



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: October 17, 2019

To: John H. Ford Humboldt County Zoning Administrator

From: Steve Werner, Supervising Planner

Subject: **VIP Boarding and Daycare**  
Coastal Development Permit and Conditional Use Permit Modification  
Case Number PLN-2018-15184  
Assessor's Parcel Number (APN) 507-271-026  
5601 Heindon Road, Arcata Area

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Please contact Alyssa Suarez, Planner, at 707-268-3703, or by email at [asuarez@co.humboldt.ca.us](mailto:asuarez@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

To: John H. Ford, Director of Planning and Building Department

From: Steve Werner, Supervising Planner

Effective Date	Subject	Contact
October 17, 2019	Coastal Development Permit Modification Conditional Use Permit Modification	Alyssa Suarez

**Project:** A modification to a previously approved Coastal Development Permit (CDP) and Conditional Use Permit (CUP) for an after-the-fact installation of four (4) metal containers to be used as agricultural storage. This project is a modification to CDP-40-87M and CUP-27-87M to cure a notice of violation (Case# 17CEU-473). The original Coastal Development Permit and Conditional Use Permit was for the construction of a kennel facility. A previous modification to the CDP and CUP allowed for a holding capacity increase to support more animals and equipment. No additional development is proposed.

**Project Location:** This project is located in the Arcata area, on the east side of Heindon Road, approximately 1,900 feet south of the intersection of Heindon Road and Janes Road in Section 17, Township 6 North, Range 1 East, on the property known as 5601 Heindon Road.

**Present Plan Land Use Designations:** Agriculture Exclusive/Prime and Non-prime Lands (AE), Humboldt Bay Area Plan (HBAP), Density: Density range is 20 to 60 acres per unit, Slope Stability: Relatively Stable (0).

**Present Zoning:** Agricultural Exclusive, 60 acres per dwelling unit, Flood Hazard Area combining zone (AE-60/F).

**Case Numbers:** PLN-2018-15184

**Assessor Parcel Numbers:** 507-271-026

**Applicant:**

VIP Boarding and Daycare  
C/O Genna Dove  
5601 Heindon Road  
Arcata, CA 95521

**Owner:**

Same as Applicant

**Agent:**

None

**Environmental Review:** CEQA Exemption Section: 15303- New Construction/Conversion Small Structures.

**Major Issues:** None.

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

**VIP BOARDING AND DAYCARE**  
**COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT MODIFICATION**  
Case No. PLN-2018-15184 (Original Case No: CDP-40-87M and CUP-27-87M)  
APN 507-271-026

**Recommended Zoning Administrator 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 applications as a part of the consent agenda:

*Find the proposed project consistent with Section 15303 (Categorical Exemption) of the CEQA Guidelines and make all of the required findings for approval of the Coastal Development Permit/Conditional Use Permit Modification based on evidence in the staff report and any public testimony, and adopt the Resolution approving the VIP Boarding and Daycare Coastal Development Permit and Conditional Use Permit Modification subject to the recommended conditions.*

**EXECUTIVE SUMMARY:** The applicant requests a Modification to a previously approved Coastal Development Permit (CDP) and Conditional Use Permit (CUP) for an after-the-fact installation of four (4) metal containers to be used as agricultural storage. This project is a modification to CDP-40-87M and CUP-27-87M to cure a Notice of Violation (Case #17CEU-473). The original Coastal Development Permit and Conditional Use Permit was for the construction of a kennel facility. A previous modification to the CDP and CUP allowed for a kennel expansion to support more animals and equipment. No further development is proposed.

The property is currently operated under two modified, discretionary permits. The original permits (CDP- 40-87/CUP-27-87) issued in 1987 authorized development of a 28' x 80' building to house dog kennel and outside runs, an 18' x 28' two-story cat boarding/office building, parking lot for five (5) cars, two (2) appurtenant signs totaling 72 sq. ft., and an on-site sewage disposal system. The permit was conditioned to limit retail sales from the premises. A Negative Declaration was approved for the project.

The owner/operator requested a modification to the issued permits in 1998. This modification sought to expand the kennel and boarding operation. A Plan of Operations described the then-current use as a kennel for 40 dogs and 10 pens for cat boarding. The modification (CDP-40-87M/CUP-27-87M) was granted and authorized: 1) an expansion of the facility by 30 additional dog runs; 2) additional storage for food, tools and equipment; 3) a small holding kennel with 12 dog runs; and 4) development of an additional 1,000 sq. ft. of parking.

The subject parcel is located within the Agriculture Exclusive (AE) zone, and Flood Hazard Area (F) combining zone. The project is located within the 100-year mapped flood plain and is subject to the requirements of Humboldt County Code Section 335-5, Provisions for Flood Hazard Reduction. Correspondence with the Building Division has confirmed the applicant is required to submit floorplans showing the electrical layout of the storage containers, and required flood documents, as part of the Building permit.

