

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

Resolution Number: 23-069

Record Number: PLN-2023-18134

Assessor's Parcel Numbers: 519-311-027

Resolution by the Planning Commission of the County of Humboldt conditionally approving the Orick Community Services District Community Tank Replacement Project - Tank 2 Replacement Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permits.

WHEREAS, Orick Community Services District submitted an application and evidence in support of approving the Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permits; 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, Orick Community Services District as the lead agency under CEQA found the project categorically exempt from CEQA per Sections 15301, 15302, 15303, and 15304 of CEQA Guidelines and the County of Humboldt as a responsible agency under CEQA agrees with the finding; and

WHEREAS, Attachment 3 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-2023-18134); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on July 20, 2023, and reviewed, considered, and discussed the application for the Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permits, 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:** A Coastal Development Permit and Conditional Use Permit including a General Plan Conformance Review for Orick Community Services District to replace an existing leaking 100,000-gallon redwood water tank with a new

100,000-gallon, welded steel tank with a concrete foundation. The existing tank would be demolished and removed from the site, and the new tank would be installed in the same footprint as the existing tank. The entire tank pad would be over excavated approximately three feet below the existing grade. Electrical equipment, a supervisory control and data acquisition (SCADA) system, and a six-inch overflow pipe would be installed. In addition, three valves adjacent to the tank would be replaced. A PG&E power pole upslope of the tank would be replaced with a taller pole to provide adequate clearance for the power lines, and a 40-foot-tall communications tower would be constructed at the water tank. A Special Permit is required for Design Review. A Special Permit is also required for an exception to the height standard of the Rural Residential Agriculture zoning district as the proposed PG&E power pole and 40-foot-tall communications tower will exceed the maximum height requirements of the zone.

EVIDENCE: a) Project File: PLN-2023-18134

- 2. FINDING:** **CEQA:** The County is a Responsible Agency under CEQA and has found that the requirements of the California Environmental Quality Act have been met. As lead agency, the Orick Community Services District found the project exempt from environmental review pursuant to Sections 15301 (Class 1 - Existing Facilities), 15302 (Class 2 - Replacement or Reconstruction) , 15303 (Class 3 - New Construction or Conversion of Small Structures), and 15304 (Class 4 - Minor Alterations to Land) of the State CEQA Guidelines.

EVIDENCE: a) Class 1 authorizes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Class 2 authorizes replacement or reconstruction of existing utility systems and/or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the structure replaced. Class 3 authorizes construction of limited numbers of new, small facilities or structures and installation of small new equipment and facilities in small structures. Class 4 authorizes minor alterations to the condition of the land (e.g., clearing, grading, trenching, and

backfilling) that do not involve the removal of any healthy, mature, scenic trees.

The project is consistent with the categorical exemptions noted above because work would not expand the District's water service capacity; the new tank would be constructed on the same site as the tank being replaced; only minor earth disturbance would be required to accommodate the proposed improvements; the ground surface would be restored following construction; and new construction would be limited to small structures. It should be noted that the California Department of Public Health recognizes water tanks up to 100,000 gallons in size as small structures.

3. FINDING:

The subject parcel is within the Rural Residential, 5-acre minimum lot size (RR) land use designation. The project, as conditioned, is consistent with the development policies of the North Coast Area Plan.

EVIDENCE:

- a) The project is to replace an existing community water storage tank and associated ancillary development. The proposed project supports the use within the land use designation.
- b) The replacement of the existing water storage tank will maintain adequate storage for the Orick Community Service District. The replacement of the current water storage tank will not expand the District's service area, water withdraws or customer entitlements, but will replace an existing redwood water tank that is leaking.
- c) The proposed project will have no net effect on housing densities. The parcel was not included in the 2019 County Housing Inventory. The purpose of the Project is to replace an existing 100,000-gallon water tank and associated ancillary infrastructure in order to maintain an adequate water supply facilitating achievement of the County's housing goals and programs of the Housing Element for the Orick area.
- d) The subject parcel is located within an area of moderate instability and outside of any Alquist-Priolo fault hazard area and is not located in an area of historic landslides. The parcel is located outside of the tsunami hazard area and tsunami evacuation area, outside areas potential liquefaction, and outside of the flood zone. The parcel is within a moderate fire hazard severity zone. The parcel is within the State Responsibility Area

(SRA) for fire protection and within the Orick Community Services District who responds to structural fires and medical emergencies. The project is not projected to increase hazard risk.

- e) The project was referred to the Northwest Information Center (NWIC) and the Yurok Tribe. NWIC responded stating the following: *although the general vicinity has sensitivity for archaeological resources, the proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended. If archaeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations.* The Yurok Tribe did not respond. The standard inadvertent discovery protocol is included as a condition of project approval.
- f) According to the California Natural Diversity Database, the site has potential habitat for Oregon coast paintbrush. As the project site has been extensively disturbed in the past, further disturbance within the same footprint is not expected to adversely affect habitat for the species. The project was referred to the California Department of Fish and Wildlife and they expressed no concerns about the project.
- g) The project is not in a Coastal Scenic Area, Coastal View Area, or Redwood Creek estuary view area.
- h) The proposed project will not interfere with right of access to the sea, as there are no coastal access points on the subject parcels.

