

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

Resolution Number: 24-

Record Number: PLN-2023-18803

Assessor's Parcel Numbers: 032-121-009, 032-135-002, 032-211-011, 032-211-021, 032-211-035, 223-181-020, 223-181-024, 223-181-025, 223-183-003, 223-191-006 and 223-191-011.

Resolution by the Planning Commission of the County of Humboldt conditionally approving the Garberville Sanitary District Water System Improvements General Plan Conformance Review and Special Permit.

WHEREAS, the Garberville Sanitary District submitted an application and evidence in support of approving General Plan Conformance Review and Special Permit; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the Garberville Sanitary District as the lead agency under CEQA adopted a Mitigated Negative Declaration (MND) for the proposed project, and the County of Humboldt as a responsible agency under CEQA considers the environmental effects and concurs with the findings of the MND; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making the required findings for approving the proposed project (Record Number: PLN-2023-18803); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **April 4, 2024**, and reviewed, considered, and discussed the application for the General Plan Conformance Review and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A General Plan Conformance Review and Special Permit for the Garberville Sanitary District (GSD) to replace the existing 180,000-gallon, in-ground, concrete, finished water storage tank (Hurlbutt/Main Tank) and a 20,000-gallon, failing, redwood drinking water storage tank (Wallan Tank) with two new increased capacity tanks. In addition, the

failing Robertson Tank, which has been taken out of service, would be demolished. The new Main Tank would be an in-ground, approximately 550,000-gallon, pre-stressed concrete tank located on an adjacent parcel and similar elevation to the existing tank. The existing Wallan Tank would be replaced with an approximately 77,000-gallon bolted steel tank. Both of the existing tanks in operation are leaking and lack sufficient storage capacity for maximum daily consumption and fire suppression; they also do not meet current seismic design standards. In addition, the GSD proposes to replace or upgrade three booster pump stations (Upper Maple Lane Pump Station, Arthur/Alderpoint Pump Station, and Wallan Pump Station). The existing Upper Maple Lane Pump Station is located in the existing Hurlbutt Tank and would be demolished when the Hurlbutt Tank is demolished. A new Upper Maple Lane Pump Station would need to be constructed at the site of the new Main Tank. The existing Arthur Pump Station is in poor condition and has operational deficiencies that would be improved when this pump station is replaced by the Alderpoint Pump Station. The Wallan Pump Station is in poor condition and requires upgrades to meet the operational requirements of the new Wallan Tank. New backup generators would be installed at each replaced or upgraded booster pump station and at the Tobin Well. The Special Permit is required for work proposed within the streamside management area (SMA) of an unnamed ephemeral stream on APN: 032-211-021. The proposed project includes conveyance of the existing Hurlbutt/Main Tank parcel (APN: 032-211-011) to the existing landowner and creation of a separate legal parcel for the proposed 550,000-gallon tank (APN: 032-211-021) on APN: 032-211-021 for development of the access road and ground disturbances to install water lines to the new 550,000-gallon Main tank.

EVIDENCE: a) Project File: PLN-2023-18803

- 2. FINDING:** **CEQA:** The requirements of CEQA have been complied with/ The County is a Responsible Agency under CEQA and has considered the environmental effects of the project as shown in the MND. There are no significant and unavoidable impacts on the environment as a result of the proposed project.

EVIDENCE: a) The Garberville Sanitary District adopted an MND for this project (SCH #2023100664). All potentially significant impacts

can be mitigated to less than significant levels with the incorporated Mitigated Monitoring and Reporting Program.

- b) The MND includes an analysis of the proposed project. The MND was circulated from October 25, 2023, to November 28, 2023.
- c) The MND prepared for the project found no impact, or less than significant impacts on Agriculture and Forestry Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.
- d) The MND includes mitigation measures for potential significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, and Noise. With the implementation of these mitigation measures there are no significant and unavoidable impacts from the proposed project.

