



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 5, 2018

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building Department

Subject: **Humboldt Bay Harbor, Recreation and Conservation District
Permit Modification**
Application Number 14020
Case Number CDP-15-043M/CUP-15-014M
Assessor Parcel Number 401-112-021-000
Site of Former Samoa Pulp Mill facility, Samoa area

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

cc: Applicant, Agent, California Coastal Commission

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 5, 2018	Coastal Development Permit Modification Conditional Use Permit Modification	Michael Wheeler

Project Description: Minor Modification to add a saltwater test well to an existing Coastal Development Permit and Conditional Use Permit for renovation of existing facilities and infrastructure within that portion of the property within the coastal permit jurisdiction of the County. The renovations have been mostly completed and do not expand the facility capacity. Renovations included: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing.

Project Location: The project site is located in Humboldt County, in the Samoa area, on the east side of Vance Avenue, approximately 0.33 miles south from the intersection of Vance Extension and Vance Avenue, on property known as 364 Vance Avenue.

Present Plan Land Use Designations: Industrial/Coastal-Dependent (MC); Industrial/General (MG), Humboldt Bay Area Plan (HBAP), Density: N/A, Slope Stability: Relatively Stable (0) and Moderate Instability (2)

Present Zoning: (MC/A) Industrial/Coastal-Dependent (MC), Archaeological Resource Area Outside Shelter Cove (A); Industrial General (MG)

Case Numbers: CDP 15-043M, CUP 15-014M

Application Number: 14020

Assessor Parcel Numbers: 401-112-021-000

Applicant

Humboldt Bay Harbor Recreation
and Conservation District
Larry Oetker
601 Startare Drive
Eureka, CA 95501
(

Owner

Humboldt Bay
Development
Association Inc
Po Box 1030
Eureka, CA 95502

Agent

Planwest Partners
George Williamson
1125 16th Street, Suite 200
Arcata, CA 95521

Environmental Review: Yes.

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

Major Issues: None

**Humboldt Bay Harbor, Recreation and Conservation District
Coastal Development Permit and Conditional Use Permit Modification**

Case Number CDP-15-043M/CUP-15-014M

Assessor Parcel Number 401-112-021-000

Recommended Commission Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

"I move to adopt the Addendum to the Mitigated Negative Declaration approved for the project by the Humboldt Bay Harbor, Recreation and Conservation District, as Lead Agency under CEQA, make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions."

Executive Summary: Minor Modification to add a saltwater test well to an existing Coastal Development Permit and Conditional Use Permit for renovation of existing facilities and infrastructure within that portion of the property within the coastal permit jurisdiction of the County. The renovations at Redwood Marine Terminal II (RMT II) (formerly the L-P Pulp Mill site) have been mostly completed and do not expand the facility capacity. The previously authorized renovations included: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing.

The Harbor District was formed as a Special District by ratification of the voters in 1973 pursuant to the Humboldt Bay Harbor, Recreation and Conservation Act enacted in 1970. This Act was intended to create an agency charged with the oversight and development of the harbors and ports of Humboldt County for "multiple purpose use and for the benefit of the people." Among the Harbor District's functions is the planned development of its harbors and ports.

The modification will permit the development of a 5-inch diameter test well that will be drilled to the depth of up to 300 feet sited in a location away from sensitive cultural and biological areas. The well test is to determine if there is sufficient salt water supply and salinity for prospective tenants seeking to develop the site for mariculture uses (e.g., sablefish/black cod hatchery and production facility). The modification is consistent with the previous permit authorizing renovations to existing infrastructure and buildings to ensure the continued utility of the parcel and remaining lands and their ability to support coastal dependent industrial uses.

All of the reviewing agencies have either recommended approval or conditional approval of the project. Accordingly, the Department has determined that the project, as proposed and conditioned, will not be detrimental to the public health, safety or welfare or have a significant effect on the environment.

Lastly, the Harbor District is the lead agency under CEQA and has previously adopted a Mitigated Negative Declaration for the renovations project and prepared an Addendum for the modification.

Alternatives: The following alternatives to the staff recommendation may be considered: 1) The Planning Commission could elect to add or delete conditions of approval; 2) The Planning Commission could deny approval of the requested permit if it is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number CDP-15-043M
Assessor Parcel Number 401-112-021-000**

Makes the Required Findings for Certifying Compliance with the California Environmental Quality Act and Approves the Humboldt Bay Harbor, Recreation and Conservation District Permit Modification Application

WHEREAS, the Humboldt Bay Harbor, Recreation, and Conservation District (Harbor District), submitted an application and evidence in support of approving a modification to their Coastal Development Permit and Conditional Use Permit for infrastructure improvements on the parcel; and

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

WHEREAS, the project is subject to environmental review or exemption pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the Harbor District as the Lead Agency prepared an Addendum to the Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Coastal Development Permit and Conditional Use Permit (Case Number CDP-15-043M/CUP-15-014M) for the proposed project;

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 5, 2018.

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

1. The Planning Commission adopts the Addendum to the Mitigated Negative Declaration approved for the project by the Harbor District, as Lead Agency under CEQA, as Attachment 4 of the Planning Division staff report as required by Section 15096 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 findings in Attachment 2 of the Planning Division staff report support approval of Case Number CDP15-043M/CUP-15-014M based on the submitted evidence; and
3. The proposed modification to the Coastal Development Permit and Conditional Use Permit (CDP-15-043M/CUP-15-014M) is approved as conditioned Attachment 1.

