Sean Moynihan

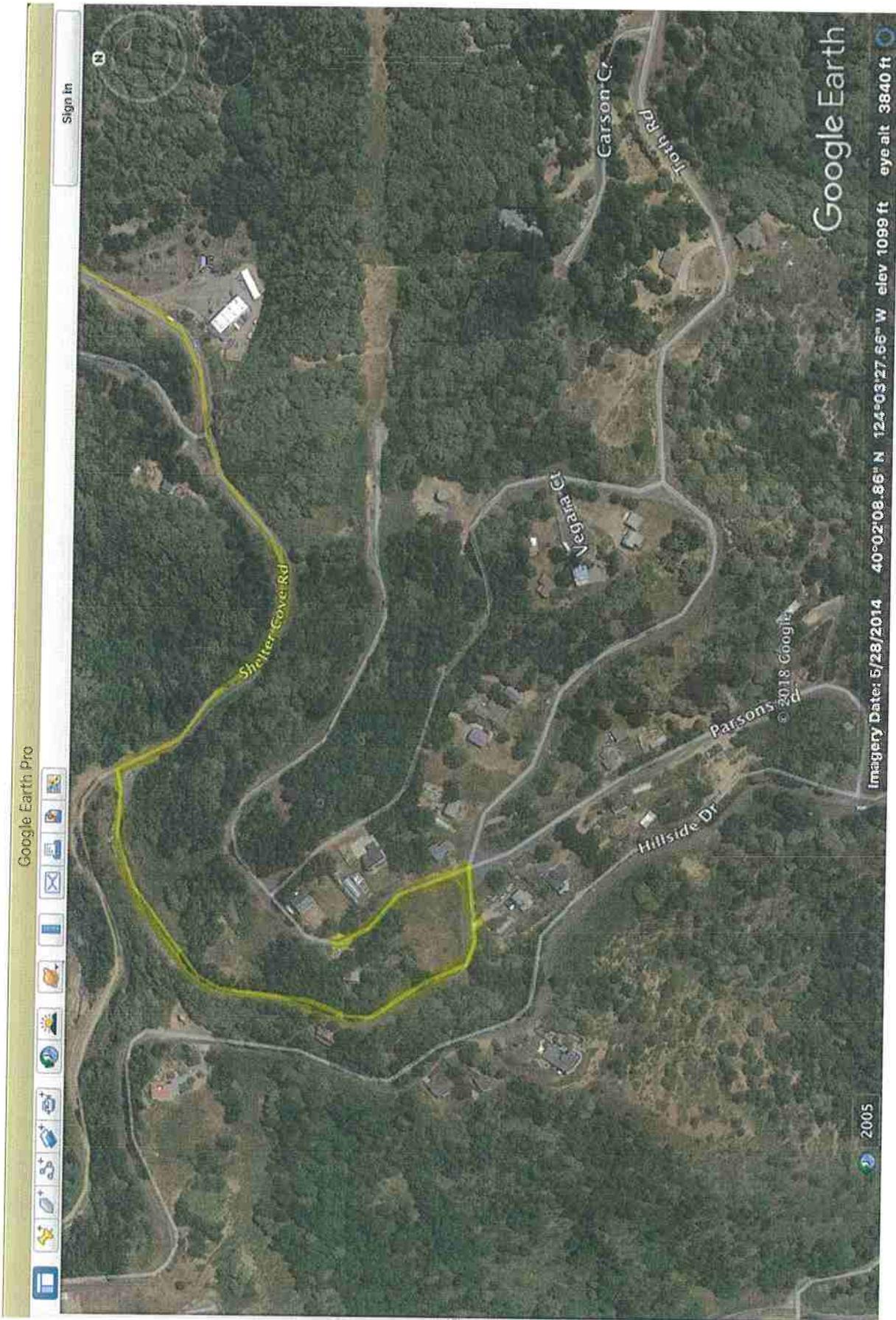
Date

Aug. 25 2018

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7203.

