

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

Resolution Number 23-039

Application Number PLN-2023-18078

Assessor's Parcel Numbers: 201-311-026 & 201-311-028

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Renner Conditional Use Permit.

WHEREAS, Russ Renner submitted an application and evidence in support of approving a Zone Reclassification, General Plan Amendment, and Conditional Use Permit to allow for the operation of a business engaged in the storage, repair, servicing, and customization of recreational vehicles as well as sales of RV parts; 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 Planning and Building Department considered all the comments made by other departments and agencies and evaluated the application in light of the Humboldt County General Plan and Zoning Ordinance and formulated a recommendation supporting approval of the application; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, A Mitigated Negative Declaration prepared and processed in compliance with CEQA was adopted by the Board of Supervisors on January 10, 2012 during approval of an earlier zone reclassification (GPA-11-02/ZR-11-02) involving these parcels; and

WHEREAS, An Addendum to the Mitigated Negative Declaration has been prepared in conjunction with review of the current request; and

WHEREAS, both the Addendum and the previously adopted Mitigated Negative Declaration have been reviewed and considered by the Planning Commission; and

WHEREAS, on **April 20, 2023** the Humboldt County Planning Commission held a duly noticed public hearing during which the Planning Commission reviewed, considered, and discussed the application for the Use Permit, Zone Reclassification, and General Plan Amendment and reviewed and considered all evidence and testimony presented at the hearing.

WHEREAS, the project requires a Zone Reclassification, General Plan Amendment, and Conditional Use Permit. In order to approve the Conditional Use Permit the following findings must be made:

1. The requirements of the California Environmental Quality Act (CEQA) have been met.
2. The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
3. The proposed development is consistent with the purposes of the existing zone in which the site is located.
4. The proposed development is consistent with the requirements of the Zoning Ordinance.

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

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** A Zone Reclassification to change the zoning of two neighboring parcels from Limited Industrial (ML) to Industrial Commercial (C-3) and Industrial Commercial with the Streamside management Areas and Wetlands Combining Zone (C-3/WR). Both parcels were the subject of a prior owner-initiated Zone Reclassification and General Plan Amendment request which was approved by the Board of Supervisors on January 10, 2012. A Zone Reclassification is again being requested to allow for relocation of a neighboring Alton area business (Reynolds RV Repair) to the property. Operating since 2008 from a nearby parcel (APN 201-322-011) less than a quarter mile to the east, the business primarily engages in the storage, repair, servicing, and customization of recreational vehicles as well as sales of RV parts. A Conditional Use Permit is required to permit retail sales under the proposed C-3 zoning. This rezoning is being brought forward together with an earlier request (PLN-14245-ZR / ZR-18-009) to remove a Qualified "Q" zone from neighboring parcels east of the project site. The entirety of both parcels was mistakenly designated "Open Space" in 2017 during the Countywide General Plan Update. A General Plan Amendment is included to fix this mapping error and return the Industrial General land use designation to eastern portions of the site.

EVIDENCE: a) Project File: PLN-2023-18078

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration which was previously adopted by the Board of Supervisors in January 2012 as well as the current Addendum prepared for the project.

EVIDENCE: a) The Conditional Use Permit, Zone Reclassification, and General Plan Amendment are discretionary in nature and constitute a "project" subject to compliance with the California Environmental Quality Act ("CEQA"). Substantial evidence supports the conclusion that there will be no significant adverse effects on the environment, based upon the Lead Agency's independent judgment and analysis.

- b) A Mitigated Negative Declaration (MND) prepared and processed in compliance with CEQA was adopted by the Board of Supervisors on January 10, 2012 during approval of an earlier zone reclassification (GPA-11-02/ZR-11-02). An Addendum to the MND has been prepared in association with the current request. The project involves changing the zoning to enable the relocation of an existing business currently operating on a neighboring property less than a quarter mile to the east. As the parcel is already developed with an assortment of commercial uses, no new impacts are expected to result from the operation of another business from a new location. Both the Initial Study/Mitigated Negative Declaration and Addendum have found that there would be a Less than Significant Impact

from the proposed zone reclassification and new commercial use. Based on the whole of the record there is no substantial evidence that the project will have a significant impact on the environment and the Mitigated Negative Declaration and Addendum reflects the county's independent judgement and analysis.

