



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

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

Hearing Date: December 1, 2016

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Shelter Cove Resort Improvement District No. 1
Coastal Development Permit, Special Permit, Coastal Development Permit Modification,
Conditional Use Permit Modification, and Special Permit Modification**
Application Number 10046
Case Numbers CDP 16-029, SP 16-058, CDP 017-97M, CUP 007-97M, and SP-014-97M
Assessor Parcel Numbers 111-181-002, 111-181-004, 111-181-005, and 111-181-006
156 Lower Pacific Drive, 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.

Cc: Erika Cooper, THPO, Bear River Band of the Rohnerville Rancheria

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 1, 2016	Coastal Development Permit, Special Permit, Coastal Development Permit Modification, Conditional Use Permit Modification, and Special Permit Modification	Michelle Nielsen

Project: A Coastal Development Permit to develop facilities to expand the Resort Improvement District's (District) recycled water program. The proposed expansion will provide for the production of more recycled water available for fire protection services, distribution to authorized users in the District's existing service area and irrigation of the existing public golf course. The following improvements are proposed: 1) upgrading the existing filtration located inside the District's existing wastewater treatment facilities located on APN 111-181-004; 2) installation of five polyethylene 20,000-gallon underground water storage tanks to be located on the northeast portion of APN 111-181-005; 3) installation of a new transmission main to carry the water from the storage tanks to the distribution center; and 4) upgrade the sprinkler heads of the golf course's irrigation system. Installation of the tanks will require approximately 495 cubic yards of grading to bury the tanks. Approximately 225 cubic yards will be used as backfill and the remaining roughly 270 cubic yards will be stockpiled on District property and used for District projects outside of the Coastal Zone. Authorized recycled water users will fill their personal water tanks at the proposed distribution station after completing an educational program and other regulatory requirements for the private use of recycled water. The proposed distribution station will be a one-way paved loop with access to and from Lower Pacific Drive. A Special Permit for Design Review of the proposed improvements. Also a modification of the existing Coastal Development, Conditional Use, and Special Permits to allow for upgrades to the existing wastewater treatment plant filtration system and irrigation system. The existing wastewater treatment plant is capable of producing approximately 40,000 gallons per day of recycled water and the new system will be capable of producing up to 100,000 gallons per day of recycled water.

Project Location: The project is located in Humboldt County, in the Shelter Cove area, between Lower Pacific Drive on the west side and Upper Pacific Drive on the east side, extending north and south for approximately 0.35 miles in both directions from the intersection of Shelter Cove Road and Upper Pacific Drive, on the property known as 156 Lower Pacific Drive and the property known to be in Sections 09 and 16, Township 05 South Range 01 East HBM.

Present Plan Land Use Designations: Commercial General (CG), Natural Resources (NR), Public Facility (PF), South Coast Area Plan (SCAP), Density: NA, Slope Stability: High Instability (3).

Present Zoning: (CG-Q/A,D) Commercial General (CG), Qualified (Q), Special Archaeological Resource Area Regulations for Shelter Cove (A), Design Review (D); (PF1/AP,D) Public Facility [Urban] (PF1), Airport Safety Review (AP), Design Review (D); (NR) Natural Resources.

Case Numbers: CDP 16-029, SP 16-058, CDP 017-97M, CUP 007-97M, and SP-014-97M

Apps Number: 10046

Assessor Parcel Numbers: 111-181-002, 111-181-004, 111-181-005 and 111-181-006

Applicant

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

Owner

Same

Agent

Attn: Marissa Adams
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 and Mitigated Negative Declaration. The Resort Improvement District approved the Mitigated Negative Declaration on May 19, 2016, and filed a Notice of Determination on June 28, 2016.

Major Issues: None

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

RESORT IMPROVEMENT DISTRICT NO. 1 COASTAL DEVELOPMENT, SPECIAL PERMIT, COASTAL DEVELOPMENT PERMIT MODIFICATION, CONDITIONAL USE PERMIT MODIFICATION AND SPECIAL PERMIT MODIFICATION

Case Numbers CDP 16-029, SP 16-058, CDP 017-97M, CUP 007-97M, and SP-014-97M
Assessor Parcel Numbers 111-181-002, 111-181-004, 111-181-005 and 111-181-006

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 that Humboldt County, as Responsible Agency, has considered the Initial Study-Mitigated Negative Declaration prepared by the Lead Agency, the Resort Improvement District No. 1, and exercising independent judgement finds the project's impacts are adequately addressed and to make all of the required findings for approval of the Coastal Development Permit, Special Permit, Coastal Development Permit Modification, Conditional Use Permit Modification, and Special Permit Modification 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.

Executive Summary: The Shelter Cove Resort Improvement District No. 1 (District) proposes to expand its recycled water program and reduce water demands on the distribution system. The expansion will provide for the production of more recycled water to be used for fire protection services, distribution to authorized public users within the District's existing service area, and irrigation of the community golf course.

The development and operation of the existing waste water treatment plant (WWTP) was authorized by Coastal Development, Conditional Use, and Special Permits approved by the Planning Commission in May 1998. As part of this proposed expansion its recycled water system, the applicant is seeking a modification of these permits to allow upgrades to the existing filtration system. The proposed upgrades will be installed inside the existing WWTP building, and will not alter the building's existing footprint or the building's operations. The District's WWTP has an existing tertiary treatment system consisting of pumps and filters that have the ability to produce roughly 40,000 gallons per day (GPD) of recycled water. During the late spring, summer and early fall months, the tertiary treated water is pumped to a pond for storage and for application to the golf course putting greens. The recycled water is dosed with a polymer (ProPac 9890) as a coagulant, then pumped to sand filters and finally directed to a pond located near the golf course for storage. The water is then pumped from the pond to irrigate the golf course's putting greens at night. The remainder of treated wastewater that is not recycled is discharged into the Pacific Ocean. Currently, Shelter Cove residents with irrigation needs use treated potable domestic water delivered by the District. It is estimated that 10% of the potable water supply is used for irrigation purposes. California law (Water Code Section 13550(a)) identifies the use of potable domestic water for landscaped areas as a waste or unreasonable use of water (if recycled water is available) and strongly encourages replacement with recycled water where feasible. In addition to providing irrigation water for the golf course and other public property and supplying water for domestic irrigation, the recycled water will also increase the available supply for fire suppression activities. Shelter Cove neighborhoods are in "High" or "Medium" fire hazard areas based on CalFire's hazard mapping, and the increased supply of water will help to increase safety and decrease risk posed to the community from fire.

As required by the California Regional Water Quality Control Board, recycled water will comply with Title 22 of the California Code of Regulations and the California Department of Public Health recommendations pursuant to Water Code Section 13523. The existing recycled water program is used

to spray irrigate the District's nine hole golf course. The proposed recycled water system will use the existing tertiary filtration treatment system to filter water before being disinfected and stored in the dedicated recycled water tanks. This system treats water to meet the standards in the Waste Discharge Requirements (WDRs)/District's National Pollution Discharge Elimination System (NPDES) Permit (LACO Associates, 2015a), NPDES Permit Order No. R1-2015-0017 adopted by the North Coast Regional Water Quality Control Board on May 7, 2015. The NPDES Permit requires that:

- The median value of total coliform bacteria measured in the disinfected effluent does not exceed a Most Probable Number (MPN) of 2.2 per 100 milliliter (mL) utilizing the bacteriological results of the last seven days for which analyses have been completed;
- The number of total coliform bacteria does not exceed an MPN of 23 per 100 mL in more than sample in any 30 day period, and;
- No single sample may exceed an MPN of 240 total coliform bacteria per 100 mL.

The proposed expansion of the recycled water program would continue to meet these standards. The California Department of Public Health's Recycled Water Regulations allow recycled water that is treated to this standard to be used for irrigating residential landscaping and unrestricted access golf courses, consistent with the uses proposed for this project. The expanded use of recycled water to include uses not currently addressed in the WDRs will likely trigger the need to modify WDRs to serve as a Master Water Recycling Permit. Alternatively, District could enroll its recycled water uses under the Statewide Recycled Water General Order (General Order), Order No. WQ-2014-0090-DWQ (or future revisions thereto). Even if District applies for coverage under the General Order, the production of the recycled water would need to be covered under the WDRs.

The improvements proposed as part of the recycled water project generally include the following components which are further discussed below:

- Upgraded filtration system
- Underground storage tanks
- Transmission mains
- Water distribution station
- Replaced sprinkler heads

The District intends to install a filtration system with a minimum capacity of 70 gallons per minute (GPM). The new filtration system will replace the older system and be installed inside of the existing filter building. The filtration system will operate in varying flow conditions, treating all or most of the treated effluent during the summer months. During wet conditions, only a portion of the secondary treated effluent will go through the tertiary recycling process, with amounts varying depending on the community's recycled water needs. The expansion will be capable of producing up to 100,000 gallons of recycled water per day.