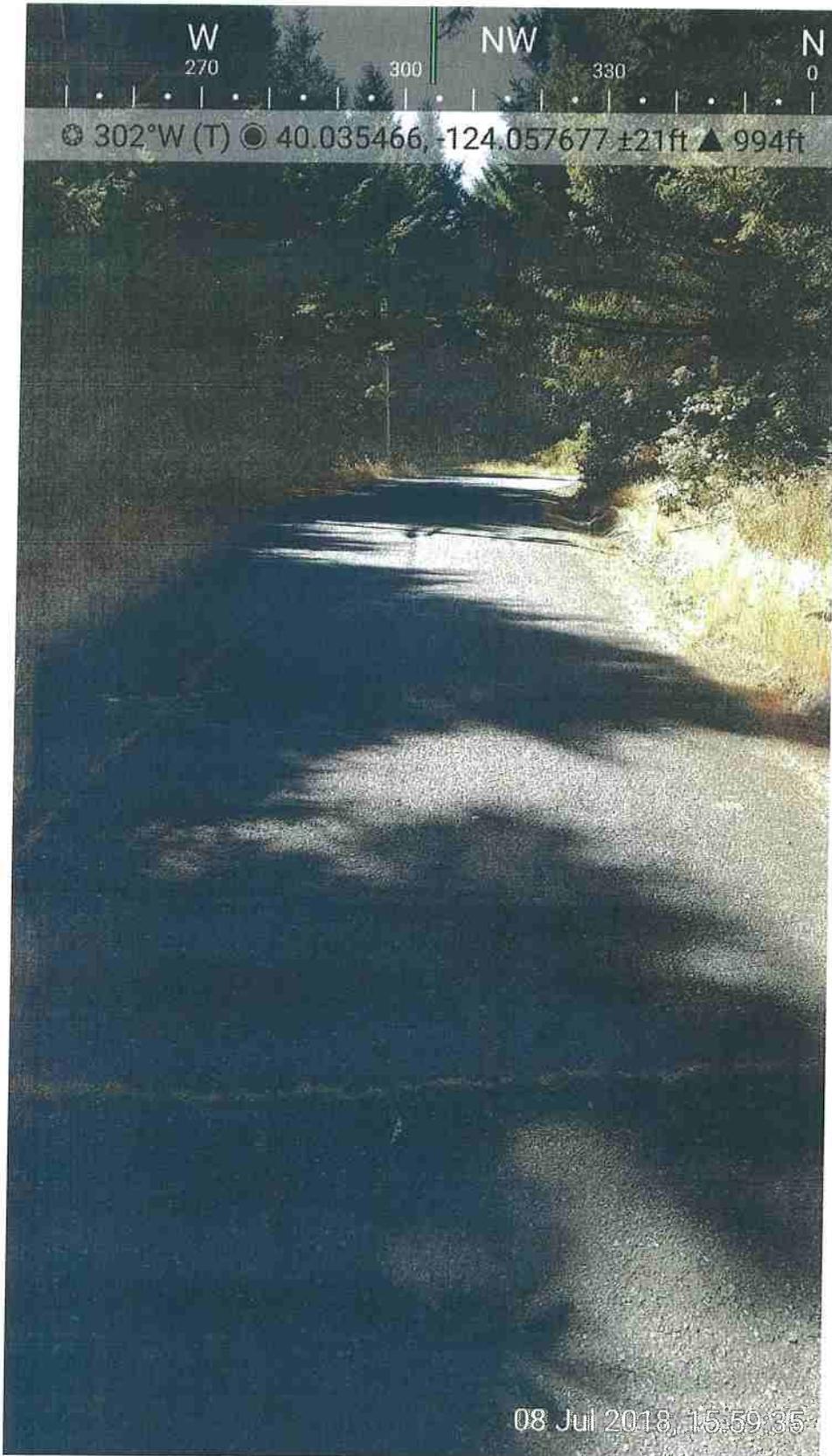
1. Aerial View



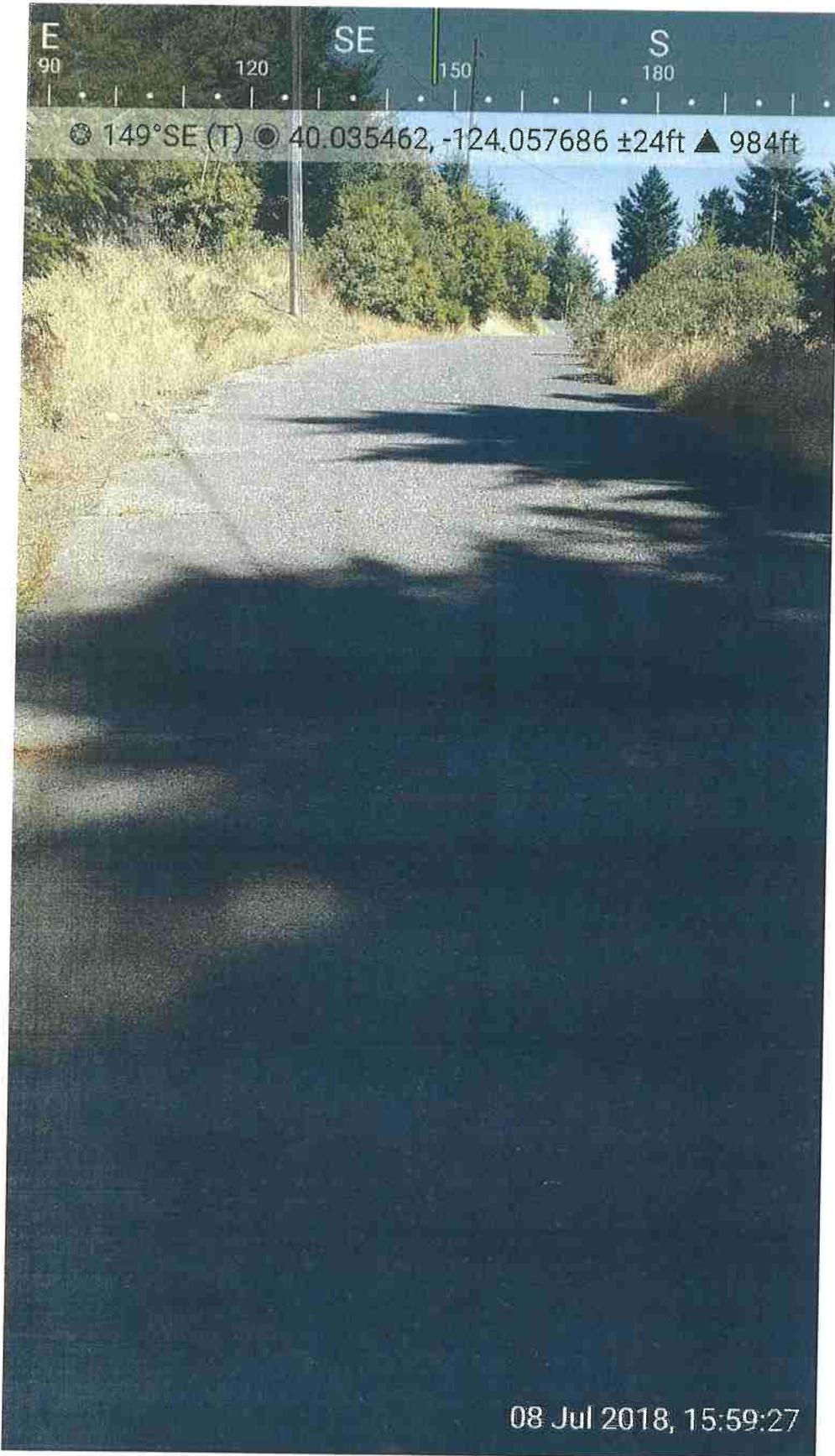
2. Photo Showing width of Parsons Road from curb to curb.



