



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: April 7, 2016

To: Humboldt County Planning Commission

From: Robert Wall, Interim Director of Planning and Building Department

Subject: **Shelter Cove Resort Improvement District No. 1
Coastal Development and Conditional Use Permits, and General Plan
Conformance Review**
Application Number 10010
Case Numbers CDP-15-062, CUP-15-022, and GPC-15-004
Assessor Parcel Numbers 111-151-013, 109-301-040, 109-301-041, 109-301-042,
109-301-043, 110-021-044, 109-251-015, 109-081-007, and 110-091-016
5 High Court; 7, 19 and 27 Beach Road; 154 Cook Road; 459 Muskrat Circle; and
1439 and 3095 Toth Road, Shelter Cove Area

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Please contact Michelle Nielsen, Planner, at (707) 268-3708 or email at mnielsen@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date April 7, 2016	Subject Coastal Development Permit, Conditional Use Permit, and General Plan Conformance Review	Contact Michelle Nielsen
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Project: A Coastal Development Permit and Conditional Use Permit to replace the existing 30,000 gallon Jim Tank with a 100,000 gallon tank. The new Jim Tank will be constructed of welded steel, approximately 34 feet in diameter, and will be a minimum of 17 feet in height to a maximum of 23 feet in height. Due to the increased size of the replacement tank the footprint will be expanded, but grading will be limited to the existing site. A General Plan Conformance Review for the replacement of six (6) additional tanks located outside the Coastal Zone is also part of this application. The existing one million gallon capacity Kennedy Tank will be replaced with one tank having the same one million gallon capacity. The Lar, Bud, Jeff, and Jerry Tanks will be replaced with similarly-sized tanks having a total capacity of approximately 230,000 gallons. All replacement tanks will be anchored to an engineered foundation. Access roads will be developed around each of the tanks to allow maintenance vehicles to reach all sides of the tanks and the entrances to each tank site from the County roads will be graded to near level in order to allow larger maintenance vehicles to access the site. The project addresses leakage and other safety, structural, and safety deficiencies. The Jim Tank and the Kennedy Tank are essential elements of the Resort Improvement District's (RID) water system providing water for residential and commercial users, as well as emergency purposes, such as fire suppression, to the different pressure zones of the RID.

Project Location: The project is located in Humboldt County, in the Shelter Cove Resort area, on both sides of Shelter Cove Road, on the properties known as 5 High Court; 7, 19 and 27 Beach Road; 154 Cook Road; 459 Muskrat Circle; 459 Wolverine Way; 90 Heather Court; and 1439 and 3095 Toth Road.

Present Plan Land Use Designations: Residential/Low Density (RL), South Coast Area Plan (SCAP), Density: 3-7 dwelling units per acre; Residential/Low Density (R-L), Southern Humboldt General Plan (SHGP), Density: 0-5 dwelling units per acre; Slope Stability: Moderate Instability (2) and High Instability (3).

Present Zoning: (RS-5-S1-Q/G,D) Residential Single Family-Minimum lot size 5,000 sq. ft. (RS-5), Qualified (Q), Front setback reduced to 2 feet (S1), Alquist-Priolo Fault Hazard (G), Design Review (D); (R-1-Q-D-V) Residential One-Family (R-1), Qualified (Q), Design Control (D), Vacation Home Rental (V).

Case Numbers: CDP 15-062, CUP 15-022, GPC 15-004 **Apps Number:** 10010

Assessor Parcel Numbers: 111-151-013, 109-301-040, 109-301-041, 109-301-042, 109-301-043, 110-021-044, 109-251-015, 109-081-007, and 110-091-016

Applicant
Philip Young
Shelter Cove Resort Improvement Dist. #1
9126 Shelter Cove Road
Whitethorn, CA 95589

Owner
Same

Agent
Elizabeth Burks
LACO Associates
21 West 4th Street
Eureka, CA 95501

Environmental Review: The Resort Improvement District, acting as lead agency, prepared and noticed an Initial Study Mitigated Negative Declaration and two Addendums. The Resort Improvement District approved the Mitigated Negative Declaration and the two Addendums on October 15, 2015.

General Plan conformance review pursuant to Government Code Section 65402(a) and Humboldt County Framework General Plan Policy 4920.1 is not a project pursuant to the California Environmental Quality Act.

Major Issues: None

State Appeal Status: Project IS appealable to the California Coastal Commission

**RESORT IMPROVEMENT DISTRICT NO. 1 COASTAL DEVELOPMENT AND CONDITIONAL USE PERMITS,
AND GENERAL PLAN CONFORMANCE REVIEW**

Case Numbers CDP-15-062, CUP-15-022, and GPC-15-004

Assessor Parcel Numbers 111-151-013, 109-301-040, 109-301-041, 109-301-042, 109-301-043,
110-021-044, 109-251-015, 109-081-007, and 110-091-016

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Move to adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Coastal Development Permit and Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Resort Improvement District No. 1's project subject to the recommended conditions. Also pursuant to Government Code Section 65402 find the project to be in conformance with the General Plan based on the findings in the staff report.

Executive Summary: The Resort Improvement District No. 1 (District) is proposing to upgrade seven existing water storage tanks on six different sites located throughout the District. These tanks are the water storage system for the entire District, providing water for residential and commercial uses as well as emergency purposes such as fire suppression. The seven tanks were installed in 1965, though the Jim Tank was rebuilt in 1987 (Table 1, Tank Details). The seven tanks provide water to the different pressure zones in the District. The proposed project will improve the reliability and safety of the District's water system by reducing leakage, installing equipment that meets modern seismic safety standards, creates system redundancy, and improves worker safety. The District also evaluated the feasibility of repairing and upgrading the existing tanks (see LACO Preliminary Engineering Report, April 8, 2015). While repairing and upgrading the existing tanks would resolve some of the existing issues, this approach would not address issues concerning structural integrity and the lack of foundations. With respect to leakage, installing interior liners would only be a temporary solution due to the short life span of these products. Based on the engineering analysis, the District has elected to proceed with replacing all of the identified tanks. Each new tank will be made of steel, will meet current seismic safety standards, and will be anchored to an engineered foundation. The new tanks will be painted in earth tones to help them blend in with their surroundings. Replacing the existing tanks will entail grading at each site to improve access from the County road to the tank site, the tank pad, and provide access around the perimeter of the tanks for maintenance. No tree removal is anticipated, although some trees may have branches that need to be limbed as they overhang the tank. The existing tanks will be drained through normal use. Once empty, the tanks and above ground appurtenances will be removed and replaced. The new tanks will be trucked to their respective sites in pieces and assembled and installed in place.

As shown in Table 1, the Jim Tank's storage capacity will increase by 700,000 gallons. This increase does not include a change in the District's service area, nor is a change in the service area authorized. The Kennedy and Jim tanks are essential elements of the District's water system and are high priorities for the improvement project. Currently there is no backup to the Kennedy Tank. Currently, if the Kennedy Tank were to go offline, the District would have no way to provide water to the rest of the distribution or fire hydrant system. To replace the Kennedy Tank, the Jim Tank will need to be replaced and upgraded first. In order to supply water to the District's service area and provide adequate storage while the Kennedy Tank is off-line the District proposes to increase the capacity of the Jim Tank. This increase from 30,000 gallons to 100,000 gallons will enable the District to continue to provide water to its existing customers while the Kennedy Tank is under construction. For the long term, the larger Jim Tank will provide a regular water supply to the lower pressure zones, create needed redundancy in the water

Table 1: Shelter Cove Resort Improvement District Water Tank Details

APN and Tank Name	Year Built	Existing Tanks: Material and Capacity (in gallons)	Existing Tanks: Height & Diameter (in feet)	Proposed Tanks: Material and Capacity (in gallons)	Proposed Tanks: Height* & Diameter (in feet)
109-301-040, -041, -042, & -043 Kennedy	1968	Steel; 1 million	Height: 30 Diameter: 75	Steel; one 1,000,000	Height: 35** Diameter: 75
111-151-013 Jim	1987	Steel; ~35,000	Height: 9 Diameter: 25.25	Steel; 100,000	Height: 20 Diameter: 34
110-021-044 Lar	1974	Redwood; 30,000	Height: 16 Diameter: 18.5	Steel; 30,000	Height: 20 Diameter: 18
109-081-007 Bud (2)	1968	Redwood; 30,000 (2 tanks 15,000 gallons each)	Height: 16 Diameter: 12.3	Steel; Single 50,000	Height: 20 Diameter: 24
109-251-015 Jeff	1974	Redwood; 30,000	Height: 16 Diameter: 18.5	Steel; 50,000	Height: 20 Diameter: 24
110-091-016 Jerry	1974	Redwood; 100,000	Height: 16 Diameter: 32.75	Steel; 100,000	Height: 20 Diameter: 33
		TI Capacity = 1.23 million gallons		TI Capacity = 1.33 million gallons	
Notes:					
* Apart from Kennedy Tank, these heights are +/- 3 feet. They will be dependent on the final tank design by the manufacturer.					
*** This is the existing tank's dimensions. If final design of Kennedy Tank requires the height to be higher than 35 feet, then the diameter will increase a foot or two.					

system, and will provide a reserve supply for the Kennedy Tank. Additionally, the greater capacity will increase the District's ability to function during emergencies such as an earthquake and provide water for fire suppression.

Although Government Code Section 53091 exempts water distribution projects from local zoning this exemption does not apply to state-level regulations like the Coastal Act. The Coastal Zoning regulations are the implementation component of the County's certified Local Coastal Program. Each zoning district enumerates conditionally permitted use types so that proposed uses can be evaluated for their compatibility and appropriateness with the principal uses and also makes those projects automatically appealable to the Coastal Commission. The Jim Tank is located in the Coastal Zone on a parcel zoned Residential Single Family. Because the District's proposed project is development as defined in Section 313-139 Humboldt County Code, the District must secure a Coastal Development Permit prior to commencing the project. The Conditional Use Permit is also needed because Essential Services, a civic use type, are a conditionally permitted use in the Residential Single Family (RS) zoning district. While a water tank is not a residential use this tank, and the others along with their associated infrastructure, provide an essential service for residential and commercial users within their service area. The water tanks are also part of the District's infrastructure supporting emergency purposes such as fire suppression.

The other six other tanks are on parcels located in the non-Coastal portion of the County. The Government Code Section 53091 exemption from local zoning does extend to all of the tanks located in the Inland area so only a report on conformance with the general plan is required under California Government Code Section 65402. Government Code Section 65402 is triggered when a local agency acts to acquire or dispose of real property or intends to construct a new public building or structure. The applicable code is included as Attachment 5 to this staff report. All of these parcels are planned Residential Low Density (R-L) under the Southern Humboldt General Plan (SHGP). According to the SHGP, this land use is applied to urban areas having urban services. The SHGP identifies Shelter Cove as an urban center. Again, although the tank parcels are planned for residential use, the project involves an essential service for the residential uses in the District. As such, the project to replace the existing tanks determined to have numerous safety and structural issues can be found to be in conformance with the adopted R-L land use designation.

Lastly, the Resort Improvement District No. 1 is the lead agency under CEQA. The District prepared and noticed an Initial Study-Mitigated Negative Declaration (IS-MND) for this project. Two addendums were also prepared before the District's adoption in October 2015, all of which are included in Attachment 6. As a Responsible Agency under CEQA, the Planning and Building Department must review and consider the IS-MND adopted by the Lead Agency and determine if the project, as mitigated, reduces potential environmental effects of the project (for that segment within County jurisdiction) to a level of insignificance. A Notice of Determination will be filed for the project consistent with Section 15096 of the State CEQA Guidelines.

Based on a review of Planning Division reference sources, and comments from all involved referral agencies, Planning Staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit and Conditional Use Permit. Furthermore, the project is in conformance with the Framework Plan, the Southern Humboldt General Plan, and the South Coast Area Plan.

ALTERNATIVES: The Planning Commission could elect not to approve the Coastal Development and Conditional Use Permits, or to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all of the required findings. Based on the submitted evidence, Planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

**Case Numbers CDP-15-043 and CUP-15-022
Assessor Parcel Numbers 111-151-013, 109-301-040, 109-301-041, 109-301-042, 109-301-043,
110-021-044, 109-251-015, 109-081-007, and 110-091-016**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Resort Improvement District No. 1's Coastal Development Permit and Conditional use Permit request.