Five 20,000-gallon plastic (polyethylene) underground water storage tanks will be installed to store the treated water. The storage tanks will be installed underground at the northeast end of the airport runway, and south of the waste water treatment plant. This will require approximately 495 cubic yards 20,000 cubic feet of grading to bury the tanks. The site will be graded to expose the tank site. After the area is prepared, the tanks will be placed on-site and then buried using the original material. Approximately 225 cubic yards will be used as backfill, the remaining approximately 270 cubic yards will be accepted by the District to be stockpiled on District property and used for District projects located outside of the Coastal Zone. Stockpiles will be treated with appropriate best management practices such as covering, seeding or the placement of straw wattles.

Treated water would be piped from the existing wastewater treatment plant (WWTP) to the five proposed 20,000-gallon treated water storage tanks. The new pipe will be routed along the existing

pipeline either by bursting the old pipe in place or using directional drilling techniques to place the new pipeline alongside the existing pipeline. Either option eliminates the need for disturbance to the adjacent unnamed creek by utilizing the existing disturbed area for the pipeline and using placement techniques that do not require excavation. Additionally, an approximately 350 feet transmission main will be installed between the storage tanks and the hydrant, and the new water storage tanks will be included.

The Shelter Cove airport is now operated and maintained by the Resort Improvement District. Therefore, the District is the responsible party for ensuring that overall the project is consistent the Airport Land Use Compatibility Plan (ALUCP), and that the project is developed accordance with the provisions and restrictions of the ALUCP.

Lastly, the Resort Improvement District No. 1 is the Lead Agency under CEQA. The District prepared and circulated a draft Initial Study-Mitigated Negative Declaration (IS-MND) for this project. In its capacity as a CEQA Responsible Agency, County Planning staff provided timely written comments to the District. The District's revised IS-MND, dated May 2016, addressed the comments raised by the County. At their May 19, 2016 meeting, the District found that the proposed project would not have significant adverse effect on the environment and adopted the IS-MND by Resolution 16-13. As a CEQA Responsible Agency, the Planning Commission 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 to a level of insignificance. Staff has reviewed the applicant's adopted Initial Study-Mitigate Negative Declaration in Attachment 5, and believes that the project's potential impacts are adequately addressed.

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, Special Permit, the modifications to the 1998 Coastal Development Permit, Conditional Use Permit, and Special Permit. Furthermore, the project is in conformance with the Framework Plan, and the Local Coastal Program consistent of the South Coast Area Plan and the Coastal Zoning Regulations.

ALTERNATIVES: The Planning Commission could elect not to approve the Coastal Development Permit, Special Permit, Coastal Development Permit Modification, Conditional Use Permit Modification, and Special Permit Modification s, 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 16-029, SP 16-058, CDP 017-97M, CUP 007-97M, and SP-014-97M
Assessor Parcel Numbers 111-181-002, 111-181-004, 111-181-005, and 111-181-006**

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

WHEREAS, the Resort Improvement District No. 1 (District), submitted an application and evidence in support of approving a Coastal Development Permit, Special Permit, Coastal Development Permit Modification, Conditional use Permit Modification, and Special Permit Modification for the expansion of its recycled water program, including the installation of underground water storage tanks; 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 pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the District as the Lead Agency prepared a draft Initial Study and Mitigate Negative Declaration), dated February 2016, and posted a Notice of Intent on April 14, 2016 for the subject proposal in accordance with the California Environmental Quality Act (CEQA);

WHEREAS, the District as Lead Agency, in response to comments received on the Mitigate Negative Declaration, dated February 2016, revised the Mitigate Negative Declaration; and

WHEREAS, the District as Lead Agency determined that the revisions to the Mitigate Negative Declaration did not constitute a substantial revision pursuant to Section 15073.5(b) of the CEQA Guidelines, and did not require the recirculation of the referenced Mitigate Negative Declaration pursuant to Section 15073.5(c) of the CEQA Guidelines; and

WHEREAS, the District as Lead Agency adopted the Mitigated Negative Declaration, dated May 2016, contained in Attachment 5, on May 19, 2016 by Resolution 16-13; and

WHEREAS, that none of the conditions described in Section 15052(a)(2) CEQA Guidelines have occurred that would require a shift in Lead Agency designation from the Resort Improvement District No. 1 to the County of Humboldt; and

WHEREAS, the County of Humboldt, as Responsible Agency pursuant to Section 15381 CEQA Guidelines, has considered the environmental effects of the project as shown and described in the Resort Improvement District's Mitigated Negative Declaration, dated May 2016, in Attachment 5; and

WHEREAS, the County of Humboldt has determined that the Resort Improvement District's Mitigated Negative Declaration in Attachment 5 adequately addresses the project's impacts based on the independent judgment of the County of Humboldt; 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 Coastal Development Permit, Special Permit, Coastal Development Permit Modification, Conditional Use Permit Modification, and Special Permit Modification.

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

1. Pursuant to Section 15096 of the CEQA Guidelines, the Planning Commission has considered the Mitigated Negative Declaration, in Attachment 5, prepared and approved for the project by Resort Improvement District No.1, Lead Agency, and exercising independent judgement finds the project's impacts are adequately addressed; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers CDP 16-029, SP 16-058, CDP 017-97M, CUP 007-97M, and SP 014-97M, based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed Coastal Development Permit and Special Permit as recommended in the Planning Division staff report for Case Numbers CDP 16-029, SP 16-058, CDP 017-97M, CUP 007-97M, and SP-014-97M.

Adopted after review and consideration of all the evidence on December 1, 2016.

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

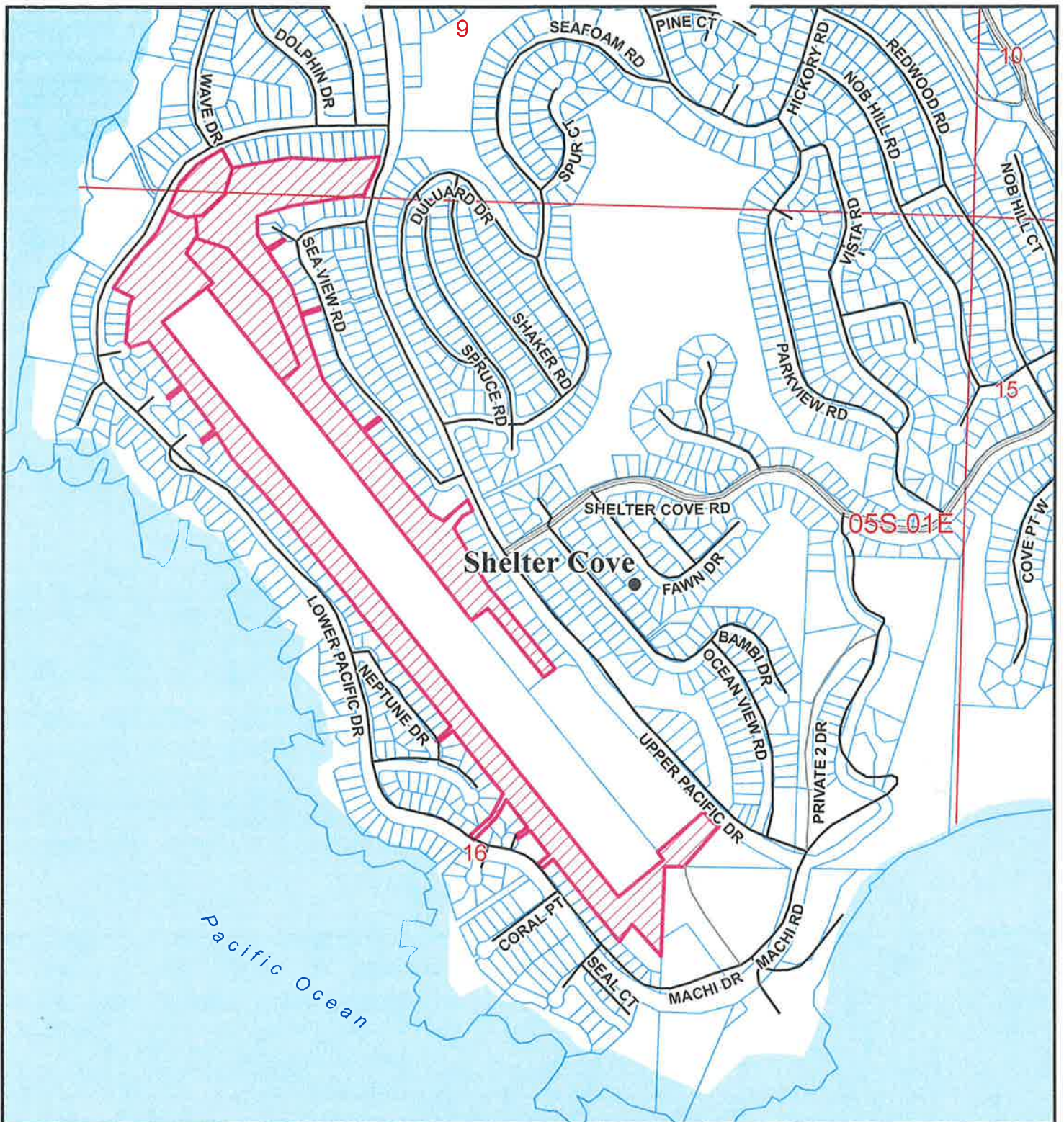
ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Suzanne Lippre, 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 Lippre, Clerk



LOCATION MAP

PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1 COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT

SHELTER COVE AREA
CDP-16-029/SP-16-058

APN: 111-181-002 et seq

T05S R01E S09,16 HB&M (Shelter Cove)

Project Area =



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.