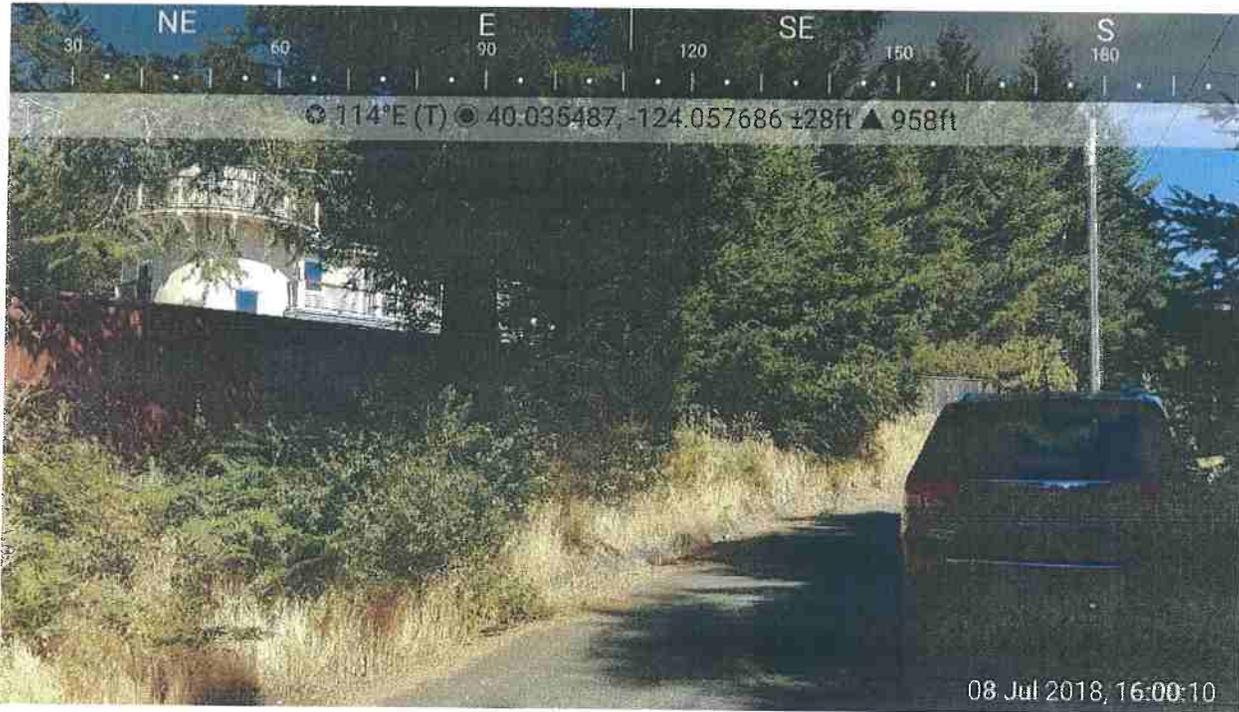
3.Photo of Parsons Road



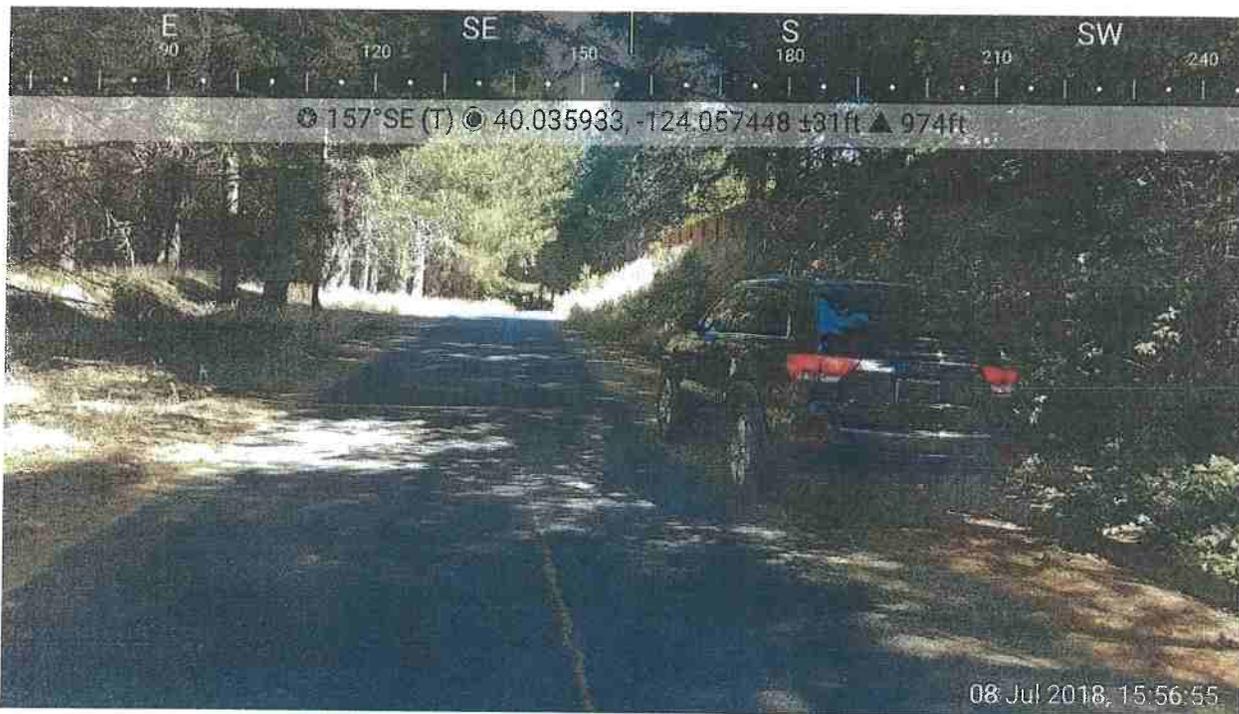
4. Photo of Parsons Road.



