

McClenagan, Laura

From: Dave Thomas <doggerthomas@icloud.com>
Sent: Wednesday, July 28, 2021 3:58 PM
To: Planning Clerk
Cc: Aaron Andres
Subject: Project on 246 Parsons Rd. PLN- 13194-CUP

Hello, my name is David Thomas, and I'm the new owner, of 246 Parsons Rd, the address of the project mentioned. I just recently purchased the property, from Sean Moynihan. After just hearing about this project and upcoming hearing, I contacted Mr. Moynihan, who told me ,that Mr Holland filed for this permit a few years ago, while on a lease agreement. That lease has since expired, in 2020. Mr Moynihan, has been living out of state, and stated that Mr Holland has been " squatting on his property". I basically want to save you guys the time and paperwork, involved in passing this, when I have no intention of signing off on this project. I'm also want to mention, that there is a permit opened, for the lot next door, which is owned by Aaron Andres. I'm not sure if it's Mr Holland pushing forward on that, but that too, is not happening. The application number for that project is 13197. The APN is 110-051-030-000. Thank you guys, I appreciate your looking into these projects, before passing them, so no more time and energy is wasted, on Mr Holland's exploits.

Thanks again
Dave Thomas
(831)332-2018

Sent from my iPad

McClenagan, Laura

From: Dave Thomas <doggerthomas@icloud.com>
Sent: Wednesday, July 28, 2021 4:00 PM
To: Planning Clerk
Cc: Aaron Andres
Subject: Project on 246 Parsons Rd. PLN-1394-CUP

Copy of Deed after purchase of 246 Parsons RD. Shelter Cove, Ca (project is not happening).
Also, copy of letter, concerning project next door. (project is not happening).

**Recording Requested By And
After Recording Return to:**

David Thomas
P.O. Box 1791
Redway, CA 95560

Mail Tax Statements To:

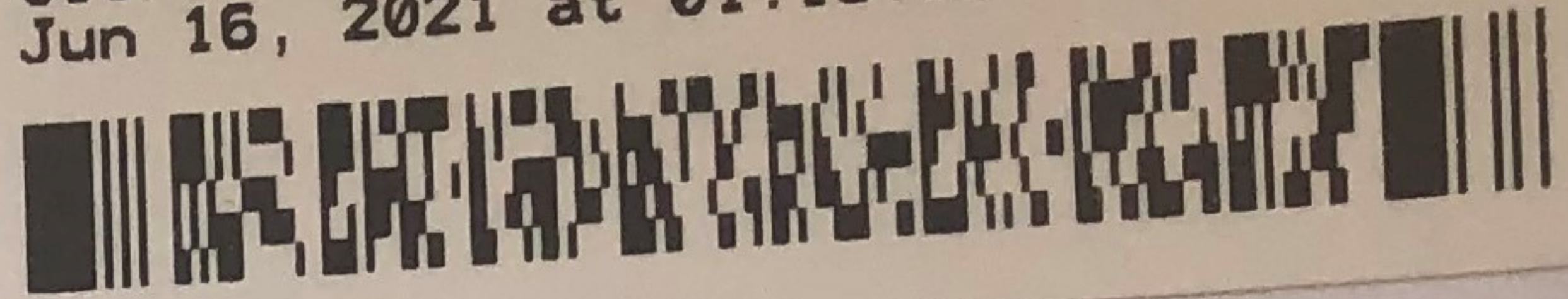
David Thomas
P.O. Box 1791
Redway, CA 95560

2021-013568

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: DAVID THOMAS

Pages: 2

Recording Fee: \$ 16.00
Tax Fee: \$23.65
Clerk: sc Total: \$39.65
Jun 16, 2021 at 01:18:33



