

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

**Resolution Number: 25-008**

**Record Number: PLN-2023-18176**

**Assessor's Parcel Number: 511-401-039-000**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Laurel Tree Charter School Coastal Development Permit Extension.**

**WHEREAS**, Laurel Tree Charter School, has submitted an application and evidence in support of approving a three-year extension of an approved Coastal Development Permit (PLN-2021-17206) for a school and associated facilities in the McKinleyville area; and

**WHEREAS**, the Planning Commission adopted a Mitigated Negative Declaration (MND; SCH# 2008092066) in May 2008 for the project as required by Section 15074(b) of the CEQA Guidelines and found that there is no substantial evidence that the proposed project will have a significant effect on the environment, and no new information or changes to the project or the circumstances under which the project is to be undertaken have become available necessitating the preparation of a subsequent MND pursuant to Section 15162 of the State CEQA Guidelines; and

**WHEREAS**, Section 312-11.3 provides the authority for the Hearing Officer to approve extensions of approved permits; and

**WHEREAS**, the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit, Conditional Use Permit and Special Permit Extension (PLN-2023-18176); and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on July 18, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit Extension 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:**

A three-year extension to a previously approved Coastal Development Permit (PLN-2021-17206) to accommodate development of a school to be operated by Laurel Tree Charter School serving children from Kindergarten through High School. PLN-2021-17206 is a modification to Coastal Development Permit CDP-07-067 – New Heart Community Church, a CDP permitting development of a church and private school in three phases. Five extensions have been applied for and approved. The first in 2012, the second in 2014, the third in 2018 (including a Modification), the fourth in 2020, and the fifth under PLN-2021-17206, which is due to expire April 6, 2023. The CDP is not vested.

No modifications to the project are proposed. If approved, the extension will expire on May 16, 2026.

**EVIDENCE:** a) Project Files: PLN-2023-18176

**2. FINDING:**

**CEQA:** The Mitigated Negative Declaration was adopted for the project as required by Section 15074(b) of the CEQA Guidelines and no new information or changes to the project or the circumstances under which the project is to be undertaken have become available necessitating the preparation of a subsequent MND pursuant to Section 15162 of the State CEQA Guidelines.

**EVIDENCE:** a) Initial Study and Mitigated Negative Declaration State Clearinghouse Number (SCH#) 2008092066 has not changed.

**FINDINGS FOR EXTENSION OF AN APPROVAL OF A DEVELOPMENT PERMIT OR VARIANCE**

**3. FINDING:**

The development has not changed from that for which the permit or variance was granted.

**EVIDENCE:** a) The site plan and project description have not changed from what was approved as PLN-2021-17206 (previous extension and modification supporting development of school) approved on April 7, 2022.

**4. FINDING:** The General Plan Land Use designation for which a consistency finding was made has not changed.

**EVIDENCE:** a) The parcel is planned Public Facility (PF). This designation has not been changed for the affected property.

**5. FINDING:** The zoning and associated development standards for which conformance findings were made has not changed.

**EVIDENCE:** a) The parcel is zoned Public Facility Urban (PF1); The zoning designations and development standards have not changed from when the project was previously approved.

**6. FINDING:** All other standards and requirements to which the project is subject to and as administered by other departments or agencies have not changed.

**EVIDENCE:** a) There is no evidence that the standards and requirements to which the project is subject to and as administered by other departments or agencies have changed.

## DECISION

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Approve the Coastal Development Permit subject to the original conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence **February 20, 2024.**

The motion was made by COMMISSIONER THOMAS MULDER and second by COMMISSIONER NOAH LEVY and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West, Lorna McFarlane

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Peggy O'Neill

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 6/0

I, John H. 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.