4. FINDING:

The subject parcel is zoned Rural Residential Agriculture, 5-acre minimum lot size, with combining zones for Manufactured Homes, Coastal Elk Habitat, Design Review, and specified minimum and average lot size (RA-5-Y2.5-M/E,D). The proposed development is consistent with the purposes of the RA-5-Y2.5-M/E,D zone.

- EVIDENCE:** a) The proposed water tank replacement and associated ancillary development is a permitted use in the RA-5-Y2.5-M/E,D zone with approval of a Use Permit.

- b) The new water tank will meet all setback requirements for the zone.
- c) The proposed PG&E power pole and 40-foot-tall communications tower will exceed the maximum 35-foot height requirement of the zone. However, the 40-foot tower at the tank site would be a narrow, lattice structure only ten feet taller than the tank and would be lower in height than surrounding trees. The new power pole at the tank would be 50 feet in height but would not be readily visible given its neutral color and forested backdrop. An exception to the height standard may be granted with the Special Permit that is requested per Section 313-99.1.1.1 of Humboldt County Code.
- d) No manufactured homes are proposed as part of this project.
- e) The proposed water tank replacement and associated ancillary development within the existing tank footprint will be compatible with the continuance of elk habitat areas.
- f) Proposed improvements would be set back approximately 670 feet south of U.S. Highway 101. The proposed 30-foot water tank would be green to blend into the surrounding forest and would be significantly lower in height than surrounding trees. The 40-foot tower at the tank site would be a narrow, lattice structure only ten feet taller than the tank and would be lower in height than surrounding trees. The new power pole at the tank would be 50 feet in height but would not be readily visible given its neutral color and forested backdrop. These improvements would not block views of the coast or coastal waterways and would not be readily visible from public trails, beaches, or recreation areas.
- g) Construction of the new water tank would require minimal excavation. Removal of concrete, loose native soil, and organic material are anticipated with replacement of the existing tank concrete ring foundation. The entire tank pad will be over-excavated approximately three feet below the existing grades. Over-excavation limits will extend a minimum of five feet beyond the tank perimeter. No tree removal is required.
- h) The proposed project does not include the installation of lighting at the water tank.
- i) The project would not require the relocation of sewer lines, storm drains, natural gas, or other utility infrastructure. The

proposed project includes the construction of a new replacement water tank and a communications tower. As discussed above, the tank would be green to blend into the surrounding forest. The 40-foot tower at the tank site would be a narrow, lattice structure only ten feet taller than the tank and would be lower in height than surrounding trees. The new power pole at the tank would be 50 feet in height but would not be readily visible given its neutral color and forested backdrop.

- j) The proposed water tank would be set back approximately 670 feet south of U.S. Highway 101 and approximately 150 feet south of Old State Highway. The subject parcel is 0.44 acres; thus, setbacks from property lines are limited. However, natural screening is provided by dense vegetation that surrounds the tank on all sides and tank design would ensure scenic and visual qualities of the site and area are protected.
- k) The proposed project does not include the installation of off-premises signs.
- l) Alteration of the lot size is not proposed.

5. FINDING:

Staff believes that the Planning Commission can find that the proposed project is consistent with the North Coast Area Plan.

EVIDENCE:

- a) The project involves the replacement of the existing 100,000-gallon redwood water tank with a new 100,000-gallon welded steel tank with a concrete foundation. The project site was acquired by the Orick Community Services District in 1987 and has since then been used in its current capacity. The North Coast Area Plan identifies the RR land use designation as land that is appropriate for residential use of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development. The proposed project supports the use within the land use designation.
- b) In accordance with the North Coast Area Plan, the proposed project will not contribute to the extension of services outside the serviceable area, or to expansion of system capacity above the capacity needed to provide services in the serviceable area.
- c) All applicable policies of the North Coast Area Plan remain in full force.
- d) The applicant will be responsible for obtaining all necessary

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
- Conditionally approves the Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permits for Orick Community Services District subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence July 20, 2023.

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

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Lonyx Landry, Brian Mitchell, Sarah West

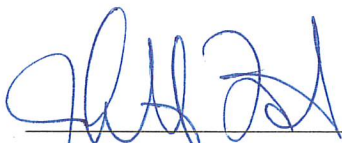
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Thomas Mulder, Peggy O'Neill

ABSTAIN: COMMISSIONERS:

DECISION: Motion carries 5/0

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

CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, GENERAL PLAN CONFORMANCE REVIEW, AND SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. General Conditions

1. The project shall be conducted in accordance with the Site Plans and Construction Plans. Minor deviations shall be permitted as provided by Humboldt County Code Section 312-11; however, all other changes shall require modification of this permit.
2. The applicant will be responsible for obtaining all necessary Federal, State and Local permits, including Building Permits from the County of Humboldt Building Division to facilitate demolition and construction.
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 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. Before any digging or excavation occurs, the applicant shall contact Underground Service Alert (USA) by dialing 811 a minimum of two working days prior to commencing any work to ensure that all existing underground utilities are identified and marked on-site.

Informational Notes:

1. The applicant is advised that the referral response from PG&E in Attachment 5 may be applicable to their project.
2. 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.
3. 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.