Adopted after review and consideration of all the evidence on April 5, 2018.

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

AYES: Commissioners:

NOES: Commissioners:

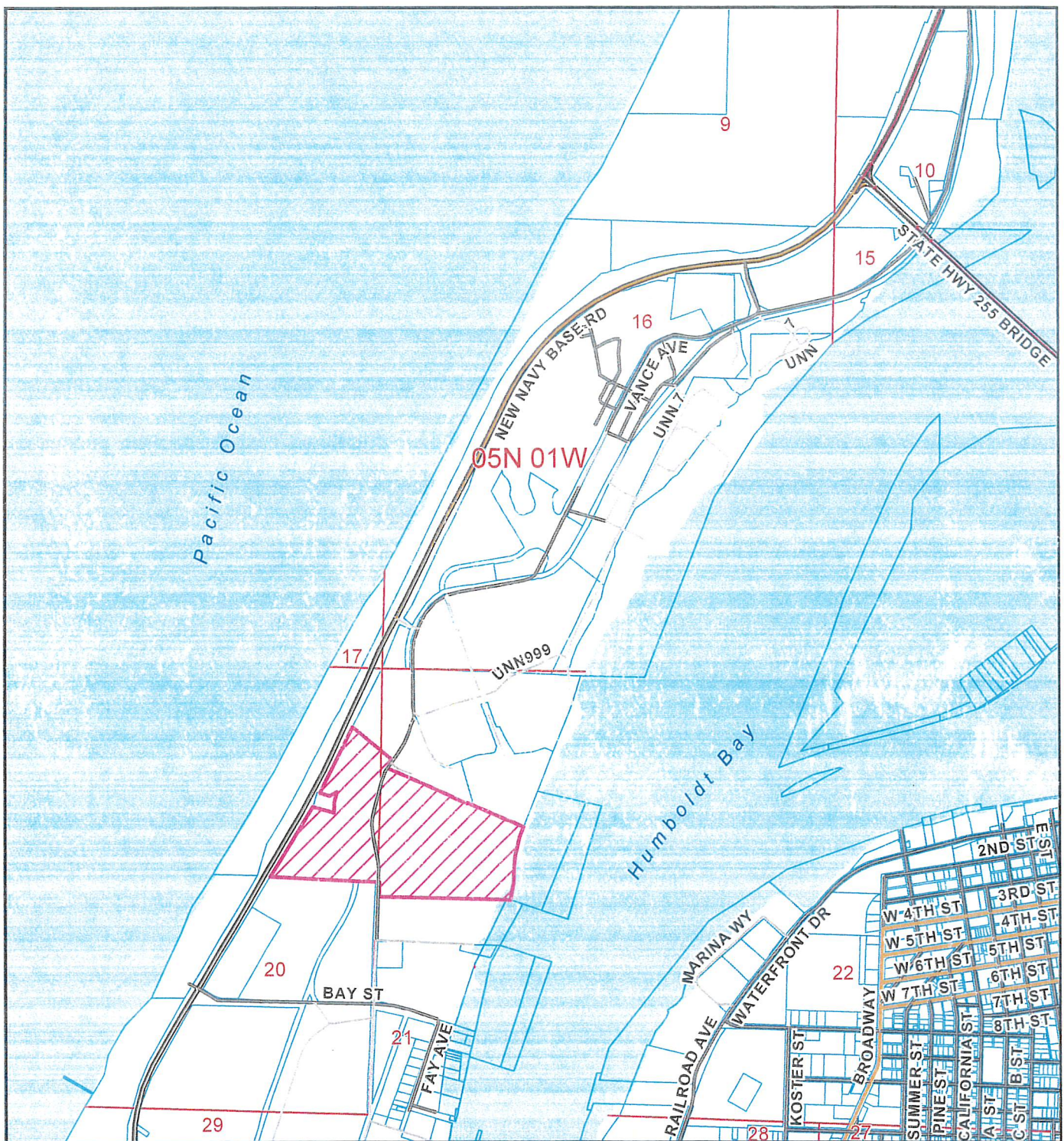
ABSTAIN: Commissioners:

ABSENT: 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



LOCATION MAP

PROPOSED HUMBOLDT BAY HARBOR RECREATION & CONSERVATION DISTRICT COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT MODIFICATION SAMOA AREA