3. FINDING: The proposed project is consistent with the County General Plan, Open Space Plan, and open Space Action Program

- EVIDENCE:**
- a) The project is consistent with the General Plan policies supporting commercial and economic development and providing services to both local and regional populations.
 - b) The Open Space (OS) land use designation currently applied to eastern portions of the property is the result of a mapping error made during implementation of the 2017 General Plan. A General Plan Amendment to correct the error is being processed together with the Zone Reclassification and Use Permit request. Once corrected, the prior Industrial General (IG) Land Use designation will be applied to the properties.
 - b) The proposed project is consistent with the prior Industrial General (IG) Land Use designation because it provides for general industrial and manufacturing uses where convenient access to transportation systems is available.
 - c) The project is consistent with the Open Space and the Open Space Action Program because it facilitates commercial development in an area that is designated for industrial and heavy commercial services and does not impact any areas designated for open space. Western areas of the property that host a wetland will remain designated as Open Space (OS).
 - d) A Condition of Approval is included requiring that the General Plan Amendment be completed before the new uses may be initiated.

4. FINDING: The proposed development is consistent with the purposes of the existing zoning district in which the site is located.

- EVIDENCE:**
- a) The project proposes to change the zoning of the property from Limited Industrial (ML) to Industrial Commercial (C-3). Both zones allow for a range of different industrial and commercial uses. However, Retail Sales and Services may be permitted with a Conditional Use Permit in the C-3 zone.
 - b) A Condition of Approval is included requiring that the Zone Reclassification be completed before the new uses may be initiated.
 - c) To protect an existing wetland located within the western portion of the site, the Streamside Management Area and Wetlands Combining Zone will be added. A Condition of Approval is also included requiring that the perimeter of the wetland area (existing vegetation) be shown on a Development Plan and identified as "unbuildable". The Development Plan must be filed with the Department and a Notice of Development Plan be recorded to provide constructive notice to the current and future owners, and their successors in interest.

5. FINDING: The proposed development complies with the development standards and requirements of the Zoning Ordinance.

EVIDENCE:

- a) Retail sales and services are permitted in the in C-3 zoning district with a Conditional Use Permit.
- b) A recently constructed shop building will be used by the business and the existing gravel lot will be used to accommodate the storage of trailers and RV's associated with the business. The parking area and structures have all been developed with building permits in recent years.
- c) Future site development anticipated includes construction of a 4,800 ft.² interior warehouse building for retail sales and expansion of the existing stormwater detention basin. The siting of the future warehouse building complies with minimum setback requirements of the C-3 zone. Building and Grading permits will be required prior to development.
- d) A total of 29 parking spaces (2 ADA accessible) are shown on the site plan provided. This exceeds the prescriptive standards of the zoning ordinance which require 1 space per 300 square feet of retail, 1 space per 2500 square feet of warehouse, and 1 space per 1500 square feet of manufacturing. A ratio of 1 space per 424 ft.² is being provided, given the total footprint of commercial development anticipated.
- e) The proposed project will not exceed the building height limit of 45 feet in height.

6. FINDING:

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

EVIDENCE:

- a) A total of 29 parking spaces (2 ADA accessible) are shown on the site plan provided. This exceeds the prescriptive standards of the zoning ordinance.
- b) The site lies at the beginning of a private road system serving four (4) other property owners/uses. Improvements to the road for safety and visibility are anticipated to occur as part of the recent Caltrans shoulder widening project. The applicant is working with Caltrans to perform improvements to the driveway encroachment to facilitate greater visibility and width for two-way traffic.
- c) The project was referred to a variety of different agencies, including the Land Use Division of Public Works, Fortuna Bay Fire Protection District, California Department of Fish & Wildlife, and the Division of Environmental Health. All of these agencies either had no comment or recommended approval.

7. FINDING:

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE:

- a) The project site was not included in the residential housing inventory utilized for determining compliance with housing element law. Residential development is allowed under both the current and proposed zoning and land use designations, where subordinate to established commercial uses. Caretaker's Residences and apartments on the upper floors of multistory structures may be permitted where combined with downstairs commercial uses.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-2023-18078) for Russ Renner subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **April 20, 2023**.

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

AYES:	COMMISSIONERS:	Noah Levy, Brian Mitchell, Thomas Mulder, Iver Skavdal, Lonyx Landry, Sarah West
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	Peggy O'Neill
ABSTAIN:	COMMISSIONERS:	
DECISION:	Motion carries	6/0

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



John Ford, Director
Planning and Building Department

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS GRANTED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE USE MAY BE INITIATED AND FOR THE LIFE OF THE PROJECT