3. FINDING:

The proposed development is in is in conformance with all applicable policies and standards in the Humboldt County General Plan (General Plan) and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP).

EVIDENCE:

- a) The project is to upgrade and maintain existing community water system infrastructure and associated ancillary development. The proposed project supports the use within the land use designations.
- b) The replacement of the existing water storage tanks and improvement to the electrical systems and distribution lines will maintain adequate storage for the Garberville Sanitary District. The replacement of the current water storage tanks will not expand the District's service area, water withdraws or customer entitlements, but will replace two undersized water tanks and associated infrastructure to ensure the water system is properly functioning.
- c) The proposed project will have no net effect on housing densities. The parcels were not included in the 2019 County Housing Inventory. The purpose of the Project is to upgrade and maintain existing community water system infrastructure and associated ancillary development in order to maintain an

adequate water supply facilitating achievement of the County's housing goals and programs of the Housing Element for the Garberville area.

- d) The subject parcels are located within areas of moderate to high instability and outside of any Alquist-Priolo fault hazard area. Assessor Parcel Numbers (APNS): 032-211-021 and 223-191-006 contain mapped historic landslides areas as shown on the Humboldt County WebGIS (GIS). Development on APN: 032-211-021 is located approximately 365 feet southwest of the mapped area. The parcels are located outside of the flood zone and areas of liquefaction. The parcels are within high to very high fire hazard severity zone. The parcels are within the State Responsibility Area (SRA) for fire protection and within the Garberville Fire Protection District who responds to structural fires and medical emergencies. The proposed project will increase water storage to meet the minimum requirements for fire protection.

Development on APN: 223-191-006 is located within the mapped area. An *Engineering Geologic and Geotechnical Investigation Report* (Geologic Report) prepared by SHN dated August 2023 indicated they did not observe any features related to recent landsliding (tension cracks, seeps, springs, rills, or gullies) at the proposed new infrastructure sites. The Geologic Report contained several general geotechnical recommendations that were incorporated into the ISMND that requires the applicant to adhere to the recommendations to ensure the project has a less than significant impact. Conditions of approval require the Applicant to obtain all Federal, State and local permits required for the project, including grading permits from the Humboldt County Building Inspection Division. Planning staff concludes the mitigation measures as adopted by GSD and adhering to Conditions of Approval would ensure the project would not increase hazard risk.

- e) The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. NWIC responded noting that the previous studies were completed for portions of the project area and recommended further study and coordination with local Tribes. According to the *Final Initial Study Checklist and Proposed Mitigated Negative Declaration for the Garberville Sanitary District Robertson/Wallan/Hurlbutt Tanks Replacement Project* (ISMND; State Clearinghouse

#2023100664), a Cultural Resources Investigation was prepared for the project. One previously documented historic building complex, the Garberville Forest Fire Station (P-12-000930) was documented on the CALFIRE parcel where the Alderpoint Pump Station is proposed. Because these buildings are not proposed for any alterations, nor is the immediate view around the buildings, or in the station in general as part of the current project, utilizing the rear of the property for project elements as proposed was determined to not impact the ability for this site to convey significance now or in the future.

The *Cultural Resources Investigation* identified the Hurlbutt Tank, Upper Maple Lane Pump Station, and Robertson Tank as being more than 50 years of age. However, they were recommended not eligible under the significance criteria set forth for built environment resources. No further recommendations were given for the demolition of these structures. The Cultural Resources Investigation found that no recommendations were needed for the Wallan Tank, Arthur Pump Station, or Wallan Pump Station.

Under Assembly Bill (AB) 52, the Applicant sent notification letters to local Native American tribes on July 25, 2023 (Bear River Band of the Rohnerville Rancheria, Round Valley Reservation/Covelo Indian Community, and Wailaki Tribe). No responses were received to the AB 52 consultation request. The Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council did not respond to the County referral. Although discovery of cultural resources (including historical resources) during project construction was not anticipated, the ISMND included a mitigation measure to adhere to Inadvertent Study protocols.