0 250 500 750
Feet



AERIAL MAP

PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1 COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT

**SHELTER COVE AREA
CDP-16-029/SP-16-058**

**APN: 111-181-002 et seq
T05S R01E S09,16 HB&M (Shelter Cove)**

Project Area = 

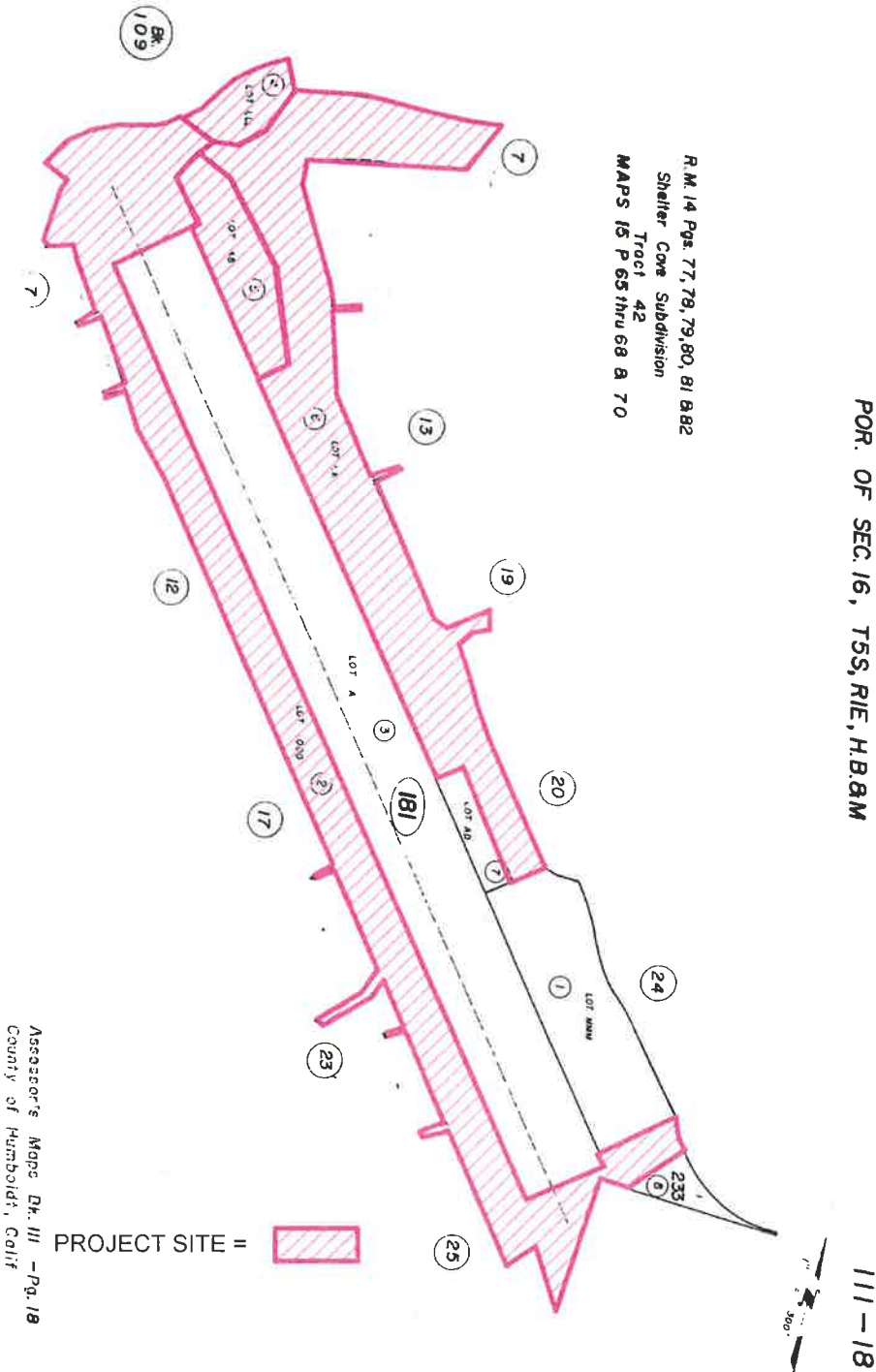
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500
Feet

POR. OF SEC. 16, T5S, R1E, H.B.M

R.M. 14 Pgs. 77, 78, 79, 80, 81 & 82
Shelter Cove Subdivision
Tract 42
MAPS 15 P 65 thru 68 & 70

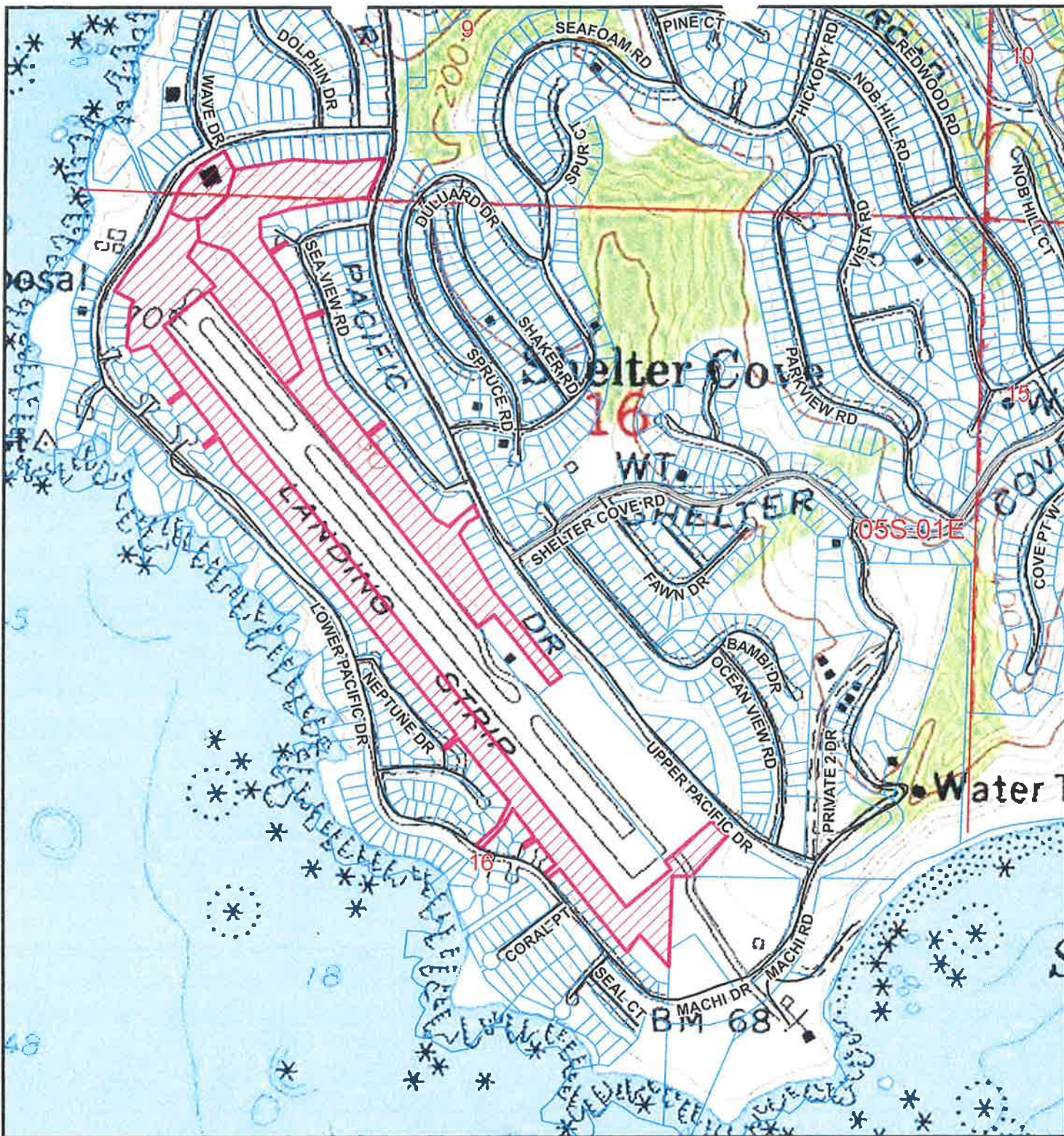


Assessor's Map Dk. III - Pg. 18
County of Humboldt, Calif

ASSESSOR PARCEL MAP
PROPOSED SHELTER COVE
RESORT IMPROVEMENT DISTRICT #1
COASTAL DEVELOPMENT PERMIT &
SPECIAL PERMIT
SHELTER COVE AREA
CDP-16-029/SP-16-058
APN: 111-181-002 et seq
T05S R01E S09,16 HB&M (Shelter Cove)

