

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

**Resolution Number: 24-**

**Record Number: PLN-2023-18281**

**Assessor's Parcel Number: Caltrans Right-of-Way (Trinidad Area)**

**Resolution by the Zoning Administrator of the County of Humboldt conditionally approving the Savage Creek Water Diversion System Improvements Project Coastal Development Permit.**

**WHEREAS**, the California Department of Transportation (Caltrans) submitted an application and evidence in support of approving the Coastal Development Permit; 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 County Planning Division, as the lead agency, determined the project to be exempt from further environmental review pursuant to Sections 15302(c) *Replacement or Reconstruction* and 15304(f) *Minor Alterations to Land* of the CEQA Guidelines, there is no substantial evidence that the project will have a significant effect on the environment; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Record Number: PLN-2023-18281); and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly-noticed public hearing on February 1, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** A Coastal Development Permit (CDP) to upgrade an existing California Department of Transportation (Caltrans) water intake at Savage Creek and its associated infrastructure. The surface water diversion at Savage Creek supplies municipal water to both the Trinidad Southbound Safety Roadside Rest Area (SRRA) and the Seawood Estates Mutual

Water Company (SEMWC). The purpose of the project is to upgrade the existing water supply intake system to be more reliable and require less maintenance. In addition, the project would improve influent water quality and incorporate design improvements for aquatic species. The project would require a temporary creek diversion approximately 80 feet upstream of the work area.

**EVIDENCE:** a) Project File: PLN-2023-18281.

**2. FINDING:** The requirements of the California Environmental Quality Act (CEQA) have been met. The Humboldt County Zoning Administrator has considered the project and finds the proposed project is exempt from environmental review pursuant to Section 15302(c) *Replacement or Reconstruction* and 15304(f) *Minor Alterations to Land* of the CEQA Guidelines.

**EVIDENCE:** a) No significant and unavoidable impacts on the environment would occur as a result of the proposed project. The project was determined to be exempt from further environmental review pursuant to Section 15302(c) *Replacement or Reconstruction* and 15304(f) *Minor Alterations to Land* of the CEQA Guidelines. The purpose of the proposed project is to make improvements to the existing water diversion infrastructure and install a new well sump, piping, pump, conduit, and a backwash system, which would involve replacement of existing infrastructure consistent with the requirements of the specific CEQA exemptions.

b) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply. However, none of these exceptions apply to the proposed project.

c) The project was referred to the Northwest Information Center (NWIC) and the Yurok Tribe. The Yurok Tribe responded on December 14, 2023, with no additional comments or concerns on the project and that the Caltrans Cultural Screening Memo was found sufficient upon their review. Conditions of approval include the Inadvertent Discovery Protocol should any resources be discovered during construction of the project.

### **FINDINGS FOR COASTAL DEVELOPMENT PERMIT**

**3. FINDING:** The project, as conditioned, is consistent with the development policies of the Trinidad Area Plan (TAP).

**EVIDENCE:** a) The proposed project would occur solely within Caltrans' existing Right-Of-Way along US 101.

- b) The project will not induce growth or development.
- c) The project is partially within a Coastal Scenic Area (Seawood Drive location). However, no tree removal or significant visual changes would occur under the project. While heavy construction equipment would be required, construction would be temporary and would occur within one to two construction seasons.
- d) As described in the project's *Natural Environment Study* and *Environmentally Sensitive Habitat Area (ESHA) Assessment*, both prepared by Caltrans in November 2022, the project is expected to result in small-scale, temporary impacts to approximately 42 square feet of Waters of the U.S. and State, which includes impacts to 20 square feet of a perennial stream (Savage Creek) and 22 square feet of impacts to a single isolated palustrine emergent nonpersistent wetland identified within the project area. No wetlands were identified within the Seawood Drive location. No permanent impacts to wetlands or Waters of the U.S. and State would occur as a result of the project, since installation of the new intake system and water line would be replaced in-kind and comprise the same dimensions as the features to be replaced.

