

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

Resolution Number: 25-059

Record Number: PLN-2025-19260

Assessor's Parcel Number: 206-111-020

Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the LPC Properties Variance.

WHEREAS, LPC Properties submitted an application and evidence in support of approving a Variance to construct a new metal building within the side yard setback; and

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

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on September 18, 2025, and reviewed, considered, and discussed the application for the Variance, 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 Variance is requested to allow a reduced side yard setback from 25 feet to 10 feet for the construction of a new 80 foot by 110-foot storage building. The property is 1.2-acres and developed with an approximately 9,250 square foot existing beverage business. The property is zoned Heavy Industrial (MH), which requires 50-foot front and rear yard setbacks, and 25-foot side yard setbacks. The large setback requirements are particularly restrictive given the size and layout of the parcel, and building into the setback is the only feasible way for the existing business to gain the contiguous storage space needed while also maintaining access. The Variance for the new metal building placement is requested to accommodate equipment and materials that require dry storage to operate efficiently, safely, securely and to follow sanitary standards. A lot line adjustment is not feasible due to the neighbor's existing septic systems along property lines. The parcel is served with a shared water system, an on-site septic system, and power

supplied by PG&E.

EVIDENCE: a) Project File: PLN-2025-19260.

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act (CEQA) have been complied with. The project is exempt from environmental review per section 15303(e) of CEQA.

EVIDENCE: a) As lead agency, the Planning and Building Department found the project to be categorically exempt pursuant to CEQA guidelines. The proposed project is for a Variance to construct an 80 foot by 110-foot new metal building placed within the side yard setback. Section 15303(e) of the CEQA guidelines exempts new construction or conversion of small structures, including accessory and appurtenant structures.

3. FINDING: The project is consistent with the development policies of the Carlotta Hydesville Community Plan (CHCP) and the Humboldt County General Plan (HCGP).

EVIDENCE: a) Land Use 4.8: The proposed project is located within the Humboldt County General Plan (HCGP) land use designation Industrial General (IG), which is designated to apply to general industrial and manufacturing uses, with convenient access to transportation systems. The property is 1.2-acres and developed with an approximately 9,250 square foot building which was constructed in 2009 and is home to the existing beverage business, South Fork Mountain Water. The proposed Variance to allow the new 80-foot by 110-foot metal building to help support the existing commercial business is consistent with this designation.

b) Safety 14.1: Reduce the risks of death, injuries, property damage, and economic and social dislocation resulting from earthquake, fire, flood, and other hazards. The proposed project is not anticipated to create additional hazards or hazardous materials. The subject parcel is in an area that is low instability (1), is not within a fault hazard zone, is outside the tsunami hazard area, outside an area of potential liquefaction and outside any identified 100-year Flood Zone (A). The subject parcel is within the State Responsibility Area for fire response with Carlotta Community Services District providing structural fire protection

as well as responding to medical emergencies. Cal Fire was consulted as part of the project and determined that the new metal building is exempt from the required 30-foot property line setback for development on parcels over one acre. No hazardous materials are anticipated as part of the proposed Variance for the new metal building within the side yard setback.

- c) Cultural Resources 10.6. Projects should protect cultural heritage, including historic, prehistoric, and architectural resources. The proposed project is not anticipated to impact any cultural resources or Tribal cultural resources. The project was referred to Bear River Band of Rohnerville Rancheria, NWIC, and the Wiyot tribe. The Bear River Band responded that the activities did not appear to represent a source of significant impacts on cultural resources. They requested that inadvertent archaeological discovery protocols be in place for any ground-disturbing activities. NWIC responded that no record of previous cultural resources had been identified in field surveys, and they recommended consulting with local tribes. The standard inadvertent discovery protocols have been included within the conditions of approval for this project
- d) Housing 8.4. Existing and projected housing needs are identified to establish goals, policies, standards and implement measures to preserve, improve and develop housing. The subject parcel was not included in the 2019 Adopted Housing Element Inventory. The project does not add or subtract from the housing inventory.
- e) Conservation and Open Space 10.1. Environmentally sensitive habitat areas are protected to preserve plant and animal life, such as habitat for fish and wildlife and areas required for ecological and other scientific study. No biological resource impacts are anticipated with the proposed project. The proposed Variance to build a new metal building within the side yard setback is in an area that has been previously disturbed and is within a Heavy Industrial (MH) zoned property. The project is proposed to be further than 500 feet from the Yager Creek centerline, and 300 feet from the Streamside Management Area. No rare or endangered species have been identified within the area in the last 70 years. The proposed site is flat, and no grading or tree removal is proposed. The property is within the Van

Duzen Planning Watershed. The proposed Variance for a new metal building to be placed within the side yard setback is not anticipated to impact any biological resources or open space.