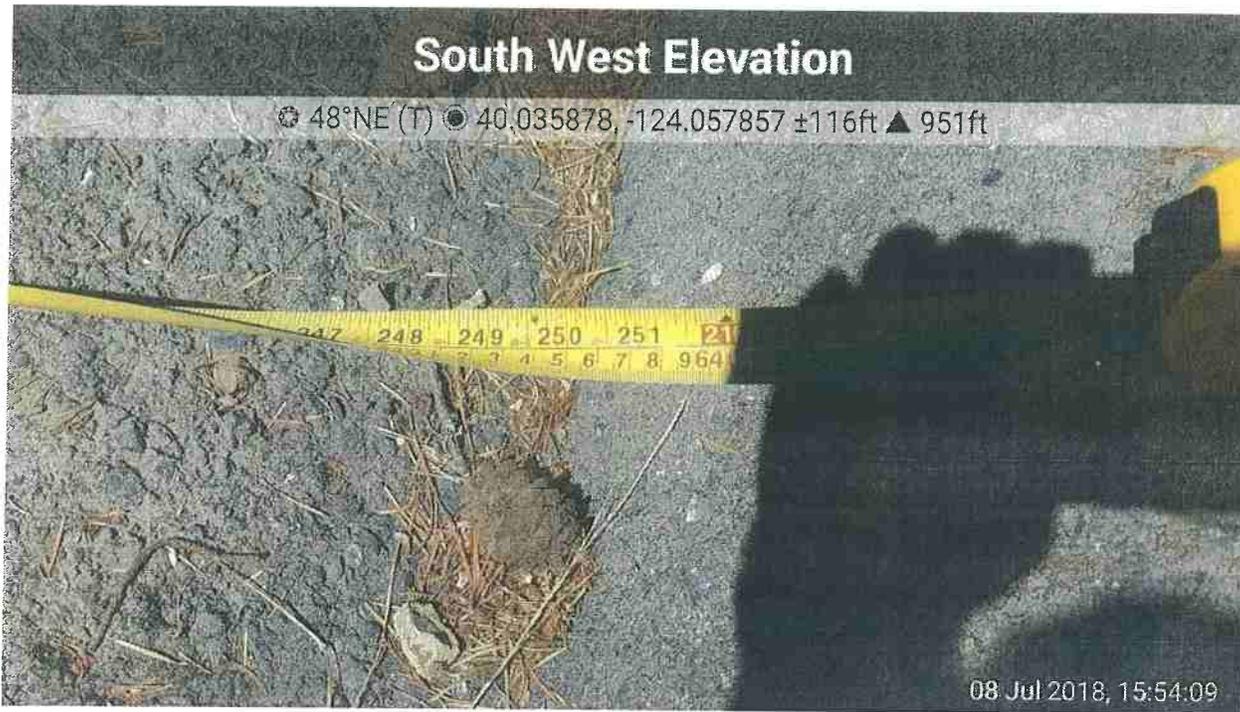
5. Photo of Parsons road, with house on A. N 110-051-031-000 for location reference.



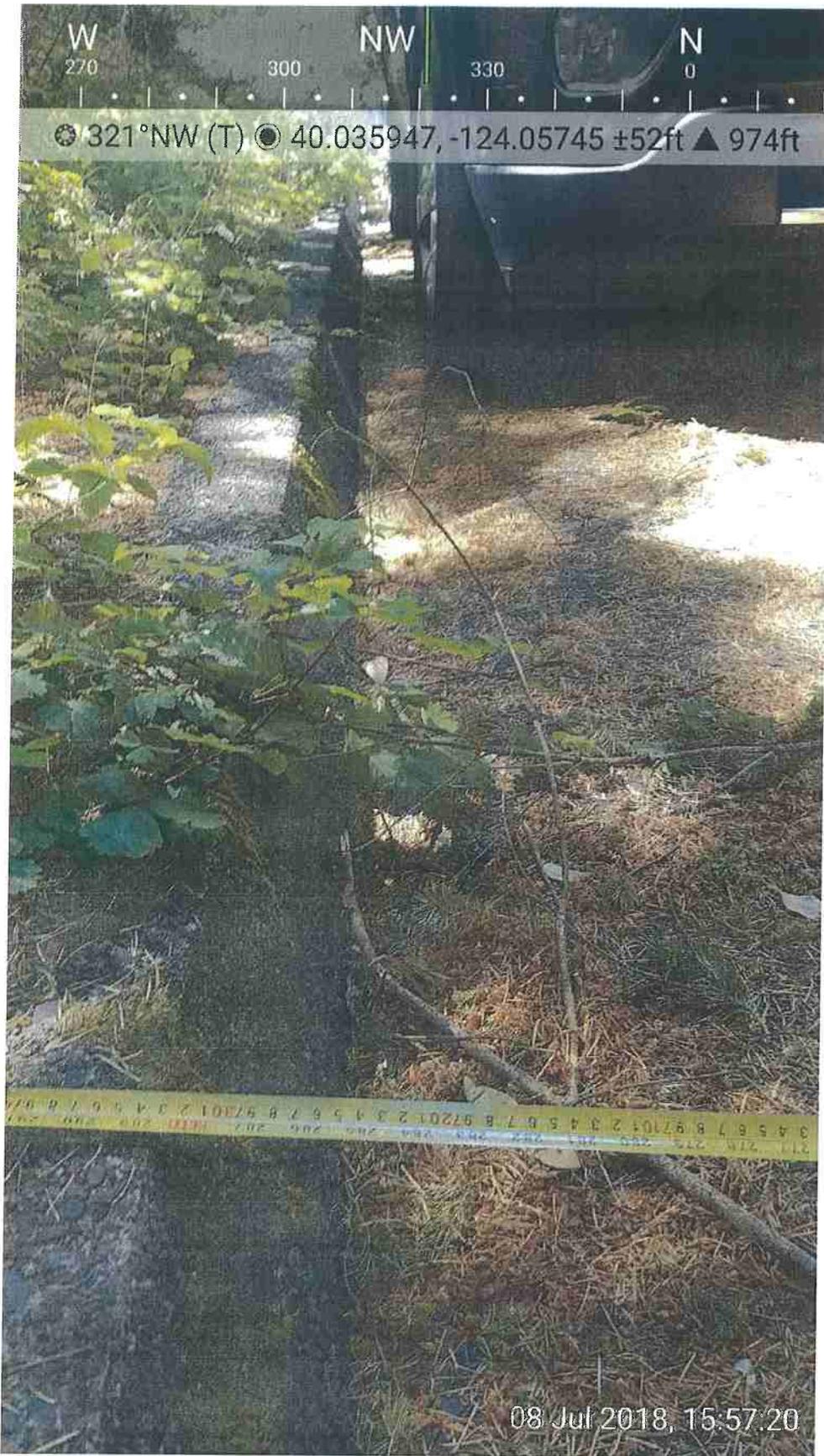
6. Photo of Olson Road, with car for width reference.