- f) According to the *Final Initial Study Checklist and Proposed Mitigated Negative Declaration for the Garberville Sanitary District Robertson/Wallan/Hurlbutt Tanks Replacement Project* (ISMND; State Clearinghouse #2023100664; ISMND), there is the potential for status-status plant and animal species to occur in the project area. Additionally, there were wetlands and watercourses identified with the project area (see additional findings related the Streamside Management Area and Wetlands Ordinance in Finding #4b below). The ISMND contained 6 mitigation measures related to biological resources to ensure the project would have a less than significant effect on the environment, including biological resources.

A referral was sent to CDFW on November 20, 2023, and CDFW responded on February 26, 2024, indicating that they are aware of the project and issues were resolved with GSD during circulation of the ISMND. The CDFW requested the GSD to notify CDFW for the intake and trenching for the new main distribution line on APN: 032-211-021, which GSD has done already, and the Final Steamed Alteration Agreement (Final SAA) is in progress. Conditions of approval require the Applicant to obtain all Federal, State and local permits required for the project. Planning staff concludes the mitigation measures as adopted by GSD and adhering to Conditions of Approval would ensure impacts to biological resources minimized.

4. FINDING:

The subject parcels are zoned Residential One Family (R-1 APN: 032-135-002), Community Commercial with a Design Review Combining zone (C-2-D; APN: 032-211-009), Residential Suburban with a Special Building Site combining zone allowing for 5 acres of building site area (RS-B-5(5)); APNs: 032-211-011, 032-211-021, and 032-211-035) and Agriculture Exclusive with a Special Building Site combining zone (AE-B-6; APNs: 223-181-020, 223-181-024, 223-181-025, 223-183-003, 223-191-006, 223-191-011). The proposed development is consistent with the purposes of the R-1, C-2-D, RS-B-5(5)) and AE-B-6 zones.

- EVIDENCE:**
- a) The project is to upgrade and maintain existing community water system infrastructure and associated ancillary development. The proposed project supports the uses within the zoning districts.
 - b) A Special Permit is required for work proposed within the streamside management area (SMA) in accordance with §314-61.1 Streamside Management Areas and Wetlands Ordinance (SMAWO). Associated work within the SMA would occur within the SMA buffer for an unnamed ephemeral stream on APN: 032-211-021 for development of the access road and ground disturbances to install water lines to the new 550,000-gallon Main tank. A *Biological and Wetland Assessment – Revision 1*, prepared by SHN dated October 2023, identified a total of 538 feet of stream within 2 locations within the project area. Development within the SMA would be limited to the encroachment into the 50-foot buffer of the ephemeral stream on APN: 032-211-021 and would be less than 538 feet. The development would include excavation, backfilling and

compaction of fill, and implementation of erosion control. Development within the SMA is subject to mitigation measures in the ISMND related to biological and geological resources, including use of perimeter control BMPs, such as silt fences, or straw wattles, placed at the edge of surface water features to intercept sediment before it reaches the waterway. The Applicant is required to adherence to all project specific recommendations in the *Engineering Geologic and Geotechnical Investigation Report* prepared by SHN dated August 2023 during design and construction of the proposed project. Applicant has a Streambed Alteration Agreement pending with the California Department of Fish and Wildlife (CDFW). A referral was sent to CDFW on November 20, 2023, and CDFW responded on February 26, 2024, indicating that they are aware of the project and issues were resolved with GSD during circulation of the ISMND. The CDFW requested the GSD to notify CDFW for the intake and trenching for the new main distribution line on APN: 032-211-021, which GSD has done already, and the Final Streambed Alteration Agreement (Final SAA) is in progress. Conditions of approval require the Applicant to obtain all Federal, State and local permits required for the project. Planning staff concludes the mitigation measures as adopted by GSD and adhering to Conditions of Approval would ensure impacts to the SMA are minimized. Therefore, staff recommends approval of the Special Permit. All other development setbacks will be met by the proposed project.

