

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT  
RECOMMENDING THE BOARD OF SUPERVISORS CERTIFY COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA)**

**Resolution Number 22-102**

**Record Number PLN-16400-CUP**

**Assessor's Parcel Number: 015-111-006, 015-111-012, and 015-111-013**

**WHEREAS**, the **Lucas & Myrtle Mini-Storage Center** project submitted an application and evidence in support of approving a Conditional Use Permit (CUP) to develop a min-storage center;

**WHEREAS**, the Humboldt County Planning Commission held a duly noticed public hearing on September 15, 2022, and reviewed, considered, and discussed the CEQA document, along with the application for a CUP and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                   **Project Description:** The proposed Lucas & Myrtle Mini-Storage Center (project) includes a lot line adjustment, minor zone boundary adjustment, CUP, and the construction and operation of a mini-storage center in unincorporated Humboldt County in the Myrtle town area of Eureka. The site originally consisted of three parcels. An approved lot line adjustment allowed the parcels to be reconfigured into two parcels in February 2022—a small 5,500-square-foot (sf) residential lot on the northern end of the site and a remaining lot of approximately 2.1 acres to be commercially developed. Associated with the lot line adjustment was the adjustment of the site's zoning boundary between the Neighborhood Commercial zone (C-1/GO) and Apartment Professional residential zone (R-4/GO, Q). The home and garage in the northeast corner would become its own separate parcel. The remaining structures on the project site would be removed and replaced with an office/caretaker building with 1,800 square feet on the first floor and 1,800 square feet on the second floor. The remaining commercial area would be developed and used as a mini-storage center. This area would be equivalent to a lot area coverage of less than 45 percent on the 86,269-sf lot. The building appearance would be typical of other existing mini-storage companies in the Humboldt Bay area.
- EVIDENCE:**                   a) Project File: PLN-16400-CUP

                                      b) The project description in the Mitigated Negative Declaration (MND) provides a complete description of all activities associated with the project.
- 2. FINDING:**                   **Lead Agency:** The County of Humboldt is designated as the lead agency for permitting the Lucas & Myrtle Mini-Storage Center.

                                      a) For purposes of CEQA, the County of Humboldt was designated as the lead agency per CEQA Guidelines Sections 15050(a) and 15051, for the project because the County is the public agency with the greatest responsibility for supervising or approving the project as a whole.
- 3. FINDING:**                   **CEQA.** The requirements of CEQA have been complied with. An IS/MND was prepared for the project and circulated for public review. The conclusion of the MND is that there are not any potentially significant impacts that cannot be mitigated.

- EVIDENCE:**
- a) The CEQA document includes an analysis of the proposed project. The IS/MND was circulated for public review from July 15, 2022, to August 13, 2022 (SCH# 2022070274).
  - b) The MND reflects the County's independent judgment and analysis.
  - c) The Planning Commission has considered the proposed MND together with the analysis and all public and agency comments received during the public review process and the whole record.
  - d) The MND includes ten (10) mitigation measures that have been incorporated into a Mitigation Monitoring and Reporting Program which is being adopted as part of the project.

**4. FINDING** The County has fulfilled the obligations under Assembly Bill (AB) 52 (CEQA 21080.3.1) consulting with tribes to determine if there is the potential for tribal cultural resources associate with the site.

- EVIDENCE**
- a) A letter offering an opportunity for tribal consultation pursuant to AB 52 was sent to all local tribal officials on November 24, 2020. No requests for consultation were received.

**5. FINDING** **Areas of No Impact.** Based upon the findings of the MND, and as discussed in Chapter 2 of the MND, Agriculture and Forestry, Energy, Hazards and Hazardous Materials (c through g), Hydrology and Water Quality (c[4], d, e), Land Use Planning, Mineral Resources, Noise (c), Population and Housing, Recreation, and Wildfire, were determined to not have any environmental impact and were not evaluated in the MND.

