



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 1, 2016

To: Planning Commission

From: Robert Wall, Interim Director of Planning and Building Department

Subject: **James Andersen Conditional Use Permit**
Application Number 10409
Case Number CUP 16-023
Assessor Parcel Numbers 520-085-018-000
Orick Area

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Please contact Stephen Umbertis, Planner, at 268-3727, or by email sumbertis@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 1, 2016	Conditional Use Permit	Stephen Umbertis

Project: A Conditional Use Permit to authorize the operation of a vehicle storage yard for a towing company in Orick. The applicant proposes to use a parcel zoned Commercial-General in downtown Orick as a storage yard for wrecked and/or impounded cars until they are claimed by the owners or sold for scrap metal. The lot will have capacity for approximately 50 vehicles. Vehicles will be removed once the lot has reached capacity or the price of scrap metal provides financial incentive to remove the unclaimed vehicles. Scrap cars will be crushed on site in a mobile car crusher before being hauled away for disposal. Vehicle removal will occur approximately once every 2-3 months, depending on lot capacity and scrap metal prices. No vehicle disassembly or repair is proposed for the site. The lot is located on the west side of Highway 101 and has frontage on both Lowell Street (A County maintained road) and Highway 101. A 6 foot fence with view blocking slats and three strand barbed wire has been constructed around the perimeter of the lot. The applicant has installed two 20 foot gates on the parcel - one entering Highway 101 on the east side of the lot and the other opening onto Lowell Street on the north side. These gates will be used by the tow truck or mobile car crusher to enter and leave the lot without having to turn around on site. A small (8'x12') shed is on site for administrative work and storage of removed batteries and small amounts of fuel.

Project Location: The project is located in Humboldt County, in the Orick area, on the south side of Lowell Street and the west side of Highway 101, on the property known as 120833 Highway 101, and being located in the Northeast quarter of the Northeast quarter of Section 4 Township 10 North Range 1 East, Humboldt Meridian.

Present Plan Designations: Commercial General (CG) (OCP), Density: 160 to 20 acres per dwelling unit. Slope Stability: High Instability (3).

Present Zoning: Community Commercial (C-2) with Design Review (D)

Application Number: 10409

Case Number: CUP 16-023

Assessor Parcel Numbers: 520-085-018-000

Applicant

James Andersen
PO Box 282
Orick, CA 95555

Owner

Same as applicant

Agent

None

Environmental Review: None required. CEQA Exemption Section 15304-Minor Alterations to Land

Major Issues: None

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

JAMES ANDERSEN CONDITIONAL USE PERMIT

Case Number CUP-16-023

Assessor Parcel Number 520-085-018-000

Recommended Planning Commission Action

1. Describe the application as a Public Hearing;
2. Allow the staff to present the project;
3. Open the public hearing and receive testimony; and,
4. Close the hearing and take the following action:

Find the project exempt from environmental review pursuant to Sections 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit, based on evidence in the staff report, and adopt the Resolution approving the Andersen Towing Yard project subject to the recommended conditions.

Executive Summary:

The applicant is requesting approval of a Conditional Use Permit for the operation of a tow yard to support the operations of the applicant's car towing company. The property is zoned Community Commercial (C-2) with a Design Review combining zone (D) which permits commercial activities such as a contractor's yard or major auto repair with a Use Permit. While no auto repair or salvage activities are proposed under this Use Permit, these activities are most similar to the proposed use and would have similar impacts in terms of aesthetics, community character and land use. The use may be found to be similar to the uses described above and compatible with other general commercial uses permitted in the C-2 Zone because of its relatively small scale, its limited impact on surrounding land uses, and the landscaping and existing view blocking fence included as part of the proposed project.

The yard will be operated as a storage yard for wrecked and/or impounded vehicles towed by the applicant's tow company. No auto salvage, repair or sales are proposed. Vehicles will be stored on-site until the lot reaches 75 percent of its capacity or scrap metal prices provide financial incentive to remove the vehicles for scrap. The applicant expects that the lot will be cleared once every 2-3 months. Cars will be crushed on site by a mobile car crushing service and removed by trailer from the site. The applicant proposes two (2) 20 foot gates to access the site – one opening onto Lowell Street, a County maintained road, from the north and the second opening onto State Highway 101 on the south corner of the east fence line. This will allow large vehicles to enter and exit the site without turning around on site or holding in the turn lane on Highway 101 for passing traffic. Two other gates are proposed for daily access of smaller vehicles – a 12 foot gate opening onto Lowell Street adjacent to the 20 foot gate discussed above, and a small, walk through gate on the west fence line for pedestrian access.

A small, 8'x10' shed is on the property to provide a space for administrative activities and records storage. A Condition of Approval has been included that requires a sealed concrete pad be installed under the storage shed to provide for battery and gasoline storage. There is no existing plumbing or electrical to the shed and none is proposed. No other construction is proposed for the project.

Lastly, a requirement of the tow yard operator's insurance requires fencing with barbed wire. This has been raised as an issue in the comments of the Orick Design Review Committee (DRC) (see Attachment 4). The Department has made contact with the Orick DRC to explain the necessity of this security measure for the operation of the facility and to obtain their agreement to allow the barbed wire to remain as part of the project design. If the Orick DRC declines, the applicant has the opportunity to seek to have the Planning Commission remove the DRC's recommended condition. Any response from the Orick DRC will be provided as Supplemental Information at the public hearing.