Space above this Line for Recorder's Use

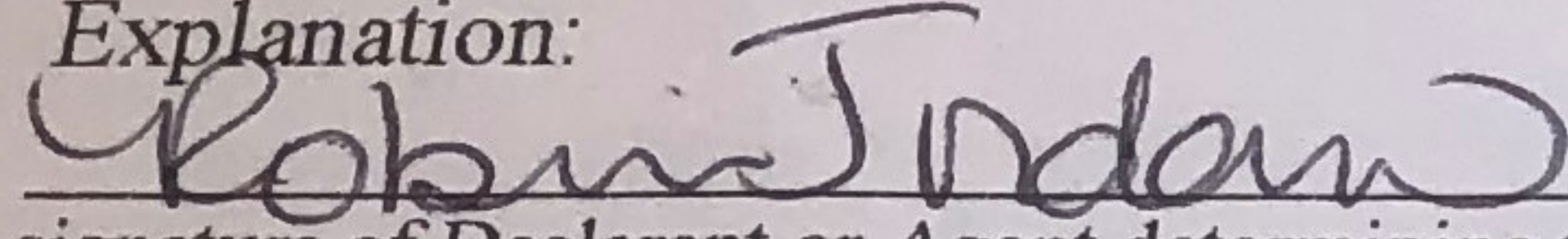
QUITCLAIM DEED

The undersigned Grantor(s) declare(s)

DOCUMENTARY TRANSFER TAX IS \$23.65

If exempt, enter R&T code:

Explanation:



signature of Declarant or Agent determining tax

APN: 110-051-029

- (X) Computed on full value of property conveyed, or
() Computed on full value less value of liens and encumbrances remaining at time of sale.

SB2 Bldg Homes and Jobs Act Exemption:

- (X) Recorded concurrently "in connection with" a transfer subject to the imposition of documentary transfer tax (DTT) - GC 27388.1 (a) (2)
() Recorded concurrently "in connection with" a transfer of real property that is a residential dwelling to an owner-occupier - GC 27388.1 (a) (2)
() Maximum \$225 fee per transaction has been reached - GC 27388.1 (a) (1)
() Not related to real property - GC 27388.1 (a) (1)
() Document is "expressly exempt from payment of recording fees" - GC 27388.1 (a) (1)
() No exemption applies

(X) Unincorporated area: () City of Fortuna, and

By this instrument dated May 22, 2021, for a valuable consideration,

GRANTORS SEAN MOYNIHAN, a married man as his sole and separate property hereby **GRANTS** **DAVID THOMAS** a single man, the following described real property in the Unincorporated Area, Humboldt County, State of California, described as:

Lot 2, Block 192, Tract No. 42 (Shelter Cove Subdivision), according to the map thereof on file in the Office of the County Recorder of Humboldt County, California in Book 14 of Maps, Pages 73 to 138, inclusive, and Amended Map filed in Book 15 of Maps, Pages 64 to 116 inclusive

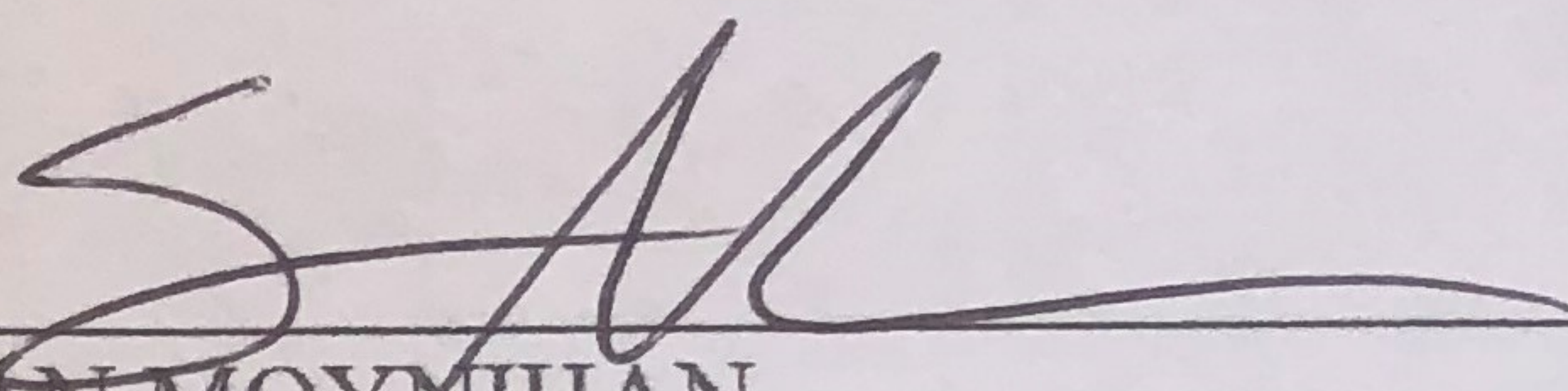
EXCEPTING THEREFROM all water and water rights in, under or flowing over said land or appurtenant thereto.