- f) Scenic Resources 10.7. The Scenic Resource policies protect outstanding scenic resources that may be adversely affected by land use and development. The subject parcel is not within a mapped scenic area or recognized as requiring scenic protection. The development of the 80-foot by 110-foot new metal building within the side yard setback will be minimally visible from State Highway 36 but is compatible with the visual aesthetics of the heavy industrial zoning and surrounding area. Without the Variance, a smaller metal building would be allowable and require a building permit only. However, due to the required square footage necessary for the business storage needs, and the MH zoning limitations to adhere to the front yard and rear yard 50-foot setback and 25-foot side yard setback, a Variance is necessary. Without the Variance, multiple external storage containers and/or off-site warehousing would be necessary. Allowing the Variance would maintain a compact footprint and be consistent with the surrounding area aesthetics. The parcel is flat and no grading or tree removal is proposed. The Variance is not anticipated to alter natural landforms and will not impact compatibility with the character of the surrounding neighborhood area.
- g) Water Resources, Chapter 11, CHCP-P5. Goals and policies contained in the water Element addresses water planning issues including river and stream water quality, stormwater runoff, groundwater management, water needs of fish and wildlife, water consumption, conservation and re-use methods. Yager Creek is a major tributary to the Van Duzen River, and the community utilizes the creek water for both agricultural and urban needs. The proposed new metal building is approximately 500 feet away from the centerline of Yager Creek and within a parcel zoned Heavy Industrial. The Variance to approve the side yard setback reduction for the new metal building placement is for storage purposes only and ancillary to the existing beverage business. No additional impacts to water resources is anticipated.

4. FINDING:

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

EVIDENCE: a) The proposed project will conform with all applicable standards and requirements with the approval of the Variance, which will allow a new metal building to be placed 15 feet into the 25-foot setback, creating a 10-foot side yard setback from the property line. The proposed approximately 80-foot by 110-foot new metal building is requested to help support the existing beverage business. The 1.2-acre property developed with an approximately 9,250 existing building, is zoned Heavy Industrial (MH) and requires 50-foot front and rear yard setbacks, and 25-foot side yard setbacks. The large setback requirements are particularly restrictive given the size and layout of the parcel, and building into the setback is the only feasible way for the existing business to gain the contiguous storage space needed while also maintaining access. With the approval of the Variance for the side yard setback reduction, all standards and requirements of the zoning ordinance and Humboldt County General Plan will have been met.

5. 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 project is for a Variance to reduce side yard setbacks so that a new metal building can be placed in an area that requires the least amount of disturbance. Based on staff analysis and the findings, there is no evidence that the proposed Variance will be materially injurious to properties or improvements in the vicinity.

6. 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 subject parcel was not included in the 2019 Adopted Housing Element Inventory and will not reduce the residential density below that utilized by the Department of Housing and Community Development.

7. FINDING: The proposed project has exceptional or extraordinary

circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property of class of use in the same zone in the vicinity.

- EVIDENCE:** a) The subject 1.2-acre property is developed with a 9,250 square foot beverage business that was built in 2009. The property is zoned Heavy Industrial (MH), which imposes unusually large setbacks of 50 feet on both the front (east) and rear (west) property lines, and the side yard setbacks within the MH zone are 25 feet. The large setback requirements are particularly restrictive given the size and layout of the subject parcel (allowing only approximately 42% of the land to be developed), and building into the setback is the only feasible way for the existing business to gain the contiguous storage space needed while also maintaining access with the least amount of disturbance. The north side yard is not a viable option since there is not enough required space and the neighboring property's septic system is along the property line. The south side yard is larger and is a better fit for business operations and flow, however the building size required encroaches 15 feet into the setback and therefore a Variance is requested. Additionally, a Lot Line Adjustment was initially proposed, but is not feasible on the south side yard because of the location of the south side neighbor's septic system. The neighboring property owner to the south has reviewed the proposed side yard encroachment and has written a letter in support. These extraordinary circumstances are such that they would not apply generally to other properties in the same zone but are unique to the subject parcel and support the Variance.