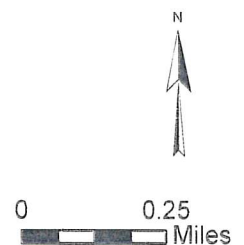
Project Area = 

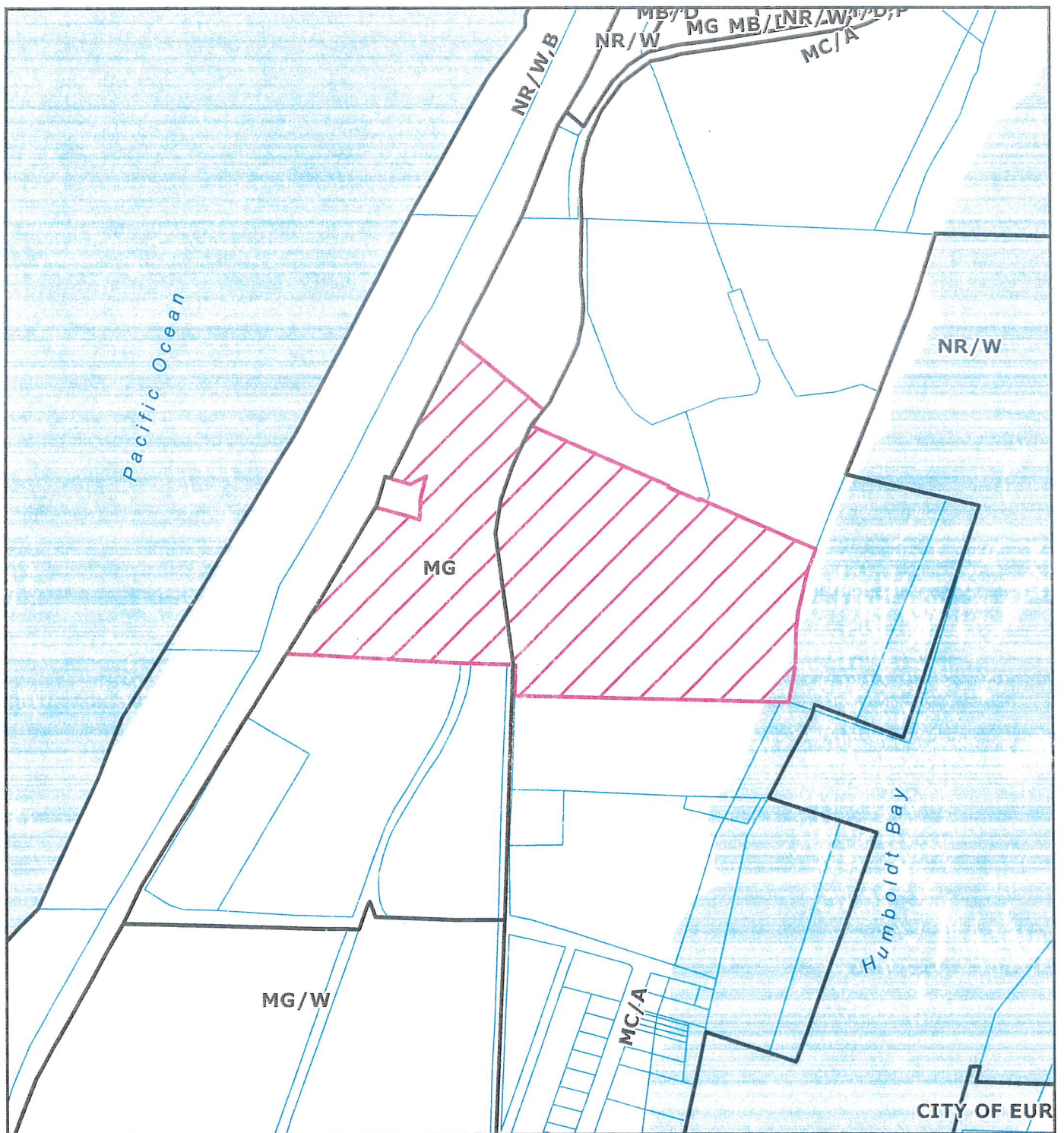
CDP-15-043MM/CUP-15-014MM

APN: 401-112-021

T05N R01W S20,21 HB&M (Eureka)

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 HUMBOLDT BAY HARBOR RECREATION & CONSERVATION DISTRICT

COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT MODIFICATION SAMOA AREA

CDP-15-043MM/CUP-15-014MM


APN: 401-112-021

T05N R01W S20,21 HB&M (Eureka)

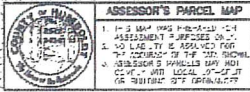
Project Area = 

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.