ALSO EXCEPTING THEREFROM 50% of all oil, gas and other mineral and hydrocarbon substances below a plane of 500 feet beneath the surface thereof, but without the right of surface entry.

Being the same as reserved by the Bank of California National Association, a national banking association, as Trustee, in Deed recorded June 19, 1990 as instrument No. 1990-14430-1, Official Records.

APN: 110-051-029

6-12-2021
Date


SEAN MOYNIHAN

ACKNOWLEDGMENT

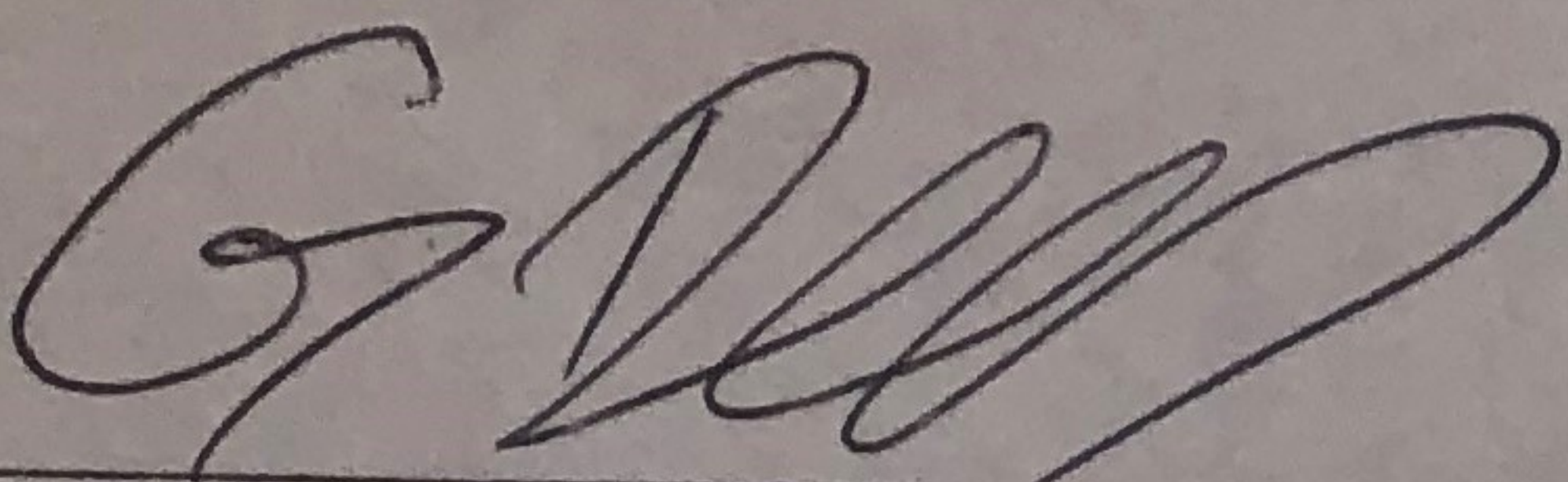
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

