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 **COPY**

October 27, 2016

Humboldt County Board of Supervisors
825 Fifth Street, Room
Eureka, CA 95501

**Re: Dollar General - Eich Road, Humboldt Hill area;
Coastal Development Permit, Special Permit
Application Number 9329, Case Number CDP-14-033/ SP-14-049**

Dear Supervisors:

As you may recall from previous correspondence dated August 25, 2016, I represent Dan and Kelly Noga, the owners of property adjacent to the proposed development of the Dollar General store, which is the subject of this agenda item. The Nogas are the owners of the Country Club Market located at 5667 S. Broadway and the vacant land which is situated between the Country Club Market and the site for the proposed Dollar General store. In the August 25 correspondence I set forth in detail our objections to the issuance of a special permit. Since that time, I have learned of additional reasons why the Board of Supervisors should grant the Nogas' appeal in this matter and deny the special permit requested by applicant, or, in the alternative, send this matter back to the Planning Commission for reconsideration.

The Humboldt Bay Area Plan of the Humboldt County Local Coastal Program ("HBAP") addresses, among other things, wetlands, such as the wetlands identified on the lot Cross Development/Dollar General is seeking a special permit on. For your convenience in reviewing the code sections of the HBAP that apply, I have enclosed the Cover Page of the HBAP and the applicable code sections, namely, Chapter 3.30.B.6, pages 47-48.

Specifically, HBAP 3.30.B.6 addresses Wetland Buffer Areas. HBAP 3.30.B.6 restricts all land use or development in areas adjacent to coastal wetlands in the Wetland Buffer Areas¹. The Wetland Buffer Areas require a setback of between 100-200 feet from the identified wetland, if the new development is outside an urban limit line. (HBAP 3.30.B.6.d.)

HBAP 3.30.B.6.e provides a variance for setbacks of less than 100-200 feet in both urban and rural areas when the prescribed buffer would prohibit development of the site for principle use for which it was designated. However, if a variance of the Wetland Buffer Areas less than 100 feet is allowed by County, then two additional conditions are imposed by the HBAP. First, the reduction in the setback shall still retain the maximum setback feasible; second, the mitigation measures set forth in HBAP 3.30.B.6.f, as well as any additional measures the County may impose, "shall" be included. These mandatory mitigation measures are set forth verbatim below:

¹Wetland Buffer Area is defined in HBAP 3.30.B.6.a.

- f. (1) Not more than 25% of the lot surface shall be effectively impervious.
(2) The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.
(3) Storm water outfalls, culverts, gutters, and the like shall be dissipated.
(4) Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.
(5) Areas disturbed during construction, grading, etc., within 100 feet of the mean high water line, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.
(6) Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, sediment basins, seeding or planting bare soil, diversion of runoff away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).

The issuance of the special permit to the applicant clearly violates HBAP 3.30.B.6.e, and f. For instance, the lot size of the subject lot is only .87 acres or 37,897 square feet. The building alone is 9,300 square feet which is over 24% of the lot size. The sidewalk and curb along the front of the building are 920 square feet. When the square footage of the building, sidewalk and curb are added together (10,220 square feet) this equals 27% of the lot size—a clear violation of HBAP 3.30.B.6.e, and f.(1). But it gets worse. When the square footage of parking lot, roadside curbs, gutters and the loading zone (all of which include surfaces effectively impervious to water) are added in, then over 80% of the parcel size would have impervious surfaces.

The permit approved by the Commission allows for a 16-foot setback from identified and designated wetland on the subject parcel for new development. Since new development will occur in the 100-200 foot wetland buffer “Not more than 25% of the lot surface shall be effectively impervious” (HBAP 3.30.B.6.f.1)—in fact over 80% of the lot surface would be effectively impervious.

In addition, nothing in the special permit approved by the Commission addresses the other mitigation measures that “shall” be included if new development is going to take place in the wetland buffer. (HBAP 3.30.B.6.f.(2)-(6).) These mitigation measures likewise need to be addressed before a special permit is issued involving new development in a wetland buffer.