MAP NOT TO SCALE





TOPO MAP

PROPOSED SHELTER COVE RESORT IMPROVEMENT DISTRICT #1 COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT

SHELTER COVE AREA
CDP-16-029/SP-16-058

APN: 111-181-002 et seq

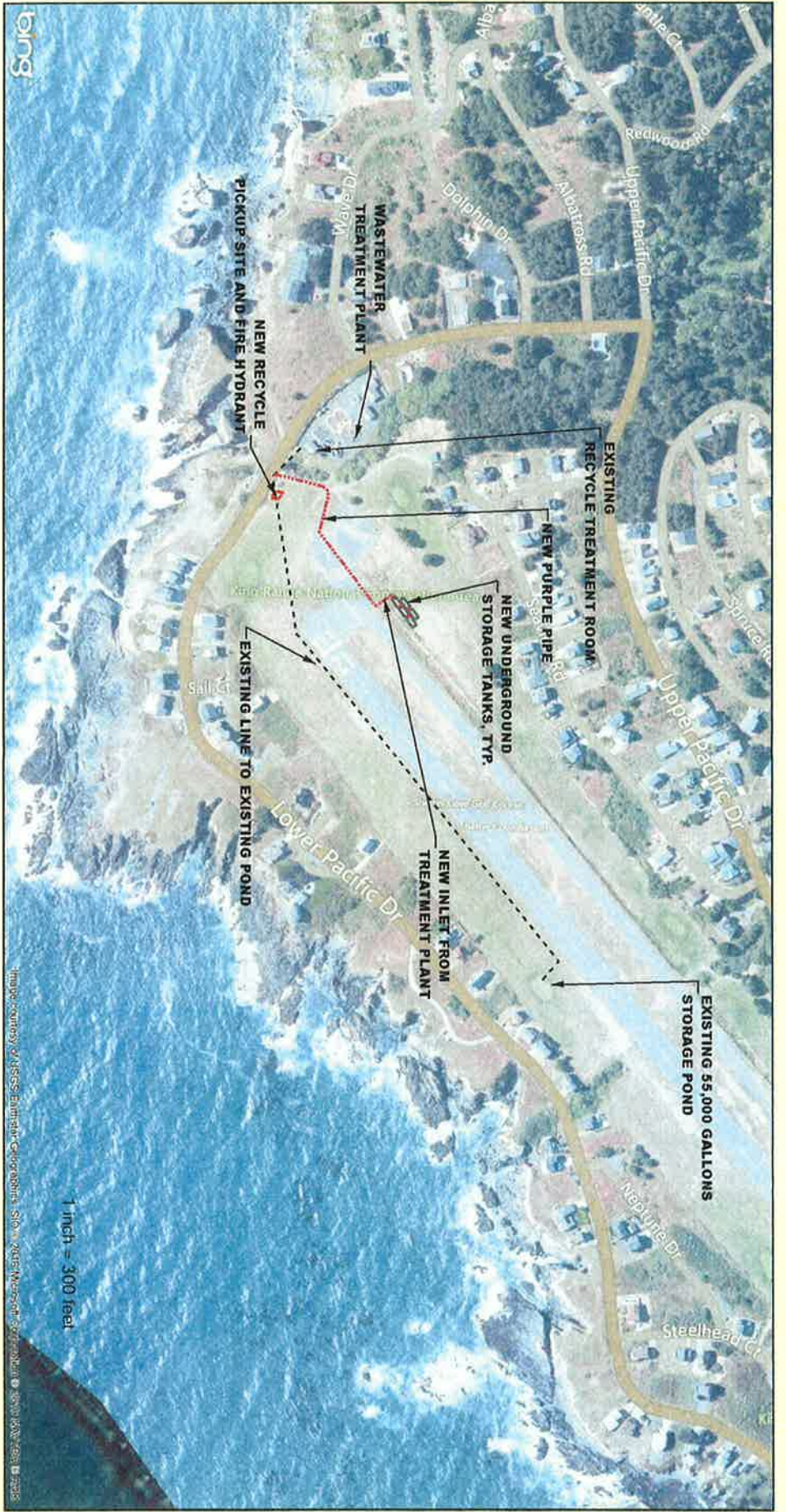
T05S R01E S09,16 HB&M (Shelter Cove)

Project Area = 

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.



0 250 500 750 Feet



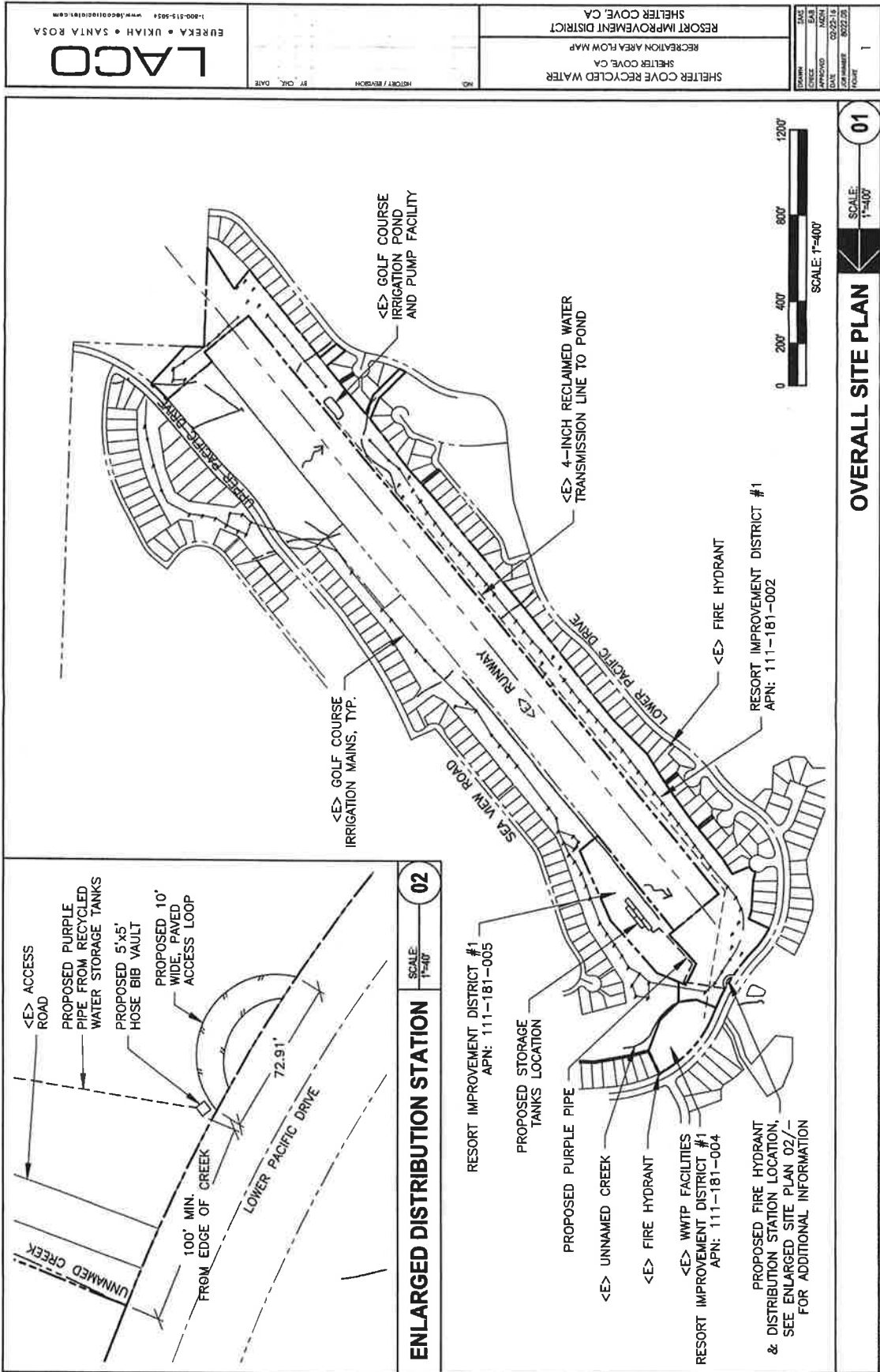
RESORT IMPROVEMENT DISTRICT #1
9126 SHELTER COVE ROAD
WHITEHORSE, CA.
(707) 986-1447

RESORT IMPROVEMENT DISTRICT #1 RECLAMATION AREA FIGURE 7

Coordinate System: NAD 1983 StatePlane California 1 FIPS 5001 Feet
Datum: North American 1983
False Easting: 6,561,666.6587
False Northing: 1,640,416.6567
Central Meridian: -122.0000
Standard Parallel 1: 39.1419
Standard Parallel 2: 41.6667
Latitude Of Origin: 39.3333
Units: Foot US

