

DATE: August 6, 2001

TO: Humboldt County Planning Commission

FROM: Kirk Girard, Director of Community Development Services

SUBJECT: **Kernen Construction** Conditional Use Permit
Case Nos.: **CUP-00-27/SP-00-65**
APN **516-1412-03 et al.** Blue Lake Area

The attached staff report has been prepared for your consideration of the Kernen Construction application at the public hearing on August 16, 2001. The staff report includes the following:

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Please contact Michael E. Wheeler, Planner at 268-3730 if you have any questions about the scheduled public hearing item.

cc: Applicant
Agent

AGENDA ITEM TRANSMITTAL

TO: HUMBOLDT COUNTY PLANNING COMMISSION

FROM: Kirk A. Girard, Director of Planning and Building

HEARING DATE: AUGUST 16, 2001	SUBJECT: CONDITIONAL USE PERMIT AND SPECIAL PERMIT	CONTACT: Michael Wheeler
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Before you is the following:

PROJECT: The project consists of a Conditional Use Permit to allow for conversion to a Rock Aggregate Processing and Materials Storage and Handling Yard Facility at an existing industrial site that was formerly utilized as the Blue Chip Mill; and an after the fact Special Permit to place soil fill material on specific areas of the materials storage and handling yard that were historically wetlands and to mitigate for these impacts. The project site was previously an industrial hardwood log chip manufacturing facility including log storage areas (decking areas), buildings that housed log chipping equipment and handling machinery, an office building, a storage building, "Quonset hut" equipment maintenance structure and fuel storage facility. Proposed new uses will include: 1) storage of raw and processed rock aggregate materials, soil and other materials like organic debris, asphalt shingles and scrap metal; 2) rock processing operations, which includes rock crushing, sorting and screening equipment, moveable conveyors, loading equipment and truck scales; 3) stockpiling for temporary storage of scrap metal, roof shingles and other non-toxic waste materials; 4) parking for trucks and heavy construction equipment utilized by Kernen Construction; 5) office facilities for the new use; and 6) placement and grading of soil fill over a portion of the yard area. The applicant proposes to operate the facility throughout the year, with peak activity during the summer months. **Rock crushing and sorting activities would occur on average approximately 50 days per year. Hours of operation for the facility are proposed to be 7:00 am to 6:00 pm weekdays and 7:00 am to 5:00 pm Saturdays, with reduced hours during winter months.**

PROJECT LOCATION: The project site is located in Humboldt County, in the Blue Lake area, on the south side of Glendale Drive, just west from the intersection of Glendale Drive with Liscomb Hill Road, on the properties known as 2188, 2220 and 2350 Glendale Drive.

PRESENT PLAN DESIGNATIONS: Dispersed Houses; Northern Humboldt General Plan (NHGP).
Density: 1 unit per acre.

PRESENT ZONING: Unclassified (U).

ASSESSOR PARCEL NUMBERS: 516-141-03, -05, -17; 516-151-08, -16, -17

APPLICANT

Kernen Construction
P. O. Box 1340
Blue Lake, CA 95525
Phone: 826-8686
Fax: 826-1888

OWNER(S)

Bedrock Investments LLC
P O Box 384
Blue Lake, CA 95525
826-8686

AGENT

Craig Newman Forestry
2870 Dunbar Court
Arcata, CA 95521
826-9075
Fax: 826-9075

ENVIRONMENTAL REVIEW:

Environmental review is required.

MAJOR ISSUES : Wetland fill and mitigation; General Plan Conformance

STATE APPEAL STATUS:

Project is not appealable to the California Coastal Commission.

EXECUTIVE SUMMARY

Kernen Construction Company Conditional Use Permit and Special Permit
Case Numbers: CUP-00-27/SP-00-65

The subject properties have been used for industrial purposes since at least the 1950's. In March 1976, the Humboldt County Planning Commission approved a Conditional Use Permit (CUP-212-76) to allow for construction of an additional steel building to house lumber sorting machinery of **Cal-Pacific Manufacturing Company**, and to install a commercial coach adjacent to the existing office building. Existing facilities were operating as a large sawmill complex at the site. At that time, the existing facilities, which predated the 1968 Northern Humboldt General Plan, consisted of: a teepee burner, planing mill, dry lumber storage sheds, cooling sheds, dry kiln, office building, outdoor lumber storage areas, and a railroad lumber loading facility on the former Arcata-Mad River Railroad Line. As a result of declining availability of raw materials and perhaps other economic factors, the mill ceased operation in the late 1970's.