Staff Recommendations: Based on the on-site inspection, 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 Conditional Use Permit. Staff recommends conditional approval of the project.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if your Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-__**

**Case Number CUP-16-023
Assessor Parcel Number 520-085-018-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Andersen Tow Yard Conditional Use Permit.

WHEREAS, James Andersen submitted an application and evidence in support of approving a Conditional Use Permit for a car storage and tow yard; 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 categorically exempt from environmental review pursuant to Article 19, Sections 15304, Class 4 – Minor Alterations of Land, of the California Environmental Quality Act (CEQA) Guidelines; 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 Conditional Use Permit (Case Number CUP-16-023); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 1, 2016.

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

1. The Planning Commission finds the proposed Conditional Use Permit application is categorically exempt from environmental review pursuant to Sections 15304, Class 4 – Minor Alterations to Land of the CEQA Guidelines; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number CUP-16-023 based on the submitted evidence; and
3. The Planning Commission approves the Conditional Use Permit applied for as recommended and conditioned in Attachment 1 for Case Number CUP-16-023.

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

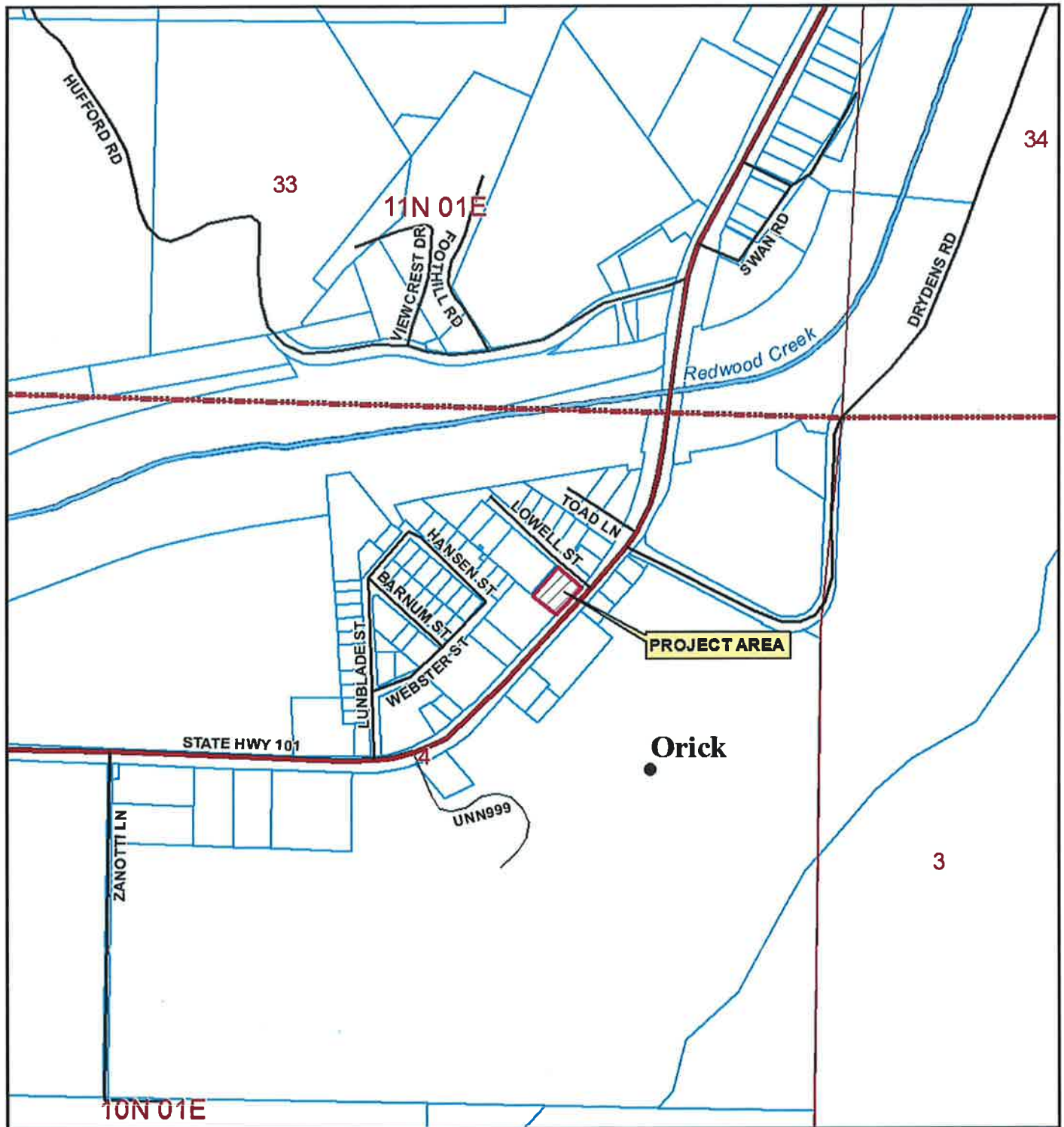
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair

I, Suzanne Hegler, 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 Hegler, Clerk