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 Feet

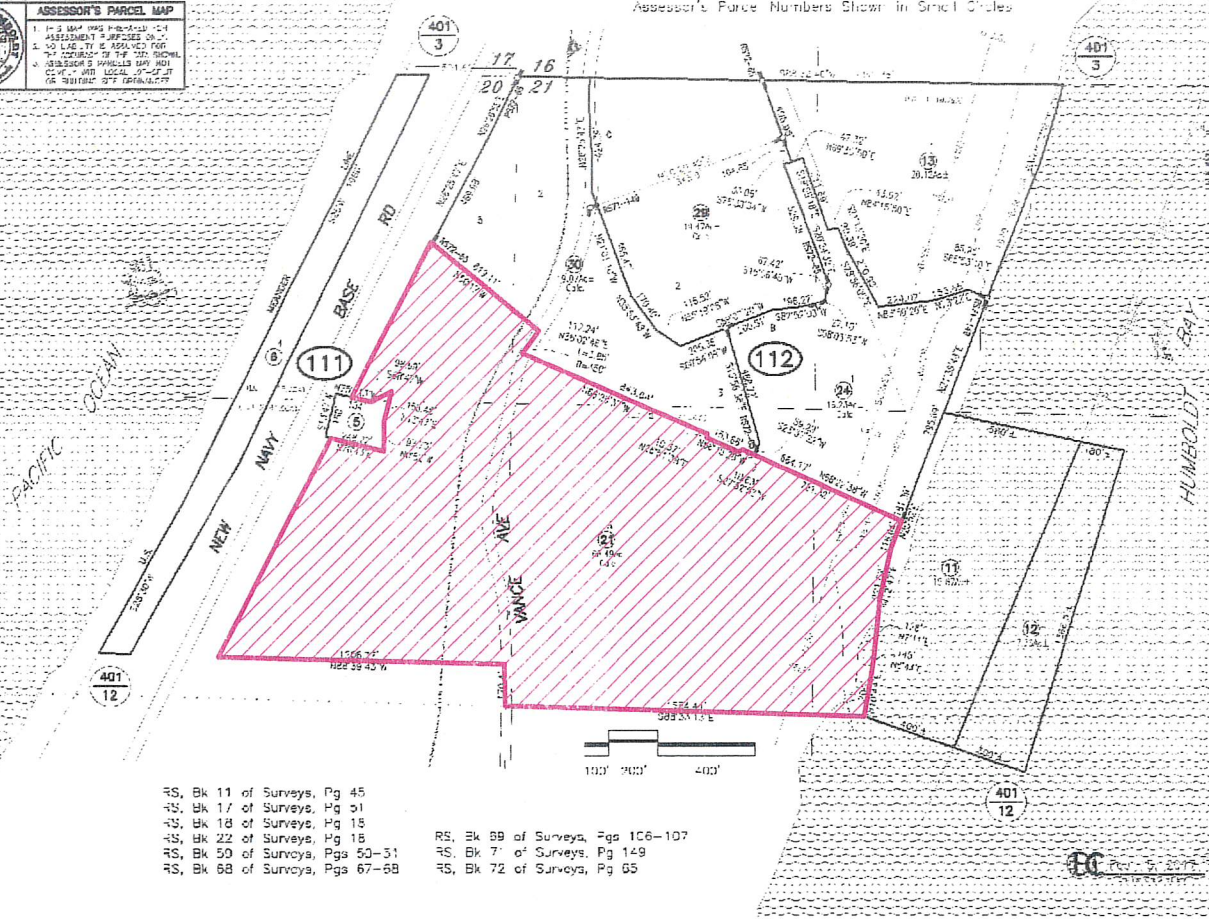
Assessor's Map Bk. 401, Pg. 11
County of Humboldt, CA.



PTN SECS 20 & 21, T5N R1W, H.B.& M.

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Small Circles

401-11



RS, Bk 11 of Surveys, Pg 45
RS, Bk 17 of Surveys, Pg 31
RS, Bk 18 of Surveys, Pg 15
RS, Bk 22 of Surveys, Pg 15
RS, Bk 50 of Surveys, Pgs 50-51
RS, Bk 68 of Surveys, Pgs 67-68

RS, Bk 89 of Surveys, Pgs 106-107
RS, Bk 71 of Surveys, Pg 149
RS, Bk 72 of Surveys, Pg 65

**ASSESSOR PARCEL MAP
PROPOSED HUMBOLDT BAY HARBOR RECREATION &
CONSERVATION DISTRICT
COASTAL DEVELOPMENT PERMIT &
CONDITIONAL USE PERMIT MODIFICATION**

Project Area =

**SAMOA AREA
CDP-15-043MM/CUP-15-014MM**

APN: 401-112-021

T05N R01W S20,21 HB&M (Eureka)

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.

MAP NOT TO SCALE



AERIAL MAP

PROPOSED HUMBOLDT BAY HARBOR RECREATION & CONSERVATION DISTRICT COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT MODIFICATION SAMOA AREA

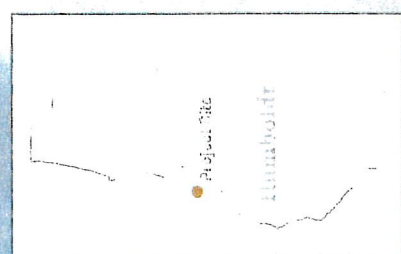
Project Area = 

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.

**CDP-15-043MM/CUP-15-014MM
APN: 401-112-021
T05N R01W S20,21 HB&M (Eureka)**



0 500 1,000
Feet



Redwood Marine Terminal II

Proposed Well Location

Wetland source National
Wetlands Inventory USFWS



Proposed Well

Freshwater Wetland (NWD)

Mitigation Area

Harbor District Parcels

Area Subject to Cultural Resource
Mitigation Measure CR-1



90'

ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Coastal Development Permit Modification and Conditional Use Permit Modification is conditioned upon the following terms and requirement:

1. The project shall be developed in conformance with the Project Description, the approved Site Plan, and these conditions of approval. All conditions of CDP-15-043/CUP-15-014 shall remain in full force and effect unless modified herein.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The applicant shall implement erosion and sediment control measures to protect nearby wetlands. These measures include: 1) contain well spoils near the drill site using temporary barricade/mat material; 2) within 10 days of the conclusion of drilling operations, remove the well spoils to an approved upland location; and 3) secure the well spoils disposal area and drill site using best management practices (seeding, mulching, matting, etc.) to minimize erosion and sedimentation. Alternatively, implement substitute measures as directed by the Division of Environmental Health that provide the same or greater protection for water quality and resource protection. A letter from DEH verifying that these requirements have been met will satisfy this condition.
4. **Protocols for inadvertent discovery of any cultural or archeological resource.** The following protocol shall be implemented if a cultural or archeological resource is discovered.
 1. The party who made the discovery shall be responsible for immediately contacting by telephone the District.
 2. Ground-disturbing activities shall be immediately stopped at the find locality if potentially significant historic or archaeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
 3. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the District, or party who made the discovery.
 4. The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the District if considered prudent to avoid further disturbances.
 5. Upon learning about a discovery, Coast shall be responsible for immediately contacting by telephone the contacts listed below to initiate the consultation process for its treatment and disposition:
 - a. Tribal Historic Preservation Officers (THPOs) with Blue Lake Rancheria, Bear River Band and Wiyot Tribe; and
 - b. Other applicable agencies involved in Project permitting.
 6. In cases where a known or suspected Native American burial or human remains are uncovered, the Humboldt County Coroner (707-445-7242) shall also be notified immediately.
 7. Ground-disturbing project work at the find locality shall be suspended temporarily while Coast, the District, THPOs, a consulting archaeologist and other applicable parties consult about appropriate treatment and disposition of the find. Ideally, a