In 1980, the property was transferred to **Blue Chip Milling Company**, who applied for and obtained a new Conditional Use Permit (CUP-45-80) to convert the existing lumber and sawmill operation to a log salvaging and chipping facility. Because of the decline in the availability of wood fiber, the applicants saw a need for a major hardwood chipping plant in Humboldt County to supply the existing pulp mills, primarily the Simpson Samoa Pulp Mill. Blue Chip considered the site of the former Cal-Pacific Manufacturing lumber mill well suited for its proposed plant. The mill site already had substantial improvements that could be utilized for the Blue Chip operation, including a large rocked area for log storage and several acres paved with asphalt for log handling and storage adjacent to the new plant. The Blue Chip Operation had 15 to 20 employees, and the conversion involved: removal of the teepee burner, replacing the planing mill building with a "chipper building" and "hog building," and improvements to the north yard for log storage. The north yard had from 1 foot to several feet of river run rock applied to the surface over the years to facilitate the log and lumber storage and handling activities. The chipping facility closed in 1992, due to decreased demand for the product and other market factors. About this same time, The Simpson Samoa Pulp Mill shut down due to a depressed world-wide market for pulp. Another factor cited was the costs of facility upgrades to meet changing environmental standards at the time for the plant closure. Over the next several years, the Blue Chip processing facilities were dismantled and log stockpiles removed, leaving the industrial site and support buildings vacant for future re-use.

The current application is for a Conditional Use Permit which includes the following: 1) the conversion of an existing office building for use as an office for heavy commercial or light industrial uses; and 2) development and operation of a rock products processing facility and a contractor's yard which will be used for the parking and storage of construction vehicles and equipment, for the storage of construction materials, and for the transfer, storage and processing of scrap and construction debris and waste material for recycling. The operational activities will include: production of rock product of various sizes; processing of building and construction debris and rubble for recycling; and storage of construction equipment and material.

The project involves the siting and regular use of the following equipment and machinery: heavy construction equipment (loader, log trucks, backhoe extractor, dump trucks and trailers, flatbed trucks, water trucks), and rock crushing machinery. **The activities are proposed to occur 7:00 am to 6:00 pm Monday through Friday, 7:00 am to 5:00 pm on Saturdays.**

A Special Permit is required for the project under provisions of the County's Interim Guidelines for Implementing the Open Space Element of the General Plan (Non-Coastal). During the period between the active log decking and handling that ceased in 1992 and the present, portions of the North Yard area, where drainage was poor have developed characteristics of wetlands. These wetland areas are generally of poor quality because the old deck areas had from 1 to over 3 feet of river run rock applied to create a working surface for heavy log loaders. The wetland analysis conducted for the project determined that 0.63 acres of jurisdictional wetland was subject to non-permitted fill. As a condition of an agreement with the US Army Corps of Engineers regarding this prior fill and proposed filling of a portion of the new wetland areas, the Owner will create new wetland areas to compensate for loss of areas that would be filled and enhance the overall quality of the new wetland areas by excavating down through the old deck

rock mantle to natural ground and planting willows and, if necessary native wetland species in the areas. The work involving wetland areas will be conducted in accordance with an approved 404 Permit. Additionally, streamside riparian habitat restoration work will also occur along portions of Hall Creek. This work is documented in the ACOE Wetland Mitigation and CDFG Buffer Mitigation Plan (See Attachment 4).

Based on the site investigation and a review of Planning Division reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted sufficient evidence in support of making all of the required findings for approving the Conditional Use Permit.

STAFF RECOMMENDATIONS:

1. Describe the application as a Public Hearing Item;
2. Allow staff to present the project;
3. Open the public hearing;
4. Make the following motion to approve the application:

"I move to adopt the Mitigated Negative Declaration, and to make all of the required findings, based on evidence in the staff report and public testimony, and to approve the project as described in the Agenda Item Transmittal, subject to the recommended conditions."