As described in the Executive Summary of the Staff Report, several conditions of approval are required for the project, including implementation of the standard measures and BMPs described in the project materials, including but not limited to the erosion and sediment control BMPs described in the *Natural Environment Study* and *Environmentally Sensitive Habitat Area (ESHA) Assessment*. Additional conditions of approval require adherence to the year-round bypass flow requirements and all permit requirements, which included monitoring and reporting as required by the SWRCB. Finally, the project is conditioned to require the applicant obtain and provide evidence of issued permits from the NCRWQCB and USACE under Sections 401 and 404 of the Clean Water Act for the associated temporary impacts, as well as a Streambed Alteration Agreement from the CDFW for the infrastructure improvements within Savage Creek, in addition to adherence to all requirements of each respective permit.

Finally, upon construction completion, all disturbed areas would be returned to normal contours, with erosion control BMPs, such as mulching and/or hydroseeding, to be applied to disturbed areas. By implementing appropriate measures and BMPs, as well

as compliance with the permit conditions from SWRCB, USACE, and CDFW, impacts to ESHA will be minimized.

**4. FINDING:** The proposed development is consistent with the purposes of the existing zoning designation in which the project is located.

**EVIDENCE:** Not Applicable. The project areas do not have a zoning designation under the Humboldt County Zoning Regulations. The proposed project would occur solely within Caltrans' existing right-of-way along US 101.

**5. 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:** The surface water diversion at Savage Creek supplies municipal water to both the Trinidad Safety Roadside Rest Area (SRRA) and the Seawood Estates Municipal Water Company (SEMWC). The proposed project to upgrade the existing Caltrans water intake at Savage Creek and its associated infrastructure would occur in the Caltrans right-of-way. The project is expected to result in small-scale, temporary impacts to approximately 42 square feet of Waters of the U.S. and State, which includes impacts to 20 square feet of a perennial stream (Savage Creek) and 22 square feet of impacts to a single isolated palustrine emergent nonpersistent wetland identified within the project area. The purpose of the project is to upgrade the existing water supply intake system and associated infrastructure to be more reliable and require less maintenance than the current system, which is in the interest of public health, safety, and welfare.

The current use of use and quantity of the water diversion will remain and will adhere to the requirements of Water Right Permit No. 21166, issued by the SWRCB as described above. The California Department of Fish and Wildlife (CDFW) is working directly with the Applicant on a Lake and Streambed Alteration Agreement (LSAA) and the Water Board and did not provide any additional comments on the project referral.

Several conditions of approval are required for the project to ensure no impacts would occur. Conditions of approval require adherence to the standard measures and Best Management Practices (BMPs) contained in the project materials related to the protection of animal species, invasive species, plant species, sensitive natural communities, wetlands and other waters, and

water quality and stormwater runoff. The applicant is required to obtain authorization and adhere to requirements of both the SWRCB and CDFW who both have regulatory authority to protect public trust resources, such as Savage Creek and the adjacent wetlands. Finally, the project is conditioned to require the applicant obtain and provide evidence of issued permits from the North Coast Regional Water Quality Control Board (NCRWQCB) and U.S. Army Corps of Engineer (USACE) under Sections 401 and 404 of the Clean Water Act for the associated temporary impacts. If the upgrade to the diversion infrastructure was not allowed, improvements to water quality and protection for aquatic species would not occur. Considering the project would improve influent water quality, incorporate design improvements for aquatic species and no increases in surface water diversions are anticipated, impacts from the project on any public trust resources associated with surface waters are not anticipated.

Based on staff analysis and the findings made in this report, there is no evidence the proposed project and associated work would be detrimental to the public health, safety, or welfare.

**6. 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:**

The project locations were not included in the housing inventory of Humboldt County's 2019 Housing Element.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Savage Creek Water Diversion System Improvements Project Coastal Development Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **February 1, 2024**.

I, John 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