WHEREAS, the Resort Improvement District No. 1 (District), submitted an application and evidence in support of approving a Coastal Development Permit and Conditional Use Permit for replacing a water storage tank that is a component of the District's residential and commercial water service and distribution system; 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 project is subject to environmental review or exemption pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the District as the Lead Agency prepared an Initial Study--Mitigated Negative Declaration and posted a Notice of Intent on April 9, 2015 for the subject proposal in accordance with the California Environmental Quality Act (CEQA);

WHEREAS, the District as Lead Agency prepared two Addendums, dated May 19, 2015 and October 5, 2015, to the referenced Initial Study--Mitigated Negative Declaration in accordance with CEQA; and

WHEREAS, the District as Lead Agency adopted the Initial Study--Mitigated Negative Declaration and the two referenced Addendums contained in Attachment 6, on October 15, 2015 by Resolution 15-06.a; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Coastal Development Permit and Conditional Use Permit for the proposed project;

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission adopts the Mitigated Negative Declaration and two Addendums approved for the project by the District, as Lead Agency under CEQA, as Attachment 6 of the Planning Division staff report as required by Section 15096 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers CDP15-062 and CUP15-022, based on the submitted evidence; and

3. The Planning Commission conditionally approves the proposed Coastal Development Permit and Conditional Use Permit as recommended in the Planning Division staff report for Case Numbers CDP15-062 and CUP15-022.

Adopted after review and consideration of all the evidence on April 7, 2016.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Suzanne Hegler, Clerk 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.

Suzanne Hegler, Clerk

**RECORD OF ACTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Case Number GPC-15-004

**Assessor Parcel Numbers 109-301-040, 109-301-041, 109-301-042, 109-301-043,
110-021-044, 109-251-015, 109-081-007, and 110-091-016**

Resort Improvement District No. 1 (District), Shelter Cove area. A General Plan Conformance Review pursuant to Government Code Section 65402 involving the District's proposal six existing water tanks for replacing a water storage tank that are components of the District's residential and commercial water service and distribution system. The five new steel water tanks will have an overall capacity of 330,000 gallons. Also, the proposed work includes grading to the existing access roads leading to the tank site from the County roads, and around the tanks.

Recommendation

- Find project to be in conformance with the General Plan based on findings in the staff report.
- Adopt finding that project does not conform with the General Plan for the reasons specified in the staff report.

Record of Action

- Adopt Planning Division's recommendation.
- Adopt Planning Division's recommendation with revisions as made by the Planning Commission.

Adopted after review and consideration of all the evidence on April 7, 2016.

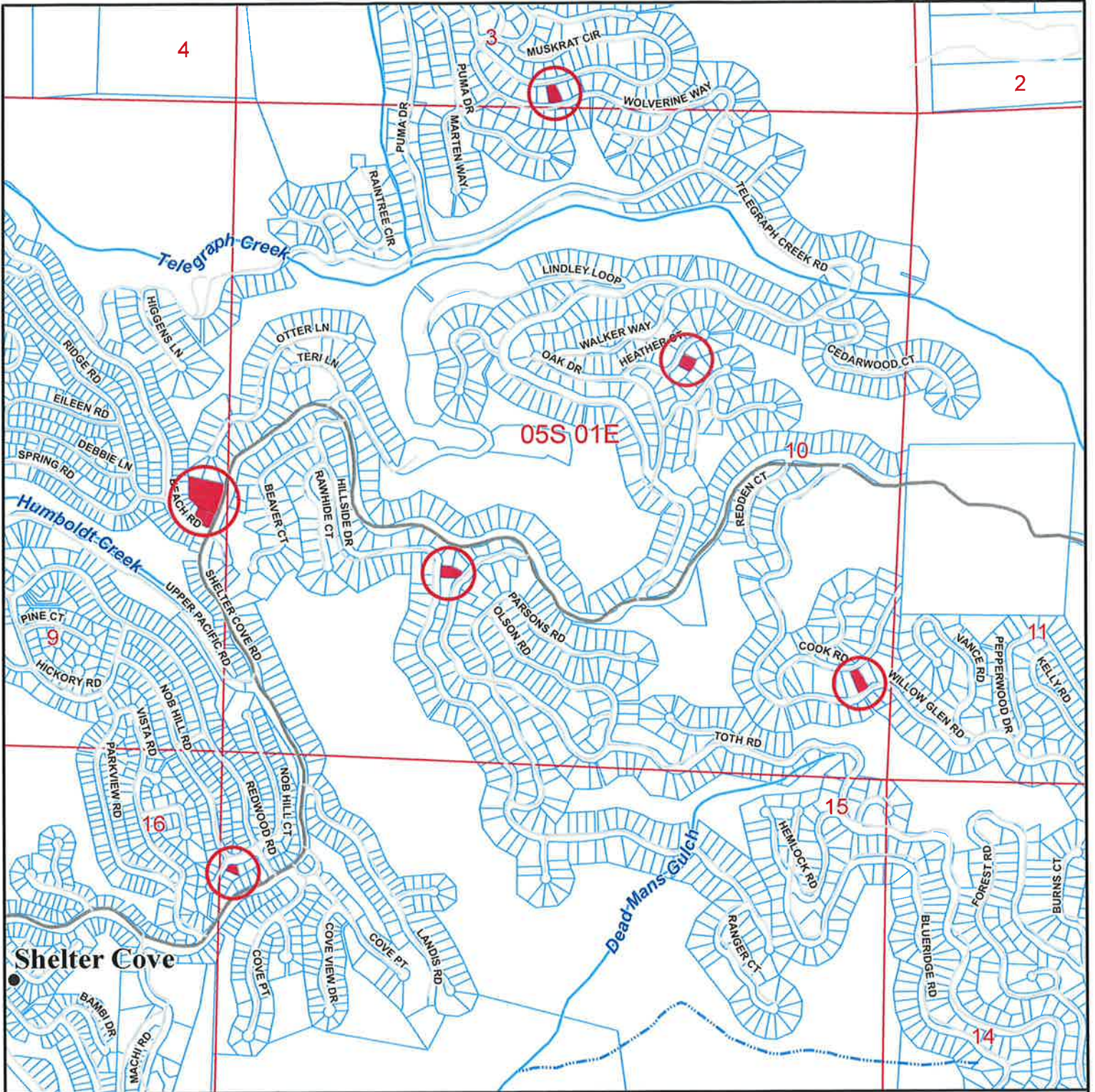
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair


I, Suzanne Hegler, Clerk 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.

Suzanne Hegler, Clerk



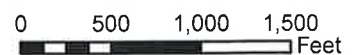
LOCATION MAP

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
 COASTAL DEVELOPMENT PERMIT &
 GENERAL PLAN CONFORMANCE REVIEW
 SHELTER COVE AREA
 CDP-15-062/GPC-15-004
 APN: 111-151-013 et seq
 T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

Subject Parcel = 



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





AERIAL MAP

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
COASTAL DEVELOPMENT PERMIT &
GENERAL PLAN CONFORMANCE REVIEW**

**SHELTER COVE AREA
CDP-15-062/GPC-15-004
APN: 111-151-013 et seq**

T05S R01E S3,9-10,15 HB&M (Shelter Cove)

Subject Parcel =

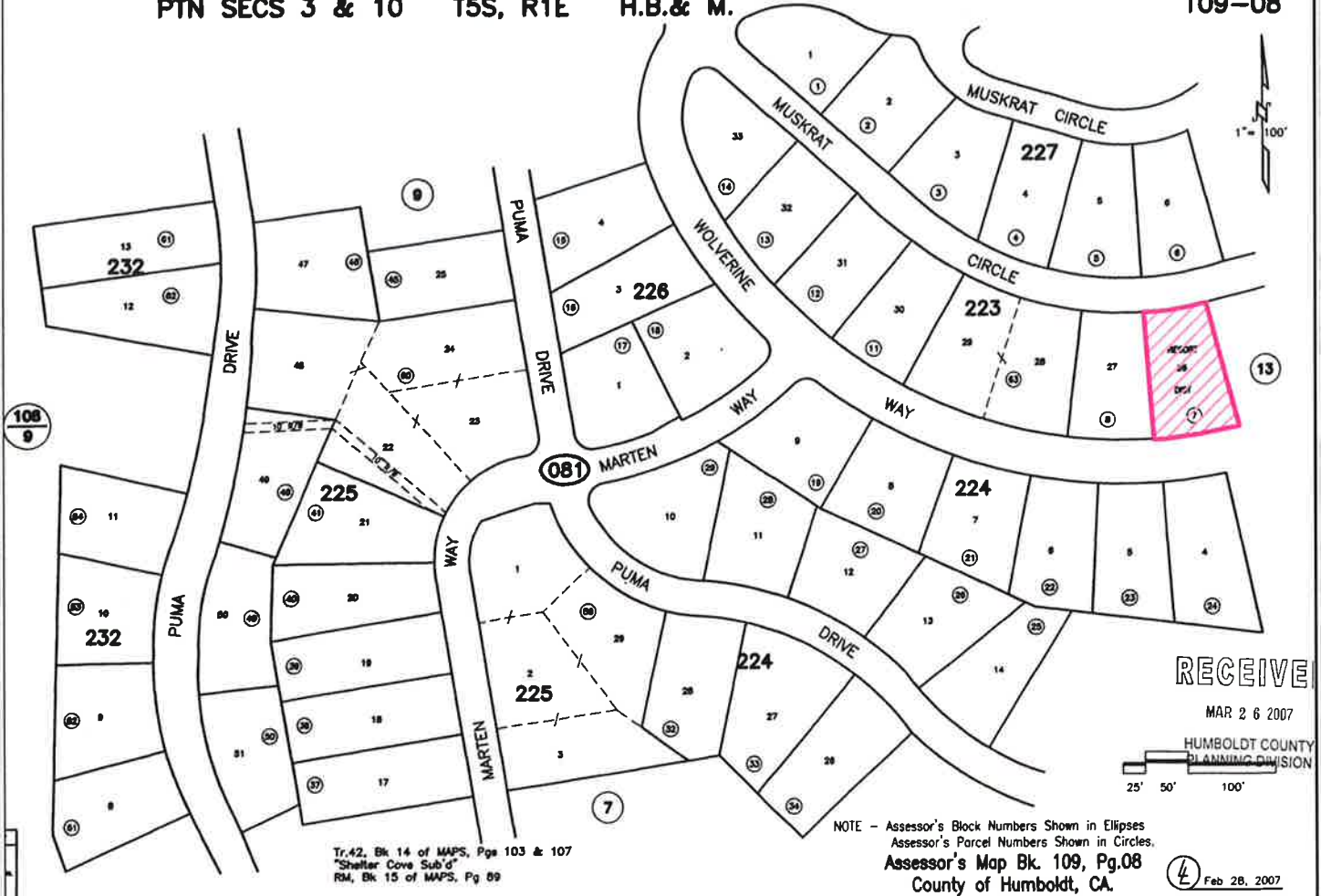


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PTN SECS 3 & 10 T5S, R1E H.B.& M.

109-08



Tr. 42, Bk 14 of MAPS, Pgs 103 & 107
 "Shelter Cove Sub'd"
 RM, Bk 15 of MAPS, Pg 89

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.
 Assessor's Map Bk. 109, Pg.08
 County of Humboldt, CA.

RECEIVE

MAR 26 2007

HUMBOLDT COUNTY PLANNING DIVISION

25' 50' 100'

Feb 28, 2007

PROJECT SITE = 

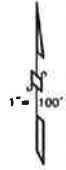
ASSESSOR PARCEL MAP 1 OF 6

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
 COASTAL DEVELOPMENT PERMIT &
 GENERAL PLAN CONFORMANCE REVIEW
 SHELTER COVE AREA
 CDP-15-062/GPC-15-004
 APN: 111-151-013 et seq
 T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

MAP NOT TO SCALE

PTN SEC 10 T5S, R1E H.B.& M.

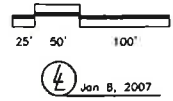
109-25



ASSESSOR'S PARCEL MAP
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Tr42, Bk. 14 of MAPS, Pgs 111-113
 "Shelter Cove Sub'd"

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.
 Assessor's Map Bk. 109, Pg.25
 County of Humboldt, CA.