LOCATION MAP

PROPOSED ANDERSEN CONDITIONAL USE PERMIT ORICK AREA CUP-16-023

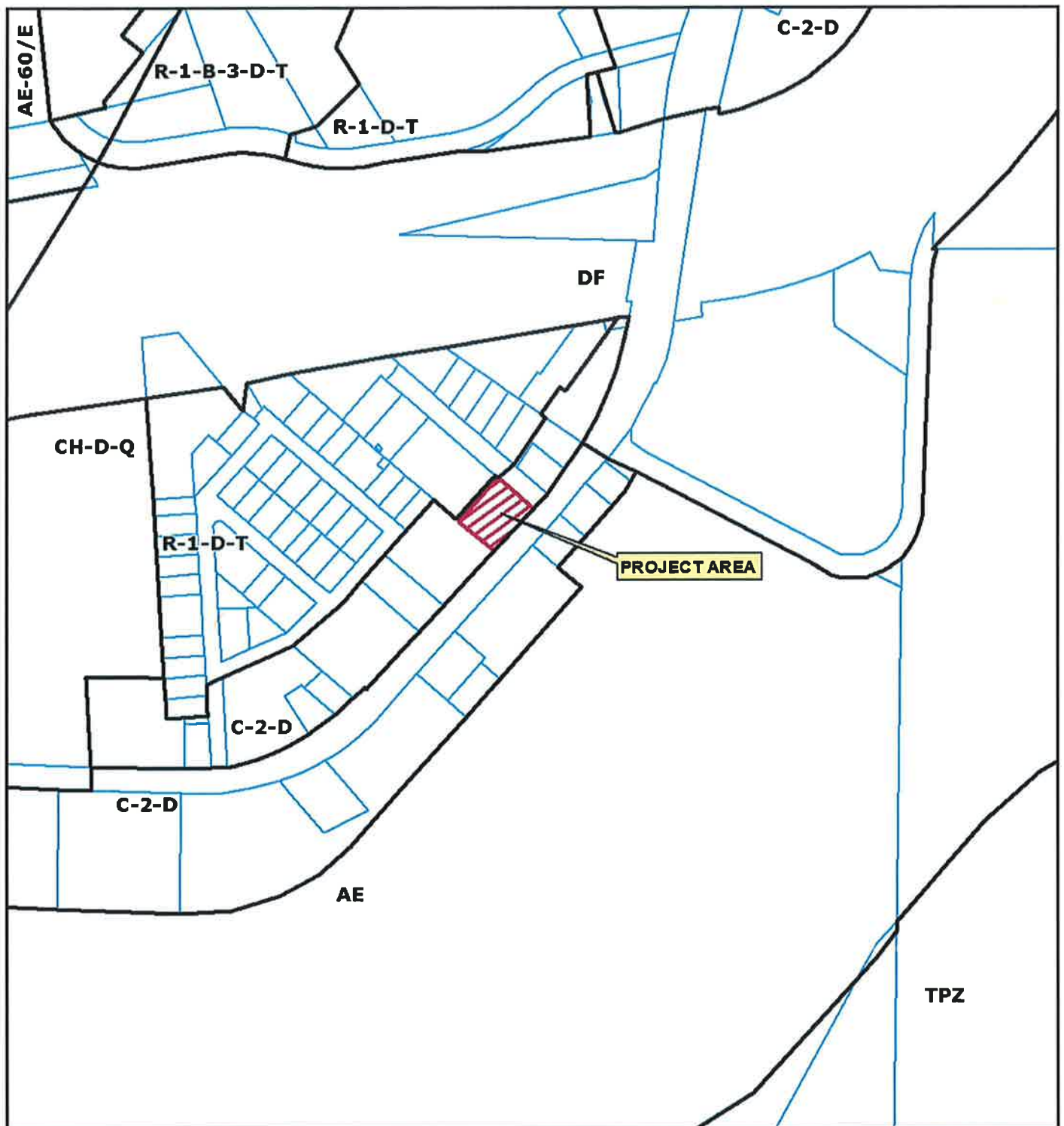
**APN: 520-085-018
T010N R01E S04 HB&M (Orick)**

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.



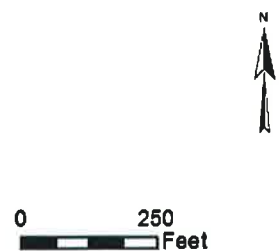
0 500
Feet



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.

