

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 24-

Record Number: PLN-2024-19012

Assessor's Parcel Number: County and State road rights-of-way

Resolution by the Zoning Administrator of the County of Humboldt conditionally approving the Vero Fiber Networks, LLC Digital 299 Phase 2 - Trinidad Spur Coastal Development Permit, and as a Responsible Agency under CEQA, acknowledging that the County of Humboldt considers and concurs with the Environmental Assessment and Initial Study/Mitigated Negative Declaration (EA/ISMND), and Addendum prepared for the California Public Utilities Commission (SCH #2022010017).

WHEREAS, the Vero Fiber Networks, LLC submitted an application and evidence in support of approving the Coastal Development Permit; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the California Public Utilities Commission as the lead agency under CEQA adopted an EA/ISMND and Addendum, and the County of Humboldt as a responsible agency under CEQA considers the environmental effects and concurs with the findings of the EA/ISMND and Addendum; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Record Number: PLN-2024-19012); and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** A Coastal Development Permit (CDP) for the portion of the Vero Fiber Networks, LLC (Vero) Digital 299 Phase

2 - Trinidad Spur Project within the County's jurisdiction of the Coastal Zone (Proposed Project). The Vero Fiber Network's Digital 299 Project involved installation of approximately 300 miles of new conduit and fiber optic cables to provide internet to unserved or underserved communities in Humboldt, Trinity, and Shasta counties. The project alignment generally follows California State Route 299, with segments diverging from the highway to follow other State highways, and city and county roads. In December 2022, the California Public Utilities Commission approved the Environmental Assessment/Initial Study Mitigated Negative Declaration (Final EA/ISMND) for the Digital 299 Broadband Project, which proposes to install an approximately 300-mile fiber optic network in Humboldt, Shasta, and Trinity counties, California. The applicant began construction on Phase 1 of the Digital 299 Project in January 2023, and Phase 2 will involve construction of a fiber optic line spur from Arcata to Trinidad. Instead of constructing the Phase 2 alignment along the originally planned route following local roads in Arcata and along the Hammond Trail, the applicant proposes to modify the approximately 14-mile alignment. The modified portion of the alignment, which comprises the CEQA Addendum portion, is approximately 7.3 miles, while the remaining portion was reviewed as part of the Phase 1 efforts. The proposed alignment will head west along North Bank Road (SR-200) from the intersection with SR-299 to the intersection with Central Avenue, where the proposed alignment will then head north on Central Avenue to the intersection with Airport Road. The proposed alignment will head west along Airport Road before crossing Highway 101 and heading north up the west side of 101 South. The alignment will then head north along Highway 101 and then follow an on-ramp at Clam Beach Drive, where construction will follow the previous alignment, which follows Clam Beach Drive, Highway 101, and other local roads north to the City of Trinidad.

Approximately 2.9 miles of the alignment fall within the Humboldt County Coastal Zone, for which this application seeks permitting. Vero proposes to install fiber optic cable buried along existing road rights-of-way. This will consist of three 1.25-inch buried conduits to house the fiber optic cable. At least one conduit will be left empty for maintenance and/or future

capacity. The conduit will be placed along the shoulder of existing roadways or through the existing roadway where shoulders are narrow. Horizontal directional drilling will be the method of construction. Underground vaults will be placed along the alignment to splice the cables and provide access to the buried conduit. These vaults will be excavated and installed at the same time as conduit installation. The vaults are typically 30 inches x 48 inches x 36 inches. Fourteen vaults are proposed within the Proposed Project area and would be placed along the centerline of the conduit within the proposed temporary disturbance area (i.e., 25-foot-wide corridor). The vaults will be topped with metal access covers installed flush with the ground. The Proposed Project will utilize boring beneath waterways. No bridge crossings are within the Proposed Project area.

- EVIDENCE:** a) Project File: PLN-2024-19012 including:
- Final Environmental Assessment and Initial Study/Mitigated Negative Declaration (EA/ISMND), prepared by Transcon Environmental, Inc. on behalf of the California Public Utilities Commission (SCH #2022010017).
 - Addendum to Final EA/ISMND.
 - Addendum to Digital 299 Biological Evaluation.
 - Archaeological Survey Report for the Digital 299 Broadband Fiber Optic Project Phase 2 Addition.
 - Project Plans.

2. FINDING: **CEQA:** The County is a Responsible Agency under CEQA and has considered the environmental effects of the project as shown in the EA/ISMND and Addendum. There are no significant and unavoidable impacts on the environment as a result of the Proposed Project.

- EVIDENCE:** a) The California Public Utilities Commission adopted an EA/ISMND for this project (SCH #2022010017) and a subsequent Addendum was prepared. All potentially significant impacts can be mitigated to less than significant levels with the incorporated mitigation.

- b) The EA/ISMND and Addendum include an analysis of the subject Coastal Development Permit. The EA/ISMND was circulated from January 3, 2022 to February 22, 2022.
- c) The Addendum prepared for the Proposed Project found no impact, or less than significant impacts on Aesthetics, Agriculture and Forestry Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Land Use and Planning, Population and Housing, Public Services, Recreation, Transportation, and Utilities and Service Systems.
- d) The Addendum includes mitigation measures for potential significant impacts to Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Tribal Cultural Resources, and Wildfire. With the implementation of these mitigation measures there are no significant and unavoidable impacts from the Proposed Project.

3. FINDING: The project is consistent with the development policies of the McKinleyville Area Plan and Trinidad Area Plan.

- EVIDENCE:**
- a) Goals of the Coastal Act include assuring orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the State. The Proposed Project, as mitigated and conditioned, will not result in significant impacts to coastal resources and is intended to support long-term broadband connectivity for rural communities that have been identified by the California Public Utilities Commission as unserved or underserved.
 - b) The project will not induce growth or development.

4. FINDING: The proposed development is consistent with Humboldt County Coastal Zoning Code

- EVIDENCE:**
- a) The Proposed Project will occur within existing road rights-of-way. Telecommunication projects are principally permitted within County and State road rights-of-way. The County Department of Public Works has conditionally approved the Proposed Project.

5. FINDING: The project conforms with all applicable standards and requirements of these regulations.

EVIDENCE: a) The Proposed Project is within County and State road rights-of-way. All standards and requirements of the zoning ordinance, McKinleyville Area Plan, and Trinidad Area Plan have been met.

6. 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 objective of the Proposed Project is to support long-term broadband connectivity for rural communities that have been identified by the California Public Utilities Commission as unserved or underserved.

There is no evidence the Proposed Project would be detrimental to the public health, safety, or welfare.

7. 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 Proposed Project will occur within County and State road rights-of-way.

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
- Approve the Vero Fiber Networks, LLC Digital 299 Phase 2 - Trinidad Spur Coastal Development Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **September 19, 2024**.

I, John H. 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department