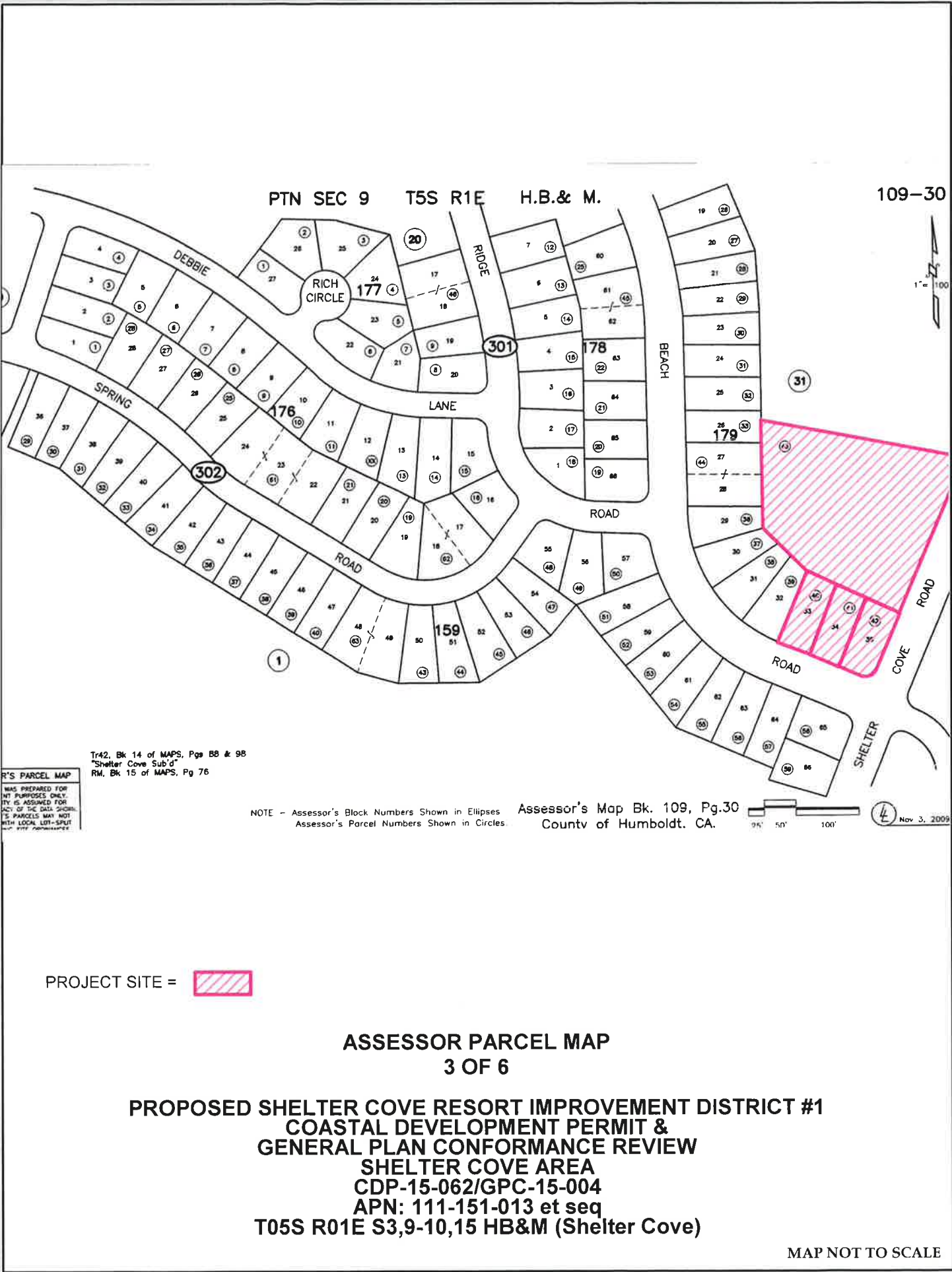


PROJECT SITE = 

**ASSESSOR PARCEL MAP
 2 OF 6**

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
 COASTAL DEVELOPMENT PERMIT &
 GENERAL PLAN CONFORMANCE REVIEW
 SHELTER COVE AREA
 CDP-15-062/GPC-15-004
 APN: 111-151-013 et seq
 T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

MAP NOT TO SCALE



109-30

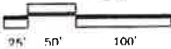
PTN SEC 9 T5S R1E H.B.& M.

T42, Bk 14 of MAPS, Pgs 88 & 98
 "Shelter Cove Sub'd"
 RM, Bk 15 of MAPS, Pg 76

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Assessor's Map Bk. 109, Pg.30
 County of Humboldt, CA.



Nov 3, 2009

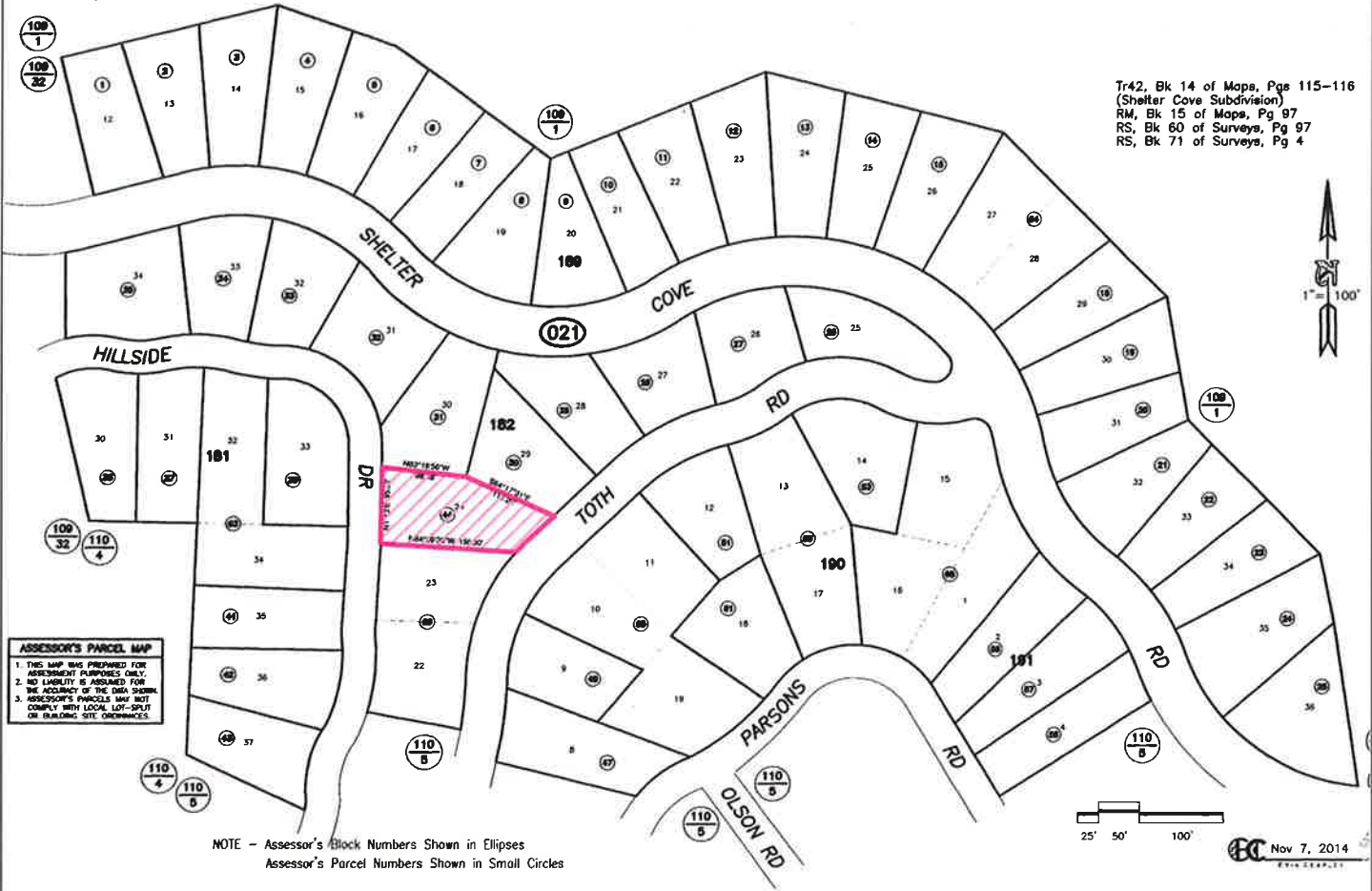
PROJECT SITE =

**ASSESSOR PARCEL MAP
 3 OF 6**

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
 COASTAL DEVELOPMENT PERMIT &
 GENERAL PLAN CONFORMANCE REVIEW
 SHELTER COVE AREA
 CDP-15-062/GPC-15-004
 APN: 111-151-013 et seq
 T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

MAP NOT TO SCALE

Tr42, Bk 14 of Maps, Pgs 115-116
(Shelter Cove Subdivision)
RM, Bk 15 of Maps, Pg 97
RS, Bk 60 of Surveys, Pg 97
RS, Bk 71 of Surveys, Pg 4



ASSESSOR'S PARCEL MAP

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NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Small Circles

PROJECT SITE = 

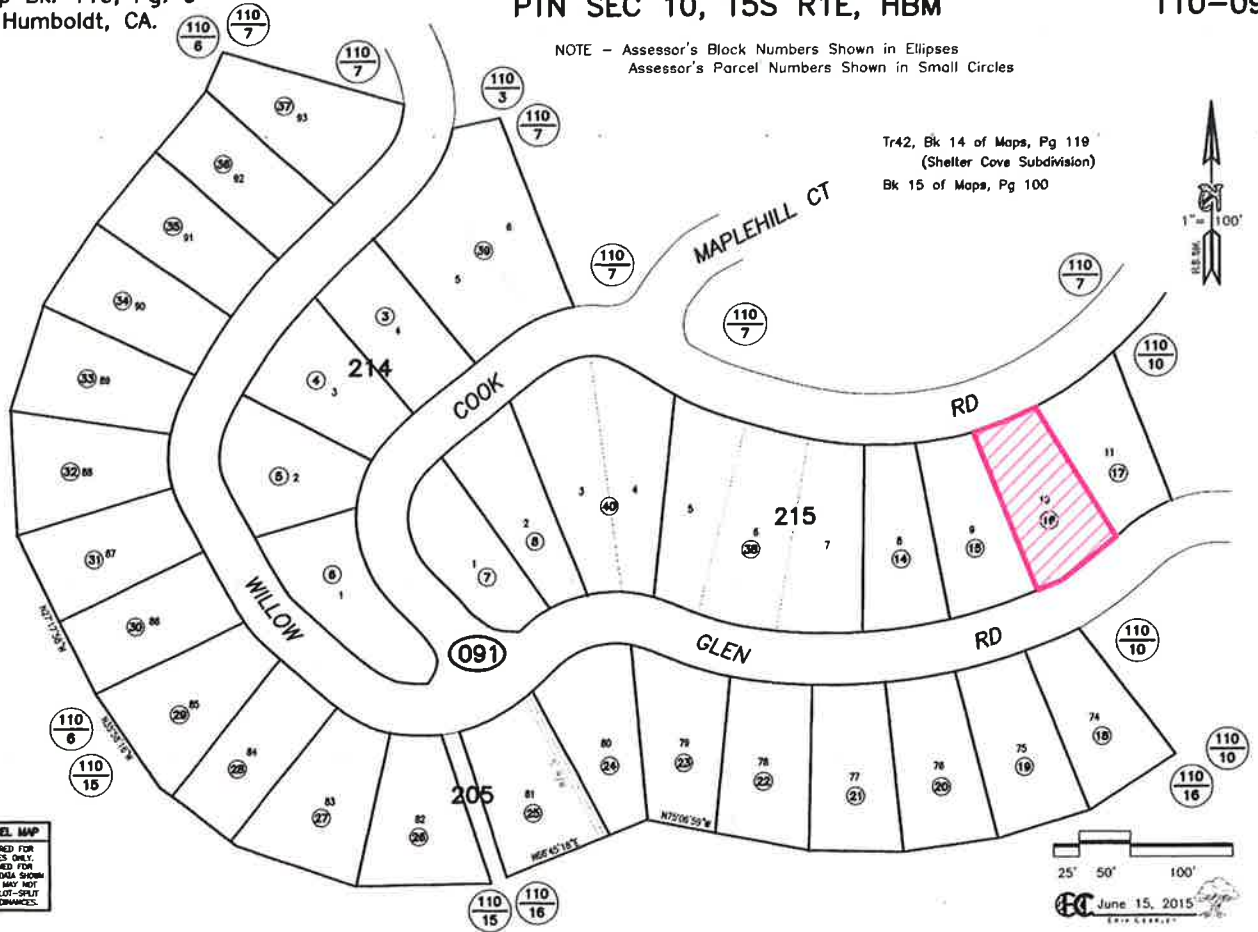
**ASSESSOR PARCEL MAP
4 OF 6**

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
COASTAL DEVELOPMENT PERMIT &
GENERAL PLAN CONFORMANCE REVIEW
SHELTER COVE AREA
CDP-15-062/GPC-15-004
APN: 111-151-013 et seq
T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

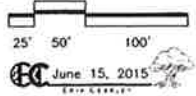
MAP NOT TO SCALE

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Small Circles

Tr42, Bk 14 of Maps, Pg 119
(Shelter Cove Subdivision)
Bk 15 of Maps, Pg 100



ASSESSOR'S PARCEL MAP
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PROJECT SITE =