- EVIDENCE**
- a) The project site does not include any farmland, forest land, or timberland, or land zoned for these uses thus there could be no impact.
  - b) No wasteful, inefficient, or unnecessary consumption of energy resources is planned. Because of the nature of the project, it is anticipated that the mini-storage center would use very little energy resources.
  - c) The project would not store, transport, or use hazardous materials. The project site is accessed from either Lucas Street or Myrtle Avenue. The project would not impair or physically affect any adopted emergency response plan or evacuation plan. The project would not require the closure of any public or private streets or roadways and would not impede access of emergency vehicles to the project site or any surrounding areas.
  - d) No aspect of the project would impede or redirect flood flows as the project site is not within a flood zone. There are no conditions associated with the project that would result in a conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
  - e) With approval of the above-noted discretionary permits the project would not disrupt or divide the physical arrangement of the community, and it was determined that the project would not conflict with any adopted land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.
  - f) There are no known mineral resources or mining operations in the area and thus there is no impact.

- g) There are no private airstrips in the project area; therefore, the project would not be within the vicinity of a private airstrip.
- h) The project does not include any new homes or new roads or other growth-inducing infrastructure. Therefore, the project would not induce substantial unplanned population growth in the area either directly or indirectly.
- i) Because the project does not propose residential development and would not increase the population in the area, the project would not substantially increase the demand for public parks.
- j) The project site is not located in or near a state responsibility area or lands classified as very high fire hazard severity.

## 6. FINDING

### **Environmental Impacts Found to Be Less Than Significant:**

The MND determined that there would be a less-than-significant impact on one or more aspects of following resources: Aesthetics, Air Quality, Geology and Soils (a through f), Greenhouse Gas Emissions, Hydrology and Water Quality (a through c[3]), Noise (b), Public Services, Transportation, and Utilities and Service Systems.

### **EVIDENCE**

- a) There would be temporary visual impacts during construction and permanent changes of the character of the site once construction is completed and 25 redwood trees are removed. The storage unit appearance would be typical of other existing mini-storage companies in the Humboldt Bay area (e.g., steel with a stone, white and autumn red color palette). Apart from the western boundary, the project site is in an urbanized area with many existing lighting sources. Lighting is conditioned to comply with county standards for streetlights in the municipal code.
- b) Altogether, the project would develop approximately 0.85 acre of the site (or 43 percent), which is below the maximum development potential (100 percent, as there is no maximum ground coverage in the C-1 zone) that would have been permitted under the existing zoning for the site. Accordingly, the project is consistent with the site's planned density in the General Plan. Therefore, the project would not obstruct implementation of the North Coast Unified Air Quality Management District (NCUAQMD) Attainment Plan for fugitive dust (PM10). NCUAQMD's Rule 110 thresholds. Therefore, construction of the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is designated as nonattainment under an applicable federal or state ambient air quality standard.
- c) Since the project area is not traversed by a known active fault and is not within 200 feet of an active fault trace, surface fault rupture is not considered to be a significant hazard for the project site. Therefore, the project would not expose people or structures to substantial adverse effects from a fault rupture. The project site is relatively flat with elevations that range from approximately 59 to 78 feet above mean sea level. The County's Web GIS identifies the seismic safety of the project site as low instability and shows that historic landslides have not occurred in the project area in the past.
- d) The Bay Area Air Quality Management District (BAAQMD) has developed project screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant impacts related to Greenhouse Gas (GHG) emissions.

The applicable screening criteria detailed in the MND would not exceed the 1,100 metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e)/year GHG threshold established by the BAAQMD for land use projects, other than permitted stationary sources. Due to the limited size of the project, particularly the small number of vehicle trips that would be generated and limited use of energy, there would be no significant sources of GHGs either during construction or during routine operation.

- e) The project area is subject to the State Water Resources Control Board general permit for municipal separate storm sewer systems (MS4 General Permit). Adherence to the MS4 General Permit standards and the requirements described above would ensure that the project would not result in substantial erosion or siltation onsite or offsite.
- f) The project would not involve the use of high-impact activities such as pile driving. The piece of equipment that may produce the highest level of vibration is a roller, which can produce a level of 0.2 inches per second peak particle velocity at a distance of 25 feet. This level of vibration may be perceptible for short period of time when equipment is operated close to the nearest residences, but this would only occur for a small part of the construction period. This level of vibration would not be high enough to cause damage to building structures. Also, because work would be done during daytime hours, there would be no sleep disturbance due to heavy equipment vibration.
- g) The project is required to meet all applicable fire codes set forth by the State Fire Marshal and the county's building code. The project may result in a slight incremental increase in the demand for emergency services; however, the size, location, and type of project would not place an undue hardship on the fire department since they are presently servicing the site as well as areas adjacent to the site.
- h) The project is consistent with the existing General Plan land use designations and zoning and would not generate trips that were not previously anticipated in the county's current countywide traffic model. The project would locate self-storage services in proximity to existing developed areas and would therefore have a neutral or positive impact on Vehicle Miles Traveled.
- i) The project is consistent with the land use and zoning designations for the site and would be required to construct any utilities infrastructure necessary to serve the project, as well as pay fees which fund the operation of the facilities and the construction of major infrastructure. Minor additional infrastructure would be constructed within the project site to tie the project into the major systems, but these facilities would be constructed in locations where site development is already occurring as part of the overall project.