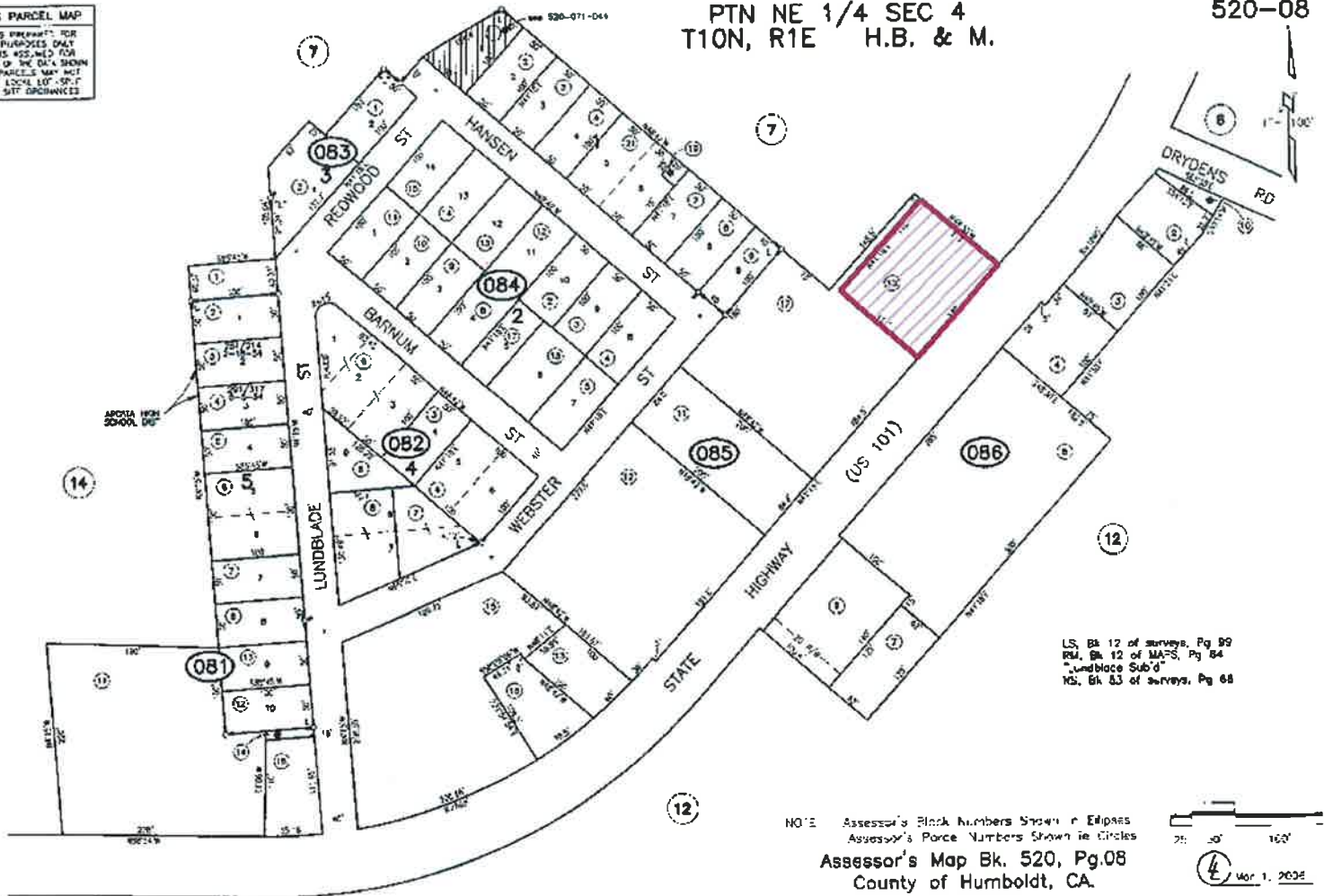
ZONING MAP
PROPOSED ANDERSEN
CONDITIONAL USE PERMIT
ORICK AREA
CUP-16-023
APN: 520-085-018
T010N R01E S04 HB&M (Orick)



ASSESSOR'S PARCEL MAP
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY
NO WARRANTY IS ASSURED FOR
THE ACCURACY OF THE DATA SHOWN
ON THIS MAP. PARCELS MAY NOT
SHARPLY WITH LOCAL LOT OR
IF BOUNDARY SET DISCREPANCIES

PTN NE 1/4 SEC 4
T10N, R1E H.B. & M.

520-08



LS, Bk 12 of surveys, Pg 89
RM, Bk 12 of MAPS, Pg 84
"Lundblade Sub'd"
MS, Bk 83 of surveys, Pg 68

NOTE: Assessor's Block Numbers Shown in Ovals
Assessor's Parcel Numbers Shown in Circles
Assessor's Map Bk. 520, Pg.08
County of Humboldt, CA.

21' 30' 100'
4' 100' 200'

PROJECT SITE =

ASSESSOR PARCEL MAP

**PROPOSED ANDERSEN
CONDITIONAL USE PERMIT
ORICK AREA
CUP-16-023**

APN: 520-085-018

T010N R01E S04 HB&M (Orick)



AERIAL MAP
PROPOSED ANDERSEN
CONDITIONAL USE PERMIT
ORICK AREA
CUP-16-023
APN: 520-085-018
T010N R01E S04 HB&M (Orick)