**ASSESSOR PARCEL MAP
5 OF 6**

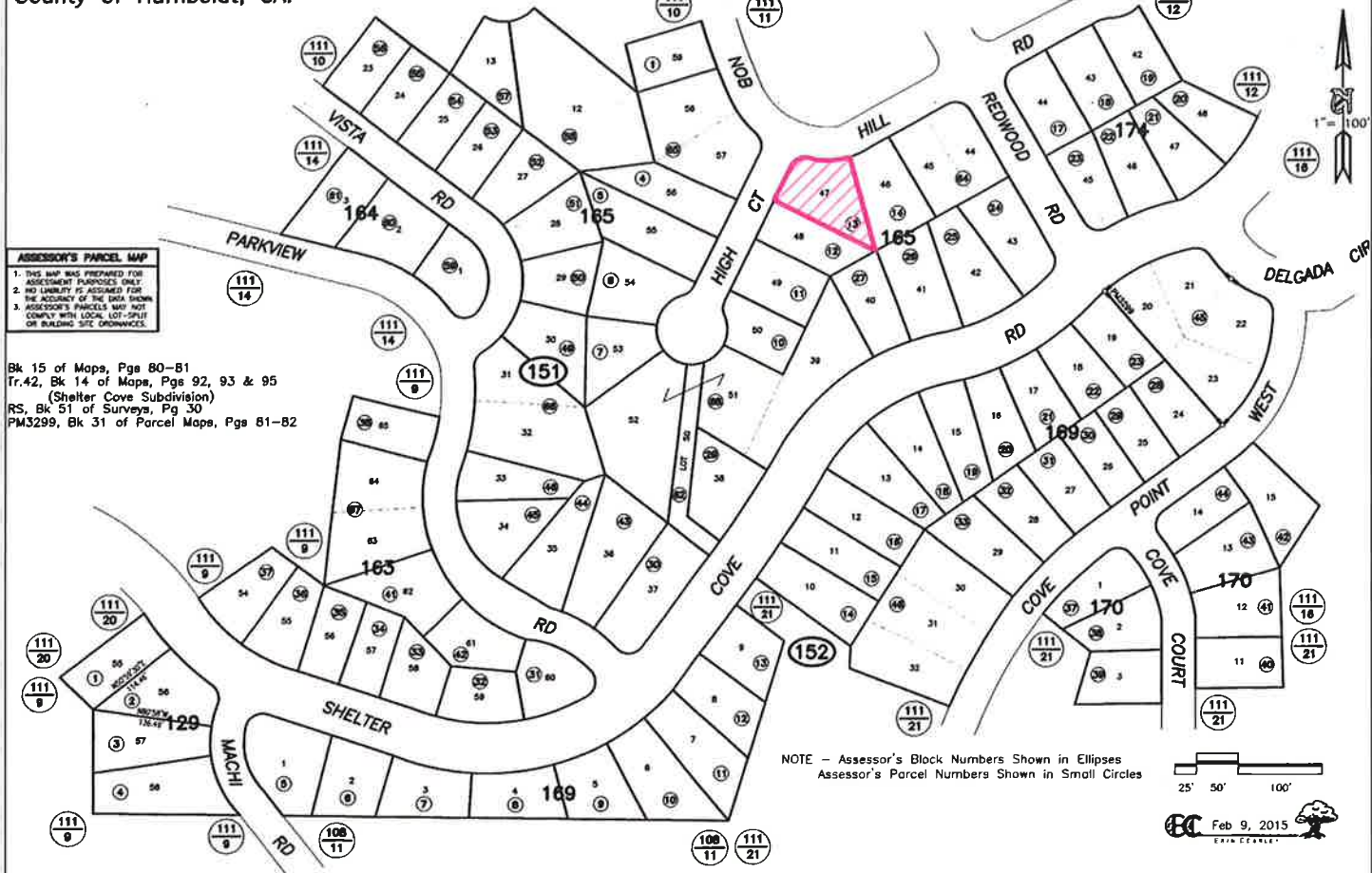
**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
COASTAL DEVELOPMENT PERMIT &
GENERAL PLAN CONFORMANCE REVIEW
SHELTER COVE AREA
CDP-15-062/GPC-15-004
APN: 111-151-013 et seq
T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

MAP NOT TO SCALE

essor's Map Bk. 111, Pg. 15
 County of Humboldt, CA.

PTN OF SECS 15 & 16, T5S R1E, H.B.& M.

111-15



PROJECT SITE = 

**ASSESSOR PARCEL MAP
 6 OF 6**

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
 COASTAL DEVELOPMENT PERMIT &
 GENERAL PLAN CONFORMANCE REVIEW
 SHELTER COVE AREA
 CDP-15-062/GPC-15-004
 APN: 111-151-013 et seq
 T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

MAP NOT TO SCALE



ZONING MAP (COASTAL)

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
COASTAL DEVELOPMENT PERMIT &
GENERAL PLAN CONFORMANCE REVIEW**

**SHELTER COVE AREA
CDP-15-062/GPC-15-004
APN: 111-151-013 et seq**

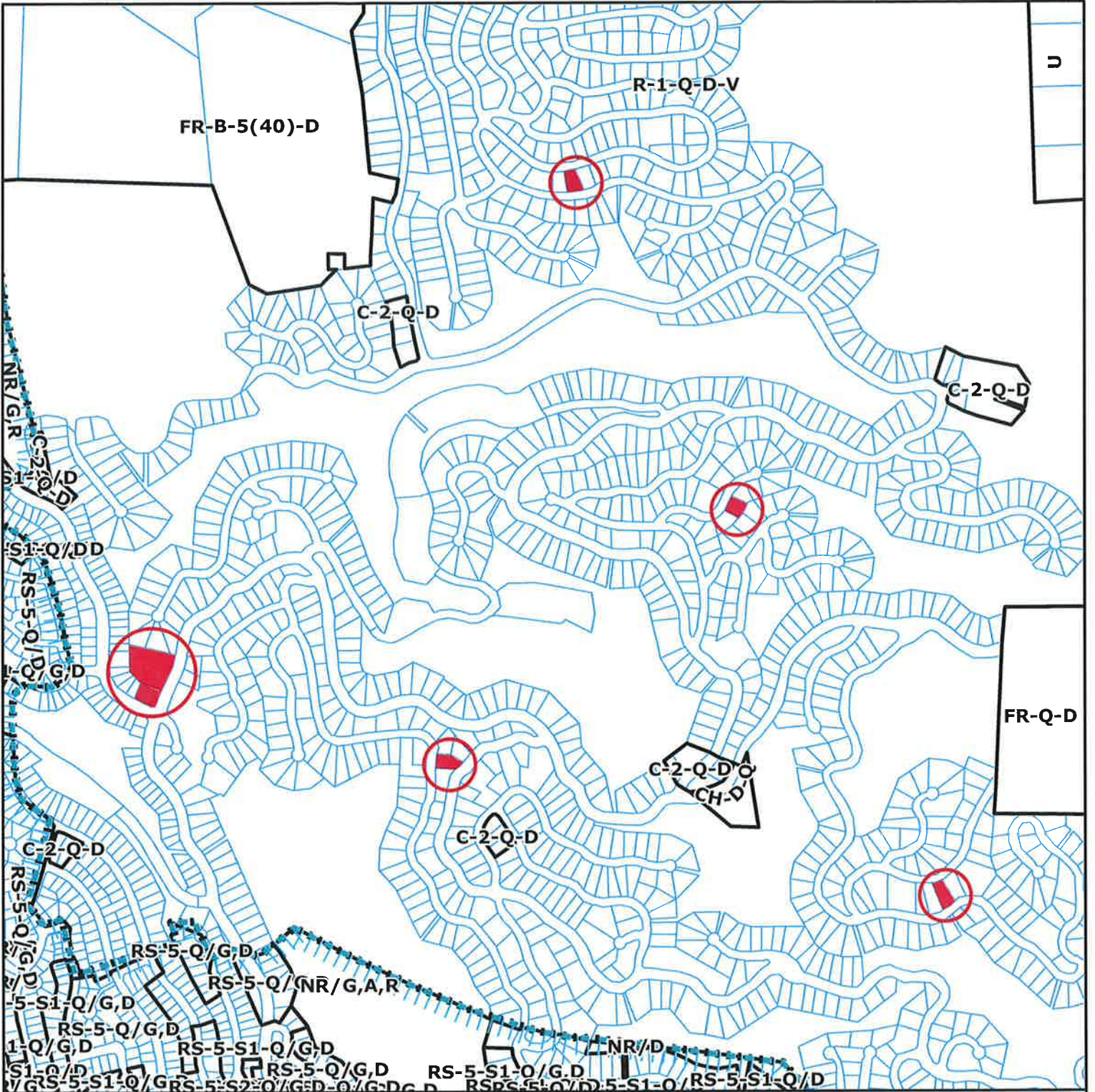
T05S R01E S3,9-10,15 HB&M (Shelter Cove)

Subject Parcel =



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.






ZONING MAP (INLAND)

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
COASTAL DEVELOPMENT PERMIT &
GENERAL PLAN CONFORMANCE REVIEW
SHELTER COVE AREA**

CDP-15-062/GPC-15-004

APN: 111-151-013 et seq

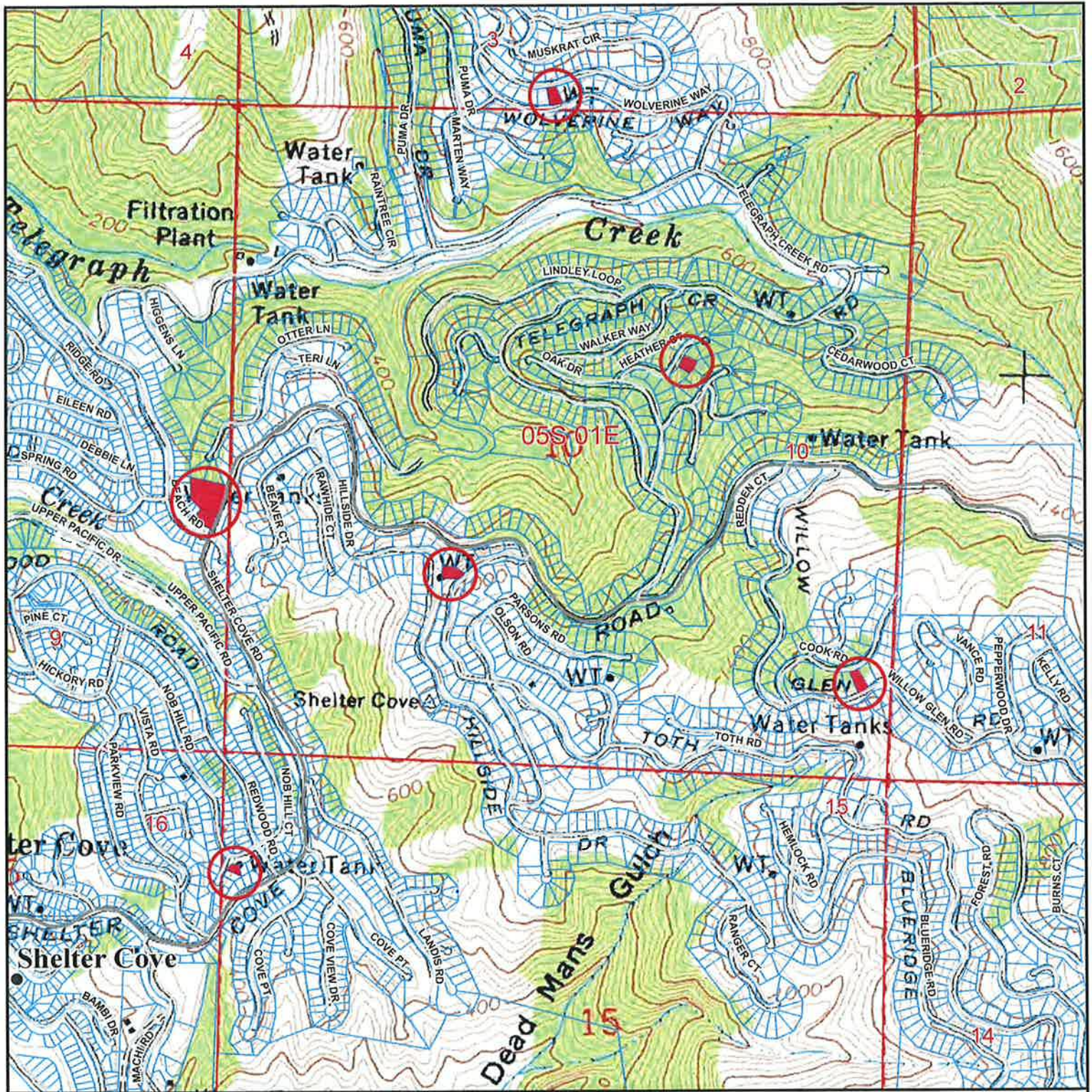
T05S R01E S3,9-10,15 HB&M (Shelter Cove)