## 7. FINDING

**Environmental Impacts Mitigated to Less Than Significant:** The MND identified potentially significant impacts on Biological Resources, Cultural Resources, Noise, Tribal Cultural Resources, and Mandatory Findings of Significance.

### EVIDENCE

- a) **Biological Resources and Mandatory Findings.** Potentially significant impacts on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service will be mitigated to a less-than-significant level by adopting the

Mitigation Monitoring and Reporting Program (MMRP) included in Appendix 1b.

No special-status plant surveys were conducted on the project site. However, to ensure that site development does not affect special-status plant or amphibian species, **Mitigation Measure BIO-1** is included in the MMRP. BIO-1 would require seasonally appropriate botanical surveys and preconstruction amphibian surveys be conducted prior to site development and avoidance of special-status plant and wildlife species. **Mitigation Measure BIO-2** would include preconstruction nesting bird surveys and establishment of buffers if necessary ensure removal of 23 conifer trees would have no impacts on nesting raptors and migratory birds protected by federal and state laws. To ensure light pollution to the adjacent Myrtle town gulch wildlife habitat is minimized, light fixtures near to or facing the western boundary to the wetland gulch are to be fully shielded downward-facing light-emitting diode (LED) bulbs under **Mitigation Measure BIO-3**. To ensure that the project's landscaping activities do not affect special-status species through displacement and invasion of wetland habitats, **Mitigation Measure BIO-4**, *Landscaping with native plants*, is included.

SHN prepared a site-specific wetland delineation report (SHN 2021). Wetlands were delineated within three parcels owned by Jim and Judy Paye (APNs 015-111-006, 015-111-012, and 015-111-013) as well as a portion of the County-owned parcel to the west (APN 015-111-008) for a total study area of approximately 3.3 acres. The report determined and mapped a matrix of three-parameter seasonal and perennial wetlands on the County-owned parcel, west of the project area, a location between 50 and 100 feet from the parcel boundary. The wetland delineation did not specify a hydrological or biological justification that greater buffers were required to protect the resource from the development (SHN 2021). It is not anticipated that the existence and operation of the project facilities on the terrace would significantly affect the continued existence or ecological functioning of the riparian forest as designed and mitigated herein. The project site has up to 25 evergreen trees (mostly redwood, few Sitka spruce and shore-pine) that will be removed as a direct result of the proposed project. These trees are not here considered to be riparian given their location more than 600 feet from the adjacent mapped stream. **Mitigation Measure BIO-5** and **BIO-6** are designed to protect riparian habitats and aquatic resources from potential impacts during project construction.

- b) **Cultural Resources and Tribal Cultural Resources.** There are no known significant archaeological or historic-period cultural resources in the limits of the project area, and at this time, no further archaeological studies are recommended for the project, as it is currently proposed. Although discovery of cultural resources during project construction is not anticipated, **Mitigation Measure CUL-1** is included in the MMRP to ensure that potential project impacts on inadvertently discovered cultural resources are eliminated or reduced to a less-than-significant level. Similarly, due to the potential of discovering unknown human remains during proposed construction activities, **Mitigation Measure CUL-2** is included. As required by AB 52, the County sent requests for formal consultation to three local tribes—the Bear River Band of the Rohnerville Rancheria, Wiyot Tribe, and Blue Lake Rancheria. The county did not receive requests for formal consultation from any tribe.

- c) **Noise.** As described in the County's General Plan, heavy equipment and power tools used during construction of permitted structures, which includes the project, are not subject to the County short-term noise standards. Although the project is not technically subject to the noise limits from the General Plan, the project's construction noise could still cause an increase in ambient noise levels at nearby residences. Consequently, to ensure that impacts from construction noise levels are reduced to a less-than-significant level, **Mitigation Measure NOI-1** is incorporated in the MMRP to limit the operation of tools or equipment used in construction, drilling, repair, alteration, or demolition to between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. Saturdays. No heavy equipment related construction activities shall be allowed on Sundays or holidays.