treatment plan may be decided within three working days of discovery notification and the field phase of a treatment plan may be accomplished within five days after its approval, however, circumstances may require longer periods for data recovery. Where a Project can be modified to avoid disturbing the find, this may be the preferred option.

8. Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being disclosed only to those with a need to know. The District shall be responsible for coordinating any requests by or contacts to the media about a discovery.
 9. Ground-disturbing work at a discovery locale may not be resumed until authorized in writing by the District.
 10. Final disposition of all collected archaeological materials shall be documented in a data recovery report and its disposition decided in consultation with Tribal representatives.
5. **Protocols for inadvertent discovery of Native American remains and Grave goods.** In the event of a discovery of Native American remains or grave goods, the following protocol would be followed, in addition to the protocol described under Mitigation CR-1.
1. If human remains are encountered, they shall be treated with dignity and respect. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld. The preference of the Wiyot area tribes is to leave ancestral burials and remains in situ, and that no photographs or analyses will be made.
 2. The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the NAHC at (916) 653-4082.
 3. The NAHC is responsible for identifying and immediately notifying the most likely descendant (MLD) of the deceased Native American.
 4. Within 48 hours of their notification by the NAHC, the MLD may recommend the means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses (if any) recommended by the MLD may be considered and carried out.
 5. Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the District rejects the recommendation of the MLD and mediation between the parties by NAHC fails to provide measures acceptable to the District, the District shall cause the re-burial of the human remains and associated grave offerings with appropriate dignity at an appropriate nearby location not subject to further subsurface disturbance.
6. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Informational Notes:

1. 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.

2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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 Coastal Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit and 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

The following table identifies the evidence which supports finding that the proposed project by the District is in conformance with all applicable policies and standards in the General Plan (GP) and the Humboldt Bay Area Plan (HBAP).

To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt Bay Area Plan (HBAP) and the Framework Plan (FP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
-----------------	------------------------------------------------	---------------------------------------------------------------------

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §4.10 (HBAP)	Coastal Dependent Industrial (MC): Coastal Dependent Industrial uses are the principal use of this designation.	<p>The project modification is to permit the development of a salt test well in order to determine if there is sufficient salt water supply and salinity for prospective tenants seeking to develop the site for mariculture uses (e.g., sablefish/black cod hatchery and production facility). The modification is consistent with the previous permit authorizing renovations to existing infrastructure and buildings to ensure the continued utility of the parcel and remaining lands and their ability to support coastal dependent industrial uses. A permit modification will be required to develop the well as a permanent water source.</p> <p>The facilities being renovated belong to the Harbor District, which intends to facilitate coastal dependent or coastal related uses on the former pulp mill site and dock. The former mill site is undergoing environmental cleanup and re-designation of former buildings for suitable uses.</p> <p>The infrastructure improvements to the parcel are consistent with the MC designation in that they will meet the minimum 10,000 square foot parcel size for the MC Zone. Further, the utility of the parcels will remain as access to the Vance Avenue and New Navy Base Road for both parcels will be maintained. Access to the deep water channel will continue to be subject to securing of a lease over the bay-adjacent tidelands on property controlled by the Harbor District.</p> <p>Redwood Terminal II is a Priority 1 site as defined by the HBAP, which is described as sites with existing facilities suitable, with minor alterations, to accommodate the proposed (coastal dependent) uses. Maintenance and improvement of existing infrastructure is consistent with the objectives of the HBAP.</p>
Housing §3.28 (HBAP)	Housing shall be developed in conformity the Housing Element.	Not applicable since the proposal will not add or remove any housing.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Hazards §3.29 (HBAP)	New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.	<p>The project modification is to permit the development of a salt test well in order to determine if there is sufficient salt water supply and salinity for prospective tenants seeking to develop the site for mariculture uses (e.g., sablefish/black cod hatchery and production facility). A permit modification will be required to develop the well as a permanent water source.</p> <p>The renovations will not expand the facility capacity. The approved renovations include: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing. The project will facilitate costal dependent uses of the former pulp mill facility and dock now under Harbor District ownership. The focus of the Coastal Development Permit is to ensure that the utility of the parcel and remaining lands continue to support coastal dependent industrial use.</p>
Biological Resource §3.30 (HBAP)	Protect designated sensitive and critical resource habitats.	<p>The project modification is to permit the development of a salt test well in order to determine if there is sufficient salt water supply and salinity for prospective tenants seeking to develop the site for mariculture uses (e.g., sablefish/black cod hatchery and production facility). A permit modification will be required to develop the well as a permanent water source.</p> <p>The previously approved infrastructure improvements are repair and maintenance of existing facilities for current and future use. These renovations will not expand the facility capacity. Renovations include: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing.</p>