ALTERNATIVES: Should the Planning Commission be unable to make all of the required findings based on the submitted evidence, and public testimony there are two options:

1. Deny the project without prejudice, based upon public hearing comments by the applicant that a good faith effort is being made to address the requirements identified by the Planning Division and other agencies.
2. Continue the project to a later date, to be re-noticed; give the applicant additional time to develop an alternative design and/or submit additional information needed to prepare a Mitigated Negative Declaration.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 01-70**

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE KERNEN CONSTRUCTION
COMPANY CONDITIONAL USE PERMIT APPLICATION:
CASE NUMBER CUP-00-27 / SP-00-65 ASSESSOR PARCEL NUMBER 516-141-03 ET AL.**

WHEREAS, Kernen Construction Company submitted an application and evidence in support of approving the Conditional Use Permit (CUP) for a rock products processing facility and contractor's storage yard, and special permit for an after-the-fact wetland fill;

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 per the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 1 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the CUP (Case No.: CUP-00-27/SP-00-65);

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

1. The Planning Commission approves the proposed Mitigated Negative Declaration in Attachment 3, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment;
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case No.: CUP-00-27/SP-00-65 based on the submitted evidence; and
3. The Planning Commission conditionally approves the proposed CUP/SP as recommended in the Planning Division staff report for Case No.: CUP-00-27/SP-00-65.

Adopted after review and consideration of all the evidence on AUGUST 16, 2001.
The motion was made by COMMISSIONER EMAD and seconded by COMMISSIONER SMITH

AYES: Commissioners: BLYTHER, EMAD, GEARHEART, HANGER, MURGUIA, & SMITH

NOES: Commissioners: NONE

ABSTAIN: Commissioners: NONE

ABSENT: Commissioners: RICE

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

Kirk Girard, Director of Planning and Building By: _____
Yvette Tucker, Clerk

Last day to Appeal to the Board of Supervisors: AUGUST 30, 2001 (filed with the Planning Dept).

Attachment 1. Revised* Conditions of Approval

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. Conditions of Approval:

1. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.
2. The applicant shall submit a written letter to the Planning Division from the California Department of Fish and Game stating either that a current Fish and Game Code Section §1600 agreement extends to the project or that such an agreement has been approved specifically for the rock processing facility.
3. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Planning and Building Department.
4. A filing fee of \$1,250.00 plus document handling fee of \$25 must be paid to the County Recorder at 825 Fifth Street, Room 235 in Eureka. A copy of the receipt must be submitted to the Planning Division to satisfy this condition. This fee is required by state law pursuant to Section 711.4 of the Fish and Game Code.
5. A landscaping plan for the areas ~~proposed to be used for rock processing and materials storage, appurtenant structures and road/driveway access and parking areas~~ along Glendale Avenue shall be provided to the satisfaction of the Community Development Services - Planning Division. At a minimum, landscape plan shall include mature, native tree species, which are non-deciduous, and identify the proposed location, type (by species and common name), size, irrigation method and maintenance overtime, including replacement of plantings overtime. Landscaping shall conform to the visibility ordinance as required by the Department of Public Works. The required screening/landscaping shall be installed prior to the initiation of operations at the facility.
6. Applicant shall:
 - a) maintain erosion control as specified in §3432(9) of the Framework Plan;
 - b) implement "Best Management Practices" for erosion and sediment control during the construction phase of the project;
 - c) use dust control techniques when excavating or storing bare soils to minimize dust problems on adjacent dwelling(s).
 - d) reseed disturbed areas prior to winter rain.
 - e) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.
7. The applicant shall pay the \$95.00 Review for Conformance with Conditions Fee as required by the County's adopted Schedule of Fees and Charges.
8. All areas of grading and fill within flood zone A must: a) have flood elevation certificate; b) be designed by an engineer; c) comply with the Humboldt County Flood Ordinance; and d) comply with "Placement of Fill Within A Special Flood Hazard Area" handout. This condition will be enforced by the Building Inspection Division.
9. All areas of grading and fill within wetland or streamside management areas must comply with the Humboldt County Open Space Element. This condition will be enforced by the Building Inspection Division.
10. Any large equipment stationary for over six (6) months must have overturn anchorage designed by an engineer to the satisfaction of the Building Inspection Division.

* Revised based on Planning Commission action at the August 16, 2001 Public Hearing.