The project is consistent with the Humboldt Bay Area Plan (HBAP) and the Humboldt County Zoning Code for the following reasons: 1) the project is for an after-the-fact installation of four shipping containers for agricultural storage which is a use consistent with the Agricultural Exclusive land use designation, 2) the proposed development complies with all development standards of the zone, and 3) the proposed development will not have adverse impacts on the neighborhood or the

environment. The Department believes that the proposed project may be found Categorically Exempt from environmental review pursuant to Section 15303(d) of the CEQA Guidelines (New Construction or Conversion of Small Structures) because the four storage unit containers are accessory to the boarding and animal day care use.

Based upon the review of Planning Division reference sources, and comments from all responding referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit and Conditional Use Permit Modification.

**ALTERNATIVES:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are 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 ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 19-**

**Case Number PLN-2018-15184  
Assessor's Parcel Number 507-271-026**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Coastal Development Permit.

**WHEREAS**, Genna Dove, submitted an application and evidence in support of approving a Coastal Development Permit and Conditional Use Permit Modification; and

**WHEREAS**, the County Planning and Building Department 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**, pursuant to Section 15303, Humboldt County Planning and Building Department, makes a CEQA determination that the project is Categorically Exempt; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit and Conditional Use Permit Modification (Case No. PLN-2018-15184); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 17, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Zoning Administrator that:

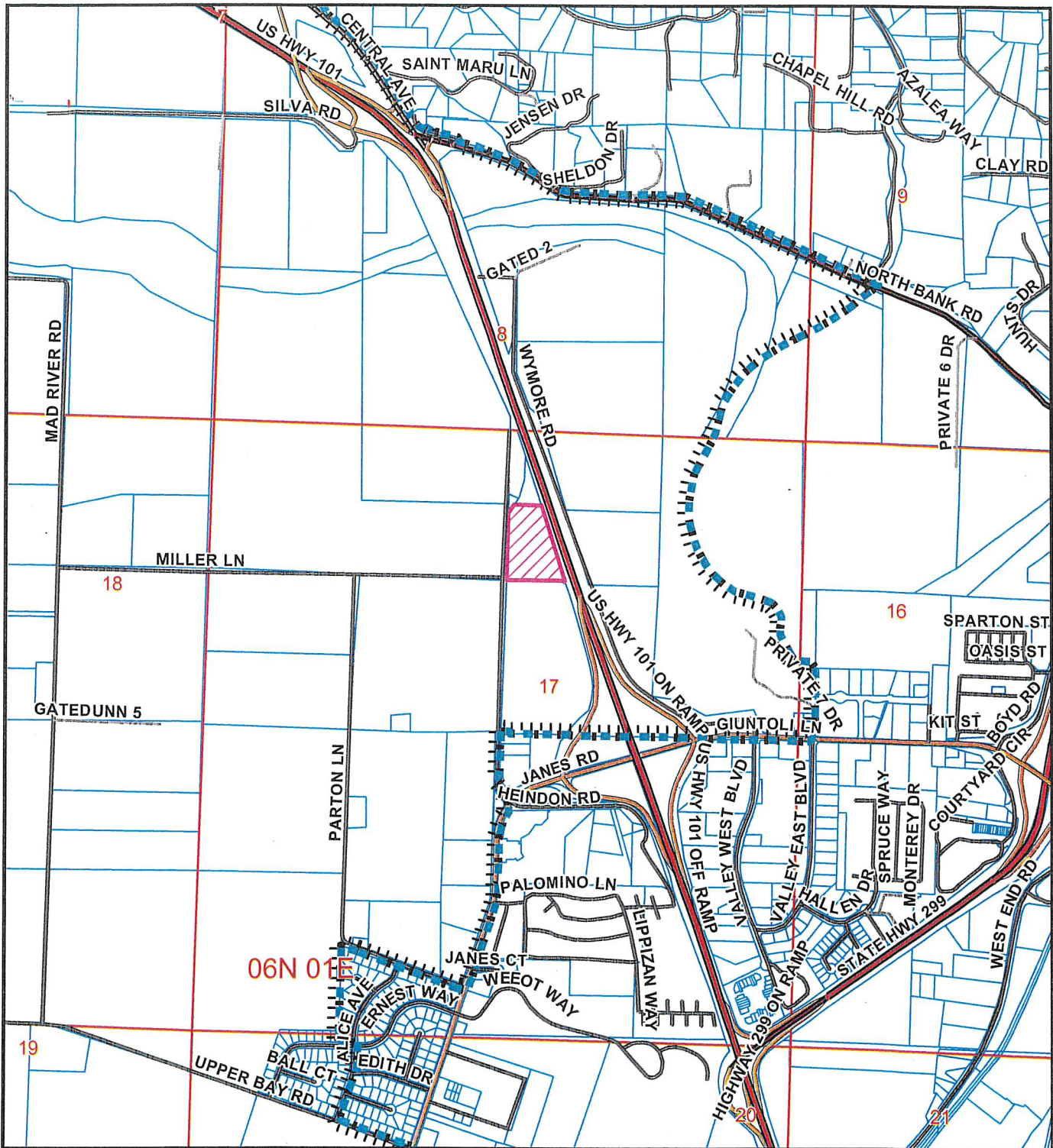
1. The proposed project is exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number PLN-2018-15184 based on the submitted evidence; and
3. Approves the Coastal Development Permit and Conditional Use Permit Modification, Case Number PLN-2018-15184 as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on October 17, 2019.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John Ford, Zoning Administrator