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Environmentally Sensitive Habitats §3.30 (HBAP)	Environmentally sensitive habitat areas (ESHAs) shall be protected against any significant disruption of habitat values.	<p>The proposed salt water well is adjacent to existing developed areas on the site. The well location is approximately 90 feet east of a mapped freshwater wetland. Per the Addendum to the Mitigated Negative Declaration for CDP-15-043/CUP-15-014, no direct impacts to rare or endangered species are expected from the well drilling and no riparian or other sensitive habitat will be impacted. The well is not located near the southern property line and would not impact osprey nesting activities. While wells in rural areas per Section 3.30.B.6(b)(2) are not subject to the Wetland Buffer setback, the project is conditioned to require that all drilling activity be contained and be conducted in a manner so as to not adversely impact the adjacent wetland area.</p> <p>The previously approved infrastructure improvements are intended to maintain the existing facilities for current and future use. This work is confined to existing developed areas of the property.</p>
	Only uses dependent on ESHA's shall be allowed within such areas.	<p>See discussion above.</p> <p>The project is for adding a salt water test well to the infrastructure improvements only, in order to maintain the existing facilities for current and future use. This work is confined to existing developed areas of the property. No work in ESHA or ESHA buffers is proposed.</p>
Archaeological and Paleontological Resources §3.29 (HBAP)	Protect cultural, archaeological and paleontological resources	The North Coastal Information Center (NCIC) recommended approval of a previous project in the same location on the subject property in 2011 (CDP-10-06/LLA-10-01). The project is for adding a salt water test well to the infrastructure improvement project. This work is confined to existing developed areas of the property. The tribal THPOs have reviewed the proposed modification and recommend approval providing that the inadvertent discoveries protocol is made a condition of approval.

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Visual Resource §3.40 (HBAP)	Protect and conserve scenic and visual qualities of coastal areas.	The project is for adding a salt water test well to the infrastructure improvement project. The proposed well be installed at grade and all construction will be temporary. A permit modification will be required to develop the well as a permanent water source. No impact to visual resources will occur.

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 Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§ 313-3.3 Coastal Dependent Industrial	Coastal Dependent Industrial uses are principally permitted.	The project modification is to permit the development of a salt test well in order to determine if there is sufficient salt water supply and salinity for prospective tenants seeking to develop the site for mariculture uses (e.g., sablefish/black cod hatchery and production facility). The modification is consistent with the previous permit authorizing renovations to existing infrastructure and buildings to ensure the continued utility of the parcel and remaining lands and their ability to support coastal dependent industrial uses. A permit modification will be required to develop the well as a permanent water source. Aquaculture and mariculture is a principally permitted use in the MC, Coastal Dependent Industrial Zone.
Min. Lot Size	One (1) acre	Approximately 16.24 acres in size.
Min. Lot Width	(none)	Not applicable
Max. Lot Depth	(none)	Not applicable
Max. Density	(none)	Not applicable as no residences are proposed

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Yard Setbacks	Min. Setbacks Front, Rear, and Side: all as designated by the Development Standard combining zone (S).	<p>To date, the Development Standard combining zone (S) has not been adopted for this property; therefore no setbacks are specified. In this case, the setback question is not an issue as the Code provides for the repair and maintenance of existing buildings and structures even when nonconforming with the development standards [Section 313-131 and 313-132]. The previously approved project is for renovation of existing facilities and infrastructure for a property within the coastal permit jurisdiction of the County. No new buildings or structures are proposed and setbacks will not change.</p> <p>The proposed test well will be sited in the developed area of the property. The well site location is over 360 feet from the nearest property line.</p>
Max. Lot Coverage	(none)	Not applicable as no structures are proposed
Max. Bldg. Height	50 feet	Not applicable as no structures are proposed
Industrial Performance Standards §313-109.1	Establishes minimum standards for the operation of industrial development in terms of light, noise, traffic, vibrations, electronic interference, and dust control.	<p>These performance standards apply to existing and future uses of the site. The proposed activity is of short duration and is limited to the renovation of existing facilities and infrastructure. These renovations will not expand the facility capacity. Renovations include: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing.</p> <p>The proposed test well will not generate impacts in excess of the industrial performance standards.</p>
Parking §313-109.1	1 parking space per 2,500 square feet of gross floor area	Not applicable as no new structures are proposed

Combining Zones		
§313-22.1 Archaeological Resource Area Outside Shelter Cove (A)	Address potential impacts to archaeological resources.	The North Coastal Information Center (NCIC) recommended approval of a previous project in the same location on the subject property in 2011 (CDP-10-06/LLA-10-01). The project is for adding a salt water test well to the infrastructure improvements only, in order to maintain the existing facilities for current and future use. This work is confined to existing developed areas of the property. The tribal THPOs have reviewed the proposed modification and recommend approval providing that the inadvertent discoveries protocol is made a condition of approval.

4. Public Health, Safety and Welfare.

The project will not be detrimental to the public health, safety and welfare nor will it be materially injurious to properties or improvements in the area because:	Evidence supporting the finding
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 5, Referral agency recommendations.
The proposed project is consistent with the general plan.	See previous discussion.
The proposed project is consistent with the zoning.	See previous discussion.
The proposed project will not cause environmental damage.	See following discussion.