11. The applicant shall file an erosion control plan with monitoring guidelines with the Building Inspection Division. Per Department of Fish and Game recommendations, the applicant shall incorporate retention areas where all surface runoff will be directed and/or extend the series of berms throughout the site to provide for containment of sediment and contaminated materials.
12. This permit approval does not authorize the storage or management of hazardous materials or waste.
13. ~~The applicant shall investigate, through soil sampling and testing, whether existing berms and potential future berms and previously filled wetlands are composed of contaminated materials and sediments (i.e., asphalt, petroleum based, products, etc.). Such materials shall be removed if there is evidence of contamination of material which may accidentally discharge into Hall Creek during inclement weather.~~
The applicant shall retain a qualified professional consultant to make periodic visual observations of grading and excavation activities for detection of hazardous substances or contaminated materials. If contamination is observed, work shall be stopped and a notification of an observed release shall be filed with the Regional Water Quality Control Board, Department of Environmental Health, and the Planning Division. The qualified professional shall be present during all major earth disturbing activities and make an inspection of final grades. A final field report documenting grading activities and observations shall be submitted to the Planning Division within 30 days of the completion of grading activities.
14. Riparian vegetation shall be re-established along the southeast portion of Hall Creek, and the width of this area shall be as wide as that existing downstream of this area.
15. The applicant shall secure a National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges associated with construction activity from the Regional Water Quality Control Board. The applicant shall submit evidence to the Planning Division that this requirement has been satisfied.
16. The applicant shall implement the Wetland Mitigation and Riparian Buffer Mitigation Plan (included with Attachment 4) to the satisfaction of the Corps of Engineers and the Department of Fish and Game. Financial assurances in a form and amount acceptable to the Director shall be submitted to ensure performance of the required mitigation work and monitoring. Annual Reports required under the Mitigation Plan shall be forwarded to the Planning Division. Termination of annual monitoring shall required by the Monitoring Plan shall not occur without the written concurrence of the Planning Division.

B. Operation Restrictions:

1. **The processing operator shall adhere to the approved operations plan and mitigation monitoring program,** as applied to the site proper, and other support and ancillary uses and facilities (i.e., stockpiles, and the maintenance of access road drainage culverts).
2. Hauling along public roads shall be limited to "legal loads" only. "Overweight loads" must have prior approval from the Department of Public Works and/or CalTrans.
3. Any and all portable toilet facilities shall be adequately maintained by a licensed septic tank pumper to the satisfaction of the County Department of Environmental Health.
4. Blasting on the project site is prohibited, unless the conditional use permit is modified to include blasting.
5. **All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.**
6. Applicant shall ensure that noise generated by the operations shall not exceed 60 Ldn at nearby residential properties.
7. The applicant/operator shall comply with the California Integrated Waste Management Board (CIWMB) Title 14 California Code of Regulations as determined by the Local Enforcement Agency (LEA).

8. The applicant/operator shall have a screening program to ensure that hazardous, designated, contaminated soil or unauthorized wastes are not received. The program shall include screening criteria, laboratory testing by a certified lab when necessary, and record keeping. The program shall be designed and enforced to the satisfaction of the Division of Environmental Health.
9. The applicant/operator shall comply with the provisions of Health and Safety Code Chapter 6.5 (Hazardous Waste Control Law) and California Code of Regulations Title 22 pertaining to storage, handling, and disposal of hazardous materials.

C. Informational Notes:

1. Rock processing operations are regulated by various different state and federal agencies. Each of these agencies is responsible for regulating a specific aspect of the mining operation. For example, the Department of Fish and Game is responsible for assuring that fish and wildlife resources are not negatively impacted by the operation; the Army Corps of Engineers is responsible for regulating discharges into navigable waters of the United States; the Regional Water Control Board oversees waste discharge requirements; CalTrans assures that no State bridges or highways are negatively affected by mining operations, and; the State Lands Commission regulates activities on lands within the public trust. Other agencies which may have jurisdiction over the operation include but are not limited to, North Coast Unified Air Quality Management District; National Marine Fisheries; United States Fish & Wildlife Service, and ; CalOSHA.

The operator is responsible for contacting all of the above regulating agencies to assure conformance by the operation with these agencies regulations.
2. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.
3. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.
4. Permits are required from the Building Inspection Division for any building/alteration or demolition of structures.
5. An encroachment permit is required from the Department of Public Works for two items of work: a) the access road south of the old railroad crossing on Glendale; and b) the repair to the "chuck hole" on the north side of the south yard entrance on APN 516-141-17.

Attachment 2.
Staff Analysis of the Evidence Regarding the Required Findings

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, Section 312-17 of the Humboldt County Code (HCC) specifies the findings that must be made to grant the Conditional Use Permit (CUP) and Special Permit (SP). Basically, the Hearing Officer may grant the CUP/SP if, on the basis of the application, investigation and submitted evidence, the following findings are made:

1. That the use is consistent with the purposes of the zone in which the site is located; and
2. That the proposed location of the use 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 properties or improvements in the vicinity; and
3. That the proposed use is in conformance with the General Plan.