Based upon the foregoing, Mr. and Mrs. Noga respectfully request the Board deny the special permit approved in this matter by the Planning Commission. In the alternative, the Board could send this matter back to the Commission requiring it address the mandatory mitigation measures outlined in HBAP 3.30.B.6.f. (1)-(6). These mitigation measures make it impossible for Cross Development/Dollar General to develop this property.

Respectfully submitted,



Bradford C Floyd

HUMBOLDT COUNTY GENERAL PLAN

Volume II

HUMBOLDT BAY AREA PLAN

of the

Humboldt County

Local Coastal Program



December 2014

- (2) Mitigation of dune hollows outside of dune habitats (at the King Salmon - Spruce Point and Elk River wetland restoration areas) shall provide for restoration of at least equal or greater biological productivity and, at a minimum, shall provide for two acres of restored wetlands for every acre of dune hollow filled.
- (3) Fill of dune hollows for development permitted by Coastal Act Section 30233 shall be mitigated as outlined above.

6. Wetland Buffer

- a. No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:
 - (1) The area between a wetland and the nearest paved road, or the 40 foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance, or,
 - (2) 250 feet from the wetland, where the nearest paved road or 40 foot contour exceed this distance, or
 - (3) Transitional Agricultural lands designated Agriculture Exclusive shall be excluded from the wetland buffer.
- b. New development, except for:
 - (1) development permitted in 3.30B2,3, and 4
 - (2) wells in rural areas; and
 - (3) new fencing, so long as it would not impede the natural drainage shall be sited to retain a setback from the boundary of the wetland sufficient to prevent adverse effects to the wetland's habitat values.
- c. within an urban limit line, the setback shall be either 100 feet or the average setback of existing development immediately adjacent as determined by the "string line method." That method shall be used which provides development setbacks similar to those occurring on adjacent parcels and adequately protects the wetland.
- d. Outside an urban limit line, the setback shall be between 100 and 200 feet, depending upon the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on the wet habitat values. The precise width of the setback shall be sufficient to prevent significant effects to the wetland.
- e. In both urban and rural areas, setbacks of less than the distance specified above may be permitted only when the prescribed buffer would prohibit development of the site for principle use for which it is designated. Any such reduction in setback shall still retain the maximum setback feasible, and may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland's habitat values.
- f. All new development within the wetland buffer shall include the following mitigation measures:
 - (1) Not more than 25% of the lot surface shall be effectively impervious.
 - (2) The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.

- (3) Storm water outfalls, culverts, gutters, and the like shall be dissipated.
- (4) Septic systems or alternative waste disposal systems must meet standards of the Humboldt-Del Norte Health Department and the Regional Water Quality Control Board.
- (5) Areas disturbed during construction, grading, etc., within 100 feet of the mean high water line, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.
- (6) Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, sediment basins, seeding or planting bare soil, diversion of runoff away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).
- g. The County shall request the Department of Fish and Game to review plans for development within 200 feet of the boundary of the wetland.

7. Road Construction Within Watersheds Containing Wetlands

Road construction within watersheds containing wetlands, as identified on the sensitive habitat maps, other than for timber harvest purposes (road construction controls for this activity are currently regulated by the California Department of Forestry in Timber Harvest Plans), shall employ suitable techniques and measures necessary to prevent erosion and minimize surface runoff. This shall include, but is not limited to:

- a. Limiting soil exposure time and disturbed area;
- b. Minimizing uninterrupted slope length through surface roughening and serrated slopes;
- c. Temporary slope stabilization if grading operations occur during wet weather months (October through May) including, mulches, nettings, chemical and natural binders, rip-rap, etc.;
- d. Immediate vegetative plantings of disturbed slopes at finished grades;
- e. Control of runoff through controlled water and drainage systems with dissipated discharges and receiving stream bank protection;
- f. Diversion of runoff away from graded areas and areas traveled during project development;
- g. Temporary and permanent sediment control through use of dikes, filter berms, and sediment basins.