- c) Development on APN: 032-211-009 is limited to trenching and installation of a distribution line that will remain underground. No new structures are proposed at this location; therefore, further design review is not required.

5. FINDING: The proposed project is consistent with the General Plan and the Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP).

EVIDENCE: a) The project involves improvement and replacement of old, undersized and failing water system infrastructure. The District was formed in 1932 for the purpose of providing sanitary sewer services. After purchasing the privately held Garberville Water Company in 2004, the District began providing drinking water to customers in the district. The Public Facilities (PF) designation is utilized to classify land appropriate for use by a

governmental agency or public agency, which has the purpose of serving the public health, safety, convenience, or welfare. The Public (P) designation is applied to land owned by or under the jurisdiction of the Federal, State, County or any other district authority or public corporation, or agency thereof. The Residential Agriculture (RA) designations are typically applied to large lot residential uses that typically rely upon on-site water and wastewater systems. The Residential Estates (RE) designations are generally applied to lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. This designation is commonly used in water-only service areas. The Residential Low Density (RL) designations are intended to be applied in urban areas of the County where topography, access, utilities, and public services make the area suitable for such development. Lastly, the Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. The project is to upgrade and maintain existing community water system infrastructure and associated ancillary development. The proposed project supports the use within the land use designations. The replacement of the current water storage tanks will not expand the District's service area, water withdraws or customer entitlements, but will replace two undersized water tanks and associated infrastructure to ensure the water system is properly functioning. The proposed use is consistent with the provision of public services for the Garberville community. This project will supplement GSD's existing water storage capabilities, increasing existing storage from 400,000 gallons by an additional 427,000 gallons to meet increase water storage for use during the low flow times of year and meet fire protection requirements. The proposed uses conform to the primary or compatible uses described in the affected land use designations.

- b) All applicable policies of the General Plan and GRBAP remain in full force.
- c) The applicant will be responsible for obtaining all necessary Federal, State and Local permits, including Building Permits from the County of Humboldt Building Division to facilitate demolition and construction.
- d) The proposed project includes conveyance of the Hurlbutt Tank site (APN: 032-211-011) to the current property owner of APN:

032-211-035, which would be merged with APN: 032-211-035. Conditions of approval require the recording of a Notice of Merger and Certificate of Compliance. to complete the conveyance. The current property owner of APN: 032-211-021 would convey the proposed 550,000-gallon tank site to GSD. Pursuant to Government Code Section 66428(a)(2), a parcel map shall not be required for land conveyed to a governmental agency unless there is substantial evidence that public policy necessitates a parcel map. For conveyances such as these, they have been addressed as a conveyance by Deed. As conditioned, Planning staff supports the proposed land conveyances.

- e) The Garberville Sanitary District, as the lead agency under CEQA, prepared an Initial Study/Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). As Lead Agency, the Garberville Sanitary District found the project would have a Less Than Significant Effect on the Environment with Mitigation Incorporated (State Clearinghouse #2023100664).

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

EVIDENCE: a) The objective of the project is to improve and replace old, undersized, and failing water system infrastructure, which is in the interest of public health, safety, and welfare. The proposed project complies with all development standards of the zoning districts which are intended to protect public health, safety and welfare. There is no evidence the work would be detrimental to the public health, safety, or welfare.

7. FINDING: Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) APN 032-211-021 (associated with the Special Permit) is one legal parcel per Notice of Lot Line Adjustment and Certificate of Subdivision Compliance (Record Number PLN-2020-16841) recorded February 24, 2022, Humboldt County Recorder.

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

EVIDENCE a) The parcels were not included in the housing inventory of Humboldt County's 2019 Housing Element.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the General Plan Conformance Review and Special Permit for Garberville Sanitary District subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence **April 4, 2024.**

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

John Ford, Director
Planning and Building Department