

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

**Resolution Number 24-**

**Record Number PLN-2022-17873 (CUP-25-91X, SMR-06-91X, SMP-06-91X)  
Assessor's Parcel Number 025-161-006, 312-151-015, 312-151-019**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the renewal of the Eureka Ready Mix SMARA permits.**

**WHEREAS**, agents for Eureka Ready Mix submitted an application and evidence in support of approving renewal of Conditional Use/Surface Mining Permits and Reclamation Plan; and

**WHEREAS**, the project is subject to environmental review pursuant to the California Environmental Quality Act and an Addendum to a previously adopted Subsequent Mitigated Negative Declaration was prepared and is included in Attachment 2.A; and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for SMARA Permits renewal and reviewed and considered all evidence and testimony presented at the hearing.

**NOW, THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all of the following findings:

- 1. FINDING:**                      **Project Description:** A 15-year extension of the Reclamation Plan (SMR-06-91X, CUP-25-91X, SMP-06-91X) for the existing in-stream operations on the Emmerson Bar. A vested rights determination was made in 1992 for the annual maximum extraction of 50,000 cubic yards. The historic operation involves removal of flood-washed aggregate from the exposed bar surface, the construction of seasonal haul roads and, in most years, construction of a summer low flow channel crossing of the Main Stem Mad River.

**EVIDENCE:**            a) Project File: PLN-2022-17873

- 2. FINDING:**                      **CEQA:** The project complies with the requirements of the California Environmental Quality Act (CEQA). An Addendum to

a previously adopted Mitigated Negative Declaration has been prepared pursuant to Section 15164 of the CEQA Guidelines (Addendum to an EIR or Negative Declaration).

- EVIDENCE:**
- a) Section 15164 of the CEQA Guidelines consists of projects where an EIR or negative declaration was previously prepared for the project and none of the conditions described in Section 15162 of the CEQA Guidelines warrant subsequent environmental review, and an addendum to the EIR or negative declaration may be prepared.
  - b) A Subsequent Mitigated Negative Declaration was previously adopted for the project.
  - c) The project is subject to extensive agency review and oversight

#### **FINDINGS FOR CONDITIONAL USE PERMIT**

- 3. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

- EVIDENCE:**
- a) The property is planned AE and CF, both of which allow for resource extraction uses.

- 4. FINDING:** The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE-B-5(160)) and Unclassified (U) zone in which the site is located.

- EVIDENCE:**
- a) Surface mining is an allowed use with a Use Permit.

- 5. FINDING:** The proposed development conforms with all applicable standards and requirements of these regulations.

- EVIDENCE:**
- a) SMARA shall be conditionally permitted in all land use and zoning designations (10.4.4 MR-S3, 2017 Humboldt County General Plan).
  - b) Final reclamation will return the land consistent with the surrounding agricultural and timber production uses.
  - c) The surface mining operation and use is properly located in

accordance with the General Plan and any relevant element thereof, to the community as a whole, and to other land uses in the vicinity.

**6. FINDING:**

The existing mining operation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE:**

- a) The surface mining operation incorporates adequate measures to mitigate the probable or known significant environmental effects caused by the operation.

**In addition to the above approval criteria, HCC §313-61.2.6 establishes mining permit standards above and beyond that minimally required under SMARA. These standards include:**

All private encroachments leading to a surface mining operation shall be adequately surfaced to prevent aggregate or other materials from being drawn into the public way.

All haul roads and driveways shall be maintained as necessary to minimize the emission of dust and prevent the creation of a nuisance to adjacent properties.

Any water discharges from the mined lands shall meet all applicable water quality standards of the Regional Water Quality Control Board and other agencies with authority over such discharges.

Adequate measures shall be taken to assure the prevention of erosion from mined lands and adjacent properties during the life of the operation. The reclamation plan shall insure the prevention of erosion subsequent to surface mining operations.

Unless specifically authorized for the purposes of environmental enhancement by the California Department of Fish and Game (and the U.S. Army Corps of Engineers, if necessary), grades and landforms in mined lands shall be maintained in such a manner so as to avoid accumulations of water that will serve as breeding areas for mosquitoes or sites for fish entrapment.

Excavations, which could affect groundwater, shall not substantially reduce the quality or quantity of groundwater available in the area surrounding the mined lands.

Surface mining operations in areas where other agencies have regulatory jurisdiction shall be operated so as to comply with all applicable rules and regulations.

Based on information contained in the application and environmental documentation, the project has been designed and is conditioned to assure compliance with these standards.

**Mining Permit 15-year Renewal (Title III, Div. 9, Chapter 1, §391-4(b)(6), Term, of the Humboldt County Code**

**7. FINDING:** The life expectancy of the operation justifies a 15-year renewal

**EVIDENCE:** a) The site continues to be utilized for removal of flood-washed aggregate from the river bar.

**8. FINDING:** There are no special circumstances related to the operation that would cause the term to be set for less than 15 years.

**EVIDENCE:** a) No affected agencies indicated that the term should be less than 15 years.

**9. FINDING:** The mine has been conducted in compliance with permit conditions.

**EVIDENCE:** a) The operation is inspected annually by County Planning staff for compliance with the Reclamation Plan and conditions of approval and mitigation measures. The most recent inspection report from 2023 shows no violations of the operation.

## DECISION

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Zoning Administrator that:

1. The 15-year renewal, **PLN-2022-17873 (CUP-25-91X, SMR-06-91X, SMP-06-91X) for Eureka Ready Mix**, is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on **September 19, 2024**.

I, John H. Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Zoning Administrator at a meeting held on the date noted above.

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John H. Ford, Zoning Administrator  
Planning and Building Department