0 70 140 280 420 Feet

N



LACO

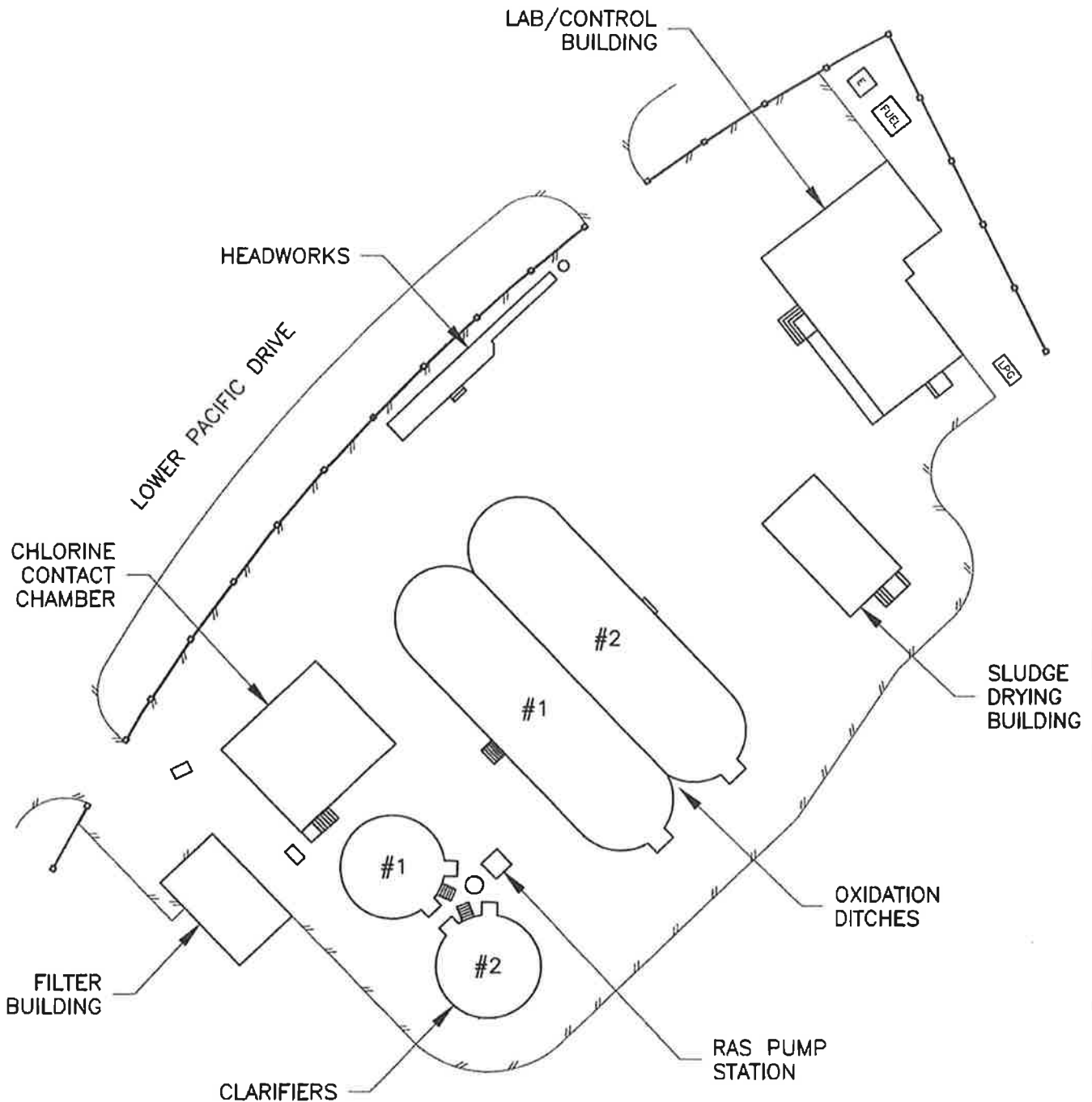
EUREKA • UKIAH • SANTA ROSA

1-800-515-5054 www.lacoassociates.com

PROJECT	SHELTER COVE RECYCLED WATER
CLIENT	RESORT IMPROVEMENT DISTRICT
LOCATION	SHELTER COVE, CA
	WWTP FACILITIES

BY	SMS
DATE	10-15-15
CHECK	AN

FIGURE	3
JOB NO.	8022.08



REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of LACO Associates and shall not be reused in whole or part for any other project without LACO Associates written authorization.

Oct 19, 2015 1:34pm

T:\Cadfiles\8000\8022.08 shelter cove recycled water project\DWG\ 8022.08 Figure 3 - WWTP Facilities.dwg

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

Conditions of Approval:

1. The applicant shall submit a landscaping plan subject to the review and approval of the Planning Director. At a minimum, the landscaping plan shall include native species, which are fire resistant, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. Landscaping shall not affect visibility and shall conform to the visibility ordinance as required by the Department of Public Works. Within 30 calendar days when the construction of the public distribution point is completed, all landscaping shall be installed and have its maintenance system in working order.
2. Prior to construction the applicant shall conduct a site visit with a qualified archaeologist and the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria to survey the exact location of the water lines. During initial ground disturbance a cultural monitor of the Bear River Band of the Rohnerville Rancheria shall be on site. If cultural resources are encountered, as identified by the cultural monitor, 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 and the THPO of the Bear River Band of the Rohnerville Rancheria are to be contacted to evaluate the discovery and, in consultation with the applicant, develop a treatment plan in any instance where significant impacts cannot be avoided.
3. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
4. The applicant shall be responsible for ensuring that the work is performed in a manner such that: 1) excavation spoils are contained near the excavation site using temporary barricade/mat material; 2) within 10 days of the conclusion of excavation operations, the spoils are to be removed to an approved upland location and outside any buffers of Environmentally Sensitive Habitat Areas (ESHA) or Streamside Management Areas (SMA), where applicable; and 3) the spoils disposal area and excavation site are secured using best management practices (seeding, mulching, matting, etc.) to minimize erosion and sedimentation. The applicant shall provide evidence showing compliance with this condition within 10 calendar days of the conclusion of the excavation operation(s).
5. Applicant must apply for and obtain an encroachment permit for the construction of the looped driveway on Lower Pacific Drive. The permit will require the driveway entrance to be surfaced with asphalt concrete or portland cement concrete. The paved area shall extend a minimum of 20 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the County road. The driveway shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. Contact the Land Use Division of the Department of Public Works for more information.
6. The County road is not constructed to allow on-street parking. All parking must be developed on-site or applicant must construct a parking lane along the County road in a manner approved by this Department. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit.

7. Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of the Department of Public Works. Contact the Land Use Division of the Department of Public Works for more information.
8. Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. [Reference: National Pollutant Discharge Elimination System (NPDES) General Permit For Waste Discharge Requirements (WDRS) for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, Section E.12; *Interim* Humboldt Low Impact Development Stormwater Manual (06/30/2015), Part 1, Table 1]. Contact the Land Use Division of the Department of Public Works for more information.
9. The applicant shall construct the project in conformance with the Airport Layout Plan for the Shelter Cove Airport as pursuant to the Airport Land Use Compatibility Plan, and Humboldt County Code 331-1 et seq., and for obtaining all required permits from the Federal Aviation Administration (FAA) and/or Department of Transportation--Aeronautics Division. As the airport operator, the Resort Improvement District No. 1 shall be responsible for ensuring compliance with this condition for the life of the project. Within 10 calendar days when the construction of the public distribution point is completed, the applicant shall submit a letter to the Planning Division stating that the project has been constructed in conformance Airport Layout Plan for the Shelter Cove airport and Airport Land Use Compatibility Plan, and County Code 331-1 et seq.
10. The On-Going Requirements for the Coastal Development Permit, Conditional Use Permit, and Special Permit (CDP 017-97, CUP-007-97, and SP-014-97) that authorized the construction and operation of the waste water treatment plant remain in full force and effect.
11. 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.
12. 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.
13. **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.
14. All mitigation measures identified within the Mitigation and Monitoring Report in the adopted Initial Study-Mitigated Negative Declaration shall be incorporated during project implementation.

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. Site visibility must be maintained at the driveway entrances (approach) in conformance with County Code.
3. Landscaping installed per the approved plan shall be maintained for the life of the development. Trees shall be maintained in conformance with County airport regulations.
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. 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.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Section 1: Coastal Development Permit, Special Permit, Coastal Development Permit Modification, Conditional use Permit Modification, and Special Permit Modification

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, Special Permit, Coastal Development Permit Modification, Conditional use Permit Modification, and Special Permit Modification. The Hearing Officer may grant the requested permits, on the basis of the application, investigation and submitted evidence, all of 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 Appendix to Title III, Division 1 of the H.C.C. specifies that in addition to the required findings specified in Title III, Division 1 of the H.C.C., the Hearing Officer may approve or conditionally approve an application for a Coastal Development Permit only if the following Supplemental Findings are made:
 - 312-39.4 Coastal Streams and Riparian Areas:
 - 39.4.1 There are no significant adverse affects on habitat areas;
 - 39.4.2 There is no less environmentally damaging feasible alternative; and
 - 39.4.3 The best mitigation measures feasible have been provided to minimize adverse environmental effects.
 - 312-39.8 Coastal Natural Drainage Courses.
 - 39.8.1 Natural drainage courses, including ephemeral streams, will be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat.
6. 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.
7. 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.