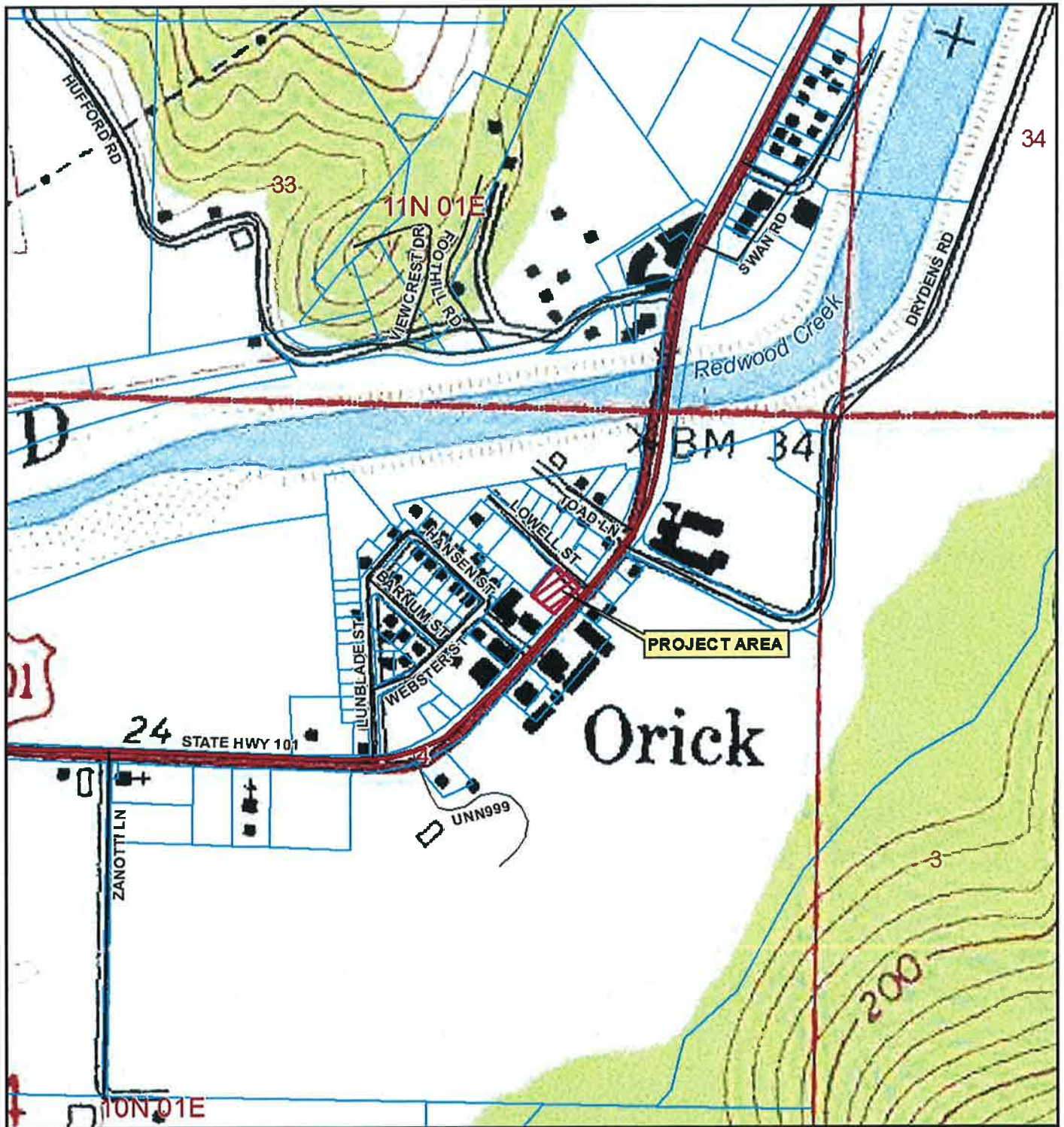
Project Area = 

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 Feet





TOPO MAP

PROPOSED ANDERSEN CONDITIONAL USE PERMIT ORICK AREA CUP-16-023

APN: 520-085-018

T010N R01E S04 HB&M (Orick)

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.



0 500 Feet

Commercial / Residential
52008517

Highway 101

6' View guard Fence

No Knowny Fasseweits Known

8' x 12' Shed

4' set back

with walkway

6' View guard fence

homestead James & Louise

Gravel covered with vegetation

52008518

blocktop covered with grass & weeds

James Andersen
Owner

James Andersen

20' Gate

Lowell Street 14' Gate

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned upon the following terms and requirements which must be fulfilled before a building permit may be issued or use initiated.

1. The applicant shall apply for and obtain an encroachment permit for the construction of a commercial driveway(s) on Lowell Street [County Code Section 41111 (a)(b)]. Both proposed entrances onto Lowell Street will require commercial driveways. Any entrances onto State Highway 101 will require permission and permits from the California Department of Transportation (CalTrans).
2. The commercial driveways shall be surfaced with asphalt concrete or portland cement concrete. The paved area shall extend a minimum of 50 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(s) shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2 percent in the first 20 feet [County Code Sections 314-109.1.2.2.5 and 411-51 (b)(3)].
3. The areas of the site to be utilized for storing towed vehicles, as well as the interior access ways driveways (except where paved), shall be surfaced with crushed rock and/or gravel to provide a uniform surface for parking vehicles, prevent mud from being tracked onto the road surface, and provide absorption for residual fluids that could leak from wrecked vehicles.
4. The existing shed onsite shall be placed on an impervious slab to provide for the safe storage of batteries and fuel removed from towed vehicles. The slab may be built with sealed concrete, asphalt, or other impervious surface approved for hazardous materials, and shall contain a raised lip around the edge to prevent fluids from escaping the slab and storage shed in the event of a spill. Alternatively, the applicant may construct or install a covered containment unit that provides adequate space to store batteries and fuel removed from towed vehicles until the materials can be properly recycled or used. The containment unit or shed must provide shelter from rain, prevent hazardous fluids from escaping onto the ground surface, and be lockable to prevent trespassers and vandals from accessing the stored batteries and fuel.
5. This project 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. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

On-Going Requirements/Development Restrictions Which Must Continue for the Life of the Project

1. The project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Should the Planning Division receive complaints regarding fugitive dust caused by vehicle trips associated with the operation of the yard, the applicant shall prepare and submit a dust management plan to the Planning Director for consideration and approval, and then implement the approved dust management plan for the life of the project.