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses and for meeting all requirements set forth by other regulatory agencies.
2. The Zone Reclassification must be approved by the Board of Supervisors. Following this, western portions of the site must be reclassified as Heavy Commercial with the Streamside Management Area and Wetlands Combining Zone (C-3/WR) while eastern portions of the property must be zoned Heavy Commercial (C-3).
3. The General Plan Amendment redesignating eastern (non-wetland) portions of the property as Industrial General (IG) must be approved by the Board of Supervisors.
4. The applicant is required to pay for permit processing on a time-and-materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building 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 and Building Department, 3015 H Street, Eureka.
5. The applicant is responsible for completing and implementing all mitigation measures outlined within the Mitigation Monitoring & Reporting Program (MMRP) which shall be completed as required within the MMRP and shall the applicant/developer/responsible party shall provide all reporting as required in the MMRP.
6. The applicant shall record a Notice of Development Plan and prepare and file a Development Plan with the Department. The Development Plan shall clearly identify the boundaries of the wetland area (existing vegetation) and label it as "unbuildable".

7. **Hillcrest Drive Encroachment:** The site plan provided by the applicant shows that Hillside Drive will provide ingress and egress to the proposed new commercial use (Reynolds RV). The applicant shall ensure this existing driveway encroachment is retrofitted so that (at minimum): 1. the throat of the encroachment will meet the minimum 20-foot standard width; 2. the apron will be paved to a distance satisfactory to Caltrans design standards.

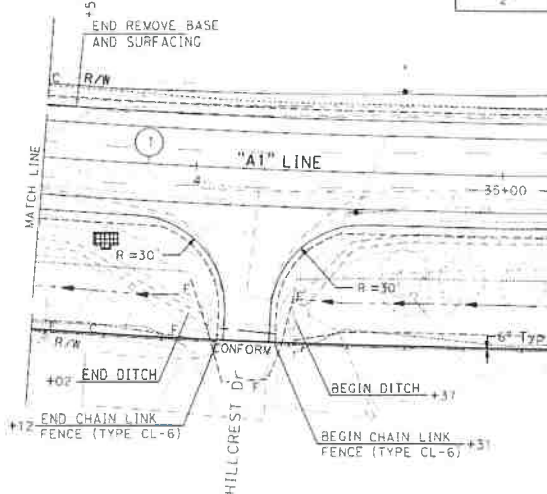
If necessary, the applicant shall secure an encroachment permit from Caltrans to retrofit the existing driveway encroachment. Appendix J of the Caltrans Encroachment Permits Manual is available online to aid in submitting a compliant driveway design: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/appendix-j-ada.pdf>

Note: this condition shall be seen as satisfied following completion of the forthcoming Safety Improvements and Shoulder Widening project planned for State Highway 36.

NOTE:

FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

No. #
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8. **Hillcrest Drive Roadway:** The applicant shall ensure that Hillcrest Drive is improved and maintained to meet the Category IV Roadway standard between State Highway 36 and the railroad right-of-way crossing. Design and improvement of all parking areas must allow for simultaneous ingress and egress (two-way travel) of vehicles on Hillcrest Drive within this stretch of its length.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities. If the applicant proposes new development outside of the area that was surveyed by a certified archaeologist, a new archaeological survey covering the proposed development area will be required.

C. Informational Notes:

1. Any activities being conducted within the Caltrans right-of-way such as vegetation removal, drainage modifications, parking, widening of existing or creation of new access points to Highway 36, installation of new signage, among others will require an approved encroachment permit. Permit applications are reviewed for consistency with the State standards and are subject to Department approval. Requestes for Caltrans encroachment permit application forms can be sent to Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707)445-6389. For additional information, the Caltrans Permit Manual is available online at <https://dot.ca.gov/programs/traffic-operations/ep/ep-manual>
2. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead

agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST:

Mitigation Measure 1: Minimize impacts to biological resources. The county shall implement the following measures to ensure no significant impacts on special-status species on the site.

BIO-1: Prior to initiation or operation of any new commercial uses, the applicant shall prepare and file a Development Plan with the Department and cause to be recorded a Notice of Development Plan. The Development Plan shall clearly identify the boundaries of the wetland area (existing vegetation) and label it as "unbuildable".

Resource(s)	Measure No.	Summary of Mit. Measure	Method of Verification	Monitoring Schedule	Responsible Party
Biological Resources	1	Minimize impacts to biological resources. <u>Requirements:</u> <ul style="list-style-type: none">• The applicant shall prepare and file a Development Plan with the Department and cause to be recorded a Notice of Development Plan. The Development Plan shall clearly identify the boundaries of the wetland area (existing vegetation) and label it as "unbuildable".	Prior to initiation or operation of any new commercial uses.	Prior to issuance of any new business license linked to the property.	Applicant & successors in interest