**8. FINDING**

**CEQA Comments from the Public:** One comment letter was received as a result of the circulation of the CEQA IS/MND. The County has considered all of the CEQA comments submitted from the public up to this point, including those that were submitted after the comment period established by CEQA. None of the comments change or alter the conclusion of the MND.

**EVIDENCE**

- a) The one commentator, a neighbor, request that the new mini storage unit have ample on-site parking and does not interfere or increase the burden with regard to public parking areas on Lucas that are used by the businesses and residences on the 1900 block of Myrtle Avenue.
- b) Approximately nine off-street parking spaces would be provided near the office and entrance from Lucas Street. Operationally, many visitors to the facility would conceivably temporarily park in front of their respective rental units before departing the premises and traffic generated by the center is anticipated to be less than the average traffic to and from commercial uses allowed in the neighborhood commercial zone district. The usual traffic for established mini storage facilities is significantly less than for retail, grocery, and restaurant businesses.

**9. FINDING**

**Mitigation Monitoring or Reporting:** A Mitigation Monitoring and Reporting Program has been prepared which ensures adequate monitoring of the mitigation measures to avoid and mitigate for potential significant environmental effects.

**EVIDENCE**

- a) MMRP attached as Attachment 1b.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby recommend that the Humboldt County Board of Supervisors:

- Adopt the findings set forth in this resolution; and
- Adopt the Mitigated Negative Declaration; and
- Adopt the Mitigation Monitoring and Reporting Program included as Attachment 1b.

Adopted after review and consideration of all the evidence on **September 15, 2022**.

The motion was made by COMMISSIONER Noah Levy and second by COMMISSIONER Brian Mitchell and the following ROLL CALL vote:

AYES: COMMISSIONERS: Peggy O'Neill, Melanie McCavour, Brian Mitchell, Alan Bongio, Noah Levy

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Thomas Mulder, Mike Newman

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carries 5/0/2

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



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

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

**Resolution Number 22-103**

**Application Number PLN-2020-16400-CUP**

**Assessor's Parcel Numbers: 015-111-006, 015-111-012, -015-111-013**

**WHEREAS, the Lucas & Myrtle Mini-Storage Center** project submitted an application and evidence in support of approving a General Plan Amendment, Zone Reclassification, Lot Line Adjustment and Conditional Use Permit (CUP) to develop a mini-storage center; and

**WHEREAS,** the Humboldt County Planning Commission held a duly noticed public hearing on September 15, 2022, and reviewed, considered, and discussed the application and reviewed and considered all evidence and testimony presented at the hearing; and

**WHEREAS,** the project is a General Plan Amendment, Zone Reclassification, Lot Line Adjustment and Conditional Use Permit. In order to approve the project the following findings must be made:

A. General Plan Amendment

1. Section 65358(a) of the California Government Code requires amendments of the General Plan be in the public interest.
2. Policy G-P8 of the 2017 General Plan requires findings that General Plan Amendments are:
  - a) in the public interest,
  - b) consistent with the Guiding Principles in Section 1.4; and
  - c) consistent with the applicable goals of the Plan.

B. Amendment to the Zoning Map (Zone Reclassification)

Section 312-50.3 of the Zoning Ordinance requires all the following findings for approval of changes to the Zoning Map:

3. The amendment is in the public interest; and
4. The amendment is consistent with the County General Plan; and
5. The amendment 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 (the midpoint of the density range specified in the plan designation) unless certain site-specific findings are made.

C. Lot Line Adjustment

Section 325-5 of the Humboldt County Code requires the following findings to be made to approve a Lot Line Adjustment:

6. The application is complete.
7. The application is consistent with the Subdivision Map Act.
8. The application is consistent with the General Plan.



9. The application is consistent with the Zoning Ordinance and Development Standards
10. The application will not adversely impact the environment and will not be detrimental to the public health, safety or welfare and will not be materially injurious to properties or improvements in the vicinity.

D. Conditional Use Permit

11. The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
12. The proposed development is consistent with the purposes of the existing zone in which the site is located.
13. The proposed development is consistent with the requirements of the Zoning Ordinance.
14. The project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
15. The proposed 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.