  
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John H. Ford, Director  
Planning and Building Department



## ATTACHMENT 1

### CONDITIONS OF APPROVAL

#### **APPROVAL OF THE MODIFICATION OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE WORK IS INITIATED:**

##### **A. General Conditions**

1. All of the conditions in original CDP approval still apply to this permit. The following conditions are the original conditions:
  - a. Building plans submitted for approval shall demonstrate conformance with the density limits and open space requirements of the Airport Land Use Compatibility Zone (density limit is 150 persons/acre maximum; open space requirement is 15% minimum).
  - b. The applicant shall submit a letter from a certified engineer stating that the building plans submitted for approval conform with the maximum noise limits for churches provided in the Framework Plan.
  - c. The applicant shall obtain an encroachment permit from the Department of Public Works.
  - d. The applicant shall submit a letter from the McKinleyville Community Services District stating they have no objections to issuance of the building permit.
  - e. The applicant shall submit a letter from the Arcata Fire Protection District stating they have no objections to the issuance of the building permit.
  - f. Plans submitted for building permit approval conform to the terms and recommendations of the approved R-1 report.
  - g. The applicant shall record a "Notice of Geologic Report" for the subject parcel on forms provided by the Planning Division. 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 \$156.00 plus applicable recordation fees) will be required.
  - h. Completion of the mitigation measures as set forth in the Mitigated Negative Declaration. The applicant shall be responsible for all staff costs involved in carrying out responsibilities for mitigation. These costs shall be charged using the most current County burdened hourly rate. A deposit may be collected to cover anticipated costs, if required by the Planning Director.
  - i. A landscaping plan shall be provided to the satisfaction of the Planning Division. At a minimum, the landscaping plan shall include native tree species, which are non-pyrophytic, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. Landscaping shall not affect visibility and shall conform to the visibility ordinance as required by the Department of Public Works.
2. The Mitigation Measures, Monitoring, and Reporting Program included in the originally approved IS/MND are all still valid and the applicants shall comply with them.
3. All components of project shall be developed, operated, and maintained in conformance with the project description, site plan, operations plan, and conditions of approval.
4. The applicant shall comply with the recommendations identified in the Public Works Department memo and correspondence, both attached as Attachment 6, letter dated November 18, 2021, detailing the following:
  - a. The existing parking lot entrance from Murray Road shall be redesigned to provide more efficient vehicle movement from the County roadway into the parking lot area.
  - b. The applicant shall construct the infill sidewalk along Ledru Avenue and Springer Drive fronting the parcel.

- c. The applicant is proposing to construct a trail connection along the north side of the property which will connect the Hammond Trail to Springer Drive. A 20 foot wide public trail easement shall be dedicated to the County for the proposed trail connection. Maintenance of the trail connection and adjacent landscaping shall be the responsibility of the property owner.
- d. The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission.
- e. Applicant must apply for and obtain an encroachment permit to construct a 5 foot wide Portland cement concrete ADA compliant sidewalk on Ledru Avenue and Springer Drive, and to retrofit the urban commercial driveway on Murray Road. In addition, the permit will require the applicant to construct an Urban driveway #1 for the entrance into the parcel to meet ADA compliance.
- f. The permit will require the driveway entrance to be surfaced with asphalt concrete or Portland cement concrete. The driveway shall intersect the County road at a 90 degree angle. The driveway grade shall not exceed 2% in the first 20 feet.
- g. All parking must be developed on-site. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit.
- h. Site visibility must be maintained at the driveway entrance.
- i. Applicant shall be responsible to correct any involved drainage problems within the County right of way to the satisfaction of this Department.
- j. Storm water runoff from the commercial parking lot and building site shall not be channeled or directed to flow across the sidewalk or traveled section of the County roadway. Drainage shall be contained on-site in an oil/water filtration system prior to discharge into the County storm drain system or piped under the sidewalk to the County road surface.
- k. Owner shall be responsible for maintenance of oil/water filtration system.
- l. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property will be required to comply with the MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission.
- m. Informational notes: 1. The project is located within the McKinleyville Drainage, area, development of the parcel will require the payment of drainage fees pursuant to Humboldt County Code Section 328.1-13, at time of application for the building permit.
- n. FENCES/GATES: Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.
- o. It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.
- p. Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate.
- q. Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department- Building Division at 707.445. 7245 prior to constructing any fences or gates.

- 5. The applicant is responsible for receiving all necessary permits and/or approvals from state and local agencies.



6. 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 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

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

1. This permit 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.

**Informational Notes:**

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

**APPROVED**  
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Humboldt County  
PLANNING