8. Coastal Streams, Riparian Vegetation And Marine Resources

Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Use of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

- 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means,

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November 15, 2016

Hand Delivered

Humboldt County Board of Supervisors
825 Fifth Street, Room 111
Eureka, CA 95501

Humboldt County Planning and Building Department
Attention: Interim Director
3015 H Street
Eureka, CA 95501

Re: Dollar General – Eich Road, Humboldt Hill area;
Coastal Development Permit, Special Permit
Application Number 9329, Case Number CDP-14-033/ SP-14-049
Dan Noga Appeal

Dear Supervisors and Interim Director of the Humboldt County Planning and Building Department:

This letter requests certain revisions to Humboldt County Board of Supervisors Resolution No. 16-_____ proposed by the Planning and Building Department for the above-referenced Coastal Development Permit (“CDP”). In particular and to avoid an apparent ambiguity between development restrictions within the wetland “setback” and the wetland “buffer”, as interpreted and recited in the revised Conditions of Approval for the CDP, the Applicant requests the following revisions:

Revisions to proposed Resolution Exhibit A:

1. Condition of Approval No. 23: Mitigation Measure No. 5 should be stricken as it is not applicable. (See second paragraph of Exhibit B.)

2. "On-going Requirements/Development Restrictions" No. 1: The first sentence should be changed to instead read as follows (additions in bold-italicized text): "The project shall be developed and conducted in accordance with the Project Description, Plan of Operations, Project Site Plan *C2.1 (dated May, 2016)* and Wetland Protection Plan (*Dains June 5, 2016*)."

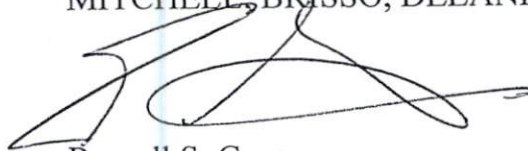
Revisions to proposed Resolution Exhibit B:

1. First Paragraph: The reference to the Wetland Protection Plan prepared by Virginia Dains on September 15, 2015 should be revised to reference the more recent Wetland Protection Plan prepared by Ms. Dains on June 5, 2016 and incorporated in the revised May, 2016 Site Plan.
2. First Paragraph: The word "buffer" should be stricken and replaced with the word "setback" to accurately reflect the development standards applicable to the reduced setback area. The "setback" area is distinct from the "buffer" area.
3. First Paragraph: The sentence that reads, "The 150 square foot wetland will be buffered by an area 13 times its size," should be amended to instead provide as follows: "The 150 square foot wetland will be protected by a no-development setback area 13 times its size."
4. Second Paragraph: The first sentence should be changed to instead read as follows (additions in bold-italicized text): "The HBAP requires that when development occurs within the wetland buffer, ***as that term is defined in Section 3.30.B.6.a and below***, the project shall be subject to the mitigation measures set forth in section 3.30.B.6.f(1) through (6), inclusive, as applicable."
5. 313-125.8 Required Findings: The second sentence should be changed to instead read as follows (additions in bold-italicized text): "By definition, ***the wetland buffer from this wetland feature extends to the surveyed property lines of the subject parcel in all directions.***"

Thank you for your consideration of these requests.

Very truly yours,

MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

A handwritten signature in dark ink, appearing to be 'RSG', with a large, stylized loop at the end.

Russell S. Gans

RSG/jg
Enclosures

Hayes, Kathy

From: Kimberly Tays <kimkat067@gmail.com>
Sent: Tuesday, November 15, 2016 8:12 AM
To: Hayes, Kathy; Kraemer, Melissa@Coastal; Jennifer Kalt; Bradford Floyd
Subject: Fwd: Comments on Appeal Re: CDP 14-033; Dollar General (DG) Proposed Development

Dear Clerk of the Board:

Please forward email this to the Board of Supervisors.

I understand that the appeal hearing regarding the Dollar General (CDP 14-033) will be on the Board of Supervisors' agenda this morning. I am unable to attend the hearing in person, but I would like the Board of Supervisors to know that I remain opposed to the project due the reasons stated below. In addition, I did review the additional documents prepared for today's meeting, but I did not see anything in those documents that would allow for greater setbacks or protection for the small wetland in the proposed development site.

I am sorry for my delay in submitting this email; I have been out of the state and did not have easy access to a computer for 3 weeks.