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

1. **FINDING:** **Project Description:** The proposed Lucas & Myrtle Mini-Storage Center (project) includes a lot line adjustment, minor zone boundary adjustment, CUP, and the construction and operation of a mini-storage center in unincorporated Humboldt County in the Myrtle town area of Eureka. The site consists of three parcels. A lot line adjustment would allow the parcels to be reconfigured into two parcels—a small 5,500-square-foot (sf) residential lot on the northern end of the site and a remaining lot of approximately 2.1 acres to be commercially developed. Associated with the lot line adjustment is the adjustment of the site's general plan designation boundary between the Commercial General and Medium Family Residential designations and the associated zoning boundary between the Neighborhood Commercial zone (C-1/GO) and Apartment Professional residential zone (R-4/GO, Q). The home and garage in the northeast corner would become its own separate parcel. The remaining structures on the project site would be removed and replaced with an office/caretaker building with 1,800 square feet on the first floor and 1,800 square feet on the second floor. The remaining commercial area would be developed and used as a mini-storage center. This area would be equivalent to a lot area coverage of less than 45 percent on the 86,269-sf lot. The building appearance would be typical of other existing mini-storage companies in the Humboldt Bay area.
 

**EVIDENCE:** Project File: PLN-16400-CUP
2. **FINDING:** The proposed project is in the public interest.
 

**EVIDENCE:** a) The Commercial General Land Use Designation and associated Neighborhood Commercial zoning Designation is intended for lands that are suitable for commercial services that are geared towards local neighborhood and regionally needs because of their location and available

access. In this instance the addition of 9,000 square feet of lands to be designated Commercial General and zoned Neighborhood Commercial allow for a consistent commercial designation for the property and facilitates the construction of an important neighborhood and regional service. The area to be designated is on the corner of a major arterial road which provides appropriate access to serve both local and regional needs for storage facilities. It is in the public interest to facilitate such commercial development.

**3. FINDING:** The proposed project is consistent with the Guiding Principles of Section 1.4 of the General Plan.

**EVIDENCE:** a) The proposed project helps to preserve the diverse character of Humboldt County and promotes the creation of housing as it will enable local residents to store possessions in a secure location without detracting from the more rural and natural setting of many residential areas due to cluttering of possessions on residential lands.

**4. FINDING** The proposed project is consistent with the County General Plan, Open Space Plan and open Space Action Program

**EVIDENCE** a) The project is consistent with the General Plan policies supporting commercial and economic development and providing services to both local and regional populations.  
b) The proposed project is consistent with the Commercial general Land Use designation because it includes services that are easily accessible and serve both local and regional needs.  
c) The project is consistent with the Open Space and the Open Space Action Program because it facilitates commercial development in an area that is designated for commercial services and does not impact any areas designated for open space. The areas of the property that are designated Greenway and open Space will be preserved as open space.

**5. FINDING** The proposed Lot Line Adjustment application is complete.

**EVIDENCE** a) Project file: PLN-2020-16400.

**6. FINDING** The Lot Line Adjustment is consistent with the Subdivision Map Act.

**EVIDENCE** a) APN's 015-111-012 and 015-111-013 are two separate legal parcels created through an approved subdivision map filed in Book 9, Page 56 of Parcel Maps. While no determination has been made regarding APN 015-111-006 the proposed lot line adjustment will result in two parcels, meaning that no additional parcels will result other than the number of existing legally created parcels.

**7. FINDING** The proposed mini-storage center facility is consistent with the C-1 zoning district and with the development standards of the Zoning Ordinance.

**EVIDENCE** a) Storage warehouses are permitted in C-1 zone districts with a conditional Use Permit.  
b) The project site is located in a block which is partially in a residential zone on both the Myrtle Avenue frontage and the Lucas Street frontage and the proposed mini-storage facilities will comply with the minimum 20 foot front

yard and exterior side yard setbacks of the residential zones. The proposed mini-storage facility will exceed the required 15-foot rear setback from the northern property line by providing a minimum of 20 feet.

- c) The proposed project will not exceed the building height limit of 45 feet in height.