Subject Parcel = 




This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





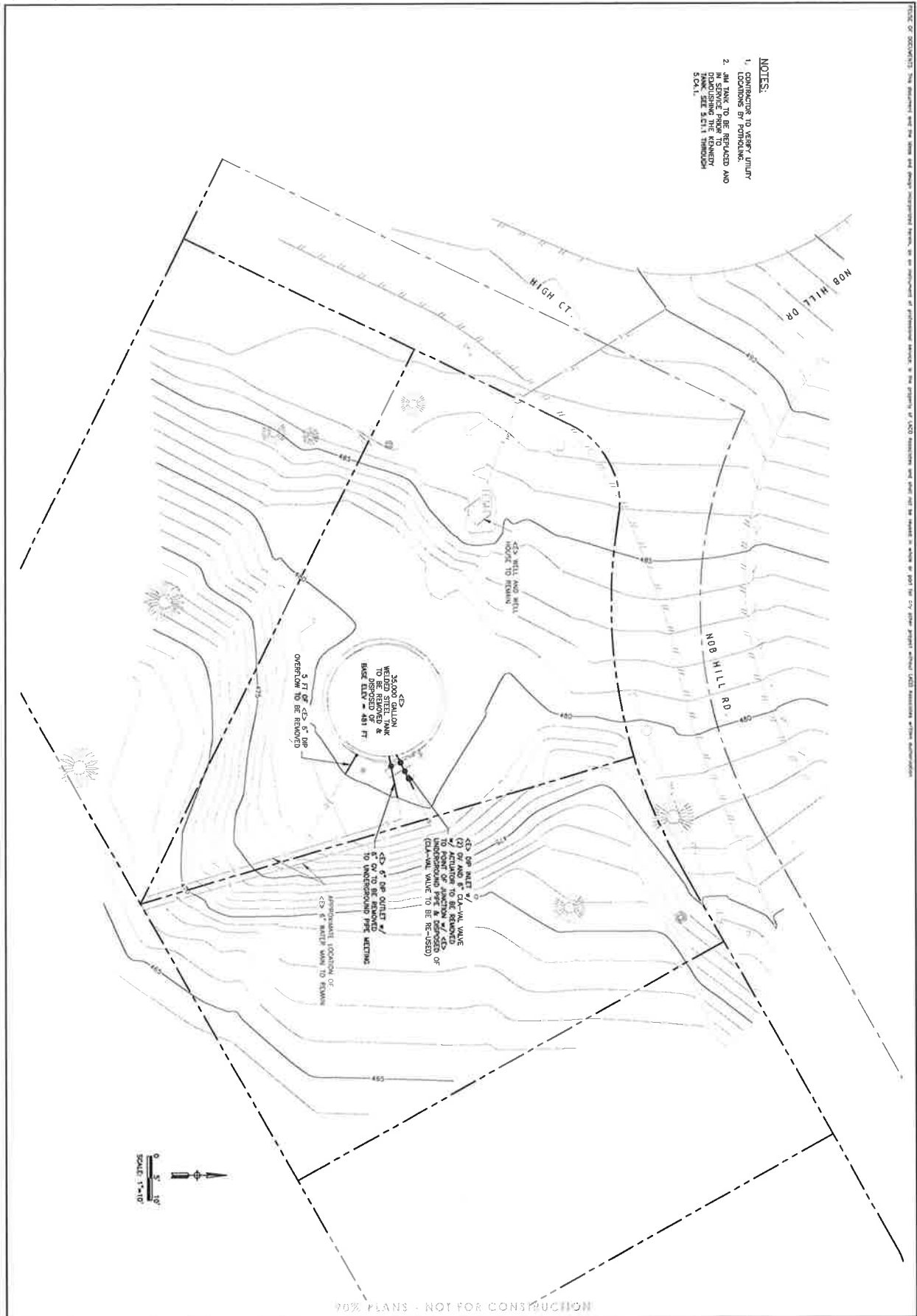
TOPO MAP

**PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1
 COASTAL DEVELOPMENT PERMIT &
 GENERAL PLAN CONFORMANCE REVIEW
 SHELTER COVE AREA
 CDP-15-062/GPC-15-004
 APN: 111-151-013 et seq
 T05S R01E S3,9-10,15 HB&M (Shelter Cove)**

Subject Parcel = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

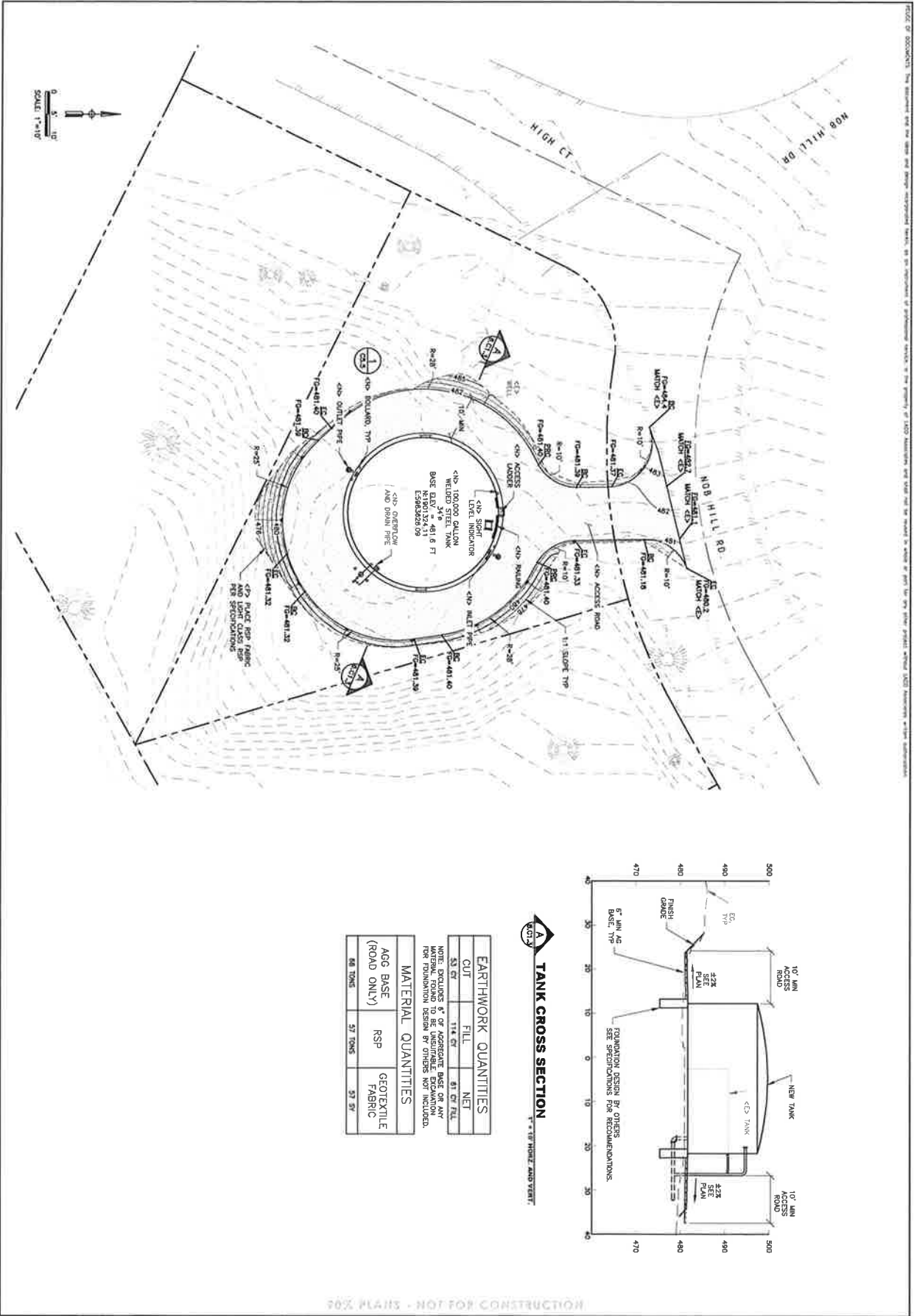




- NOTES:**
1. CONTRACTOR TO VERIFY EXISTING LOCATIONS OF TANKS.
 2. JIM TANK TO BE REMOVED AND DEMOLISHING THE REMAINING SCALE, SEE 3.5.1 THROUGH 3.5.4.

90% PLANS - NOT FOR CONSTRUCTION

DATE: 11/20/15 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1"=10' SHEET: 6.C1.2	WATER TANK REPLACEMENTS PHASE I JIM TANK DEMOLITION PLAN RESORT IMPROVEMENT DISTRICT NO. 1 SHELTER COVE, CA		LACO EUREKA • UKIAH • SANTA ROSA 1-800-315-0504 www.laco.com	PROFESSIONAL SEAL STATE OF CALIFORNIA CIVIL ENGINEER No. 7054
	HISTORY / REVISION			



EARTHWORK QUANTITIES

CUT	FILL	NET
53.07	114.07	61.00

NOTE: EXCLUDES 8' OF AGGREGATE BASE OR ANY MATERIAL FOUND TO BE UNSUITABLE EXCAVATION FOR FOUNDATION DESIGN BY OTHERS NOT INCLUDED.

MATERIAL QUANTITIES

AGG BASE (ROAD ONLY)	RSP	GEOTEXTILE FABRIC
68 TONS	57 TONS	57 20'

A TANK CROSS SECTION
 1" = 10' HORIZ. AND VERT.

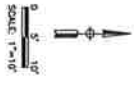
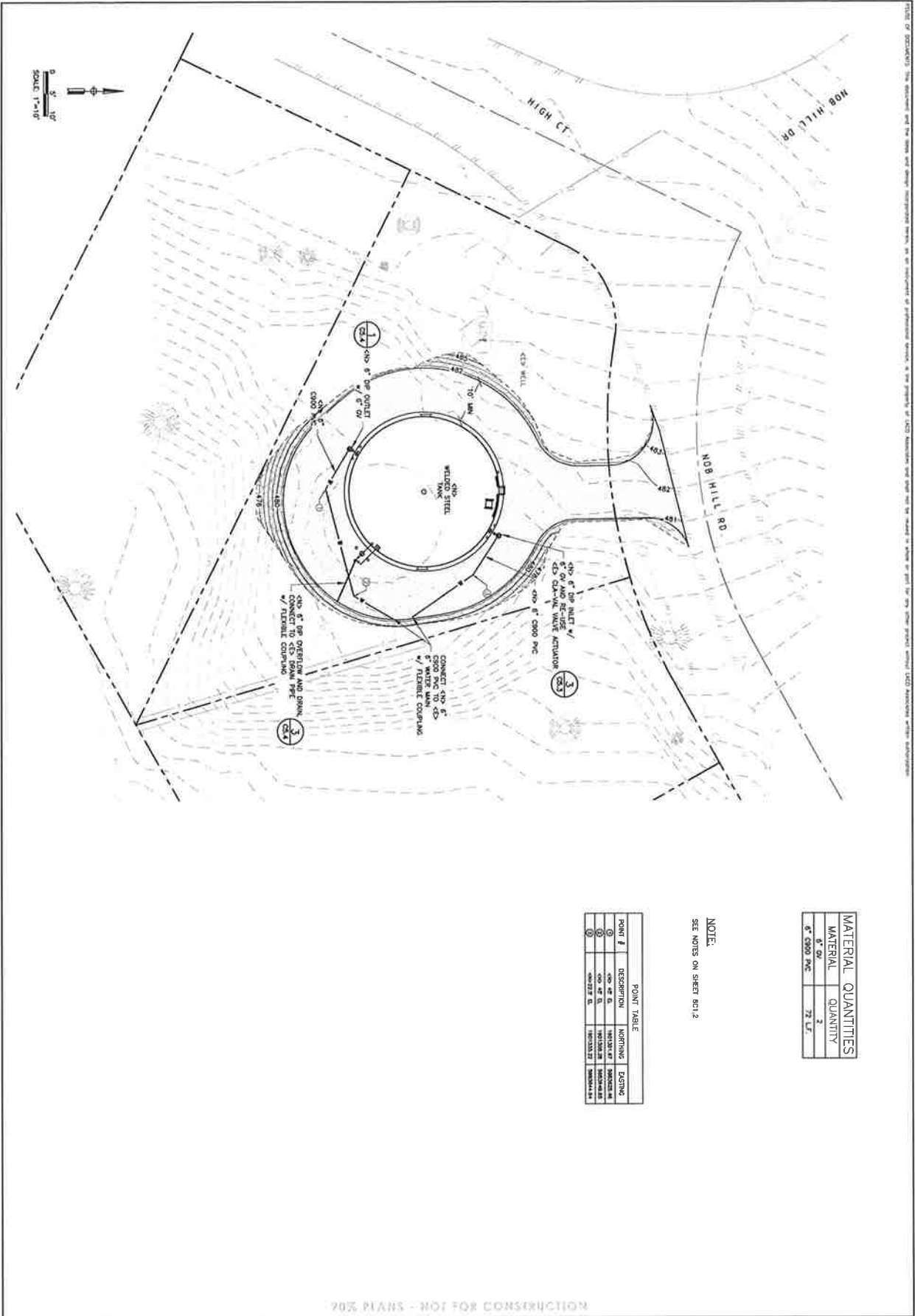
50% PLANS - NOT FOR CONSTRUCTION

DATE	11/20/15
BY	AKC
CHECK	AKC
SCALE	AS SHOWN
PROJECT	6C13

NO.	HISTORY / REVISION	BY	CHK	DATE

LACO
 EUREKA • UKIAH • SANTA ROSA
 1-800-313-5054 www.lacoassociates.com





MATERIAL QUANTITIES

MATERIAL	QUANTITY
4" CPVC	2
4" CPVC PVC	72 L.F.