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:

4.
 - 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 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

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 Humboldt Bay Area Plan (HBAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Designation: Dispersed Housing NHGP, p. 44	"The minimum lot size for this classification is one acre. In this category one will find a great many second homes."	The proposed use would replace previously permitted industrial uses of the site dating back to the 1950's. Continued use of the site as industrial is not inconsistent with the NHGP. The land use designations were not intended to apply on a site specific basis but were intended to be diagrammatic in form [NGHP page 79]. Accordingly, mapping of existing industrial land use was less detailed and those uses not identified in the NHGP site inventory [NHGP page 11] were not labeled as industrial on the land use maps. Historical uses must however be integrated with the lower density residential land uses also supported by the NHGP. For this reason, the Department is relying upon the requirements contained in the Coastal Zoning Regulation's Industrial Performance Standards for Industrial Uses near Residential Areas in evaluating project suitability.
Hazards: Geologic and Flood §3100-§3300(FP)	New development shall minimize risk to life and property in areas of hazards.	The subject parcel is within an area of low slope instability. A portion of the property is within the flood zone as designated on Firm panel 620C, however, no development of structures for human occupancy is proposed within this area.
Hazards: Noise §3100-§3300(FP)	Existing and potential incompatible noise levels in problem areas should be reduced through operational or source controls where the County has responsibility for such controls.	Noise measurements of actual operations show conformance with the General Plan noise provisions of max. of 60 Ldn outside of the nearest residences. Noise levels may be further mitigated through the strategic placement of stockpiled materials. The 60 Ldn threshold is an operation condition that shall be maintained for the life of the project.

<p>Hazards: Solid Waste §3100-§3300(FP)</p>	<p>Provide a healthy, safe and economical system for disposal of solid waste. Minimize the environmental impact of solid waste handling and disposal.</p>	<p>The project involves the regular handling of solid waste materials. Evidence submitted that shows that the environmental impacts of solid waste handling and disposal would be minimized include: 1) equipment wash water will be collected and passed through an oil/water separator; 2) runoff water will be collected in such a manner that it will be filtered by straw bales or other sediment trapping materials placed around drain inlets; 3) densely vegetated drainage ditches (swales) and newly created wetlands will also serve to filter sediment from runoff water. A Storm Water Pollution Prevention Plan (SWPPP) is required for the project.</p>
<p>Biological Resource Wetlands §3400 - §3604 (FP)</p>	<p>Protect designated sensitive and critical resource habitats.</p>	<p>Based on a wetlands determination for the site prepared by SHN (December 2000), the parcel encompasses several wetland areas and a riparian corridor. Some wetland areas have been subjected to historical fill placed on the site. The applicant has submitted a wetland mitigation and riparian buffer mitigation plan prepared by SHN (February 2001).</p>
<p>Cultural Resource §3500 (FP)</p>	<p>Protect cultural, archeological and paleontological resources.</p>	<p>Adequately addressed by proposal (NCIC).</p>

2. The proposed development conforms with all applicable zoning regulation requirements. 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 Zoning Regulations.

Zoning Section	Summary of Applicable Requirement				Evidence That Supports the Zoning Finding
§314-8.1 Unclassified	All other uses not specified in the subsection "Principal Permitted Uses" may be permitted upon the granting of a Use Permit.				Project involves replacement of a former heavy industrial use with a new industrial use, which requires a new Use Permit.
Minimum Parcel Size §314-8.1	6,000 square feet				7 to 30 acres
Minimum Setbacks §314-8.1	Front: 20' Rear: 10' Side: 5'				Min. 75' for existing office (closest structure) Min. 10' for truck scale shack (closest) Min. 3' for existing storage shack (legal non-conforming structure - This structure is included on the CUP-45-80 plot plan.)
Maximum Structure Height §314-8.1	As required by the Planning Commission in granting a Use Permit.				No new structures are proposed. The applicant will utilize the existing structures remaining from the previous use.
Off-street Parking §314-190.1 Industrial Uses	Struc - ture	No. employees	Floor Area	Spaces Required	No. of Spaces Available
	Office				18+
	S-1	5	4056	18	4+
	S-2	1	4800	4	4+
	S-3	1	5700	4	4+
	S-4	1	3240	4	4+
	S-5	1	1088	4	4+
	Main. Shop	1	1408	4	4+
		2	4000	4	
Off-street Parking §314-109.1.4 Loading Spaces	One (1) space for each 20,000 square feet of gross floor area, or portion thereof.				All open areas of the north and south yards (over 35 acres) can and are used for the loading and unloading of trucks used in the operation.
Off-street Parking §314-109.1.5.2 Landscaping	The Planning Commission may require landscaping of any off-street parking area...equivalent to not less than 2% of the total area devoted to parking.				Required as condition of approval.
Flood Hazard Areas §A314-59	Prohibits certain new developments within the 100-year floodway and floodplain.				No new structures are proposed for the 100-year floodway and flood plain.

