



COUNTY OF HUMBOLDT

For the meeting of: 6/1/2023

File #: 23-749

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Carlotta Mill, LLC Conditional Use Permit
Assessor Parcel Number: 204-121-004 & 204-251-010 & 206-351-004
Record Number: PLN-2022-17672
Carlotta area

A Conditional Use Permit is being requested to authorize installation of an approximately 1,906 square foot manufactured home as a caretaker's residence. The new home is proposed to be installed on a permanent foundation and a new on-site well and septic system are proposed to be constructed on the property to provide water and sewer service to the residence. These parcels were historically part of a former lumber mill operated by the Pacific Lumber Company (PALCO) and are subject to a land use covenant which restricts use of the former PALCO site to industrial purposes and restricts groundwater use in certain areas.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Find the project exempt from environmental review pursuant to Sections 15302 and 15303 of the State CEQA Guidelines; and
 - b. Make all required findings for approval of the Conditional Use Permit; and
 - c. Approve the Carlotta Mill, LLC Conditional Use Permit as recommended by staff and subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Carlotta area, on the west side of Yager Creek and on the south side of State Highway 36 at its intersection with Yager Creek Road, on the property known as 5111 State Highway 36.

Present Plan Land Use Designations: Mixed Use (MH), Slope Stability: Low Instability (1).

Present Zoning: Heavy Industrial (MH).

Environmental Review: The project has been determined to be categorically exempt pursuant to section 15302 and 15303 of the CEQA Guidelines, which permit replacement and reconstruction of structures and facilities in formerly developed areas as well as construction of new accessory structures. The site where the manufactured home is proposed to be located has historically been occupied by similar uses.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issues: None

Executive Summary:

The project involves installation of a 1,906 square foot manufactured home to be used as a caretaker's residence on an approximately 56-acre property in the Carlotta area. The property is comprised of three APNs (204-121-004, 204-251-010 and 206-351-004) which together form one legal parcel. The creation and recognition of the parcel's legality stem from the filing of a Notice of Merger and Certificate of Subdivision Compliance in 2013 (2013-007283), which merged all lands south of the Railroad right-of-way held by the former owner (Town of Scotia, LLC).

The zoning of the property is Heavy Industrial which allows dwellings with a Conditional Use Permit. The zoning code defines a Caretaker's Residence as living quarters which are incidental to and under the same ownership as a nonresidential principal use. Caretaker's Residences are classified as a form of Accessory Structure that is incidental and subordinate to the principal building or use of the lot. Where evaluating subordinacy, it is important to consider the size of the parcel, available land area, and ability of the site to host development infrastructure and occupancy by the principal use(s). The parcel was historically used as a mill site and is served by on-site water (well) and on-site wastewater treatment system. The property has been in a period of transition following the bankruptcy of the Pacific Lumber Company and acquisition by the Town of Scotia, LLC and has hosted new industrial uses since being sold in 2016. A review of contemporary satellite imagery shows that over 25 acres of the property remains host to current industrial uses.

The property on which the home is proposed is the site of a former mill operated by the Pacific Lumber Company. Review of the Geotracker database reveals that the site is host to contamination (1NHU637). The applicant and their agent have worked with the Regional Water Quality Control Board to resolve concerns related to the proposal. On November 29, 2022, a land use covenant was recorded against the property. The covenant limits development and use of the property to industrial, commercial, and/or office space and includes prohibitions on hospitals, schools, and community centers. Restrictions on installation of new wells and excavation work are also restricted under the covenant, and subject to compliance with the Soil and Groundwater Management Plan (SGMP) prepared by GHD, Inc. On December 6, 2023 the landowner received written permission from the Regional Water Quality Control Board (RWQCB) to install a new well on the property. In December the Department spoke with and received correspondence from Tom Magney, an Engineering Geologist with the RWQCB assigned to this case. In his correspondence, Mr. Magney notes:

“The North Coast Regional Water Quality Control Board has no objection to construction of the proposed manufactured caretaker home on assessor’s parcel number 206-351-004, which was added to the former Mill site near the end of its operational life. Mill operations were not historically performed in that area, and there is no evidence that this particular parcel was used for “green chain” pentachlorophenol processes, nor was this parcel, to our knowledge, ever used to store lumber (treated or otherwise). Therefore, disturbance of the ground in this area is allowed and reasonable for construction of the slab and associated structures of the residence.”

The project is proposing a new groundwater well to be installed to serve the residence and the proposed well would be located in the Lower Eel River Groundwater Basin. Historically the mill utilized a substantial amount more water from groundwater wells on the property than would be utilized by the proposed new residence. Based on the small magnitude of pumping associated with the proposed caretakers residence compared to the historical baseline, the impact on the groundwater basin would be negligible. As a condition of approval, prior to issuance of the building permit for the residence the applicant shall submit the Well Completion Report for review by the Groundwater Sustainability Administrator to ensure that the use of the well does not conflict with the Groundwater Basin Plan or be otherwise detrimental to the Groundwater Basin.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. Coordination with and inspection of the site by the Fortuna Fire Protection District resulted in the incorporation of a Fire Truck turnaround and water supply being added to the site plan. A summary of referral agency responses is included in Attachment 4.

RECOMMENDATIONS:

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 approval of the Conditional Use Permit.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project
2. The Zoning Administrator could elect to add or delete conditions of approval
3. The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Site Plan

2. Location Map
3. Applicant's Supporting Evidence
4. Referral Agency Comments and Recommendations

Applicant/Owner

Carlotta Mill LLC
P.O. Box 369
Scotia, CA 95565

Agent

Friesen Design Build
P.O. Box 813
Fortuna, CA 95540

Please contact Steven Lazar, Senior Planner, at (707)268-3741 or by email at slazar@co.humboldt.ca.us <<mailto:slazar@co.humboldt.ca.us>>, if you have any questions about the scheduled item.