8. 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:

- 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) and Summary of Applicable Goal, Policy or Standard Evidence Which Supports Making the General Plan Conformance Finding
Land Use South Coast Area Plan, §5.20 Urban Plan Designations <u>Commercial General (CG)</u>: to allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community. The existing waste water treatment plant (WWTP) is located on land planned Commercial General. In May 1998 the Humboldt County Planning Commission approved Coastal Development, Conditional Use, and Special permits authorizing the development and operation of the WWTP at this location. As part of this proposed expansion its recycled water system, the applicant is seeking a modification of these permits to allow upgrades to the existing filtration system. The proposed upgrades will be installed inside the existing WWTP building, and will not alter the building's existing footprint or the building's operations. The new filtration system will have a minimum capacity of 70 gallons per minutes. Although not a commercial use, the District's WWTP provides an essential service for residential and commercial users within their service area. As the proposed upgrades support commercial uses within the District's service, staff finds the project to be consistent with the CG land use designation. <u>Public Facility (PF)</u>: To protect sites appropriate for the development of public and private sector civic service projects. A central element of the expansion of the recycled water system is the development of new infrastructure that will make the recycled water available to District customers with irrigation needs within Shelter Cove. Currently residents use approximately 10 percent of the District's available potable water supply for irrigation, a wasteful or unreasonable use of water if recycled water is available pursuant to California Water Code Section 13550(a). Another public benefit of the proposed infrastructure improvements will be an increase the quantity of recycled water available for fire

suppression purposes. The District will continue to use recycled water to irrigate the community golf course, another public asset, and other District properties. The District has long held fee title to the land where the public distribution point and underground holding tanks are proposed to be located. This area has urban characteristics as there both established residential and commercial uses in the vicinity, and developed public infrastructure and services. Although the recycled water public distribution point will not be staffed, it is in close proximity to the District's existing WWTP, which is staffed, should customers have questions or need assistance. The suitability of the land for the proposed development with respect hazards, land use, and resource protection is analyzed herein. Staff believes the development as proposed is consistent with the Public Facility land use designation.

Land Use South Coast Area Plan, §5.30 Rural Plan Designations

Natural Resources (NR): To protect and enhance valuable fish and wildlife habitats and provide for public and private use of their resources.

Although the subject parcel includes land designated as NR, this portion of the property is not proposed for development. Furthermore, the land planned NR is at a higher elevation than those portions that will be developed. Therefore the project is consistent with the NR land use designation as it will not directly or indirectly impact the NR portion of the property.

Plan Section(s) Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Urban Limits §3.21 (SCAP) New development shall be located within existing developed areas or in areas with adequate public services.	The area of development property is located inside the Urban Limit Line as mapped in the South Coast Area Plan. The project is for the development of the infrastructure necessary to expand the District's waste water recycling system and the availability of recycled water for use by both the District and existing customers. Use and access to the recycled water will be limited to verified District customers. A District customer is a resident with an existing District water connection. This requirement will be verified by District staff before the user is granted access to the distribution point. With this requirement in place, the project will not engender expansion of the District's water service area as it will coincide with existing service area.
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.	The subject parcels were not used by the Department of Housing and Community Development's inventory because they are not planned or zoned for residential uses. Nor will the project result in any changes to an existing single family residence. Therefore, the project can be found consistent with the specified standard.

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.	While the parcel is not subject to flooding according FEMA mapping, it is subject to tsunami hazard. The project will not engender further residential development in Shelter Cove because the water will only be available to verified District customers within the District's existing service area. The current Alquist-Priolo map for the Shelter Cove Area does not show any faults or fault rupture zones in the immediate vicinity of the proposed project. The nearest faults are less than one mile to the east of the project site. Although the project site is located within a seismically active area, there are no elements of the proposed project that would increase risk to existing structures, facilities, or residents. The proposed recycled storage tanks and associated infrastructure will be designed to the American Water Works Association tank standards for polyethylene tanks and to American Society of Civil Engineers standards for seismic anchoring of tanks. The tanks will include tank volume monitoring devices which provide an indication if leakage is occurring and if maintenance is needed. The entirety of Shelter Cove is located in area of high fire hazard rating. The proposed infrastructure improvements will enable the District to expand its recycled water program including increasing the amount of recycled water available for emergency purposes. The project includes the installation of a recycled water fire hydrant near the distribution point. Staff finds the project to be consistent with the SCAP policies regarding the minimizing people and property to the potential exposure of natural hazards.
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Biological Resource §3400 (FP) and §3.40 (SCAP) Protect designated sensitive and critical resource habitats.	There is an unnamed creek located between the WWTP and proposed recycled water tank storage site. The pipeline route to move the treated water from the WWTP to the recycled water storage tanks will use an existing pipeline route which crosses the unnamed creek. The new pipeline will be routed along the existing pipeline corridor either by bursting the old pipe in place or using directional drilling techniques to place the new pipeline alongside the existing pipeline. Either option eliminates the need for disturbance to the adjacent unnamed creek by utilizing the existing disturbed area for the pipeline and using placement techniques that do not require excavation. The routing and installation techniques to be employed allow the pipeline to cross the unnamed creek without introducing new impacts. Pursuant to the referenced section of the SCAP, the riparian corridor width standard is 100 feet as measured from the stream transition line. The applicant's submitted plot plan indicates that the requisite buffer will be provided for both the location for the underground storage tanks and public distribution point. The applicant will be implementing best management practices for grading and erosion control for all ground disturbing activities associated with the project to ensure it does not directly or indirectly introduce sediment into the unnamed creek. As it is estimated once the underground storage tanks are installed, there will be approximately 270 cubic yards of excess excavation spoils, the project's conditions of approval include a requirement that these be secured using best management practices to minimize erosion and sedimentation, and placed in an approved location. According to the adopted Initial Study-Mitigated Negative Declaration there are no fish bearing streams in the project area, nor are there any Coastal wetlands. However, according to the applicant's Biological Resources analysis found in the adopted IS-MND, California oatgrass was found near the project area and may be considered ESHA. Accordingly, the applicant will have a seasonally appropriate flowering plant survey conducted prior to ground disturbance. Should native species be located within the area of disturbance and impacted by project activities, they shall be reseeded in kind at a minimum of 2:1 ratio following the completion of excavation activities. Finally, the project was referred to the California Department of Fish and Wildlife, and no comments were received from that agency. Based on the above, staff finds that the project will conform with the biological resource protection policies in the SCAP.
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Archaeological & Paleontological Resources §3500 FP and §3.18 SCAP Protect cultural, archeological and paleontological resources.	As part of its responsibilities as a CEQA Lead Agency, the applicant retained Nick Angeloff, MA, to survey the project site and prepare the cultural resources investigation, which included consultation with the Tribal Historic Preservation Officers having an ancestral presences in the area. The report concludes that "there are culturally significant recorded sites within the general project vicinity" (page 8, Initial Study-Mitigated Negative Declaration, Attachment 5). Mitigation for potential impacts include conducting a site visit with a qualified archaeologist and the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria to survey the exact location of the water lines, along with monitoring during initial ground disturbance. In the project's conditions of approval (Attachment 1), this requirement has been further refined to specify that a cultural monitor of the Bear River Band of the Rohnerville Rancheria must be present during the initial ground disturbing activities in response to comments received from Erika Cooper, THPO of the Bear River Band of the Rohnerville Rancheria. Additionally, both the conditions of approval and Initial Study--Mitigated Negative Declaration (IS-MND) outline the protocol should resources be encountered during ground disturbance.
Noise §3240 (FRWK) Conform with noise standards	As discussed at in the IS-MND in Attachment 5, while there will be a temporary increase in the ambient noise levels during the project's construction phase. The hours of construction will be limited to the daytime hours, Monday through Saturday. Nor will the project result in a long term substantial increase in noise levels as the public distribution point is located adjacent to an existing roadway, and will be only open during the District's normal business hours and will not require any equipment that would increase permanent noise levels on the site. 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.
Visual Resource §3.40 SCAP Protect and conserve scenic and visual qualities of coastal areas.	The recycled water storage tanks, water transmission lines, and elements of the public distribution point represent the bulk of the proposed new infrastructure to be developed, and these project components will be developed underground. The upgrades to the existing filtration system will occur inside the existing WWTP building and will not have an exterior footprint. The public distribution point will consist of an above ground spigot, piping, and signage similar to that pictured in Exhibit 1. The applicant is proposing to install perimeter chain link fencing to secure the distribution point. The fence will not exceed six feet in height above ground level. The placement of slates in the fence is not proposed because the applicant wants to retain visibility inside the distribution point so that WWTP operators and residents can identify leaks or trespassing. The overall development footprint of the public distribution point is approximately 1,000 square feet, it will have a minimal visual profile, and is similar to other development in the surrounding area. Finally, the area proposed for development is not within a mapped coastal view or coastal scenic area. Per Section 3.42.F SCAP, in Shelter Cove, the natural features of lands designated as NR are subject to protection and retention. As discussed above, although some of the property contains NR designated land, no development, directly or indirectly, is proposed on this portion of the property; therefore, these provisions are not triggered by the project.