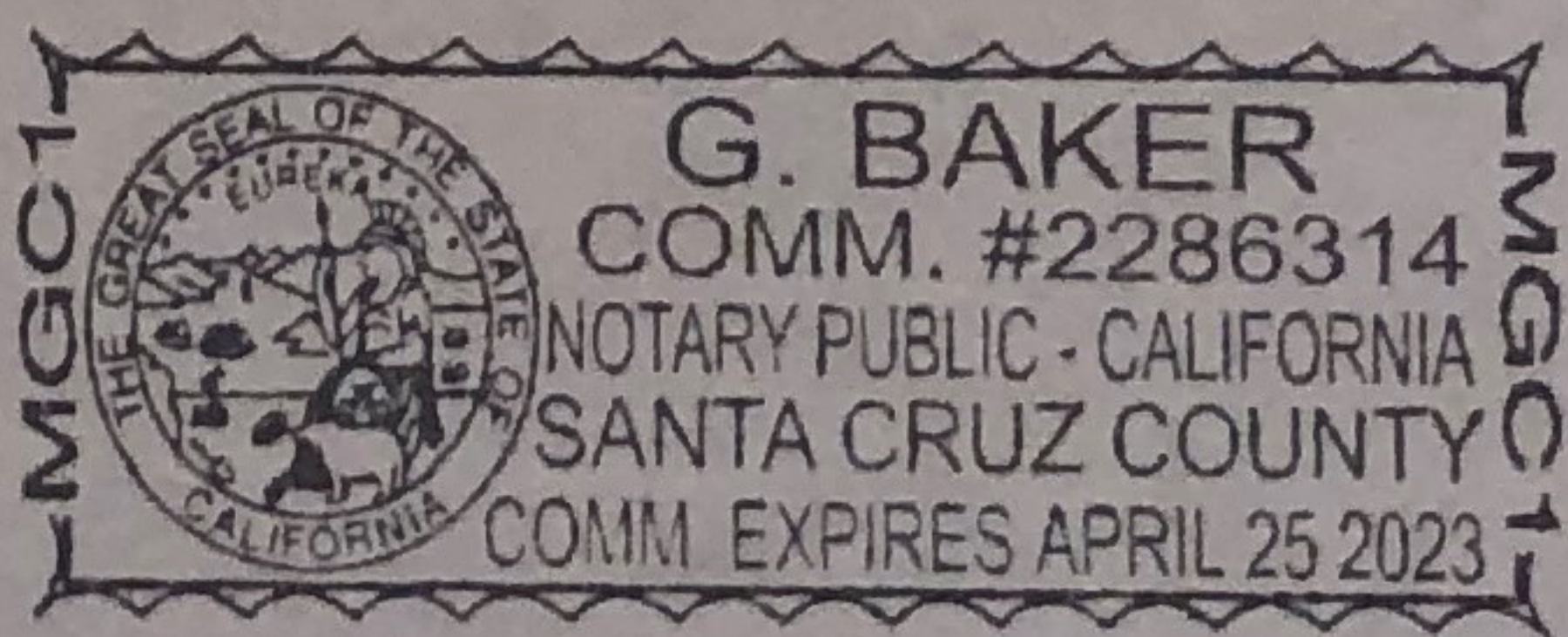
State of California)
County of SANTA CRUZ

On 06/12/2021, before me, G. BAKER, Notary Public, personally appeared Sean Hendrix Moynihan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

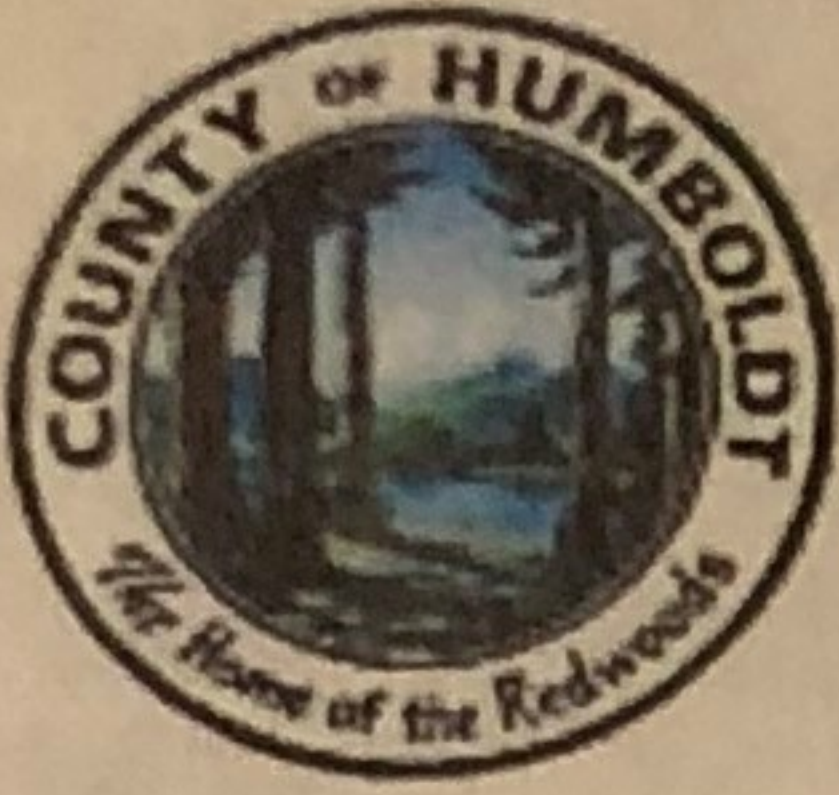
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