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
312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The parcel is currently zoned for coastal dependent industrial uses. Because the parcel is not zoned for residential uses, it was not included in the 2014 Regional Housing Needs Assessment and is not located within a Housing Opportunity Zone.

6. Environmental Impact.

As lead agency under CEQA, the Harbor District prepared and adopted an Addendum to the Mitigated Negative Declaration (MND) for the original project. A copy is included as Attachment 4.

As a Responsible Agency under CEQA, the Planning Commission must review and consider the Addendum to the MND adopted by the Lead Agency (Harbor District) and determine if the project, as mitigated, reduces potential environmental effects of the project (for that segment within County jurisdiction) to a level of insignificance. If the Planning Commission concurs that this is the case, the MND should be adopted prior to taking action on the project. A notice of Determination will be filed for the project consistent with Section 15096 of the State CEQA Guidelines.

ATTACHMENT 3

Applicant's Evidence In Support of the Required Findings

Attachment 3 includes a listing of all written evidence 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]
- Site Plan Map [attached]
- Addendum to Mitigated Negative Declaration [see Attachment 4]
- Site Photos

ATTACHMENT 4

Addendum to the Mitigated Negative Declaration



**ADDENDUM TO THE CEQA INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION
FOR THE REDWOOD MARINE TERMINAL II COASTAL DEVELOPMENT PERMIT/ CONDITIONAL
USE PERMIT (SCH #2015092007)**

INTRODUCTION

This document constitutes an Addendum to the 2015 Initial Study/Mitigated Negative Declaration (IS/MND) prepared for renovation of existing facilities and infrastructure at Redwood Marine Terminal II (RMT II) and for conditionally allowing a broader range of industrial uses on the site. The 2015 IS/MND was adopted by the Harbor District as lead agency on November 12, 2015 and by the Humboldt County Planning Commission on December 3, 2015

The project allows for necessary maintenance and upgrade of infrastructure and facilities. The renovations include: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades, and upgraded security fencing. The proposed minor modification involves installation of a 5-inch test well up to 300 feet deep on the site, to determine whether there is sufficient salt water supply and salinity for the prospective tenants use. This Addendum evaluates whether the proposed 5-inch test well would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the 2015 IS/MND.

As verified in this Addendum, the analyses and the conclusions in the 2015 IS/MND remain current and valid. The proposed permit modification would not cause new significant effects not identified in the MND nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental effects than were identified in the 2015 IS/MND. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the 2015 IS/MND. Therefore, no further environmental review is required beyond this Addendum.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FRAMEWORK

This addendum analyzes the proposed permit modification as required under the CEQA Guidelines, Sections 15162 and 15164. An addendum to an adopted mitigated negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the following conditions calling for the preparation of a subsequent MND have occurred:

- (1) Substantial changes in the project which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- (2) Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:
 - A) The project will have one or more significant effects not discussed in the MND,
 - B) The project will result in impacts substantially more severe than those disclosed in the MND,
 - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or
 - D) Mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

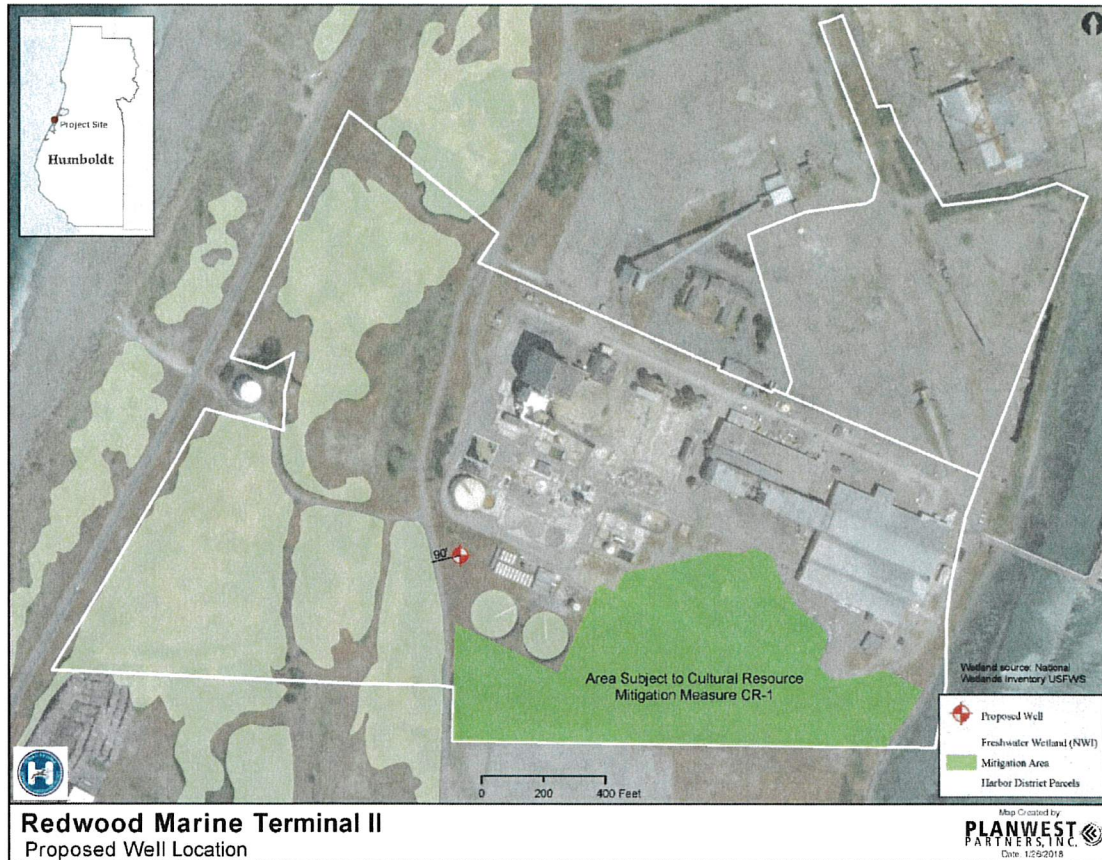
The purpose of this Addendum is to evaluate whether the proposed permit modification for the 5-inch test well would result in any new or substantially greater significant effects not identified in the 2015 IS/MND and to demonstrate that the proposed project does not trigger any of the conditions described above. Based on the analysis provided below, an Addendum to the 2015 IS/MND is the appropriate CEQA document.