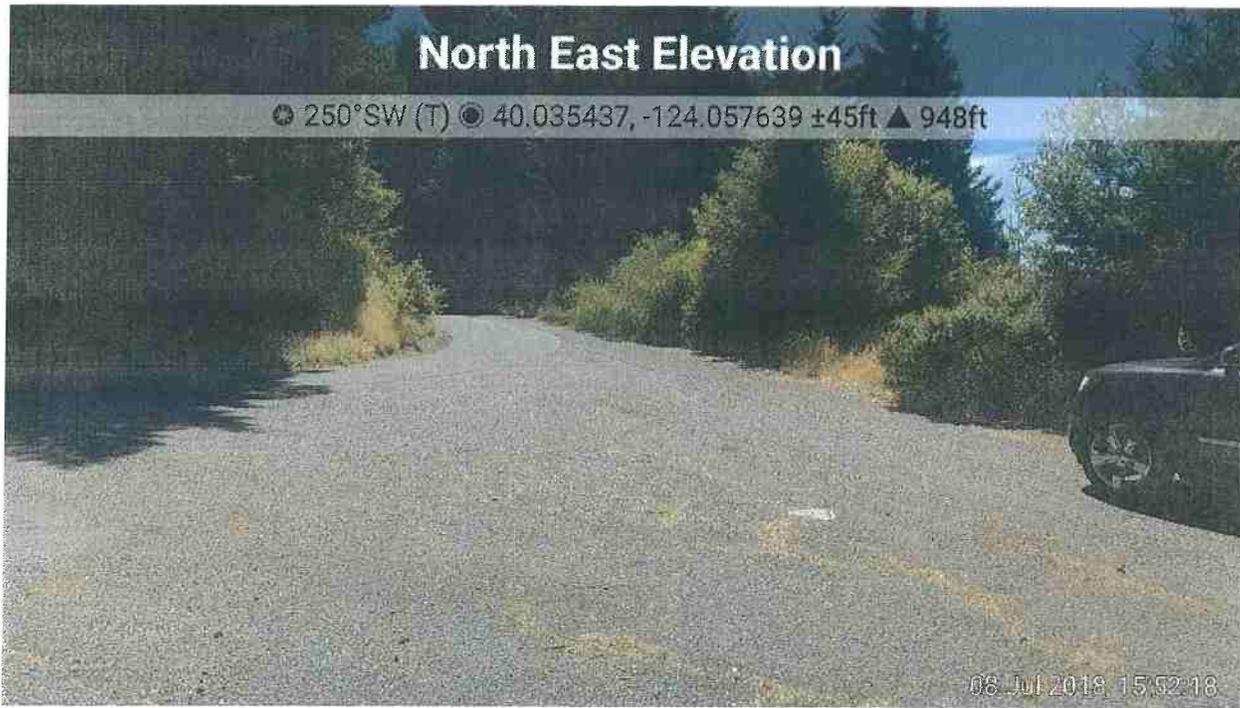
7.Measurement of Parsons Road



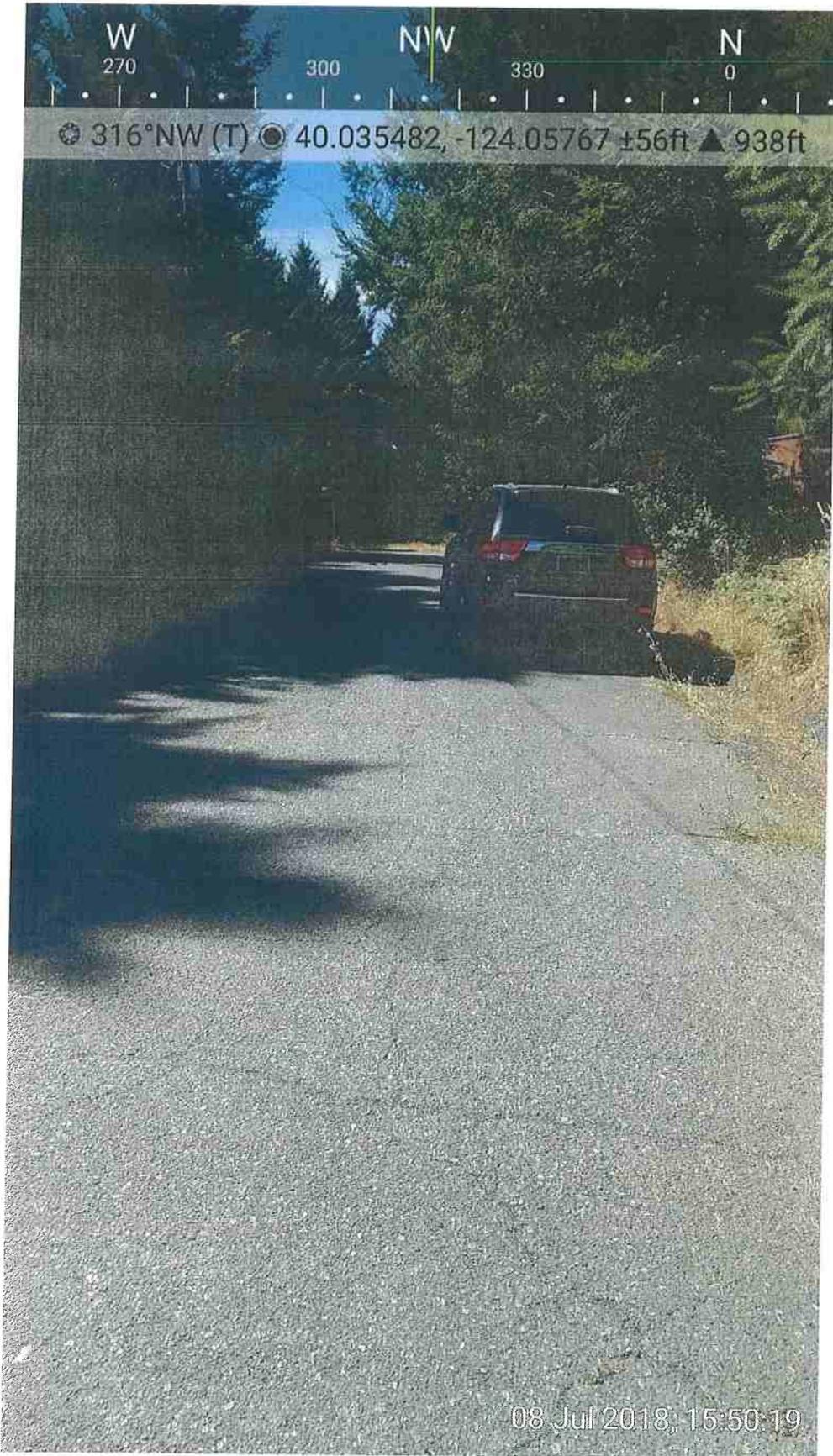
8. Measurement of Olsen Road



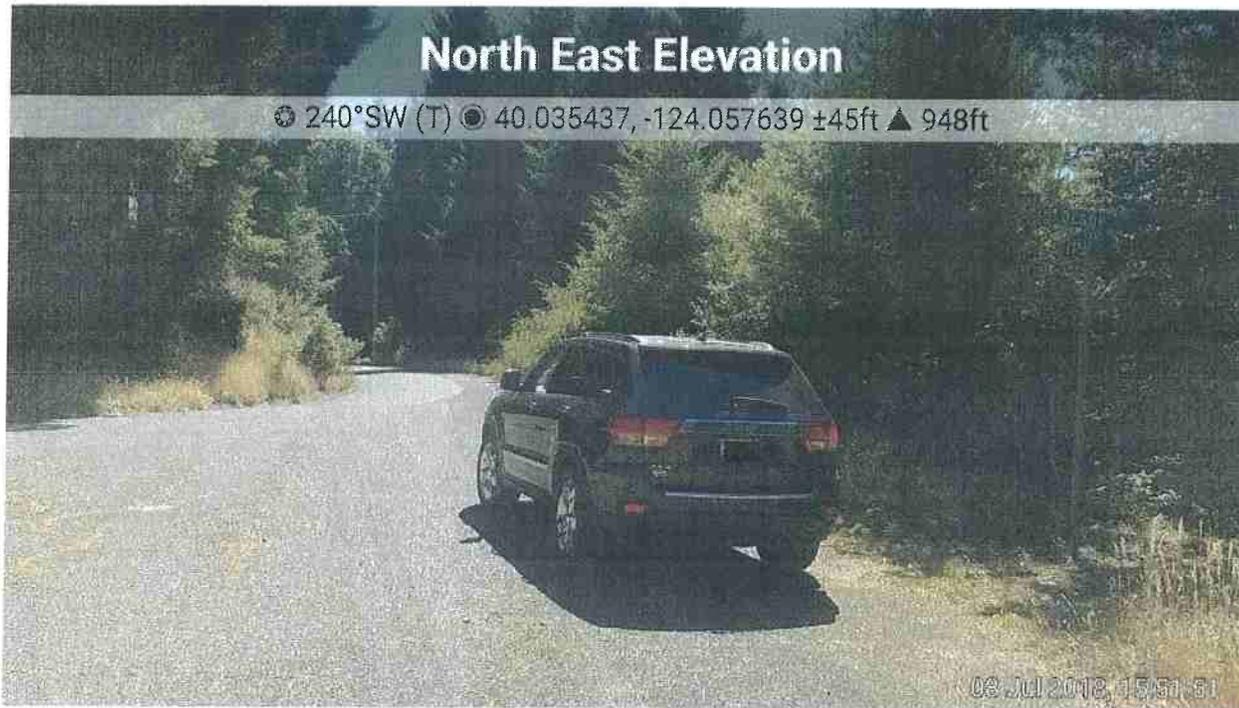