Thank you,
Kimberly Tays
Resident of Humboldt County

From: **Kimberly Tays** <kimkat067@gmail.com>
Date: Sat, Sep 3, 2016 at 3:25 PM
Subject: Comments on Appeal Re: CDP 14-033; Dollar General (DG) Proposed Development
To: khayes@co.humboldt.ca.us, "Kraemer, Melissa@Coastal" <Melissa.Kraemer@coastal.ca.gov>, Jennifer Kalt <jkalt@humboldtbaykeeper.org>, Bradford Floyd <bcfloyd@floydlawfirm.net>

Dear Clerk of the Board:

Please forward this email regarding the appeal of the Humboldt County Planning Commission's approval of a Coastal Development Permit (No. 14-033) to allow Dollar General to build a commercial building on a 0.87 acre parcel that contains a wetland to Board of Supervisors Rex Bohn, Estelle Fennell, Mark Lovelace, Virginia Bass and Ryan Sundberg.

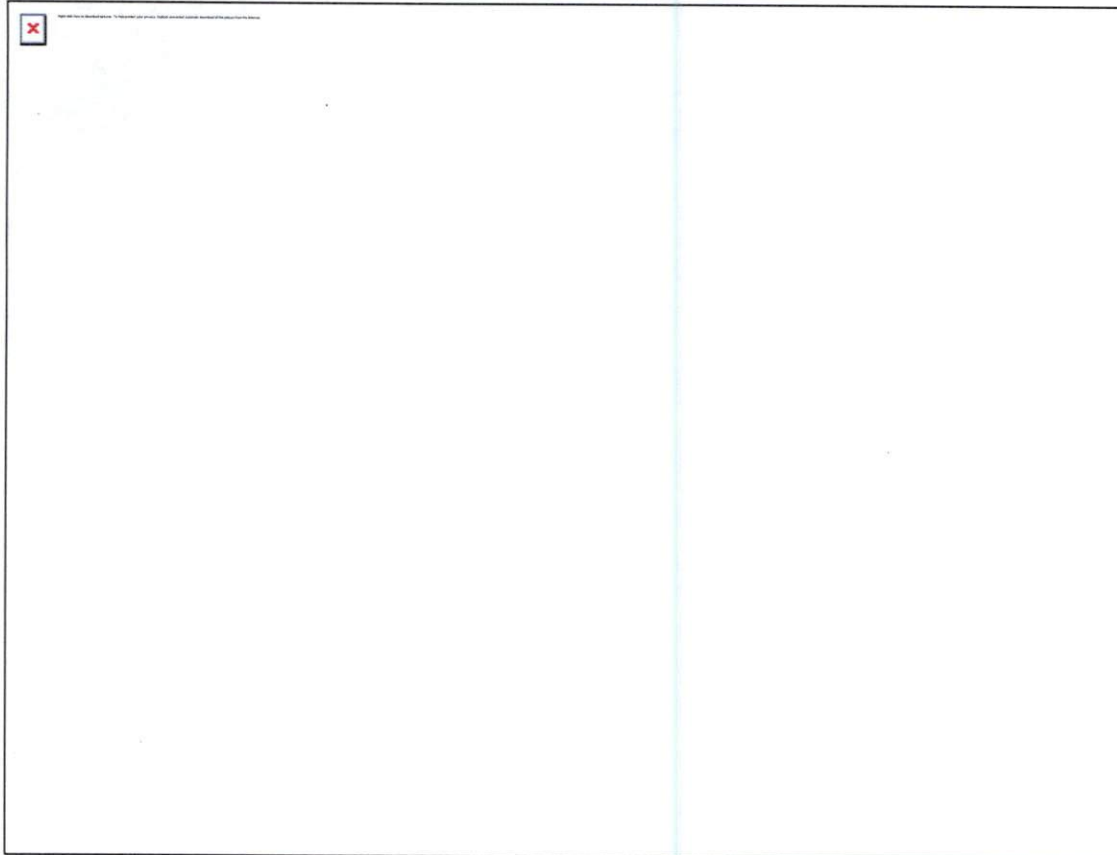
My concerns and opposition to this project (as stated below the photos) remain the same as presented at the July 7, 2016, Humboldt County Planning Commission hearing.