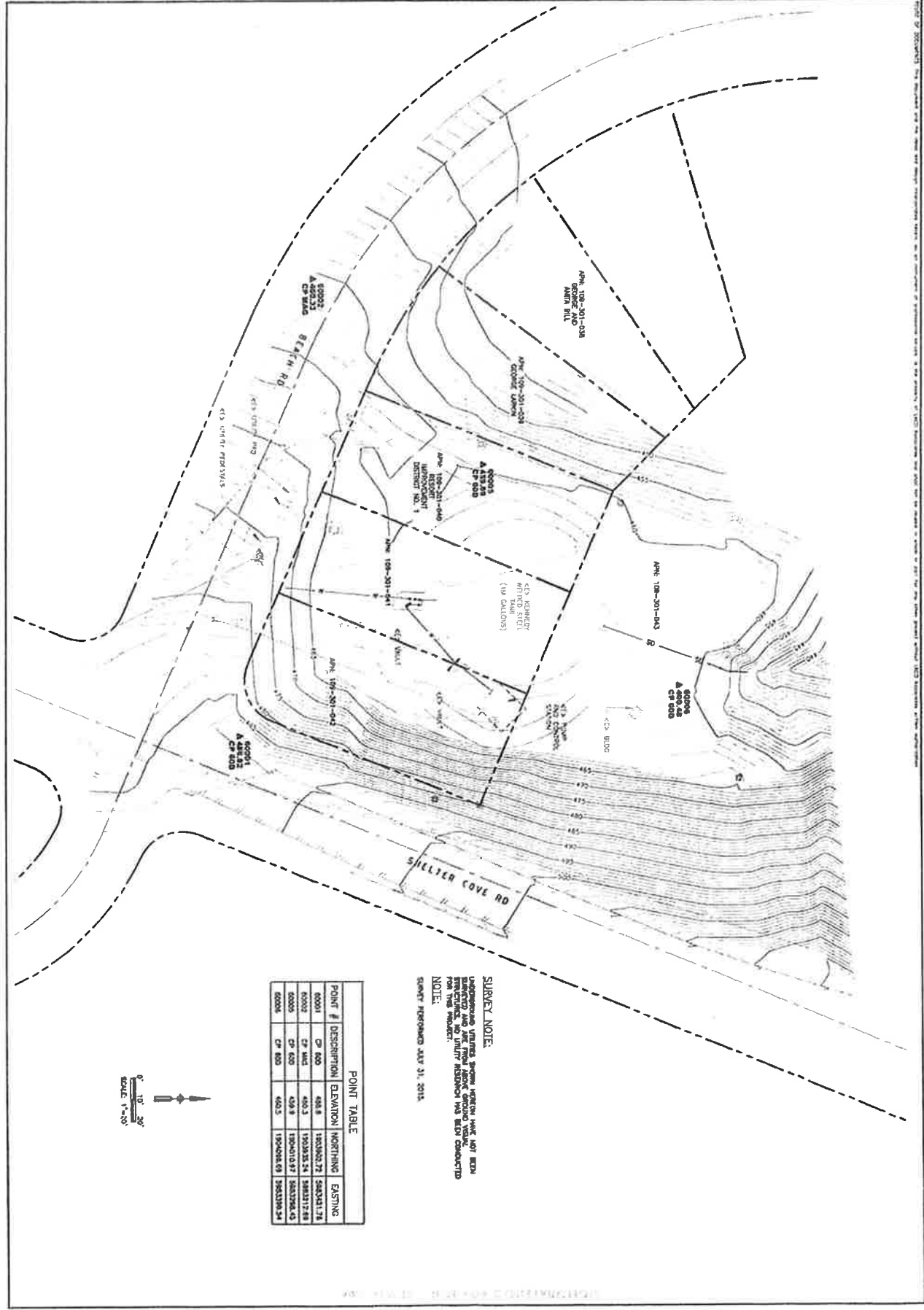
NOTE:
 SEE NOTES ON SHEET 801.2

POINT TABLE

POINT #	DESCRIPTION	NORTHING	EASTING
1	4" CPVC EL.	1075.00	1075.00
2	4" CPVC EL.	1075.00	1075.00
3	4" CPVC EL.	1075.00	1075.00

70% PLANS - NOT FOR CONSTRUCTION

<p>DATE: 1/20/15 2017 NUMBER: 8022/07 SHEET: 6.C1.4</p>	<p>WATER TANK REPLACEMENTS PHASE I JIM TANK YARD PIPING AND APPURTENANCES PLAN RESORT IMPROVEMENT DISTRICT NO. 1 SHELTER COVE, CA</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>ID</th> <th>HISTORY / REVISIONS</th> <th>BY</th> <th>CHK</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	ID	HISTORY / REVISIONS	BY	CHK	DATE						<p>LACO EUREKA • UKIAH • SANTA ROSA 1-800-451-1414</p>	
ID	HISTORY / REVISIONS	BY	CHK	DATE										



POINT #	DESCRIPTION	ELEVATION	NORTHING	EASTING
60001	CP 600	464.8	1900002.72	580241.78
60002	CP 601	463.3	1900033.24	580237.88
60003	CP 602	459.9	1900010.97	5802398.43
60004	CP 603	462.2	1900008.09	5802398.24

SURVEY NOTE:
 THE INFORMATION SHOWN ON THIS MAP IS BASED ON A SURVEY CONDUCTED ON JULY 31, 2015. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED. NO OTHER RESURVEYING HAS BEEN CONDUCTED.
 DATE: 07/31/2015
 CLIENT: KENNEDY TANK

DATE: 11/27/15 DRAWN BY: JAC CHECKED BY: JAC APPROVED BY: B02210 SCALE: 5/11	WATER TANK REPLACEMENTS PHASE I KENNEDY TANK TOPOGRAPHIC MAP RESORT IMPROVEMENT DISTRICT NO. 1 SHELTER COVE, CA		NO. _____ REVISION _____ BY _____ DATE _____	LACO EUREKA • UKIAH • SANTA ROSA 1-800-611-5254 www.lacoconstructors.com	
	GDP 15-062-Shelter Cove 10010 April 7, 2016			Page 24	

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit and Conditional Use Permit is conditioned on the following terms and requirements which must be satisfied before work is initiated.

Conditions of Approval:

1. The applicant shall meet all of the requirements of the Department of Public Work's Memorandum dated November 20, 2015. This includes but is not limited to applying for and obtaining encroachment permits from the Department of Public Works for the proposed improvements to the access roads, at all locations, onto the County road.
2. The subject parcels are located within the municipal separate storm sewer system (MS4) boundary area. Prior to commencing ground disturbing activities at each location, the applicant shall certify compliance with the MS4 permit to the satisfaction of the Department of Public Works and the Planning Division, unless determined to be exempt. Contact the Natural Resources Division of the Department of Public Works for more information.
3. All fence or gate structures shall be a minimum of 25 feet back from the existing edge of the County road.
4. Wastes resulting from the demolition-dismantling must be handled in accordance with state and local regulations. Mixed demolition wastes must be transported to an approved disposal or transfer-processing facility. Materials that can be reused or recycled must be separated at the point of origin and taken to a legitimate recycler or construction and demolition debris processor.
5. All mitigation measures identified within the Mitigation and Monitoring Report in the adopted Initial Study-Mitigated Negative Declaration shall be incorporated during project implementation.
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.
7. **Prior to hearing:** The applicant shall provide the County a check in the amount of \$50.00 payable to the Humboldt County Clerk/Recorder for the Department's filing of the Notice of Determination as Responsible Agency under CEQA.

Ongoing Requirements/Development Restrictions which Must be Satisfied for the Life of the Project:

1. The project shall be conducted in accordance with the project description and approved project site plan.
2. The applicant shall adhere to the terms of the SRA Standard Exemption for Small Parcels as approved by the California Department of Forestry and Fire Protection, to provide fuel modification and building construction mitigation.
3. All new and existing outdoor lighting shall be directed within the property boundaries.

4. New utilities shall be installed underground, when feasible.
5. Alteration to natural landforms shall be minimized
- *6. *This permit does not authorize expansion of the Resort Improvement District's existing service area, even on a temporary basis.*

Informational Notes

1. Applicant is responsible for receiving all necessary permits and/or approvals from other Federal, State and local agencies.
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 be commenced may be extended as provided by Section 312-10.5 of the Humboldt County Code.
3. Site visibility must be maintained at the driveway entrances (approach) in conformance with County Code.
4. 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.

5. New Development To Require Permit. Any new development as defined by Section 313-139.6 of the Humboldt County Code (HCC) shall require a Coastal Development Permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.

**Condition added per Supplemental Information #1 (March 3, 2016 Planning Commission Meeting)*

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Section 1: Coastal Development Permit and Conditional Use Permit for APN 111-151-013

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

Title III, Division 2, Sections 312-1.1.2 and 312-17 of the Humboldt County Code (HCC) specifies the findings that must be made to grant the Coastal Development Permit (CDP) and Conditional Use Permit (CUP). The Hearing Officer may grant the CDP and CUP if, on the basis of the application, investigation and submitted evidence, the following findings can be made:

1. The proposed development is in conformance with the County General Plan;
2. Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.
3. The proposed development is consistent with the purposes of the existing zone in which the site is located;
4. The proposed development conforms with all applicable standards and requirements of these regulations; and
5. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
6. 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 (the mid point of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

7. a) That the project is either categorically or statutorily exempt; or
b) That there is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a mitigated negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
c) That an environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of significance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Staff Analysis of the Evidence Supporting the Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework Plan (FP) and the South Coast Area Plan (SCAP).

Plan Section(s) Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use: §2732 (FP) and §5.20 (SCAP) Residential/Low Density (RL). Purpose: to allow the development of homeowner residential use making conservative use of urban land where adequate services are available. Principal use: detached single family residences.</p>	<p>The subject parcel is currently planned with a residential land use designation. A more appropriate designation would be Public Facilities (PF). The subject parcel has been host to water supply tank since 1965. Although the property is planned for residential uses, the project is still consistent with SCAP pursuant to §§ 3.21(5) and 3.22. Section 3.21(5) provides for the replacement or alteration of a nonconforming use when the following findings can be made: 1) the nonconforming use and/or structure is not a public nuisance; and 2) the nonconforming use and/or structure will not conflict with surrounding land uses. There is no evidence indicating that replacing an existing water tank with a new larger tank will be a nuisance or that it will conflict with surrounding land uses. The proposed replacement tank is an essential component of the District's water supply system, which provides potable water to residential and commercial users, as well water for emergency purposes. Further, Section §3.22 of the SCAP, contains the policy guidance for public works projects, such as this:</p> <p style="padding-left: 40px;">...expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be...expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.</p> <p>While the proposed Jim Tank will have a larger storage capacity than the current tank, this will not increase the District's service capacity or expand its serviceable area. The increase capacity is needed on both a temporary and long term basis. Temporarily, the new Jim Tank will be potable water reservoir while the Kennedy Tank is being replaced (the Kennedy Tank is the District's primary storage reservoir). Long term, the increased Jim Tank capacity will provide redundancy to the District's water system, and increase the District's ability to function during emergencies such as fire and earthquakes. The project will provide an essential service, and ensure adequate capacity in event of an emergency to the residences and businesses in the area. Staff finds the project will not induce growth based on the above. As the project is to replace an existing tank, the project will not preclude the priority Coastal land uses. An informational note is provided to review the plan designation and zoning during the update of the South Coast Area Plan.</p>