PROJECT INFORMATION

The site is designated and zoned for coastal dependent industrial use and surrounded by similar coastal dependent industrial designated lands associated with historic lumber and pulp mill operations. The project intent is to allow for infrastructure renovations to facilitate existing and future coastal dependent uses of the Redwood Marine Terminal II facility and dock. The focus of the project is to ensure that the utility of the parcel and remaining lands continue to support coastal dependent industrial uses. The approved project allows for the maintenance of existing infrastructure and facilities including: new roofing, building siding and access doors, water, wastewater and fire suppression system upgrades, electrical upgrades including substation and energy efficiency retrofits, and upgraded security fencing.

The proposed 5-inch test well is a minor infrastructure improvement that will determine whether there is sufficient salt water supply and salinity for the prospective tenants use. The proposed 300 feet deep well will be located adjacent to an existing road, existing water treatment plant and water clarifiers (Exhibit A). The proposed well does not constitute a substantial change in the RMT II site infrastructure; will not adversely affect adjacent property or property owners; and will not alter the findings made when the original permit was approved.

Exhibit A – Proposed Salt Water Test Well Location



EVALUATION OF POTENTIAL ENVIRONMENTAL EFFECTS

The proposed 5-inch test well is expected to result in less than significant impacts to all resources of concern. The environmental analysis provided in the 2015 MND remains current and applicable to the proposed project in all areas listed below:

- *aesthetics*
- *agricultural and forest resources*
- *air quality*
- *biological resources*
- *cultural resources*
- *geology and soils*
- *hazards and hazardous materials*
- *hydrology and water quality*
- *land use planning*
- *mineral resources*
- *noise*
- *population and housing*
- *public services*
- *recreation*
- *transportation/traffic*
- *utilities and service systems*

Of these, the 2015 MND identified potentially significant impacts to biological resources and cultural resources and adopted mitigation measures to ensure that these impacts were less than significant. There will be no change in the significance of any of the potential impacts as a result of the proposed 5-inch test well.

The District is not proposing any change to the mitigation measures incorporated into the 2015 IS/MND or CDP 15-043. Therefore, all potential impacts are expected to remain less than significant. The following discussion addresses potential environmental effects of the proposed well to biological and cultural resources.

Biological Resources

The proposed salt water well is adjacent to existing developed areas on the site. The well location is approximately 90 feet east of a mapped freshwater wetland (Exhibit A). No direct impacts to rare or endangered species are expected from well drilling and no riparian or other sensitive habitat would be impacted. The well is not located near the southern property line and would not impact osprey nesting activities; therefore mitigation measures BIO-1 and BIO-2 are not applicable the proposed minor permit modification for the well. The 5-inch test well would not have a substantial adverse effect on special status species or habitats and is not expected to result in any biological resource impacts. Therefore, a less than significant impact would occur.

Cultural Resources

The proposed salt water well is adjacent to existing developed areas and is not within the area subject to Mitigation Measure CR-1 in the southern portion of the site (shown on Exhibit A). Mitigation Measures CR-2 and CR-3 involving protocols for inadvertent discoveries remain in effect. Therefore, the potential impacts to cultural resources are the same as those analyzed in the 2015 IS/MND and are expected to remain less than significant with mitigation.

SUMMARY OF FINDINGS

Overall, the proposed permit modification would result in similar effects to those of the existing permit with similar infrastructure improvements as those which were originally proposed and would therefore generate comparable effects. The permit modification would not cause new significant effects nor increase the level of environmental effect to substantial or significant and thus no new mitigation measures would be required. No change has occurred and no new information has become available with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental effects than were identified in the 2015 IS/ND. The analysis and conclusions in the 2015 IS/MND remain current and valid and the mitigation measures would remain applicable.

On the basis of the evaluation presented above, the proposed permit modification would not trigger any of the conditions requiring preparation of a subsequent or supplemental environmental impact report or negative declaration. Thus, this Addendum satisfies the requirements of CEQA Guidelines sections 15162 and 15164.

ATTACHMENT 5

Referral Agency Comments and Recommendation

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division				
Department of Public Works				
Division of Environmental Health				
NCUAQMD				
Caltrans				
NWIC and Tribes	✓	Conditional Approval		✓
Regional Water Quality Control Board				
CA. Dept. of Toxic Substances				
Samoa Peninsula Fire District				