9. Shows Olsen Road intersecting Parsons Road



10. Olsen Road



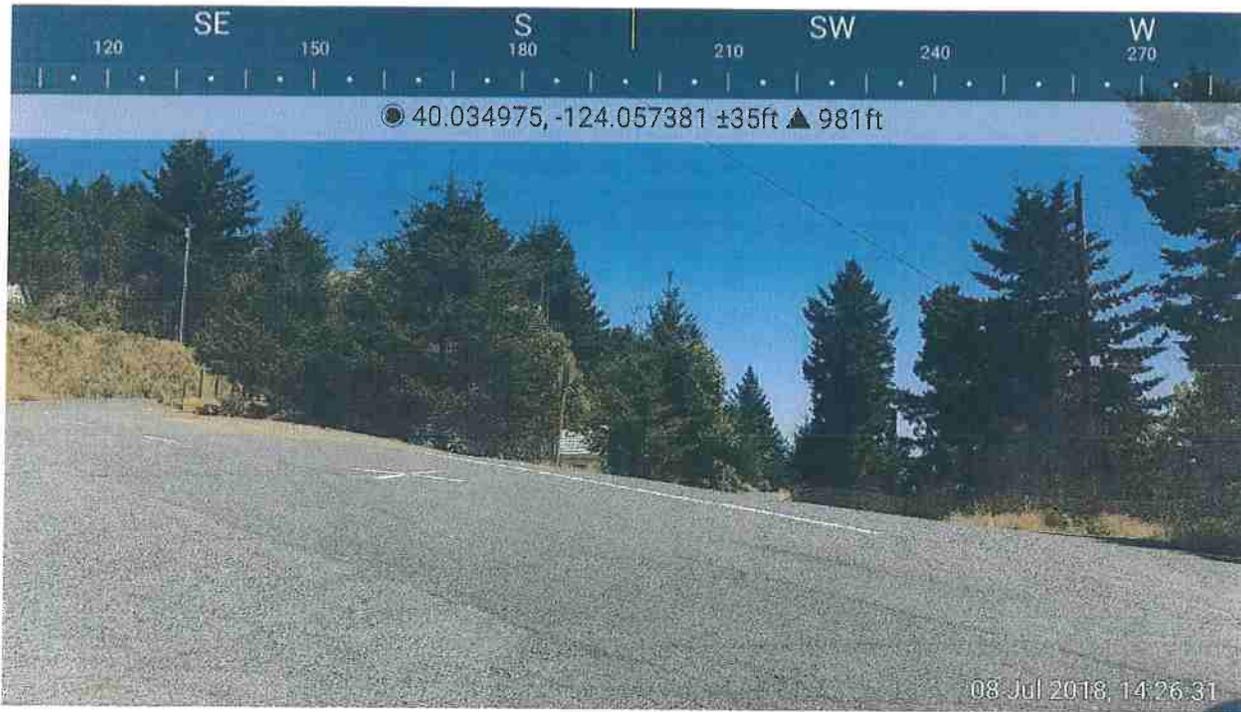
11. Parsons Road, at the intersection of an