**8. FINDING**

The project and the conditions under which it may be operated or 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 proposed mini-storage center project will take access off of Lucas Street, which is a lower volume road than Myrtle Avenue.
- b) Approximately nine off-street parking spaces would be provided near the office and entrance from Lucas Street. Operationally, many visitors to the facility would conceivably temporarily park in front of their respective rental units before departing the premises and traffic generated by the center is anticipated to be less than the average traffic to and from commercial uses allowed in the neighborhood commercial zone district. The usual traffic for established mini storage facilities is significantly less than for retail, grocery, and restaurant businesses.
- c) The project was referred to multiple referral agencies including the Department of public Works, Humboldt Bay Fire Protection District and the California Department of Environmental Health and all agencies either had no comment or recommended approval.

**9. FINDING**

The proposed 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 project site was not included in the residential housing inventory utilized for determining compliance with housing element law. The project results in the retention of the existing single-family residence on its own parcel, and the addition of another housing unit through the development of a caretakers residence above the minim storage facility.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby recommend that the Board of Supervisors:

- Adopt the findings set forth in this resolution; and
- Approve the General Plan Amendment and associated Zone Reclassification; and
- Approve the Lot Line Adjustment; and
- Approve the Conditional Use Permit subject to the recommended conditions.

Adopted after review and consideration of all the evidence on **September 15, 2022**.

The motion was made by COMMISSIONER Noah Levy and second by COMMISSIONER Brian Mitchell and the following ROLL CALL vote:

AYES: COMMISSIONERS: Peggy O'Neill, Melanie McCavour, Brian Mitchell, Alan Bongio, Noah Levy

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Thomas Mulder, Mike Newman

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carries 5/0/2

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



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

## ATTACHMENT 1A

### CONDITIONS OF APPROVAL

#### APPROVAL OF THE CONDITIONAL USE PERMIT ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED FOR THE LIFE OF THE PROJECT

##### 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-materials 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 and Building Department, 3015 H Street, Eureka.
3. The applicant is responsible for completing and implementing all mitigation measures outlined within the Mitigation Monitoring & Reporting Program (MMRP) which shall be completed as required within the MMRP and shall the applicant/developer/responsible party shall provide all reporting as required in the MMRP.
4. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
  - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$427.00 per notice plus \$292.00 for each additional legal description plus applicable recordation fees).
5. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00 per parcel) as required by the County Assessor shall be paid to the Humboldt County Planning Department, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
7. Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition. Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes,

the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

8. The applicant shall abide by the recommendations in the Humboldt Community Services District (HCSD) referral letter dated November 4, 2020 which states:
  - a. GENERAL:
    - i. Water and sewer service for proposed project is available upon payment of applicable fees.
    - ii. Any existing water and sewer services that will not be utilized for this project shall be abandoned per HCSD Standards at applicant's expense.
    - iii. Any needed relocation of existing water and sewer facilities shall be at applicant's expense.
    - iv. Water and sewer services shall not be located in a driveway.
    - v. Applicant shall provide a plumbing fixture unit count of the existing onsite structures to HCSD.
  - b. SEWER:
    - i. Prior to any structures being removed or relocated, they are required to be disconnected from the public sewer system. This disconnection is required to be inspected by this office.
    - ii. Any new sewer connection is required to be installed per HCSD code and be inspected by this office.
    - iii. A sewer lateral clean-out is required to be installed per HCSD code and be inspected by this office.
  - c. WATER:
    - i. A privately owned, maintained, and accessible water shutoff valve is required directly behind the water meter service (behind sidewalk) per HCSD Standards on the existing water services that will remain.
    - ii. Any required fire sprinkler plans are to be submitted to the HCSD.
9. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,598.00. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2021, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,598.00 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.

## ATTACHMENT 1B

### MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST:

**Mitigation Measure BIO-1: Avoidance and protection measures for special-status species.** The county shall implement the following measures to ensure no significant impacts on special-status species on the site.

**BIO-1a:** Prior to site development (e.g., demolition, tree clearing, grading), the County shall ensure that the applicant has a qualified botanist conduct seasonally appropriate botanical surveys throughout the project parcels to evaluate the presence of special-status plant species. The protocol shall follow CDFW guidelines (California Department of Fish and Wildlife 2018<sup>1</sup>). Any populations of special-status plant species found on the project site shall be avoided, no impact or mitigation is allowed. The population shall be flagged for avoidance and coordination with CDFW staff will be required prior to site development to protect any special-status plants species found on the site.