3. Site visibility must be maintained at the driveway approach in conformance with County Code Section 341-1 et seq.
4. Storm water runoff from the parking area shall not be channeled or directed to flow across the traveled section of the County roadway. Applicant shall be responsible to correct any involved drainage problems to the satisfaction of this department.
5. The applicant shall not stack vehicles on top of each other on the lot. Stored vehicles must be kept on the ground surface on their wheels. No crushed vehicles may be stored on the lot – once crushed by the mobile car crusher, these scrapped vehicles shall be removed within 1 calendar day from the date of the crushing.
6. Car crushing activities shall only take place between 8:30AM and 4:30PM, Monday-Friday, to reduce noise impacts to nearby residences.
7. Car crushing shall be initiated once the lot is 80% full in order to ensure that the mobile crushing unit can be onsite before the lot reaches capacity.
8. Operable vehicles shall be stored with drip pans in place to prevent fluids from leaking onto the ground. The owner of the yard shall ensure that inoperable vehicles are not leaking once they are placed on site. If leaks of fluids are observed on inoperable vehicles, then drip pans shall be placed to prevent fluids from leaking onto the ground. Drip pans shall be cleaned regularly to ensure that they provide adequate protection. Fluids collected in the pans shall be deposited in approved containers and disposed of appropriately.
9. Batteries shall be removed from all vehicles and stored in a containment unit inside of a covered area on an impervious floor or in the storage shed, provided it is placed on a concrete pad. Batteries shall be labeled showing the date they arrived. Batteries shall not be kept onsite longer than 6 months.
10. Gasoline removed from wrecked vehicles for reuse shall be stored in approved containers in a covered containment unit or in the storage shed, provided it is placed on an impervious pad, to protect the stored fuel from rain and to contain accidental spills.

Informational Notes

1. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with Native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers (THPOs) for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include, but are not limited to, obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include, but are not limited to, 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies. Should known or suspected Native American skeletal remains or burials be inadvertently discovered, the provisions of Section 7050.5 of the

California Health & Safety Code and Section 5097.98 of the Public Resources Code shall apply (see at <http://www.nahc.ca.gov/profguide.html>).

The applicant is ultimately responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. 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 312-11.3 of the Humboldt County Code.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING 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.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan;
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
4. 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.
5. 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 midpoint 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.
6. 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. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been 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.

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 (FRWK) and the Northern Humboldt General Plan (NHGP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use, §2700 (OCP) Commercial General (CG)	Primary and compatible uses include retail trade, business and professional services, motels, hotels, restaurants, offices, public assembly, and apartments provided they occur on the upper floors of multistory structures.	This project is a tow yard for wrecked/impounded vehicle storage to support a local towing company. Vehicles will be stored on site until they are claimed by the owners or sold for scrap. No repair or disassembly will be performed on site. While this activity is not principally permitted by the land use designation because it is a more industrial land use than those enumerated by the Community Plan, the applicant has applied for this Conditional Use Permit in order to be compliant with the zoning regulations for the parcel. The current zoning does allow the proposed use and similar uses with a Conditional Use Permit, indicating that uses of this nature were envisioned as part of the original land use designation. The proposed use can be found consistent with the General Plan land use designation because it is for a commercial use similar to a parking lot or other commercial use requiring fenced open areas to accommodate stored vehicles. In addition, this location is easily accessible, geared for local and regional needs, and contiguous with developed areas in the town, criteria described in the Orick Community Plan for this land use designation. Due to Orick's location as the gateway to Redwood National Park and one of the only commercial areas on Highway 101 between Trinidad and Crescent City, there is a need for an easily accessible location for wrecked or broken down vehicles to be towed from the highway until such time as they can be claimed and removed. This use can be found consistent with the land use designation as it provides space for a regional commercial need being filled by a local business on a parcel in the more industrial portion of Orick.
Housing §2400 (FRWK)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The property is not zoned or planned for residential development. The project will have no impact on Housing Element policies or goals.