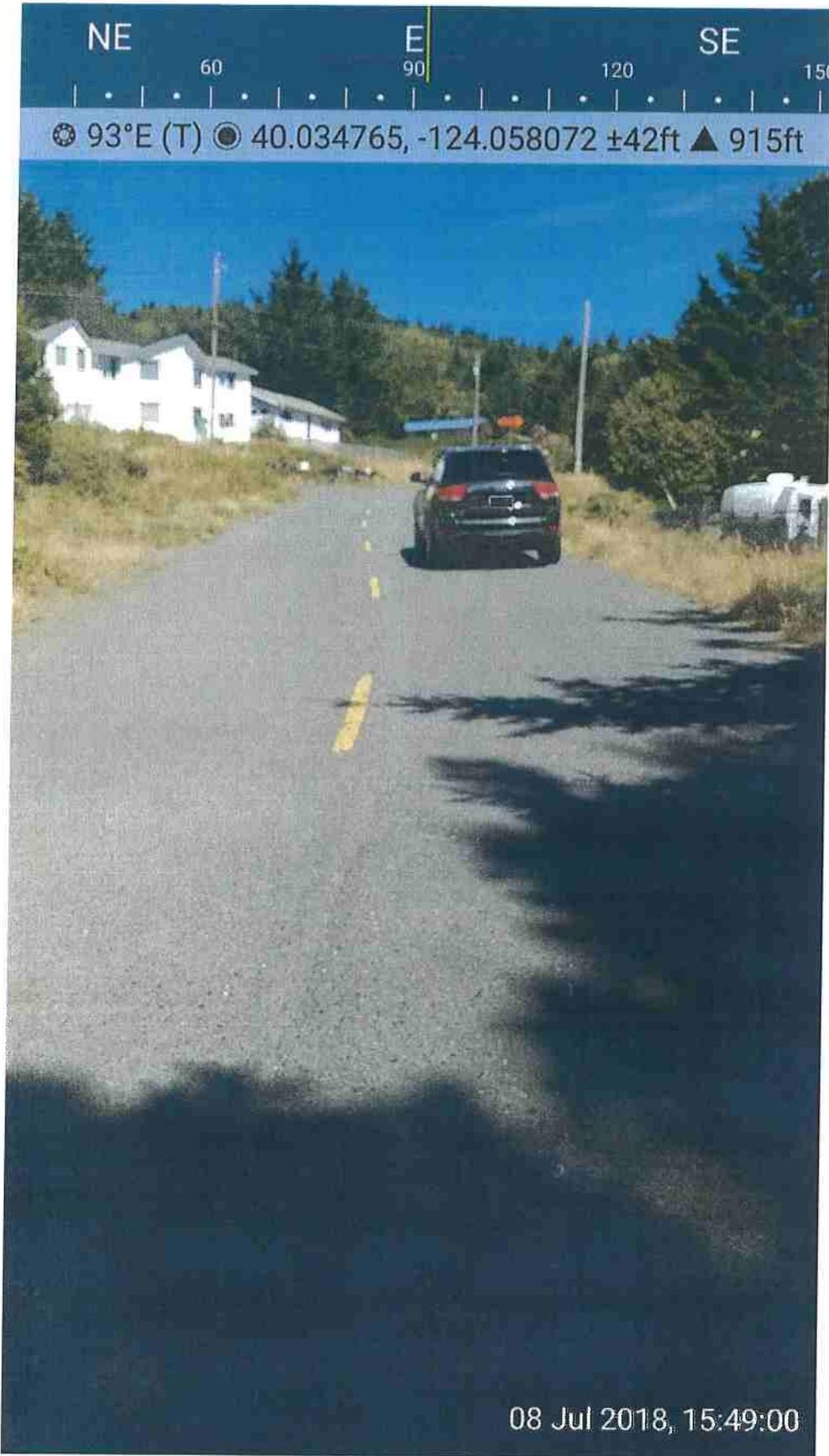
12. View of Olson Rd from Parsons Rd



13. Image of Toth Road, taken from Pars...s Road.



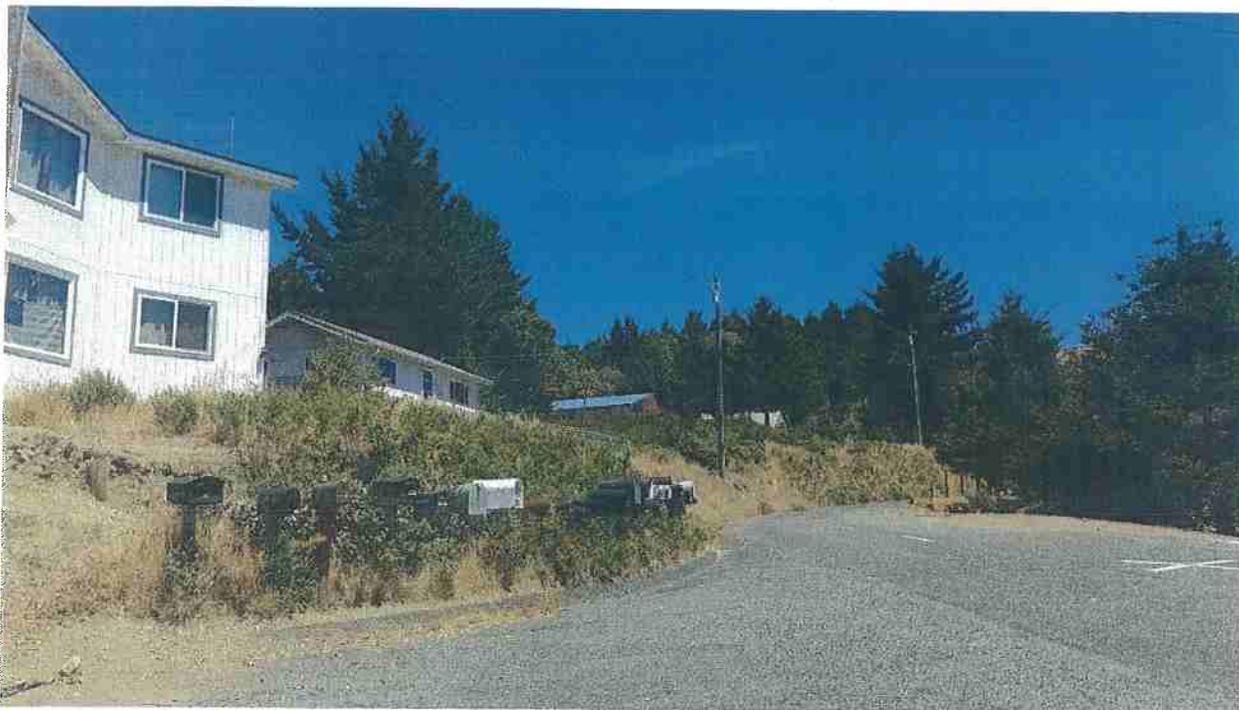
14. Toth Road.