, Notary Public



(Seal)



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
PLANNING DIVISION
3015 H Street Eureka, CA 95501 Phone: (707) 445-7541

Sean Moynihan
153 Honey Way
Templeton, CA 93465

07/15/2021

RE: Application (APPS#): 13197

Key APN: 110-0511-030-000

Dear Applicant,

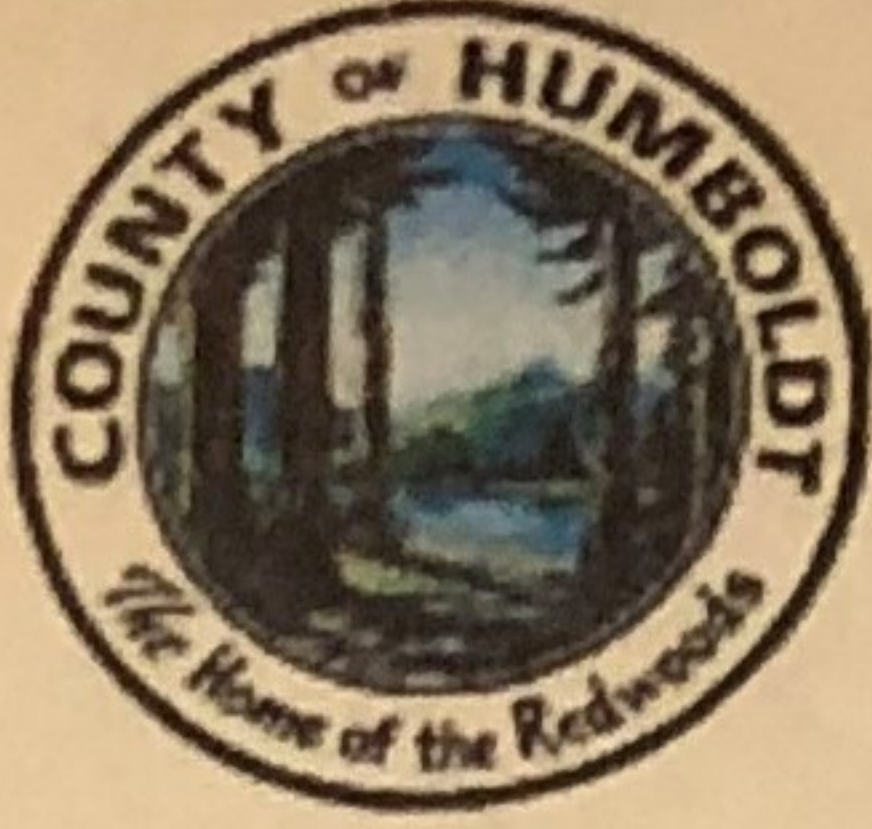
Thank you for the application submittal mentioned above. We have reviewed your initial application submittal and it has been accepted for processing as of the date of this letter. We have referred the project to the affected reviewing agencies based on the project description shown on the enclosed Project Transmittal.