ADDITIONAL NOTE:

Since the Humboldt County Planning Commission's July 7 meeting, the wetland vegetation that I mentioned in my comments regarding this project was mowed to the ground (except for a small patch of willows left uncut on the northwest section of the property that conceal a homeless encampment and a large amount of trash). As evidenced in the Preliminary Wetland Delineation, plants that are wetland indicator species were found on the site, which means that even though the wetland vegetation was destroyed by mowing activities, the site still contains a wetland. The photos below, taken on June 13, 2016, show the size of the willows that were growing

on the property prior to the mowing. A lot of effort was taken to mow this vegetation to the ground, as it was large and woody and covered a good percentage of the lot. When I visited the site on June 13, I stood quietly for a few minutes just to listen to and watch the birds; I was amazed at the number of birds that were using the willows and other vegetation for refuge or foraging purposes. It is unfortunate that someone felt compelled to destroy this vegetation, as it obviously provided important habitat for birds and, certainly, other wildlife, as well.





Below are my concerns and comments regarding my opposition to Dollar General's proposed project:

(1) Interference with Natural Drainage Patterns: The mitigation measures identified in the Humboldt County Planning Dept.'s staff report are insufficient to protect the 150 sq.ft. wetland. The amount of impermeable surfaces that would be introduced to the undeveloped site (including a 9,300 sq. ft. building surrounded by an asphalt parking lot, sidewalks, retaining walls, curbs and gutters), in addition to the grading that would need to be done, will interfere with the drainage patterns and degrade this sensitive wetland. The water that would typically reach the wetland from the surrounding area will not reach it once the site is developed, as a *concrete curb will encircle the wetland buffer to prevent parking area runoff from entering the wetland*. While the staff report states the hydrology of the wetland will be *augmented by roof runoff which is channeled from the rear of the building into a vegetated swale and which overflows into the wetland area through curb openings (figure 1)*, it seems unlikely that water from the roof will be enough to recharge this small wetland. I am also questioning the type of materials that will be used for the roof (the plans were difficult to read) and whether those materials would contain pollutants or if, during the dry season, air-borne pollutants could settle on the roof and then drain into the wetland and degrade the water quality.

(2) Unacceptable Reduction to Buffer Zone: The staff report states that the standard buffer of 100 feet needs to be reduced to allow for this development. Instead of a 100-foot buffer, a setback that varies between 16 to 20 feet (or an average of approx. 17 feet) is being proposed, thus reducing the standard buffer by 83%. Due to the fact that over 90% of wetlands in California have been lost or impacted from development, this wetland should not be compromised to allow for the development of a chain store that does not sell anything that consumers cannot buy at other nearby chain stores (i.e., K-Mart, Walmart, Target, etc.). The problem with reducing the buffer by such a large percentage is that this small wetland, which currently benefits from an undeveloped, vegetated environment, will be almost completely hemmed in by hardscape and man-made structures. While the applicant proposes to plant native plants in the wetland and buffer zone, the rest of the vegetation that currently surrounds the wetland will be paved over and displaced by a 9,300 sq. ft. building. This will drastically reduce the amount of vegetation that exists on the site and provides important habitat for wildlife. Altering this site in such a drastic way, and providing almost no buffer zone, will surely degrade the quality of this wetland and will impact the health and wellbeing of the wildlife that uses or depends on this unique environment. We cannot afford to continue on with this sort of development, as we have so few wetland environments left in coastal California.

(3) Light Pollution: DG proposes to install 2 large illuminated signs (for a total of 291 sq. ft. of lighting) that will be on 7 days a week until 10 p.m. I am assuming the Dollar General sign that will be attached to the building will be illuminated all night long, in addition to the lighting that will be turned on for safety purposes. Since no specific lighting plan was included in the staff report, the public has no way of knowing the extent of the light pollution that will be created by this development and how it will impact wildlife using the wetland, especially species that are nocturnal and require darkness to navigate and forage.

