

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on March 7, 2023

Resolution No. 23-34

Resolution of the Board of Supervisors of the County of Humboldt APPROVING THE CONDITIONAL USE PERMIT, AND LOT LINE ADJUSTMENT FOR J&J FAMILY, LLC, RECORD NO. PLN-2020-16400.

WHEREAS, J and J Family LLC submitted an application and evidence in support of a Conditional Use Permit and Lot Line Adjustment; and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on September 15, 2022, the Planning Commission considered the application, and adopted a Resolution recommending the Humboldt County Board of Supervisors approve the Lot Line Adjustment and Conditional Use Permit subject to the recommended conditions.

WHEREAS, the Board of Supervisors held a public hearing on March 7, 2023 and reviewed, considered, and discussed the Conditional Use Permit, and Lot Line Adjustment; and reviewed and considered all public testimony and evidence presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1. FINDING:

Project Description: The proposed Lucas & Myrtle Mini-Storage Center (project) includes a lot line adjustment, CUP, for the construction and operation of a mini-storage in the Myrtletown area. The site originally consisted of three parcels. A lot line adjustment allows the reconfiguration of the parcels into two parcels, a small 5,500-square-foot (sf) residential lot on the northern end of the site and a remaining lot of approximately 2.1 acres to be commercially developed. Associated with the lot line adjustment was the adjustment of the site's zoning boundary between the Neighborhood Commercial zone (C-1/GO) and Apartment Professional residential zone (R-4/GO,Q). The home and garage in the northeast corner would become its own separate parcel. The remaining structures on the project site would be removed and replaced with an office/caretaker building with 1,800 square feet on the first floor and 1,800 square feet on the second

floor. The remaining commercial area would be developed and used as a mini-storage center. This area would be equivalent to a lot area coverage of less than 45 percent on the 86,269-sf lot. The building appearance would be typical of other existing mini-storage companies in the Humboldt Bay area.

EVIDENCE a) Project File: PLN-16400-CUP

b) The project description in the Mitigated Negative Declaration (MND) provides a complete description of all activities associated with the project.

LOT LINE ADJUSTMENT FINDINGS

2. **FINDING** The proposed Lot Line Adjustment application is complete.

EVIDENCE a) Project file: PLN-2020-16400.

3. **FINDING** The Lot Line Adjustment is consistent with the Subdivision Map Act.

EVIDENCE a) APN's 015-111-012 and 015-111-013 are two separate legal parcels created through an approved subdivision map filed in Book 9, Page 56 of Parcel Maps. While no determination has been made regarding APN 015-111-006 the proposed lot line adjustment will result in two parcels, meaning that no additional parcels will result other than the number of existing legally created parcels.

FINDINGS FOR CONDITIONAL USE PERMIT

4. **FINDING** The proposed mini-storage center facility is consistent with the C-1 zoning district and with the development standards of the Zoning Ordinance.

EVIDENCE a) Storage warehouses are permitted in C-1 zone districts with a conditional Use Permit.

b) The project site is located in a block which is partially in a residential zone on both the Myrtle Avenue frontage and the Lucas Street frontage, and the proposed mini-storage facilities will comply with the minimum 20 foot front yard and exterior side yard setbacks of the residential zones. The proposed mini-storage facility will exceed the required 15-foot rear setback from the northern property line by providing a minimum of 20 feet.

c) The proposed project will not exceed the building height limit of 45 feet in height.

5. 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 proposed mini-storage center project will take access off of Lucas Street, which is a lower volume road than Myrtle Avenue.
 - b) Approximately nine off-street parking spaces would be provided near the office and entrance from Lucas Street. Operationally, many visitors to the facility would conceivably temporarily park in front of their respective rental units before departing the premises and traffic generated by the center is anticipated to be less than the average traffic to and from commercial uses allowed in the neighborhood commercial zone district. The usual traffic for established mini storage facilities is significantly less than for retail, grocery, and restaurant businesses.
 - c) The project was referred to multiple referral agencies including the Department of public Works, Humboldt Bay Fire Protection District and the California Department of Environmental Health and all agencies either had no comment or recommended approval.