Please review the project description. If you believe it to be incorrect or wish to make any changes please contact us as soon as possible, as this is the description from which we will be working.

The four milestones for all projects are *Application*, *Processing*, *Decision* and *Implementation*. This update letter confirms that you are now in the *Processing* step. In the course of processing your application it may be necessary for you to submit one or more of the items listed on the Application Submittal Requirements Checklist that were not required as part of your initial application. We will request this information before scheduling final action on the application if needed to respond to questions from referral agencies or to conduct an environmental review of the project. In addition you may be asked to clarify, correct or otherwise supplement the information already provided.

Cc: Owner, Agent

Enc: Project Transmittal, CalFire Basic
Project Review Input



COUNTY OF HUMBOLDT
Planning and Building Department – Current Planning
3015 H Street, Eureka, CA 95501 ~ PHONE (707) 445-7541
PROJECT TRANSMITTAL

APPLICANT KEY PARCEL 110-051-030-000 **DATE** 7/15/2021 **CONTACT** Harris & Assoc **APPS#** PLN-13197-CUP

PROJECT INFORMATION

SUBJECT Sean Moynihan - CUP for new type 4 nursery

PROJECT TYPE Conditional Use Permit (CCLUO1)

PROJECT DESCRIPTION A Conditional Use Permit for 11,200 sq ft of existing, type 4 medical cannabis nursery. Water for irrigation is from a municipal source. There is no water storage on this parcel. The applicant states that up to three employees are needed for operations. Electricity is sourced from PG&E.

PROJECT LOCATION

The project is located in Humboldt County, in the Shelter Cove area, on the south side of Shelter Cove Rd, approximately 300 feet NW from the intersection of Parsons Rd and Toth Rd, on the property known to be in Township 05S of Range 01E Section 10 Humboldt Base & Meridian.

PRESENT PLAN DESIGNATIONS Commercial General (CG); Shelter Cove Community Plan; Density: NA; Slope Stability: High Instability (3)

PRESENT ZONING Community Commercial (C2); Qualified, Design Control (Q-D)

KEY PARCEL NUMBER 110-051-030-000

ADDITIONAL PARCEL #S

APPLICANT INFORMATION

Name Sean Moynihan
Address 1 153 Honey Way
Address 2
City Templeton **State** CA **Zip** 93465
Phone **E-Mail** moynihan45@gmail.com

OWNER INFORMATION

Name Andres Aaron Smjt & Tergis Liana
Address 1
Address 2 Po Box 115
City Whitethorn **State** CA **Zip** 95589
Phone **E-Mail**

AGENT INFORMATION

Name Pacific Affiliates
Address 1 990 W Waterfront Dr
Address 2
City Eureka **State** CA **Zip** 95501
Phone **E-Mail** nmeyers@pacaff.com

ADDITIONAL PROJECT INFORMATION

ADDITIONAL OWNERS

DECISION MAKER Planning Commission

ENVIRONMENTAL REVIEW REQUIRED?

MAJOR ISSUES

STATE APPEAL STATUS Project is NOT appealable to the CCC

PRELIMINARY CEQA FINDINGS

CEQA EXEMPTION SECTION

Kenneth Holland

246 Parsons Rd.

PLN: 13194-CUP

APN: 110-051-029

Hearing Date: June 17, 2021

The Planning Commission must be aware that there are severe impacts that approval of this proposed project will bring and that mitigation must be included in the requirements and/or rejection as an inappropriate proposed use since it is located in a primarily residentially zoned neighborhood.