Industrial Performance Standards

Note: These standards are proposed as a means of ensuring that adjacent residential uses as authorized by the land use and zoning are protected from incompatible industrial uses.

Zoning Section A314-18(C)	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Noise	All noise generating operations shall be buffered so that they do not exceed the exterior ambient noise level by more than 5 dB(A).	Noise measurements of actual operations show conformance with the General Plan noise provisions of max. of 60 Ldn outside of the nearest residences.
Lights	All lights shall be directed on site and shielded to reduce glare to adjacent residential areas.	Required as condition of approval
Traffic	New development shall demonstrate that it will not substantially increase truck traffic on residential street.	Truck traffic associated with the project is not expected to be any greater than historic levels for previous uses at the site.
Vibrations	No perceptible vibrations shall be permitted off the building site.	There are no anticipated effects from vibrations.
Electronic Interference	No visual or audible interference of radio or television reception.	There are no anticipated effects from interference.
Dust Control	All areas used for parking, traffic circulation and material storage shall be surfaced with asphalt concrete.	The south yard is paved, reducing dust emissions to insignificant levels. The project is conditioned with a requirement that exposed materials be watered as necessary to avoid fugitive dust emissions.
Manufacturing Areas	All manufacturing and fabricating areas shall be enclosed in buildings.	The project does not involve manufacturing. The rock processing, by its nature, is an activity that takes place outdoors.
Visual Screening	All equipment and material storage areas adjacent to any residential zone shall be screened by walls, fences, or adequate plantings to a height of not less than 6 feet, and said fencing shall conform to all yard requirements.	Required a condition of approval.

Open Space Element

A wetland delineation report was prepared for the project site by SHN Consultants to delineate the wetland and riparian habitat, and to determine the extent of an historical wetland fill. The study identified 6.2 acres of wetlands on the 30 acre site, and had determined that 0.63 acres of Corps jurisdictional wetlands had been filled. The Open Space Element Implementation Policy requires that any modification of the streamside management area (SMA), including wetlands as other wet areas, requires a Special Permit. If grading or construction activity has occurred on a parcel prior to the issuance of a grading or building permit, and such activity either potentially or actually affected the existence or sustainability of an SMA or other wet area, then the Planning Division is required to prepare an initial study to evaluate impacts and consider feasible mitigation. The initial study and any biological reports prepared for the project shall be referred to the Department of Fish and Game for Comment. The Planning Division referred the project application materials, including wetland delineation and wetland and riparian buffer mitigation plan to the Department of Fish and Game and received conditional approval of the plan. The project has been conditioned accordingly.

3. Public Health, Safety and Welfare, and Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§A315-14D	Proposed development will not be detrimental to the public health, safety and welfare.	Potential impacts to health, safety and welfare are analyzed in the Initial Study.

4. Environmental Impact:

Please refer to the draft Mitigated Negative Declaration (Attachment 3) of the Staff Report.

ATTACHMENT 4
Applicant's Evidence In Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

- Application Form (in file)
- Plot Plan/Tentative Map Checklist (in file)
- Plan of Operations (attached)
- Wetland Mitigation and Riparian Buffer Mitigation Plan (attached)

ATTACHMENT 5

Referral Agency Comments and Recommendation

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 or comments	Attached	On File
County Building Inspection Division	✓	Conditional approval.	✓	
County Public Works, Land Use Division	✓	Conditional approval.	✓	
County Division of Environmental Health	✓	Conditional approval.	✓	
Corps of Engineers				
California Department of Fish and Game	✓	Conditional approval.	✓	
Regional Water Quality Control Board	✓	Conditional approval.	✓	
NCAQMD				
Solid Waste Management Board				
NCIC	✓	Approval.	✓	
Caltrans				
Blue Lake Fire Dept.				
City of Blue Lake				