<p>Urban Limits §3.21 (SCAP) New development shall be located within existing developed areas or in areas with adequate public services.</p>	<p>The property is located inside the Urban Limit Line as mapped in the South Coast Area Plan. The project is to upgrade an existing water tank that is part of the District's water system. The upgrade will improve the reliability and resilience of the system in the event of an emergency. Therefore, the project will ensure adequate public services, in this case water, for residents of Shelter Cove.</p>
<p>Housing: §2420-2430 (FP) and §3.26 (SCAP) Housing shall be developed in conformity with the goals, policies and standards of the Humboldt County Housing Element.</p>	<p>Although the subject parcel is planned and zoned for residential development, there are no residential uses present on the property. The parcel has hosted a District water tank since in 1965 when the first tank was constructed. This public facility use of the property has been continuous since then. Therefore, this parcel is not anticipated to provide any housing units, and a finding of consistency with the standard can be made.</p>
<p>Hazards: §3100 (FP) and §3.28 (SCAP) New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.</p>	<p>The parcel is not subject to flooding according FEMA mapping, nor subject to tsunami hazards. The property has a high instability rating according to the County's Seismic Safety mapping. According to the applicant's IS-MND, the project site "is largely stable as evidenced by the mature vegetation growing on the perimeter...and the lack of visible landslides or slumps on or near the site" (page 24). According to the inspection conducted for the District by Pittsburg Tank Company, the replacement tank will rectify existing structural deficiencies for the Jim Tank and bring it into compliance with modern seismic and safety codes. Currently the Jim Tank's foundation is an earth/gravel pad. The new tank will be anchored to an engineered foundation which will improve the seismic safety in the event of an earthquake. Additionally, the replacement tank will be designed to current seismic standards. The parcel is located in area of high fire hazard rating, as is most of the Coastal area of Shelter Cove. The new tank will be made of welded steel and will not create or introduce a new fire hazard. In fact, at completion the project will improve reliability of the District's water supply system during emergency conditions.</p>
<p>Biological Resource §3400 (FP) and §3.30 (SCAP) Protect designated sensitive and critical resource habitats.</p>	<p>The applicant had a biological survey (dated April 6, 2015) conducted as part of the Initial Study. This report concludes that no sensitive plant or animal species were detected during the survey. Because the new tank has a larger footprint than the existing tank, the project does entail grading the pad that will accommodate the new tank. Also there will be grading to improve the access to and around the tank. This work however will occur on land that has previously been disturbed by the construction of the tank and routine maintenance. The applicant's biological report was also reviewed by the California Fish and Wildlife, and that agency had no comments. Based on the above, staff finds that the project will conform with the biological resource protection policies in the SCAP.</p>

<p>Archaeological & Paleontological Resources §3500 FP and §3.18 SCAP Protect cultural, archeological and paleontological resources.</p>	<p>In January 2015, in advance of preparing the Initial Study, the applicant engaged the North West Information Center at Sonoma State University. NWIC's record search did not identify any significant archeological or cultural features in the project area. As part of this application, the project was referred to the Bear River Band of the Rohnerville Rancheria and the Round Valley Tribes. Only the Tribal Historic Preservation Officer of Bear River commented. She commented that "none of the tank locations coincide with locations of known cultural resources." However, as there are many cultural resources present in Shelter Cove, she recommended that the project be conditioned on the inadvertent discovery protocol. Accordingly this is included in the Recommended Conditions of Approval. Based on the above, the Department finds the project will not impact archeological or paleontological resources.</p>
<p>Noise §3240 (FRWK) Conform with noise standards</p>	<p>As discussed at in the Initial Study--Mitigated Negative Declaration in Attachment 6, while there will be a temporary increase in the ambient noise levels during construction, the project will not result in a long term substantial increase in noise levels. As stated, the new tanks and pumps will maintain existing operation conditions and associated noise levels. The adopted Mitigated Negative Declaration incorporates measures to mitigate the temporary increase in noise levels stemming from construction activity. These measures included limiting the hours of construction activity, to the extent feasible locating fixed construction equipment as far as possible from sensitive receptors and using hydraulically or electrically powered impact tools whenever possible. While the project will temporary increase noise levels, the project will conform to the maximum interior noise standard of 60 dB Ldn for residential uses over the life of the project.</p>
<p>Visual Resource §3.40 SCAP Protect and conserve scenic and visual qualities of coastal areas.</p>	<p>The existing tank is approximately 16 feet in height. The new tank will be a minimum of 17 feet in height to a maximum of 23 feet in height. The new tank will be painted in an earth tone similar to the existing tank such that they blend visually with the background. The site is not located within a mapped coastal view or coastal scenic area.</p>
<p>Access § SCAP New development shall maintain and where feasible provide new opportunities for public access to the coast consistent with public safety needs, property rights protection, and protection of fragile coastal resources.</p>	<p>The Access Inventory of SCAP identifies specific access points in the planning area. There are no access points proximate to the project site.</p>

2. **Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.**
3. **The proposed development is consistent with the purposes of the existing zone in which the site is located.**
4. **The proposed development conforms with all applicable standards and requirements of these regulations.** The following table identifies the evidence which supports finding that the proposed

development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
312-1.1.2 Legal Lot Requirement	Lot was created in compliance with all applicable state and local subdivision regulations.	The subject parcel is Lot 47 of Block 165 of the Shelter Cove Subdivision, Book 14 of Maps Pages 73. There is no evidence indicating subsequent actions to further divide or merge the lands. Therefore, the subject land was created in compliance with all local and state subdivision regulations.
313-6.1 Residential Single Family (RS)	Conditionally Permitted Uses specify Essential Services.	The proposed project is for installing a water tank that is part of the District's water distribution system serving residential and commercial users inside their existing service area. Pursuant to Section 313-171.5.5 "community wells, water storage tanks..." are classified as an Essential Services use type, a form of Civic Use Types.
Minimum Lot Size	5,000 square feet	Approximately 5,858 square feet
Min. Lot Width and Depth; Max. Lot Depth	Min. Width: 50 feet Max. Lot Depth: Three times the lot width = approximately 450 feet	Width: approximately 64.6 feet average Depth: average 127.79 feet
Minimum Yard Setbacks	Front: 2 feet as modified by the S1 combining zone. Interior Side: 10 feet Exterior Side: 20 feet with 10 foot Rear yard setback Rear: a straight line 10 feet in length per definition of Lot Line, Rear, Section 313-147.	Front (Nob Hill frontage): >20 feet Interior Side (easterly): > 10 feet Exterior Side (High Court frontage): >20 feet Rear (southerly): >10 feet
Max. Ground Coverage	35 percent	Approximately 14 percent
Maximum Structure Height	35 feet	The height of the tank will be a minimum of 17 feet in height to a maximum of 23 feet. Therefore, the new tank will not exceed the 35 foot height limit.
Combining Zones		
313-32.1 Qualified		
The Qualified Combining Zone Regulations are intended to be combined with principal zones to help more precisely implement the adopted County General Plan.	Ordinance 1914 prohibits uses otherwise allowed by zone. These include secondary dwelling units, temporary and/or recreational housing, accessory buildings without inclusion of a primary residence, or open storage of any material, equipment, refuse, carton, package or similar item. This project does not include any of the prohibited uses	
313-22.1 Alquist-Priolo Fault Hazard		

<p>The purpose of these provisions is to implement the Alquist-Priolo Special Studies Zones Act (Public Resources Code, Section 2621 and following) in order to address potential hazards resulting from surface faulting or fault creep.</p>	<p>The subject property is in close proximity of a mapped Alquist-Priolo zone. The proposed water tank is not defined as a project per Public Resources Code Section 2621.6 et seq. and is exempt from the requirement to prepare a fault evaluation report. The tank is a non-habitable structure, but will be anchored to an engineered foundation, and will be meet current seismic safety standards.</p>
<p>313-19.1 Design Review</p>	
<p>The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.</p>	<p>As discussed above Section 53091 of the Government Code exempts project involving the construction of facility for the production, generation, storage, treatment or transmission of water from local zoning. As far as the Design Review regulations go to implement the visual resource protection policies of the SCAP, they apply. The parcel is not within a mapped Coastal Scenic or Coastal View area. The project is to replace an existing water tank. The new tank will have a larger visual profile than existing tank due to it having a greater diameter and being taller than the existing tank. The Jim Tank is proposed to be a minimum of 17 feet in height to a maximum of 23 feet. However, this visual feature is already present in the landscape, and the new tank is not anticipated to change the visual character significantly. This is because trees and vegetation that form the backdrop and screen the tank from nearest residences will remain. Furthermore, views that are presently obstructed will remain obstructed. The Mitigated Negative Declaration requires the tank to be painted earth tones similar to the existing tanks to blend with the background. As discussed above, the proposed project is consistent and compatible with the SCAP.</p>
<p>The Design Review Committee must determine that the project is consistent and compatible with the applicable elements of the General Plan.</p>	<p>The subject parcel is not within a designated Coastal Scenic or Coastal View area. A review of mapping the neighboring residences indicates a mix of single and two story houses. As discussed above, the project has been found to be consistent with the SCAP.</p>
<p>Protection of Natural Landforms to minimize alterations due to cutting, grading filling and clearing, except to comply with fire hazard regulations.</p>	<p>The tank site is already developed and the agent estimates that the project will only require minimal grading. The project's IS-MND includes the implementation of Best Management Practices for erosion control.</p>
<p>Exterior Lighting: all new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.</p>	<p>This has been included in the Conditions of Approval as an on-going development restriction.</p>
<p>Landscaping: Screening or softening the visual impact of new structures through landscaping; preferably with native vegetation.</p>	<p>Although the new tank will be taller than the existing tank staff has determined that the visual impact of the proposed project on neighboring parcels will be insignificant. The proposed height is within the range of the houses in the vicinity, and the tank will be painted an earth tone color. The terms of the SRA Small Parcel Exemption require that landscaping be fire resistant.</p>

Underground Utilities: where feasible, new utilities shall be underground or sited unobtrusively if aboveground.	The need for new utilities is not anticipated.
Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area.	The proposed project meets all setback requirements for small parcels. There is not likely to be impacts to scenic or visual qualities of the area.
Off-Premise signs shall be designed attractively and in a style compatible with the neighborhood setting.	No off-premises sign are proposed.
§313-19.1.8 Additional Standards Applicable to Shelter Cove:	
1. Residences must be constructed to a minimum width of 20 feet.	The project is not a residence.
2. Foundations must meet UBC requirements for seismic zone IV.	This is a Condition of Approval requirement of the Building Permit for occupied structures.
3. Eaves shall overhang a minimum of 12 inches.	Eaves are a typical feature on residential and commercial structures. The existing tank does not meet this standard, and is nonconforming with respect to the eaves. Given the nonconforming condition, it has been made information note that if feasible to include eaves on the replacement tank. Furthermore, requiring conformance to this standard would be inconsistent with Government Code Section 53091.
4. Exterior walls and roofing materials shall not be constructed of reflective, unfinished metal or galvanized metal.	The proposed tank will be made of steel and will be painted an earth tone.

5. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section and Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All referral agencies that have reviewed the project recommended approval or conditional approval of the proposed development. The use is an enumerated conditionally permitted in the zone and the applicant has demonstrated compliance with all development standards. The proposed site and associated equipment lease area meet all required setbacks. Based on the foregoing, no direct physical impacts on properties or improvements in the vicinity are anticipated.

6. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development shall 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), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	Although the subject parcel is currently zoned for residential purposes, the parcel has been developed with a water storage tank that is part of the District's water distribution system since the late 1960s. Therefore, this parcel was not included in the County's inventory and will not affect Housing Element densities.

6. Environmental Impact.

As lead agency under CEQA, the Resort Improvement District No. 1 prepared, noticed, and adopted an Initial Study--Mitigated Negative Declaration (MND) and two Addendums. A copy the documents and associated reports are included as Attachment 6.

As a Responsible Agency under CEQA, the Planning Commission must review and consider the MND adopted by the Lead Agency (Resort Improvement District No. 1) and determine if the project, as mitigated, reduces potential environmental effects of the project (for that segment within County jurisdiction) to a level of insignificance. If the Planning Commission concurs that this is the case, the MND should be adopted prior to taking action on the project. A notice of Determination will be filed for the project consistent with Section 15096 of the State CEQA Guidelines.

The District's adopted document includes a Mitigation and Monitoring Report (attached) shall be implemented by the Resort Improvement District No. 1 as lead agency under CEQA in accordance with Section 15097.