- The fact the parcel in question was zoned commercial fifty-seven (57) years ago when the county approved the sub-division map never, in anyone's wildest dream, took into consideration that it might be used for a commercial cannabis operation. Outside of two additional adjacent commercially zoned parcels, the hundreds of parcels surrounding the proposed project are all zoned residential and it can be easily said that people who have families will be hesitant to build and raise their children in such close proximity to such an operation. This is not to mention the potential negative impact it will have on property values.
- Zoned C-2 or Community Commercial, there is no way, even under any Principally Permitted Uses, that this meets the definition or intent of "Community". And even if it does technically meet the definition, I do not think the possibility of a project being located in a residential neighborhood was ever considered.
- The Lease Agreement included in the file was for two years and **expired** 12/31/2020. There is no indication or documentation it has been extended which would mean a key component of the application is null and void.
- Parking is not sufficient if the combined square footage (1880) of the two proposed structures is taken into account, especially since there is no on-street parking allowed in Shelter Cove.
- While the FTE count has been reduced per the Addendum, there has been no updated revision to the CUP – Environmental Health review or discussion of the septic system proposed.
- While the Processing Operations plan original FTE has been reduced, the fact that there might be twenty-four (24) hour operations in a quiet residential neighborhood and the noise accompanying employee comings and goings at all hours is not acceptable and should be mitigated.
- The security proposed for the site is totally insufficient. Seeing response time from Eureka is greater than two (2) hours most nights and weekends, if not longer - if at all,

the access, lighting and alarm will, in no way, deter a “Home Invasion” type scenario endangering both existing and future residents and their children along with any employees that happen to be on site.

- The existing six (6) foot fence surrounding the property will have to be modified to allow access for the proposed development but past grows on the property were reasonably well screened from view if not satellites (re: Notice of Violation from 2/2020). There is no indication of the overall dimensions of the enormous greenhouse proposed just the square footage (980 sq. ft.) Of biggest concern is the height and visual blight as larger greenhouses can reach twelve feet at their peak.
- There is no discussion in the paperwork of the impact this much cultivation will have on the issue of smell and how it would be addressed as it could easily permeate the neighborhood and cause a significant impact on property values.
- Since the owner of this parcel did not consolidate it with the adjacent one where a 2,000 square foot facility is to be located in the existing metal building (13188), the two projects should be considered as a whole, not arbitrarily separated from consideration and the review should encompass the impact of both.

Respectfully submitted,

/s/ Jim Ferguson

Shelter Cove

Kenneth Holland

246 Parsons Rd.

PLN: 13194-CUP

APN: 110-051-029

Hearing Date: August 5, 2021

Addendum to Submittal of June 10, 2021

The following items are to be considered additions to my original submittal of June 10, 2021.

- Under General Conditions No. 13, the Public Works Department states:

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...**

The requirement for approval under the Executive Summary is just **12 feet wide** graveled. If this is a commercial project on a commercially zoned parcel, why has this requirement been so dramatically reduced?

- The parcels in this section of Shelter Cove run from street to street, either between Olson Rd. and Parsons Rd. or Olson Rd. and Toth. The width of Olson where this project is proposed is 23 feet. When the subdivision map was approved 50+ years ago, it was with Public Works requiring that access to these lots be from Olson Rd. as can be seen by all **five** Single-Family Residences that have been constructed since that time. I did not find anywhere in the attachments that Public Works has signed off on the proposed Parsons Rd. access.
- Under Finding 6 (c): The location of the proposed cannabis cultivation (980-SF greenhouse) is more than 300 feet from the nearest off-site residence.

This is **WRONG**. Using a laser measure, I confirmed that the distance to the nearest off-site residence to the west located at 261 Parsons Rd (110-051-23) is **approximately 135 feet**. The distance to the nearest off-site residence to the south (110-051-31) is **approximately 115 feet**.

- While project number 13197 is currently classified as “In Referral”, this adjoining parcel (110-051-30) is being proposed as a location for a new type 4 nursery - *A Conditional Use Permit for 11,200 sq ft of existing, type 4 medical cannabis nursery*. I was told by the Planning Department that while they had hoped to put all three projects before the Planning Commission at the same time, the individuals behind 13197 are not yet ready to proceed. One thing the Planning Commission needs to be aware of is that all three projects (13188, 13194 & 13197) have one individual in common attached to each – Sean Moynihan – therefore they can not be arbitrarily separated and their impact must be considered as a whole and not piecemeal.

I respectfully request that 13194 along with 13188 be removed from the consent calendar for needed discussion of the massive impact these projects will have on our quiet residential neighborhood.

/s/ Jim Ferguson

Shelter Cove