(4) Traffic Congestion/Noise Pollution/Greenhouse Emissions: The traffic predictions about this project are confusing and ambiguous. A memo dated October 8, 2014 (included in the staff report) states: *the typical Dollar General Store is expected to generate approximately 583 daily trips OR 385 'new' daily trips.* [Emphasis added.] However, when you read the Dollar General Humboldt Hills Plan of Operation (also included in the staff report), it says: *We typically have 10-13 trips per hour so the increase in [sic] not significant.* Using the figures of 10 and 13 trips per hour, I calculated there would be 50,400 and 65,520 vehicle trips, respectively, per year. I arrived at those figures by multiplying 10 and 13 vehicles per hour x 14 (the number of store hours) x 30 days/month x 12 months/year. If you compare the vehicle trips mentioned in the October 8 memo with the vehicle trips mentioned in the Plan of Operation, you will see there is a large discrepancy in the forecasted vehicle trips generated by this store. Instead of 50,400 and 65,530 annual vehicle trips, the figures rise dramatically to 138,600 vehicle trips and 209,880 new vehicle trips, respectively, per year. I came up with the latter two figures by multiplying, separately, 385 new daily trips and 583 daily trips x 30 days/month x 12 months/year. These figures do not include the number of large trucks (3 STAA-sized trucks per day) and the unspecified number of smaller delivery trucks that would visit the site. DG is minimizing the impacts from its vehicle and truck traffic on the nearby streets and neighborhoods. The traffic data does not even use traffic studies conducted in California. The data surveys were conducted in Florida in the years 2010, 2011 and 2012. Vehicle and truck traffic has increased in the past 4-6 years, especially since the economy has improved and people are driving more now that gas prices have dropped. In Florida, especially during the years 2011 and 2012, gas prices were around \$3.50 to \$4.00 per gallon (causing people to drive less) compared to current gas prices of around \$2.40 per gallon. The applicant needs to provide current data that is relevant to this area of California in order to adequately address the traffic congestion, noise pollution and greenhouse gas emissions that would be emitted from customer vehicles and delivery trucks (not to mention the increased damage to our roads and danger that these bigger trucks pose to drivers on our rural roads). This tremendous increase in vehicle and truck traffic (and attendant noise pollution and gas emissions) will negatively impact the nearby neighborhoods and community, at large. It will also disturb the wildlife that uses the wetland environment.

(5) Lack of Wildlife Studies: I did not see any studies indicating the type of birds, amphibians, etc. that currently use this wetland. The only studies I saw in the staff report related to the various types of vegetation growing in and around the wetland. A biological evaluation needs to be conducted to assess the types of birds and other wildlife that use the wetland and how those species would be impacted by this development.

(6) CA Coastal Commission Suggestions: In the letter dated August 24, 2014 from Melissa Kraemer of the CA Coastal Commission, Ms. Kraemer mentions: (1) *reducing the amount of proposed hardscape*, (2) *requiring the use of porous pavement rather than traditional asphalt for the proposed parking lot*, and (3) *requiring preservation of native vegetation*. After looking online at images of DG stores, it is apparent the proposed design for this store differs little from the cookie-cutter style stores it has built throughout the U.S. The October 8 memo that is included in the staff report mentions that: *Dollar General Stores are typically stand-alone 9,100 sf retail stores located off of state highways and "Main Streets" in suburban and rural areas.* The stand-alone store proposed for this site is 9,300 sq.ft. (200 sq.ft. bigger than the typical-sized store), which means the applicant made no attempt to decrease the footprint of the store in order to allow for an adequate buffer between the development and wetland. In spite of the suggestion to incorporate a porous pavement into the parking lot design instead of traditional asphalt, it appears that regular asphalt is being used for this parking lot, evidenced by the need to build a curb to encircle the wetland buffer in order to direct pollutant-laden runoff away from the wetland. If a porous surface or paving stones were introduced into the parking lot design, that would allow rain water to percolate into the ground and recharge the wetland. Porous surfaces would also reduce the threat of pollution entering the wetland, as the ground would work to filter out the pollutants. While the plans call for the planting of native plants in and around the wetland, any native plants outside that very small area would be destroyed by the building, parking lot and hardscape surfaces.