**BIO-1b:** Prior to site development (e.g., demolition, tree clearing, grading), the County shall ensure that the applicant has a qualified biologist conduct red-legged frog amphibian surveys throughout the project parcels to evaluate the presence of red-legged frog. The protocol shall follow USFWS guidance (U.S. Fish and Wildlife Service 2005<sup>2</sup>). Any individuals found on the project site shall be avoided and construction activities halted until the individual can be corralled toward the wetland habitat to the west. Handling or harassment (i.e., take), may not take place during the survey activities or construction. Take may only be authorized via Section 7 or Section 10 of FESA. Typically, take associated with survey activities is authorized via issuance of Section 10(a)(1)(A) permits.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

\* HCP&BD = Humboldt County Planning and Building Department

**Mitigation Measure BIO-2: Avoidance and protection measures for nesting birds.** The County shall implement the following measures to ensure no significant impacts on native migratory bird species:

1. If vegetation and tree removal occur between March 15 and August 15, the County shall ensure that the applicant has a qualified wildlife biologist conduct preconstruction surveys within the vicinity of the impact area, to check for nesting activity of native birds and to evaluate the site for special-status bird species such as red-tailed hawk, red-shouldered hawk, and American kestrel. The biologist shall conduct a minimum of one preconstruction survey within the 7-day

<sup>1</sup> Available at:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjmqvWy-L5AhUKEmIAHRTbAsQQFnoECBoQAAQ&url=https%3A%2F%2Fnm.fdg.ca.gov%2FFileHandler.ashx%3FDocumentID%3D18959&usg=AOvVaw334hC1OBtDvKI-8jy1TF1i>

<sup>2</sup> Available at:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjnuMjwy-L5AhXIFFkFHxIcA9wQFnoECBUQAQ&url=https%3A%2F%2Fecos.fws.gov%2Fipac%2Fguideline%2Fsurvey%2Fpopulation%2F205%2Foffice%2F11420.pdf&usg=AOvVaw2UoG1ZN8TaYnrwLoeL6Qxh>

period prior to vegetation removal activities. If vegetation removal work lapses for 7 days or longer during the nesting season, a qualified biologist shall conduct a supplemental avian survey before project work is reinitiated.

2. If an active nest is found, the biologist will determine the extent of an appropriate construction-free buffer zone to be established around the nest and/or operational restrictions in consultation with the CDFW. Buffer zones will be delineated with flagging and maintained until any nestlings have fledged or nesting activity has ceased. Buffer sizes would take into account factors such as (1) roadway and other ambient noise levels, (2) distance from the nest to the roadway and distance from the nest to the active construction area, (3) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (4) distance and amount of vegetation or other screening between the construction site and the nest; and (5) sensitivity of individual nesting species and behaviors of the nesting birds.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
Prior to project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

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**Mitigation Measure BIO-3: Light pollution minimization.** The applicant shall implement the following measure to ensure light pollution impacts on the wildlife corridor (Myrtle town gulch) to the west would be minimized.

1. Outdoor lighting along the western portion of the site, as well as lights within the facility that face west, will utilize LEDs with a color temperature less than 3,000 Kelvins. Outdoor lighting fixtures will be fully shielded and downward facing. Additional resources regarding dark sky friendly fixtures and where they can be purchased are available on the International Dark Sky Association webpage (<https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted.		HCP&BD*		

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**Mitigation Measure BIO-4: Landscaping with native plant species.** The applicant shall implement the following measure to ensure nonnative plant species do not spread into the adjacent Myrtle town gulch or other sensitive habitats.

1. Landscaping around the proposed mini-storage facility shall make use of native plant species that will not pose a risk of invading adjacent wetland habitats.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

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**Mitigation Measure CUL-1: Discovery of cultural resources.** The County of Humboldt shall ensure that if cultural resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic-period sites), the Tribal Historic Preservation Officer and others that the County has on file will be contacted immediately to evaluate the discovery and, in consultation with the project proponent, the County, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials that could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic archaeological discoveries may include nineteenth century building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal or other materials found in buried pits, wells, or privies.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

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**Mitigation Measure CUL-2: Discovery of human remains.** The County shall ensure that if human remains are discovered during project construction, work would be stopped at the discovery location, within 66 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (PRC 7050.5). The Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (PRC 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in PRC Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

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**Mitigation Measure NOI-1: Construction noise.** The County will ensure that the following shall apply to construction noise from tools and equipment:

- a) The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- b) No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- c) All stationary equipment and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes   No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

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