15. Shelter Cove Road.



17. Intersection of Toth Road and Parsons Road, looking East



MINUTES

RESORT IMPROVEMENT DISTRICT NO. 1 BOARD OF DIRECTORS REGULAR BOARD MEETING December 17th, 2020

I. CALL TO ORDER

President Michael Schad called the meeting to order at 9:02 a.m.

II. ROLL CALL

Michael Schad, President	Present
Susan Fox, Vice President	Present
Jack Hargrave, Director	Present
David Sommer, Director	Present - Teleconference
Celeste Myers, Director	Present

III. PLEDGE OF ALLEGIANCE

IV. ACTION ITEMS

1. Ceremonial Oath of Office and Seating of Newly Elected Board Members.
2. Election of Officers for a One-Year Term Beginning December 17th, 2020:

- A. President
- B. Vice President

Nomination by Susan Fox of Michael Schad as President of the Board of Directors for a one-year term beginning with the December 17, 2020, Board Meeting (and ending with the December 2021 Board Meeting)

Roll Call Vote:

Ayes: Schad, Fox, Hargrave, Sommer, Myers.

Motion carried unanimously.

Nomination by Michael Sched of Susan Fox as Vice President of the Board of Directors for a one-year term beginning with the December 17, 2020, Board Meeting (and ending with the December 2021 Board Meeting)

Roll Call Vote:

Ayes: Schad, Fox, Hargrave, Sommer, Myers.

Motion carried unanimously.

V. PUBLIC COMMENT

Public comment taken.

VI. CONSENT CALENDAR

1. Approve Minutes of the November 19, 2020 Regular Board Meeting.
2. Approve Bills for Month of November 2020.

**Motion to approve the Consent Calendar.
Move/Hargrave, Second/Fox. Roll Call Vote:
Ayes: Schad, Fox, Hargrave Sommer, Myers.
Motion carried unanimously.**

VII. CORRESPONDENCE / DISCUSSION ITEMS

1. Sheriff's Office Report.
2. Fire Department Third Quarter Report.
3. Speed of Trust Board Member Book Assignment.
4. WAPA Operations and Maintenance Funding Agreement.

VIII. BOARD MEMBER / STAFF REPORTS

1. Directors' Reports/Comments.
2. General Manager's Operational Status Report Re: Golf Course, Airport, Water, Sewer, Electrical, Fire Department.

IX. UNFINISHED BUSINESS

None.

X. ACTION ITEMS

1. Consider Customer Opt-out Policy for Electrical Equipment Upgrades.

**Motion to not have a Customer Opt-out Policy for Electrical Equipment.
Move/Fox. Second/Sommer. Roll Call Vote:
Ayes: Schad, Fox, Hargrave, Sommer, Myers.
Motion carried unanimously.**

2. Consider Commercial Cannabis Nursery and Processing Facility.

Motion to approve the application for commercial electrical service at 246 Parsons Road.

**Move/Hargrave. Second/Fox. Roll Call Vote:
Ayes: Schad, Fox, Hargrave, Sommer, Myers.
Motion carried unanimously.**

Motion to approve the application for commercial electrical service at 266 Parsons Road.

**Move/Fox. Second/Hargrave. Roll Call Vote:
Ayes: Schad, Fox, Hargrave, Sommer, Myers.
Motion carried unanimously.**

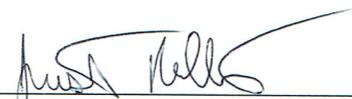
XI. OVERLOOKED ISSUES

None.

XII. ADJOURNMENT OF MEETING

Board President, Michael Schad adjourned the meeting at 10:54 a.m.

Respectfully submitted,



Justin R. Robbins
Board Secretary
Ss

ATTACHMENT 5
PUBLIC COMMENTS

From: [Jon Benton](#)
To: [Planning Clerk](#)
Subject: Kenneth Holland; Whitethorn (Shelter Cove): Special Use Permit, Record # PLN-13188-SP
Date: Tuesday, June 8, 2021 2:23:12 PM

The following comment and questions are submitted for consideration at the June 17, 2021 Zoning Administrator Meeting for this matter:

Comment: The pungent cannabis odor emitted from existing growing and processing operations near to the proposed facility frequently reduce the environmental quality of the residential areas adjacent to those operations. This Use Permit should not be supported or approved unless strongly enforced provisions are imposed upon the operators of the facility to control and eliminate those odors.

Question 1: How will this proposed facility control and eliminate the pungent cannabis odor from infiltrating and spreading into the neighboring residential area?

Question 2: What restrictions and/or requirements for controlling and eliminating the odor will be placed upon the operators of the facility?

Question 3: How will the odor control and elimination restrictions and/or requirements be enforced if the odor is detected on adjacent properties and reported after the facility goes into operation?

Thank you for the opportunity to comment and provide these questions,

jon
benton
AIA
orcutt | winslow

ARCHITECTURE
PLANNING
INTERIOR DESIGN

3003 north central ave
sixteenth floor
phoenix az 85012

602.257.1764 x4749 t
602.257.9029 f
www.owp.com

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