(7) Stand-Alone Stores Encourage Single-Driving Trips: Not only will this development degrade a sensitive wetland environment, building stand-alone retail stores, such as the one proposed here, encourages single-driving trips, as this store would not be centrally located or connected to other shopping areas. The only store that DG would be near is the locally owned Country Club Market that would surely suffer due to an inability to compete with DG's corporate bulk-buying power. The money that DG would make from this store would be sent to its headquarters in Tennessee, unlike the market that is owned by the Nogas. Any jobs that would be created by DG could be lost if the Country Club Market was put out of business.

(8) Reduced Walkability/Bikeability: More car and truck traffic diminishes the walkability and bikeability of our communities, as people are intimidated by the inhospitable nature of such an environment. When people drive everywhere, this further exacerbates the obesity problems in this country.

(9) Alternative Building Sites: The staff report states that there is no alternative to this proposed project site, but this is not a true statement. Instead of destroying important (and increasingly rare) wetland habitat, DG should investigate renting space in the Bayshore Mall, as there is plenty of space available for new retail stores. By filling up the Bayshore Mall with different retailers, shoppers are provided with the opportunity to consolidate their shopping trips versus driving, specifically, to stand-alone stores such as the one that DG proposes to build.

Upon further examination of the staff report regarding the above-mentioned project, I have concerns about Conditions of Approval 14 and 19 re: the stormwater issue (MS4 Program) and the issue regarding the statement that this project would not harm fish and wildlife.

Additional Comments Re: Conditions of Approval 14 and 19:

Under Condition of Approval 14, it says: *The applicant shall submit a Drainage Plan for approval by the Department of Public Works that incorporates Low Impact Development techniques into the project design in a manner complementary to the requirements of COA #3 (oil-water filtration) and COA #4 (stormwater detention). The Drainage Plan shall comply with the standards of a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. The purpose of these combined measures is to maximize the retention of storm water on site such that pollutant-laden runoff from the proposed new parking lot and other impermeable surfaces does not degrade surrounding coastal wetlands and waters. (p. 13 of staff report)*

MY COMMENTS RE: COA #14, ABOVE: The Drainage Plan must be presented to the Planning Commissioners, so they know what they are approving, and also to the public so that we have a complete picture of what is being proposed and how the impacts will be mitigated. **Allowing the Drainage Plan to be approved by the Public Works Department (after review and approval of the project) deprives the public of the information we need to be properly informed about the true impacts of this project on a sensitive wetland.** Other than the plan to direct roof runoff into a channel and vegetated swale to overflow into the wetland through curb openings, I have seen no other plans that incorporate LID techniques into this project. Roof runoff may replenish the wetland somewhat, but the wetland is still being deprived of the runoff it would normally receive if the site was not hemmed in by asphalt, pavement and a large building. Diverting contaminated runoff away from the wetland only serves to deprive the wetland of the water it needs to stay healthy and functioning, which would, in turn, harm wildlife.

Under Condition of Approval 19, it says: *Within five (5) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,260.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. The fee is effective through December 31, 2016 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website [at www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination that the project will have no effect on fish and wildlife. [Emphasis Added] If DFW concurs, a form will be provided exempting the project from the \$2,210.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. (p. 14 of staff report)*

MY COMMENTS RE: 19, ABOVE: A wildlife study needs to be prepared prior to approval of this project, as the Planning Commissioners and public members are in the dark about what wildlife is using the wetland and may be impacted by this project. Allowing the applicant to **simply make a phone call to DFW's office in Sacramento** (to a person that has not even visited the site or evaluated the impacts)--**with no records of what was discussed or how the determination was made that the project will have no effect on fish and wildlife**--means the public review process is being circumvented and the Planning Commissioners and public members are being deprived of the information they need to be properly informed about the true impacts of this project.

Due to my aforementioned concerns, I am respectfully asking the Board of Supervisors to uphold the appeal, thus denying the project, until further information is provided about the true impacts of this development and more efforts are made by the applicant to reduce the impacts this project would have on a sensitive wetland environment, including consideration of an alternative site for their store (i.e., Bayshore Mall and other vacant retail space in Eureka).

Sincerely,
Kimberly Tays