Exhibit 1

Recycled Water Spigot



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.	The Access Inventory of SCAP identifies specific access points in the planning area. There are no access points proximate to the project site.
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2. The proposed development is consistent with the purposes of the existing zone in which the site is located; 3. The proposed development conforms with all applicable standards and requirements of these regulations; and 5. Supplemental Coastal Resource Protection Findings. 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 Coastal 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 parcels are Lots AB, LK, and LLL of the Shelter Cove Subdivision, Book 14 of Maps Page 73, and Book 15 of Maps Page 65. There is no evidence indicating subsequent actions to further divide or merge the lands. Therefore, the subject lands were created in compliance with all local and state subdivision regulations.

313-6.1 Commercial General (CG): Conditionally Permitted Uses specify Extensive Impact Civic Use Public Facility [Urban] (PF1): Principal Permitted Uses specify Essential Services. Natural Resources (NR)	<u>CG</u>: Section 313-171.6.5 HCC enumerates water and wastewater treatment plants are as an Extensive Impact Civic Use. As discussed above in 1998, the Planning Commission granted a CUP authorizing the development and operation of the WWTP. As part of this application the 1998 CUP is being modified to allow the filtration system to be upgraded with an increased capacity, specifically a minimum capacity of 70 gallons per minute. This will occur inside of the building. The proposed interior upgrades are consistent with the CG zoning and the terms of the earlier permit. <u>PF1</u>: As discussed above, one of the primary aims of the project is to reduce the demand of potable water for irrigation. Ensuring the availability of the potable water supply to serve the District's service area is an essential service. The public distribution point is the project component that will make the recycled water readily available to District customers for irrigation, thereby reducing the demand of potable water. The preamble of Section 313-171.5 HCC states that "the Essential Service Use Type includes uses which are necessary to support principal development." Community wells, water storage tanks, and associated water treatment facilities are enumerated as Essential Services under the referenced section. As irrigation is customarily an ancillary use to a range of principally permitted uses, e.g., residential and commercial, the project supports principal development. The development of underground recycled water holding tanks along with ancillary transmission pipelines, and a public distribution point in the PF1 zone, the project constitutes an Essential Services. <u>NR</u>: The NR zoning boundary mirrors the NR land use designation boundary. As discussed above while a portion of the District property is zoned NR, the project does not entail development in the NR zoning district. Furthermore, the land zoned NR is at a higher elevation than those portions that will be developed. Therefore the project is consistent with this zoning district as it will not directly or indirectly impact the NR portion of the property.
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PF1: Minimum Yard Setbacks	Front: 20 feet Side: 0 feet for property line adjacent to WWTP; 5 feet FOR property line adjacent to APN 111-071-058 Rear: 15 feet	Front (Lower Pacific Drive frontage): >20 feet Side 0 feet for property line adjacent to WWTP; >100 feet; (property line adjacent to APN 111-071-058): > 50 feet Rear: >15 feet
Max. Ground Coverage	None specified	Not applicable
Maximum Structure Height	45 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.

Section 313-15 et seq. Combining Zones and Section 312-39 et seq. Supplemental Findings	
Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
313-16.1 Archaeological Resource Area for Shelter Cove (A): The purpose of these regulations is to ensure that reasonable mitigation measures be required where development might have an adverse impact	As discussed above, part of its responsibilities as a CEQA Lead Agency, the applicant retained Nick Angeloff, MA, to survey the project site and prepare the cultural resources investigation, which included consultation with the Tribal Historic Preservation Officers having an ancestral presence in the project area. The report concludes that "there are culturally significant recorded sites within the general project vicinity" (page 8, Initial Study-Mitigated

upon archaeological and paleontological resources in Shelter Cove.	Negative Declaration, Attachment 5). Monitoring measures are specified in both the District's adopted IS-MND, and the in the Recommended Conditions of Approval (Attachment 1). Additionally, both establish a protocol to be followed should resources be encountered during ground disturbance. These requirements are incorporated into the project's Recommended Conditions of Approval.
313-16.3 Airport Safety Review (AP): The purpose of these regulations is to establish regulations to maintain compatibility between proposed land uses and development and Humboldt County airports.	The Resort Improvement District No. 1 is the operator of the airport, and is responsible for ensure the project is constructed in conformance with HCC Section 331-1 et seq. and the Airport Land Use Compatibility Plan.
313-19.1 Design Review (D)	
The project is consistent and compatible with the applicable elements of the General Plan.	As discussed above under section 1, the project is consistent with all of the applicable policies and standards of the Framework Plan and the South Coast Area Plan.
Project is consistent with applicable elements of the General Plan Coastal Scenic Areas: Within designated Coastal Scenic Area: the project design so that it will be subordinate to the character of the surrounding setting. Coastal View Areas: Where mapped and where views from the public roads to the coast or coastal waterways are of concern, the height, width, and siting of structures, including setbacks from roads and parcel lines will be considered to retain as much of the existing view as possible. Views from public trails, beaches, or public recreation areas into the development site will also be considered.	As discussed above, the project is consistent with the SCAP. The project site is not designated as Coastal Scenic or Coastal View; therefore the referenced provisions do not apply.
Protection of natural landforms through minimizing alterations caused by cutting, grading filling and clearing, except to comply with fire hazard regulations.	The recycled water storage tanks will be installed underground at the northeast end of the airport runway. Historically, the project site and surrounding area have been altered by the development of the airport runway, Lower Pacific Drive, the WWTP, etc. The project site is not in the vicinity of the natural features identified in Section 3.42.F of the SCAP. Burying the recycled water holding tanks will require approximately 495 cubic yards of excavation. Approximately 225 cubic yards will be used as backfill with the remaining approximately 270 cubic yards to be accepted by the District and stockpiled on District property. According to the applicant's submittal, the stockpiled spoils will be used for District

	projects located outside of the Coastal Zone. One of the project's conditions of approval includes a requirement that the excess fill be stockpiled at an approved location and outside any ESHA or Streamside Management Area. Stockpiles at both the excavation site and relocation site are to be treated with appropriate best management practices such as covering, seeding or the placement of straw waddles to prevent erosion and sedimentation. Although the project does involve excavation the project as mitigated and conditioned will minimized alterations to natural land forms; therefore, the project can be found to be consistent with the referenced requirement.
Exterior Lighting: all new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.	According to the adopted IS-MND, the project does not include the installation of new outdoor lighting. Furthermore, public access to the distribution point will be limited to the daytime hours.
Landscaping: Screening or softening the visual impact of new structures through landscaping; preferably with native vegetation.	Staff has determined that the visual impact of the proposed project on neighboring parcels will be not be significant as once constructed the visual profile will consist of a fence, a spigot with an attached hose, and a fire hydrant. These improvements are similar nature and have a similar visual footprint those in the vicinity: for example, the WWTP has a concrete block and wood fence; and there is a small utility outbuilding on the opposite side of Lower Pacific Drive. The project's recommended conditions of approval include the requirement that the applicant submit a landscaping plan for the review and approval of the Planning Director. A landscaping plan that uses groundcovers and/or low growing shrubs will provide visual softening of the perimeter fencing while also maintaining visibility into the distribution point area for security purposes. Consistent with SRA requirements, the landscaping must be fire resistant, and should include low impact development (LID) techniques and be no less than 2 percent of the paved areas of the public distribution point.
Underground Utilities: where feasible, new utilities shall be underground or sited unobtrusively if aboveground.	New transmission lines and recycled water storage tanks are proposed to be installed underground. Only the new distribution center will have an above ground profile consisting of perimeter security fencing and a spigot. The photo documentation of similar distribution points indicates that the profile will unobtrusive, similar in size and configuration as similar improvements in the vicinity.
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. There are 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.	The project does not propose the installation of off-premise signs.
§313-19.1.8 Additional Standards Applicable to Shelter Cove:	
Residences must be constructed to a minimum width of 20 feet.	The project does not include development of a residence.
Foundations must meet UBC requirements for seismic zone IV.	This is a Condition of Approval requirement of the Building Permit for occupied structures. The proposed structures will not be occupied.

Eaves shall overhang a minimum of 12 inches.	Eaves are a typical feature on residential and commercial buildings where the roof meets the wall of the building. The proposed project does not propose the development that would result in a building that would have an eave. Rather, the above ground manifestations of the project will be a chain link fence less than six feet in height, a water spigot, a fire hydrant, and appurtenant signage.
Exterior walls and roofing materials shall not be constructed of reflective, unfinished metal or galvanized metal.	Again, the structures resulting from the project will not have exterior walls or roofing; therefore, this standard does not apply.
312-39.4 Coastal Streams and Riparian Areas and 312-39.8 Coastal Natural Drainage Courses,	
312-39.4 Coastal Streams and Riparian Areas 39.4.1 There are no significant adverse effects on habitat areas; 39.4.2 There is no less environmentally damaging feasible alternative; and 39.4.3 The best mitigation measures feasible have been provided to minimize adverse environmental effects. 312-39.8 Coastal Natural Drainage Courses 39.8.1 Natural drainage courses, including ephemeral streams, will be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat.	There is an unnamed creek located between the WWTP and proposed recycled water tank storage site. The pipeline route to move the treated water from the WWTP to the recycled water storage tanks will use an existing pipeline route which crosses the unnamed creek. The new pipeline will be routed along the existing pipeline corridor either by bursting the old pipe in place or using directional drilling techniques to place the new pipeline alongside the existing pipeline. Either option eliminates the need for new disturbance to the adjacent unnamed creek by utilizing the existing disturbed area for the pipeline and using placement techniques that do not require excavation. The routing and installation techniques to be employed allow the pipeline to cross the unnamed creek without introducing new impacts. Moreover, the applicant's project provides the 100-foot riparian buffer as specified in the SCAP. The applicant will be implementing best management practices for grading and erosion control for all ground disturbing activities associated with the project to ensure it does not directly or indirectly introduce sediment into the unnamed creek, along with implementing BMPs for the excavated soils that will be temporary stockpiled during installation. Best Management Practices must also be applied to the approximately 270 cubic yards of excess excavation spoils, along with placing them at an approved location. According to the adopted Initial Study-Mitigated Negative Declaration there are no fish bearing streams in the project area, nor are there any Coastal wetlands. Finally, the project was referred to the California Department of Fish and Wildlife, and no comments were received from that agency. Based on the above, staff finds that the project will conform with the biological resource protection policies in the SCAP.
313-32.1 Qualified (Q) Combining Zone Regulations	
Q-combining zones 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.