- 8. FINDING:** The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

- EVIDENCE:** a) By strict or literal interpretation and enforcement of the specified zone setbacks, installation of the new metal building would result in practical difficulty and unnecessary physical hardship should the Variance not be approved. The subject 1.2-acre property is zoned Heavy Industrial (MH), which imposes unusually large setbacks of 50 feet on both the front (east) and rear (west)

property lines. Additionally, the side yard setbacks within the MH zone are 25 feet. The large setback requirements are particularly restrictive given the size and layout of the subject parcel (allowing only approximately 42% of the land to be developed), and building into the setback is the only feasible way for the existing business to gain the contiguous storage space needed while also maintaining access with the least amount of disturbance. The existing 9,250 square foot commercial metal structure for the beverage business was built and put into operation in 2009 and now needs additional enclosed storage. Operational changes are necessary due to the unexpected closure of the plant's previous bottle supplier, and a lack of viable alternatives within a reasonable transport radius. The company acquired key equipment and components that are necessary for production. These systems require significant floor space for the equipment and staging and storing packaging and other required bottling materials in dedicated dry areas to operate efficiently and follow sanitary standards. Without this additional space, the facility would need external storage containers or off-site warehousing, which would introduce security concerns, risk product contamination, and increase transportation and labor costs. These inefficiencies would pose an undue hardship to a facility whose operations rely on cleanliness, efficiency and reliability to meet regulatory standards and customer expectations. Strict adherence to existing MH zoning setbacks makes it physically impractical to locate the proposed new 80 foot by 110-foot building elsewhere on the property, as the existing 9,250 square foot building would need to be torn down and rebuilt 15 feet to the north to allow both buildings. The requested Variance allows the business to make a necessary operational adaptation without increasing staffing, traffic or public impact. The addition supports internal production needs and maintains a compact footprint consistent with the character of the surrounding district. Granting the Variance would help ensure long-term viability of the commercial beverage company considering supply chain unpredictability, while preserving the intent of local zoning guidelines.

9. FINDING:

That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

EVIDENCE: a) Granting the Variance will not constitute a special privilege that is inconsistent with other properties in the same zone district. The subject 1.2-acre property is zoned Heavy Industrial (MH), which imposes unusually large setbacks of 50 feet on both the front (east) and rear (west) property lines. Additionally, the side yard setbacks within the MH zone are 25 feet. The large setback requirements are particularly restrictive given the size and layout of the subject parcel (allowing only approximately 42% of the land to be developed), and building into the setback is the only feasible way for the existing business to gain the contiguous storage space needed while also maintaining access with the least amount of disturbance. The proposed location within the side yard setback for the new 80 foot by 110-foot metal building is ideally situated as there will be minimal ground disturbance, and no trees will be removed. The neighboring properties that are zoned MH have structures built within the required setbacks and are legally non-conforming. Additionally, the neighbor to the south has written a letter in support of the encroachment into the side yard setback nearest their property line. Allowing the proposed Variance for setback reductions will not constitute a special privilege to the subject property, or limit other properties classified in the same zone district.

10. FINDING: That granting the Variance or its modification will not be materially detrimental to the public health, safety or welfare.

EVIDENCE: a) The proposed project is for a Variance to reduce side yard setbacks from 25 feet to 10 feet so that a new metal building can be placed in an area which provides storage space for the existing commercial beverage business. The proposed enclosed new metal building will not negatively impact public health, safety or welfare. It will be constructed in full compliance with all applicable building codes and will not introduce any objectionable odors or noise. It is not expected to result in any new employees or increased traffic. The structure will be visually consistent with surrounding development and will not include windows, doors or openings on the side within the requested setback encroachment. Based on staff analysis and the findings, there is no evidence that the proposed Variance will be materially injurious to properties or improvements in the vicinity.

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 Variance to reduce the side yard setbacks from 25 feet to 10 feet to accommodate a 80 foot by 110 foot new metal building to support an existing beverage business, based upon the Findings and Evidence and subject to the Conditions of Approval attached hereto as Attachments 1A and incorporated herein by reference.

Adopted after review and consideration of all the evidence on **September 18, 2025.**

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

CONDITIONS OF APPROVAL
PLN-2025-19260 APN 206-111-020

APPROVAL OF THE VARIANCE IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. General Conditions:

1. All development shall conform to the approved plot plan.
2. All required grading, building, plumbing, electrical and mechanical permits and/or Agricultural Exemptions are obtained if required.
3. 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 Zoning Administrator 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.

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, ground stone 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.

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies, including electrical permits from Humboldt County Building Department.

2. Before any digging or excavation occurs, the applicant shall contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work to ensure that all existing underground utilities are identified and marked on-site.
3. The Variance shall expire and become null and void at the expiration of two (2) years 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 be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
4. Any tree removal within the County right of way will require an encroachment permit from the Land Use Department.