Hazards §3200 (FRWK) & (OCP)	New development shall minimize risks to life and property and assure stability and structural integrity of the natural landforms found on-site.	The project site is located outside of the 100 and 500 year flood zones based on County of Humboldt data. Furthermore, the project does not propose any permanent buildings or other structures for human use or habitation that would be impacted by levee breaks or other unforeseen events that could impact the site. The project site is within a Tsunami runup area. Fortunately, Orick is a "Tsunami Ready" community. Tsunami Ready is a designation given by the National Weather Service. To achieve this status several guidelines must be met. Among these are: ○ Multiple methods of receiving NWS tsunami warning information. ○ The ability to disseminate a tsunami warning to the local populations. ○ An established warning point and emergency operations center. ○ A community tsunami awareness program. ○ Designated tsunami hazard zones. ○ Evacuation and response plans. The community of Orick has met these standards and therefore reduced the risk of loss of life due to tsunami hazard. The project site has a Wildland Fire Hazard rating of "moderate" and a Slope Stability rating of "Low Instability". All reviewing referral agencies have recommended approval of the project and identified no substantial issues related to hazards.
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Noise §3240 (FRWK)	Conform with noise standards.	The project does not involve any permanent habitation or other occupied structures. The only existing source of noise in the area is Highway 101 which will not be affected by the project. The project has the potential to create noise during the car crushing activities. Car crushing could happen as often as once a month, but more likely will occur once every 2-3 months. The frequency will be based on the capacity of the yard, and the lead time required to schedule the mobile car crusher. In order to ensure that the noise level does not exceed planned levels for the residential areas to the north and west of the project location, car crushing will be limited to 8:30AM – 4:30 PM, Monday through Friday. This will ensure that the project conforms to current noise standards.
Water Resources §3360 (FRWK) §3300 (OCP)	Protect water resources and the fish and wildlife habitat utilizing those resources.	Coastal cutthroat trout are found in Redwood Creek. The project is sited more than 450 feet from the Redwood Creek levee. Little ground disturbance is necessary and the Division of Environmental Health had no comments on this project. Gravel will be placed on the yard prior to cars being stored on site to provide some absorbing capacity for residual fluids left on or in the vehicles. Vehicles will have batteries removed upon entering the lot, which will be stored in the onsite shed to prevent battery fluids from leaking onto the ground surface. Operable vehicles and vehicles with obvious leaks will be placed over drip pans to prevent fluids from reaching the ground. A Condition of Approval has been included to require that drip pans be regularly cleaned to ensure adequate capacity for fluid leaks. There will be no impact to water resources.
Biological Resources §3420 (FRWK)	Protect designated sensitive and critical resource habitats.	The area provides habitat to coastal cutthroat trout found in Redwood Creek, which is over 450 feet west of the project site. The area that the operation will be located on is already disturbed and does not possess any habitats or critical resources. There will be no impact to biological resources with this project.

Cultural Resource Protection §3500 (FRWK)	New development shall protect cultural, archeological and paleontological resources.	NWIC and the Yurok Tribe were referred to for this project and did not identify any concerns related to Cultural or historic resources. An informational note has been included with the Conditions of Approval indicating the steps to be taken should cultural resources and/or human remains be discovered during any ground disturbing activities.
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2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. 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
§314-2.2 Community Commercial (C-2)	Principally permitted uses include: Social halls, fraternal and social organizations, clubs, stores, agencies and services of a light commercial character, enclosed entirely within an enclosed building; stores, agencies and services such as minor automobile repair; and new and used automobile, trailer and boat sales. Uses Permitted with a Use Permit include: stores, agencies and services such as carpentry and cabinet making shops, clothing manufacture, contractors' yards, lumber yards, metal working shop, wholesale outlet stores, and major auto repair.	The proposed project consists of operating a tow yard in conjunction with a vehicle towing company. Vehicles abandoned or wrecked in Orick or along Highway 101 in the operations area of the tow company will be hauled to this yard to be stored until such time as they are claimed by the owners or crushed and sold for scrap by the tow company owner. This use, while not specifically enumerated in the zone description, is most similar to major auto repair (though no automotive repair will be conducted), or a contractors' or lumber yard where machinery and materials are stored. Contractor's yards, like the proposed project, do not have a publicly oriented, retail component to their operation. Therefore this project can be found consistent with the intent and regulations of the zoning.

Design Review (D)	Design Review (D) Combining Zone is intended to preserve areas of special or unique natural beauty and aesthetic interest; Sites, buildings, structures, or uses which have special historical interests; and maintenance of architectural and recreational aspects of designated areas. Design Review Commission shall take the following items under consideration in approving plans within a D zone: • The height, bulk and area of buildings • All setbacks from property lines • The color, textures, and materials of exterior walls • The type, size, and location of signs • Landscaping and parking lot layout • The relationship to other buildings and/or uses in the area • The architectural treatment as related to any historical structure • The location and treatment of the site as related to its natural setting including grading, cut and fills and preservation of trees and natural ground cover	The parcel is located in the southern part of Orick which provides a transition from the less developed highway areas on the south end of Orick and the more developed portion of town to the north of the proposed project. The fenced and open lot is in character with the open areas located on both sides of Highway 101 in the southern part of Orick. The applicant is also proposing ornamental plants to be planted in pots along the fence line and at the gated entrances to soften the visual impact of the view blocking fence. Proposed plants include crawling potato plant/Jasmine (<i>Solanum jaminoides</i>) and Hydrangeas. Vehicles on the lot will not be stacked on top of one another, and so the majority of the vehicle roofs will be below the fence line and screened from passing traffic. There are no nearby areas of special or unique natural beauty and aesthetic interest. The proposed project contains no buildings (except the 8x10 shed) and is not proposing signage of any kind. Buildings in the immediate vicinity of the lot include a dilapidated motel across the street; an abandoned gas station with a similar view blocking fence, also across the street; a wooden building in need of maintenance on the same side of the street, two parcels south; and a vacant parcel immediately south of the subject property. To the north is Lowell Street and a small residential neighborhood. The existing buildings are one to two stories, and a number of surrounding parcels are either vacant or abandoned and fenced. While this use is more industrial than some of the surrounding uses, the fence and landscaping provide an appropriate screening for the fence and the lot, and the fenced lot helps to transition from the residential areas to the north to the more commercial and industrial areas to the south. The existing fence is 6 feet tall and therefore is not required to meet setbacks. Landscaping is proposed to reduce the visual impact of the fence on passing traffic. Landscaping will help to blend the industrial nature of the proposed use with the residential areas to the north, and will improve the visual quality of the fence line and property. There are no historic structures in the immediate vicinity of the lot, and no grading or cut and fill operations are proposed.
Min. Lot Size	2,000 square feet	±16,550 square feet
Min. Lot Width	25 feet	± 140 feet

Max. Density	None specified.	The proposed project does not include dwellings or any structures
Min. Lot Depth	None Specified	115 ± feet
Yard Setbacks	Fire Safe standards require a 30 foot setback from all property lines. Per zoning the setbacks are: Front: 20 feet Rear: 20 feet Side: 10 feet	No permanent
Max. Bldg. Height	75 feet	No construction is proposed. The temporary shed is approximately 8 ft tall.
Max. Ground Coverage	None Specified	There will be no permanent structures associated with the proposed use.