6. 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 project site was not included in the residential housing inventory utilized for determining compliance with housing element law. The project results in the retention of the existing single-family residence on its own parcel, and the addition of another housing unit through the development of a caretaker's residence above the minim storage facility.

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

Approves the Conditional Use Permit, Lot Line Adjustment and adopts the Mitigation Monitoring and Reporting Plan for J&J Family, LLC subject to the conditions of approval in Exhibit 1a and 1b.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 7, 2023, by the following vote:

Adopted on motion by Supervisor Bushnell, seconded by Supervisor Bohn and the following vote:

AYES: Supervisors: Bushnell, Bohn, Madrone, Arroyo

NOES: Supervisors: Wilson

ABSENT: Supervisors:


Chair Steve Madrone
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, KATHY HAYES, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By 
Nikki Turner, Deputy Clerk of the Board
Humboldt County Board of Supervisors

Exhibit 1a

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED FOR THE LIFE OF THE PROJECT

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time-and-materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building 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 and Building Department, 3015 H Street, Eureka.
3. The applicant is responsible for completing and implementing all mitigation measures outlined within the Mitigation Monitoring & Reporting Program (MMRP) which shall be completed as required within the MMRP and shall the applicant/developer/responsible party shall provide all reporting as required in the MMRP.
4. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$427.00 per notice plus \$292.00 for each additional legal description plus applicable recordation fees).
5. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00 per parcel) as required by the County Assessor shall be paid to the Humboldt County Planning Department, 3015 "H" Street, Eureka. The check shall be made payable to the "County of Humboldt". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
6. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.

7. Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition. Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.
8. The applicant shall abide by the recommendations in the Humboldt Community Services District (HCSD) referral letter dated November 4, 2020 which states:
 - a. GENERAL:
 - i. Water and sewer service for proposed project is available upon payment of applicable fees.
 - ii. Any existing water and sewer services that will not be utilized for this project shall be abandoned per HCSD Standards at applicant's expense.
 - iii. Any needed relocation of existing water and sewer facilities shall be at applicant's expense.
 - iv. Water and sewer services shall not be located in a driveway.
 - v. Applicant shall provide a plumbing fixture unit count of the existing onsite structures to HCSD.
 - b. SEWER:
 - i. Prior to any structures being removed or relocated, they are required to be disconnected from the public sewer system. This disconnection is required to be inspected by this office.
 - ii. Any new sewer connection is required to be installed per HCSD code and be inspected by this office.
 - iii. A sewer lateral clean-out is required to be installed per HCSD code and be inspected by this office.
 - c. WATER:
 - i. A privately owned, maintained, and accessible water shutoff valve is required directly behind the water meter service (behind sidewalk) per HCSD Standards on the existing water services that will remain.
 - ii. Any required fire sprinkler plans are to be submitted to the HCSD.

9. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,598.00. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2021, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,598.00 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.

Exhibit 1b

MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST:

Mitigation Measure BIO-1: Avoidance and protection measures for special-status species. The county shall implement the following measures to ensure no significant impacts on special-status species on the site.

BIO-1a: Prior to site development (e.g., demolition, tree clearing, grading), the County shall ensure that the applicant has a qualified botanist conduct seasonally appropriate botanical surveys throughout the project parcels to evaluate the presence of special-status plant species. The protocol shall follow CDFW guidelines (California Department of Fish and Wildlife 2018¹). Any populations of special-status plant species found on the project site shall be avoided, no impact or mitigation is allowed. The population shall be flagged for avoidance and coordination with CDFW staff will be required prior to site development to protect any special-status plants species found on the site.