Section 2: General Plan Conformance Review for 109-301-040, 109-301-041, 109-301-042, 109-301-043, 110-021-044, 109-251-015, 109-081-007, and 110-091-016

Staff believes that the Planning Commission can find that the proposed project is consistent with the Humboldt County Framework General Plan and the Southern Humboldt General Plan based on the following:

- A. The project involves replacing six existing water storage tanks located on five Assessor's parcel numbers. The existing tanks have capacities ranging from 15,000 gallons to 1 million gallons, with an overall capacity of 1.19 million gallons. Five of the tanks are redwood, and one is made of steel. Three of the tanks were installed in 1968, and the other three were installed in 1974. All of the tanks are part of Resort Improvement District No. 1's community water distribution system. All replacement tanks will be made of steel, with individual tank capacities ranging from 30,000 gallons to 1,000,000 gallons, and with nearly the same overall capacity. The District is undertaking this project because the existing tanks were found to have numerous structural and safety deficiencies per the applicant's engineer's study on the condition of the existing tanks. While the Residential Low Density (R-L) designation does not specifically list domestic water facilities as a primary or compatible use, such infrastructure is customarily a part of developed communities. Shelter Cove is identified as an urban center in the Southern Humboldt General Plan, but the SHGP leaves the specificity to the subdivision maps and County's zoning ordinance. The SHGP states "The Plan is therefore a generalization, summary and projection based on existing precise plans and regulations" (page 55). As the water system and the associated infrastructure have been in place since 1968, a future change to a Public Facility (PF) designation for these sites would be appropriate.
- B. The proposed replacement storage tanks will help achieve the goals specified in Sections 3360 and 4710 of the Framework Plan. Section 3360 establishes a goal of "maintain[ing] a dependable water supply sufficient to meet existing and future domestic...needs, and assur[ing] that new development is consistent with the limitations of the local water supply". The goal of 4710 is to "assure adequate fire protection for new development".
- C. All applicable policies of the Framework Plan and Southern Humboldt General Plan remain in full force.
- D. The Resort Improvement District No. 1, acting as lead agency, prepared and noticed an Initial Study--Mitigated Negative Declaration. The District approved the Mitigated Negative Declaration on October 15, 2015.
- E. The applicant will be responsible for obtaining all necessary permits, including necessary permits from Humboldt County Planning and Building Department, and Encroachment Permits from the Department of Public Works for this project.

The following table identifies the evidence which supports finding that the proposed construction of a replacement water storage tanks by the Resort Improvement District No. 1's is in conformance with all applicable policies and standards in the Framework Plan (FRWK) and the Southern Humboldt General Plan (SHGP).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Residential/Low Density (R-L), Southern Humboldt General Plan	Residential, Low-Density Areas: 0-5 families per acre. Applied in urban areas having urban services.	While not a residential use, the District water storage tanks and associated infrastructure provide an essential service for residential and commercial users within their service area. The water tanks also are part of the District's infrastructure supporting emergency purposes such as fire suppression. The District had an engineer analyze the condition of the existing tanks. The tanks were found to have numerous structural and safety deficiencies. Some of the issues relate to improper foundation, lack of electrical grounding, corrosion, leaks stemming from rot, etc. (Preliminary Engineering Report April 8, 2015, LACO). According to the applicant's Initial Study-Mitigate Negative Declaration, completing the project "will improve the water system's reliability and resilience in the event of an emergency, ensure the safety of residents and workers, and provide reliable infrastructure for everyday use" (page 4). As the proposed project supports residential uses in the District, staff finds the project to be consistent with the R-L land use designation.
Housing	Encourage innovative designs which facilitate optimum use of sites. The development does not reduce the residential density below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law.	All of the subject parcels are already developed with water tanks and associated infrastructure that are essential components of the Resort Improvement District's water supply system. Because of the existing development on the properties, none of these parcels were used by the Department of Housing and Community Development's inventory because they are developed with water supply infrastructure. Therefore, these parcels were not anticipated to provide any housing units, and a finding of consistency with this standard can be made.
Flood Hazards	All new development shall conform with the County Flood Insurance Program and certificate regulations.	The parcels are not located in areas of mapped flood hazards.

Fire Hazards	New development shall minimize risk to life and property in areas of high fire hazards.	The property is located in an area of high fire hazard rating. However, the resulting project will largely be inflammable due to the materials used for construction, i.e., the concrete pad and the tank itself will be metal. Further, according to the applicant's IS-MND, the proposed project will be beneficial to the community, improving fire suppression capabilities by providing added storage capability.
Geologic Hazards	New construction shall be built to help protect occupants from geologic hazards.	APNs 109-081-007, 109-251-015, and 110-091-016 are located in areas located having a 2, Moderate Instability, rating. APNs 109-301-040, -041, -042, -043, and 110-021-044 are located in areas rated as 3, High Instability. The project, however, does not involve the construction of a habitatable structures. The Shelter Cove community is located near the San Andreas fault and is an area subject to strong seismic shaking. According to the inspection conducted for the District by Pittsburg Tank Company, the replacement tanks will rectify existing structural deficiencies and bring them into compliance with modern seismic and safety codes. All new tanks will be anchored to engineered foundations, whereas currently many do not sit on a foundation or sit on blocks. According to the applicant's IS-MND and Preliminary Engineering Report, dated April 8, 2015, the project sites "have remained stable since the tank installation in the 1968 and 1974. There are "no visible signs of landslides or land failure". To minimize potential erosion and sedimentation impacts from involve cutting and grading activities an Erosion and Sediment Control Plan (ESCP) will be prepared, and will incorporate BMPs (Best Management Practices, per the applicant's IS-MND.

<p>Sensitive And Critical Habitats</p>	<p>To protect designated sensitive habitats and critical habitats.</p>	<p>The applicant had a biological survey (dated April 6, 2015) conducted as part of the Initial Study. This report concludes that no sensitive plant or animal species were detected during the survey. A small spring was evident on the uphill side of the Bud Tanks sites. It is currently routed around the tanks in a ditch that drains to both sides of the site. This spring will need to be avoided during construction to avoid impacting water quality or creating an area of mud or saturated soil that would impact construction. To avoid impacting the spring, the applicant's adopted IS-MND includes the following mitigation: Prior to initiating construction at the Bud Tanks site, the existing spring shall be identified and marked in such a way as to allow construction equipment and workers to avoid the spring during work, such as flagging or staking that delineates the edges of the wet area. Also the applicant will employ BMPs to mitigation potential erosion and sedimentation according to the adopted IS-MND. The applicant's biological report and IS-MND was also reviewed by the California Fish and Wildlife, and that agency had no comments. Based on the above, staff finds that the project will conform with the biological resource protection policies in the Framework.</p>
<p>Cultural Resources</p>	<p>To protect designated historical and archeological resources.</p>	<p>In January 2015, in advance of preparing the Initial Study, the applicant engaged the North West Information Center at Sonoma State University. NWIC's record search did not identify any significant archeological or cultural features in the project area. As part of this application, the project was referred to the Bear River Band of the Rohnerville Rancheria and the Round Valley Tribes. Only the Tribal Historic Preservation Officer of Bear River commented. She commented that "none of the tank locations coincide with locations of known cultural resources." However, as there are many cultural resources present in Shelter Cove, she recommended that the project be conditioned on the inadvertent discovery protocol. Accordingly this is included in the Recommended Conditions of Approval. Based on the above, the Department finds the project will not impact archeological or paleontological resources.</p>

Public Facilities	Development shall be consistent with the goals and policies relating to public services and facilities.	The proposed replacement of water storage tanks that are a part of the District's water distribution system serving residential and commercial users within their service area is a public facility and is providing a public service.
Noise	Conform with noise standards.	As discussed at in the draft Mitigated Negative Declaration in Attachment 6, while there will be a temporary increase in the ambient noise levels during construction, the project will not result in a long term substantial increase in noise levels. As stated, the new tanks and pumps will maintain existing operation conditions and associated noise levels. The adopted Mitigated Negative Declaration incorporates measures to mitigate the temporary increase in noise levels stemming from construction activity. These measures included limiting the hours of construction activity, to the extent feasible locating fixed construction equipment as far as possible from sensitive receptors and using hydraulically or electrically powered impact tools whenever possible. While the project will temporary increase noise levels, the project will conform to the maximum interior noise standard of 60 dB Ldn for residential uses over the life of the project.

Recommendation

Planning Staff recommends the Planning Commission find the Resort Improvement District's proposal to replace their existing water storage tanks with new steel tanks as a part of their water distribution system, to be in conformance with the General Plan.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence that has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division unless otherwise noted:

Document	Location
Application Form	On file with Planning
Plot Plans	Attached
Project Description	Attached
Northwest Information Center Records Search Results, February 4, 2015	Attached
Initial Study-Mitigated Negative Declaration, and two Addendums	Attachment 6
District Resolution 15-06.a to adopt Initial Study-Mitigated Negative Declaration, and two Addendums	Attached

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
County Public Works, Land Use Division	✓	Condition Approval	See Attachment 1	✓
County Division of Environmental Health	✓	Approval		✓
CalFire	✓	Condition Approval	✓	
County Counsel		No response		
Calif. Coastal Commission		No response		
Calif. Dept. of Fish and Wildlife	✓	No comment		✓
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval		✓
Round Valley Tribes		No response		

ATTACHMENT 5

GOVERNMENT CODE SECTION 65402

- (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonment for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonment for street widening, or alignment projects are of a minor nature.
- (b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.
- (c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency. Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

ATTACHMENT 6

**APPLICANT'S APPROVED INITIAL STUDY—MITIGATE NEGATIVE DECLARATION
AND TWO ADDENDUMS**

ATTACHMENT 7

PUBLIC COMMENTS RECEIVED

1. Email from George Larkin, dated 3-3-2016. Property owner at 35 Beach Road.
2. Letter from Lora L Knight, dated February 29, 2016. Property owner of 13 High Court.

Nielsen, Michelle

From: geowin2@aol.com
Sent: Thursday, March 03, 2016 1:24 PM
To: Nielsen, Michelle; Geowin2@aol.com
Subject: water tank

I am protesting the expansion of the water tank located near my property located at 35 Beach.Rd Shelter Cove CA.

I have been trying to sell my property for the last 6 years and it has been very difficult because of this tanks close proximity. Four months ago a potential buyer declined and his reason was the water tanks location in regards to my property.

I wish the commission would try to put themselves in my position. How would they feel if an entity did this to them?

I would be opened to the commission using eminent domain to purchase my land but I am totally against expansion of the current eyesore of a tank.

I live three hours away each way so I can't make it to tonight's meeting but wanted to voice my displeasure with the commissions choice in this matter/

Thank you

Sincerely

George Larkin
Owner of property located at 35 Beach Rd
Shelter Cove CA
707 280-9609

Address 1937 Santa Rosa CA 95404

February 29, 2016
Humboldt County Planning Commission
Humboldt County Courthouse
825 Fifth Street
Eureka, CA



Dear Commission Members:

I have been informed of a proposed plan of upgraded water tank replacements being requested by the Shelter Cove Resort Improvement District No. 1.

One part of their plan is not simply replacement of the existing facility, but instead is an egregious expansion in an unsuitable area. I am referring to the **more than tripling the size** of the water tank located on the corner of High Court and Nob Hill Road.

The proposal is duplicitous, blithely stating their plan to increase the expanded footprint to accommodate the enlarged size of the tank by "only grading the existing site." This hardly seems feasible, especially when one also includes their later mentioned plans for all the tanks, including the part about "Access roads will be developed around each of the tanks to allow maintenance vehicles to reach all sides of the tanks and the entrances to each tank site from the County roads will be graded to near level in order to allow larger maintenance vehicles access to the site."

How can such increases can be accommodated or leveled without significant impact on the topography of the area? This is an area with a steep drop off of part of the site, necessitating including routes for rainwater drainage, and fill settlement. Has the impact of such a large and heavy structure in this seismically active area been considered and planned for? Increasing the size of the tank by such an amount on the side of a hill is imprudent, and the costal initiative has been established to protect fragile areas from development of this type of impact.

Additionally, this is an old established residential area, not suitable at all for a towering industrial sized structure located in it's midst. From the beginning of original development, the Shelter Cove Resort Improvement

District has gone to great lengths to make sure the owners and builders practice zoning codes to keep the area's ambiance with the natural setting in tact. They should not be exempt from adhering to the same format as is required by all the property owners.

I realize that certain aspects of the community infrastructure must be acceded to, but enlarging the size of only this tank to these proportions smacks of lack of planning and inappropriate placement. A structure of this size and type can only be construed as a step away from all the careful planning that has given the community its cachet as a model of coastal development.

As an adjacent property owner, I realize my concerns will be considered personal as well as for the well being of the community; they are--but that does not in any way lessen the possible dangers and negative effect such a monolith will impose on the entire area.

I urge you to restrict this structure to being replaced with one of the same size, or if additional storage is deemed necessary, to increase tank size by a more equitable solution such as replacing all the other structures with ones of slightly greater capacity, rather than keeping them at the same size, with just one monster one.

I thank you for your consideration and good judgement in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lora Lee Knight".

Lora Lee Knight

Property Owner @ lot # 13 High Court (adjacent to the water tank)

660 N. Murdock Ave.

Willows, CA 95988

530-934-9203 or lknight8940@sbcglobal.net