6. 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.

7. 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.	As discussed above, the subject property is zoned Natural Resources, Public Facility (Urban), and Commercial General Highway Service Commercial, and is not assigned any residential development potential in the Housing Element.

8. Environmental Impact.

As lead agency under CEQA, the Resort Improvement District No. 1 prepared, noticed, and adopted a Mitigated Negative Declaration, dated May 2016, on May 19, 2016. A copy of the document and associated reports are included as Attachment 5.

Before approving the project as a Responsible Agency under CEQA, the Planning Commission must review and consider the IS-MND adopted by the Lead Agency (Resort Improvement District No.1) and exercising independent judgement determine if the project's impacts are adequately addressed. If the Responsible Agency determines that the Lead Agency's Initial Study-Mitigated Negative Declaration is inadequate, it shall prepare a subsequent EIR or MND pursuant to CEQA Section 15162, or deny the project.

Staff has reviewed the applicant's approved Initial Study-Mitigate Negative Declaration and one Addendum in Attachment 5. Staff believes that referenced documents adequately address all of the project's potential impacts.

A Notice of Determination will be filed for the project consistent with Section 15096 of the State CEQA Guidelines.

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
Neighborhood Design Survey	On file with Planning
A Cultural Resources Investigation of Fire Resort Improvement District Properties, prepared by Nick Angleoff, M.A., dated February 2016 (exempt from public disclosure pursuant to the Public Records Act)	On file with Planning
Initial Study-Mitigated Negative Declaration, dated May 2016	Attachment 5 (CD)
District Resolution 16-13 to adopt Initial Study-Mitigated Negative Declaration	Attachment 5 (CD)
Preliminary Engineer Analysis, March 4, 2016, LACO	CD
Summary of Walking Survey for Sensitive Species, November 20, 2015, LACO	CD
Wetlands Assessment and Streamside Setback Establishment, July 23, 2015, LACO	CD

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	✓	
County Division of Environmental Health	✓	Approval		✓
CALFire	✓	Condition Approval with standard conditions	✓	
County Counsel	✓	Approval		
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		
Regional Water Quality Control Board		No response		
Shelter Cove Fire Protection District		No response		
State Water Resources Control Board		No response		



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Planner II, Planning & Building Department

VIA: Robert W. Bronkall, Deputy Director 

FROM: Kenneth Freed, Senior Engineering Technician

DATE: 07/06/2016

RE: **RESORT IMPROVEMENT DISTRICT #1,
CDP-16-029 / SP-16-058; APN 111-181-002**

ROAD: Lower Pacific Drive (County Road No. 4A040) is paved approximately 30 feet wide within a 60 foot wide public right of way along the frontage of the lot. An encroachment permit is required for the paved looped driveway.

PLOT PLAN: The plot plan does not show the edge of paved roadway. Applicant should insure that the turning radius of the looped driveway (on the subject parcel) can support the proposed vehicle turning movement.

MS4 AREA: The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission.

AIRPORT: While the airport is maintained by the Resort Improvement District, the Department of Public Works assist the Airport Land Use Commission in determining if a project is compatible with the Airport Land Use Compatibility Plan (ALUCP). In Humboldt County, the Airport Land Use Commission consists of the Board of Supervisors (see Board of Supervisors Agenda item for 05/19/1981 *Airport Land Use Commission; Approved Recommendations*). The ALUCP for the Shelter Cove Airport was last modified by the ALUC on 08/19/1997 which enlarged the Zone B1. The Department typically reviews three items for compliance with the ALUCP:

1. **ALUCP compatibility.** The subject property is located entirely within Zone A of the Airport Land Use Compatibility Plan for the Shelter Cove Airport. The proposed use appears to be compatible for Zone A.
2. **Avigation/Overflight/Deed Notice Requirements.** The property is owned by the airport operator.

3. Compliance with County Code section 333-1 et seq. Airport Approach Zone Building Height Limitations. The subject property is located within the area covered by County Code section 333-1 et seq. No information has been provided by the applicant that indicates that the project complies with County Code Section 333-4.

The following conditions are recommended: Our review of this project is limited to what is shown on the submitted plot plan. If other facilities not shown on the plot plan will be constructed, contact this Department immediately for approval **before** construction. This Department has regulations regarding facilities such as retaining walls, fence site visibility, drainage culverts, and parking lanes within the County right of way. This Department has included general statements for facilities that may not be included on the plot plan.

(1) Applicant must apply for and obtain an encroachment permit for the construction of the looped driveway on Lower Pacific Drive. [reference: County Code section 411-11 (a)(b)]

(2) The permit will require the driveway entrance to be surfaced with asphalt concrete or portland cement concrete. The paved area shall extend a minimum of 20 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the County road. The driveway shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. [reference: County Code sections 313-109.1.3.2.5 and 411-51 (b)(3)]

(3) The County road is not constructed to allow on-street parking. All parking must be developed on-site or applicant must construct a parking lane along the County road in a manner approved by this Department. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code section 313-109.1 et seq.]

(4) Site visibility must be maintained at the driveway entrance. [reference: County Code section 341-1 et seq.]

(5) Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of this Department.

(6) Low Impact Development (LID): The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission. [Reference: National Pollutant Discharge Elimination System (NPDES) General Permit For Waste Discharge Requirements (WDRS) for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, Section E.12; *Interim* Humboldt Low Impact Development Stormwater Manual (06/30/2015), Part 1, Table 1]

(7) Demonstrate compliance with County Code Section 333-1 et seq. by: As the airport operator, RID shall ensure that all improvements constructed conform to County Code 331-1 et seq.

// END //

From: Salazar, Kim@CALFIRE [<mailto:Kim.Salazar@fire.ca.gov>]
Sent: Friday, June 03, 2016 3:01 PM
To: Moxon, Delilah
Subject: APN: 111-181-002-000

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website:

www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: June 3, 2016

Rob Wall, Director
Humboldt County Community Development Services Department
3015 H Street
Eureka, CA 95501

Attention: Michelle Nielsen
Applicant: Resort Improvement District
No. 1
APN: 111-181-002-000
Area: Shelter Cove
Case Numbers: AA15-066
CDP16-029
SP16-058
CDP017-97M
CUP007-97M

Humboldt County Application #: 10046

Type of Application: Coastal Development Permit,
Application Assistance, Special Permit, Conditional Use Permit
Date Received: 6/3/2016
Due Date: 6/17/2016

Project Description: A Coastal Development Permit to develop facilities to expand the Resort Improvement District's (RID) recycled water program, an Essential Service pursuant to Section 313-171.5.5 Humboldt County Code. The proposed expansion will provide for the production of more recycled water available for fire protection services, distribution to authorized users in the RID's existing service area, and irrigation of the existing public golf course. As part of the water recycling program the project proposes the following improvements: 1) upgrading the existing filtration located inside the RID's existing wastewater treatment facilities located on APN 111-181-002; 2) installation of five 20,000-gallon underground water storage tanks to be located at the northeast end of APN 111-181-005; 3) installation of a new transmission main to carry the water from the storage tanks to the distribution center; and 4) upgrade the sprinkler heads of the golf course's irrigation system. Authorized users will fill their personal water tanks at the proposed distribution station after completing an educational program and other regulatory requirements for the private use of recycled water. The proposed distribution station will be a one-way paved loop with access to and from Lower Pacific Drive. Also, a Special Permit for Design Review of the proposed improvements. Also, a modification of the existing Coastal Development and Conditional Use Permits to allow for upgrading the existing wastewater treatment plant filtration system. The existing wastewater treatment plant is capable of producing

approximately 40,000 gallons per day of recycled water, and the new system will be capable of producing up to 100,000 gallons per day of recycled water.

Mr. Wall,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Code Title III, Division 11, Fire Safe Regulations Ordinance, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Regulations Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:
 - During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA. During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a

- response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.
 - There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.
 - Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
 6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. **Each project will be reviewed with additional input sent at a later date, if needed.**

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.

5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a “Ten Year Phase Out,” which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

ATTACHMENT 5

APPLICANT'S INITIAL STUDY-MITIGATED NEGATIVE DECLARATION

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