BIO-1b: Prior to site development (e.g., demolition, tree clearing, grading), the County shall ensure that the applicant has a qualified biologist conduct red-legged frog amphibian surveys throughout the project parcels to evaluate the presence of red-legged frog. The protocol shall follow USFWS guidance (U.S. Fish and Wildlife Service 2005²). Any individuals found on the project site shall be avoided and construction activities halted until the individual can be corralled toward the wetland habitat to the west. Handling or harassment (i.e., take), may not take place during the survey activities or construction. Take may only be authorized via Section 7 or Section 10 of FESA. Typically, take associated with survey activities is authorized via issuance of Section 10(a)(1)(A) permits.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department

Mitigation Measure BIO-2: Avoidance and protection measures for nesting birds. The County shall implement the following measures to ensure no significant impacts on native migratory bird species:

¹ Available at:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjmqvWy-L5AhUKEmIAHRTbAsQQFnoECBoQAAQ&url=https%3A%2F%2Fnrm.dfg.ca.gov%2FFileHandler.ashx%3FDocumentID%3D18959&usg=AOvVaw334hC1OBtDvKl-8jy1TF1i>

² Available at:

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjnuMjwY-L5AhXIFFkFHXicA9wQFnoECBUQAQ&url=https%3A%2F%2Fecos.fws.gov%2Fipac%2Fguideline%2Fsurvey%2Fpopulation%2F205%2Foffice%2F11420.pdf&usg=AOvVaw2UoG1ZN8TaYnrwLoeL6Qxh>

1. If vegetation and tree removal occur between March 15 and August 15, the County shall ensure that the applicant has a qualified wildlife biologist conduct preconstruction surveys within the vicinity of the impact area, to check for nesting activity of native birds and to evaluate the site for special-status bird species such as red-tailed hawk, red-shouldered hawk, and American kestrel. The biologist shall conduct a minimum of one preconstruction survey within the 7-day period prior to vegetation removal activities. If vegetation removal work lapses for 7 days or longer during the nesting season, a qualified biologist shall conduct a supplemental avian survey before project work is reinitiated.
2. If an active nest is found, the biologist will determine the extent of an appropriate construction-free buffer zone to be established around the nest and/or operational restrictions in consultation with the CDFW. Buffer zones will be delineated with flagging and maintained until any nestlings have fledged or nesting activity has ceased. Buffer sizes would take into account factors such as (1) roadway and other ambient noise levels, (2) distance from the nest to the roadway and distance from the nest to the active construction area, (3) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (4) distance and amount of vegetation or other screening between the construction site and the nest; and (5) sensitivity of individual nesting species and behaviors of the nesting birds.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department

Mitigation Measure BIO-3: Light pollution minimization. The applicant shall implement the following measure to ensure light pollution impacts on the wildlife corridor (Myrtle town gulch) to the west would be minimized.

1. Outdoor lighting along the western portion of the site, as well as lights within the facility that face west, will utilize LEDs with a color temperature less than 3,000 Kelvins. Outdoor lighting fixtures will be fully shielded and downward facing. Additional resources regarding dark sky friendly fixtures and where they can be purchased are available on the International Dark Sky Association webpage (<https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted.		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department

Mitigation Measure BIO-4: Landscaping with native plant species. The applicant shall implement the following measure to ensure nonnative plant species do not spread into the adjacent Myrtle town gulch or other sensitive habitats.

1. Landscaping around the proposed mini-storage facility shall make use of native plant species that will not pose a risk of invading adjacent wetland habitats.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department

Mitigation Measure CUL-1: Discovery of cultural resources. The County of Humboldt shall ensure that if cultural 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 Officer and others that the County has on file will be contacted immediately to evaluate the discovery and, in consultation with the project proponent, the County, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials that could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic archaeological discoveries may include nineteenth century building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal or other materials found in buried pits, wells, or privies.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department

Mitigation Measure CUL-2: Discovery of human remains. The County shall ensure that if human remains are discovered during project construction, work would be stopped at the discovery location, within 66 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (PRC 7050.5). The Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (PRC 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work

will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in PRC Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department

Mitigation Measure NOI-1: Construction noise. The County will ensure that the following shall apply to construction noise from tools and equipment:

- a) The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- b) No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- c) All stationary equipment and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During project operations.	Continuous with annual reporting and monitoring summary to be submitted		HCP&BD*		

* HCP&BD = Humboldt County Planning and Building Department