4. Public Health, Safety and Welfare; and 6. Environmental Impact. The following table identifies the evidence which supports finding 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 will not adversely impact the environment.

Code Section	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 reviewing referral agencies have approved the proposed development. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.
CEQA Guidelines	Categorically exempt from State environmental review.	Class 4, Section 15304(c) and (f); Minor Alterations to Land. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

5. 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
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.	The parcel was not included in the 2014 Housing Inventory. It is undeveloped and zoned for Commercial use. The project is in conformance with the standards in the Housing Element.

ATTACHMENT 3

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 (attached with maps)
- Plan of Operation (attached)

January 6, 2015

County of Humboldt Planning Division
3015 H Street
Eureka, CA 95501

Steve Lazar

The following letter is written in response to the planning department's requirements for a conditional use permit for parcel #52008518. We were ask for a description of our plans for the property, a map with specific measurements plus our plans for fencing and beautification, a description of what has been done up to this point, and what were our plans to secure the property.

Our plans for the property use are mainly storage for abandoned, impounded vehicles, and extended storage for vehicles waiting for the insurance pick up. No vehicles stored here are an environmental hazard and there is spill containment on site. We have no plans for a wrecking yard or dismantling for sale at any future time. All abandoned cars not picked up will be crushed and recycled. The time for this will be established by market price and volume of vehicles. Traffic to this yard should be of no concern because of the low volume. We only have approximately two pick ups of vehicles a month. It will simply be a storage yard for business use by our tow company only.

We are submitting the map with this letter.

The first thing we did to this property was clear brush and berry vines. Then we had Humboldt Fence construct a 6 foot view guard chain link fence with security wire on top. We enhanced the fence for privacy with green slats (color recommended by Orick Community Planning) for beautification and privacy. The fence has two 20 foot gates for access, but main access is a 12 foot gate for everyday use. In the immediate future, we are going to plant Potato Plant/Jasmine so that it will climb on the fence. This vine blooms year round and is very hardy. Pictures are being enclosed. In the areas of the gates, large pots will be planted with Hydrangeas or some other hardy plant. There is a Hydrangea now that blooms year round. Again, I am enclosing a picture.

We addressed security with the construction of a fence with security wire on top. It has heavy duty padlocked gates. We can also keep an eye on the yard because of the construction of our new home next door. Our future plans are to install security cameras.

Sincerely,

James V. Andersen
Owner operator
A & P Towing

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 P/W, Land Use Division	✓	Conditional Approval	✓	
Division of Environmental Health	✓	Approval		✓
County Counsel	✓	No comments		✓
Northwest Information Center	✓	Conditional Approval		✓
Yurok Tribe	✓	Approval		✓
Orick Design Control Committee	✓	Conditional Approval	✓	



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 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE

NATURAL RESOURCES 445-7741
PARKS 445-7651
ROADS & EQUIP MAINT 445-7421
445-7493

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

LAND USE

445-7205

LAND USE DIVISION MEMORANDUM

TO: Stephen Umbertis, Planner I, Planning & Building Department

VIA: Robert W. Bronkall, Deputy Director

FROM: Kenneth Freed, Senior Engineering Technician 

DATE: 05/2/2016

RE: ANDERSEN, CUP-16-023; APN 520-085-018

This project is located on the corner of State Highway 101 and Lowell Street (County Road No. 4Q100), a paved County maintained road. Applicant is applying for a permit to store towed vehicles on a vacant parcel.

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.

The following conditions are recommended:

- (1) Applicant must apply for and obtain an encroachment permit for the construction of a commercial driveway(s) on Lowell Street. [reference: County Code section 411-11 (a)(b)]
- (2) The permit will require the commercial driveway entrance(s) to be surfaced with asphalt concrete or portland cement concrete. The paved area shall extend a minimum of 50 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(s) 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 314-109.1.2.2.5 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 314-109.1 et seq.]

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

(5) Storm water runoff from the parking area shall not be channeled or directed to flow across the traveled section of the County roadway. Applicant shall be responsible to correct any involved drainage problems to the satisfaction of this Department.

//END//

ORICK DESIGN CONTROL COMMITTEE

ORICK, CA 95555

June 7, 2016

Humboldt County Planning Department

Steve Umbertis

APN 520-085-018 Case CUP16-023

The Orick Design Control Committee met on June 7, 2016 at 5:15pm. All members were present.

We choose option: Applicant needs to submit additional information.

What is the capacity of cars that can be stored on property?

Who monitors how long the cars will stay on property? (the cars that are currently there, have been there for several months)

Are there any easements thru the property? Word around town is that the adjoining property to the South has an easement & the fence needs to be moved.

Landscaping—Why have the plants not been planted?

The committee wants the barbed wire on the top of the 6 foot fence removed.

Sincerely,

Kimberly Frick