### LOCATION MAP

### PROPOSED VIP BOARDING & DAYCARE COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT MODIFICATION

ARCATA AREA

PLN-2018-15184

APN: 507-271-026

T06N R01E S17 HB&M (Arcata North)

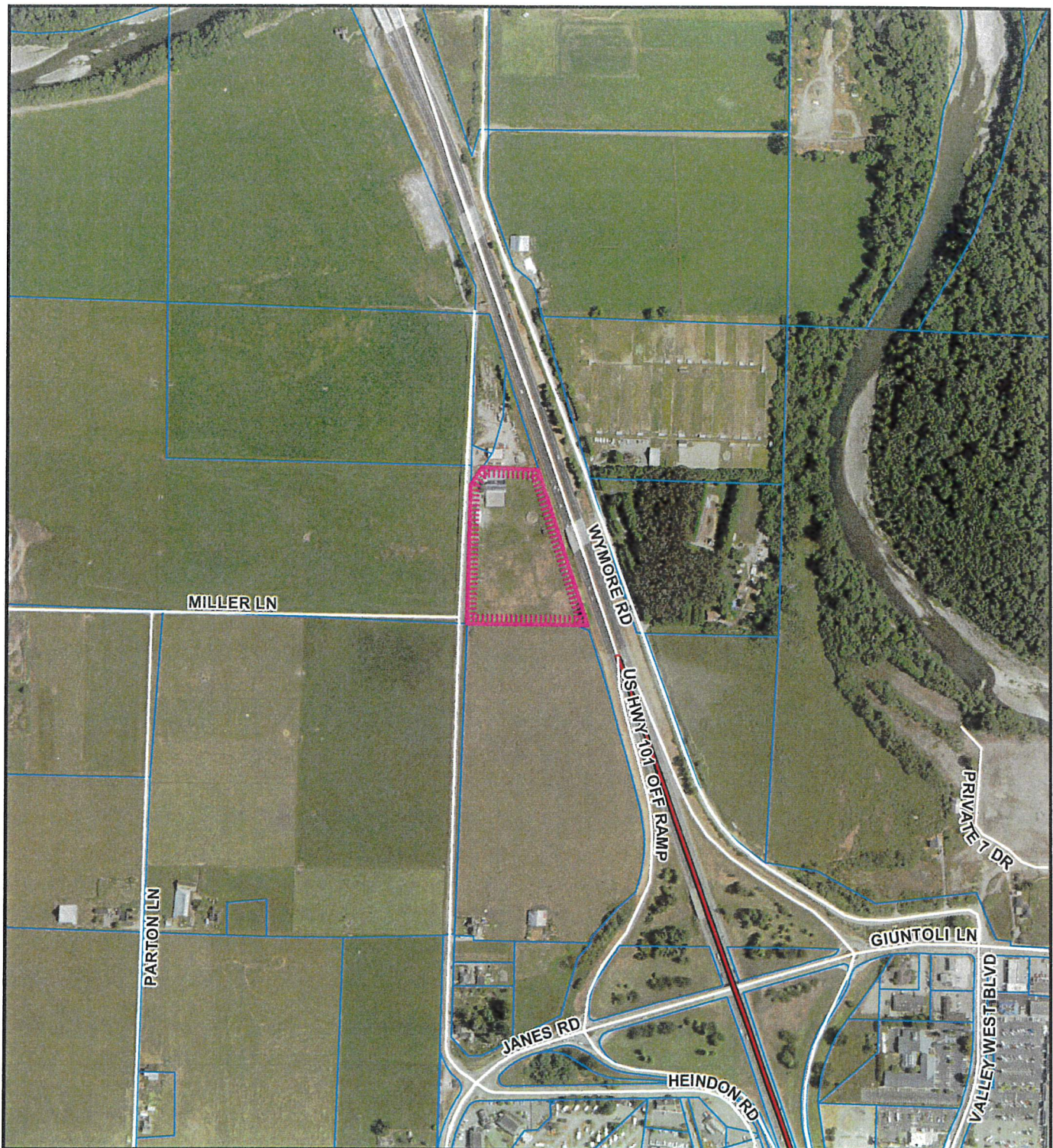
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 0.25  
Miles





## AERIAL MAP

### PROPOSED VIP BOARDING & DAYCARE COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT MODIFICATION

ARCATA AREA

PLN-2018-15184

APN: 507-271-026

T06N R01E S17 HB&M (Arcata North)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750  
Feet



PTN OF N½ SEC 17 6N1E

507--27

T.C.A. 103-01

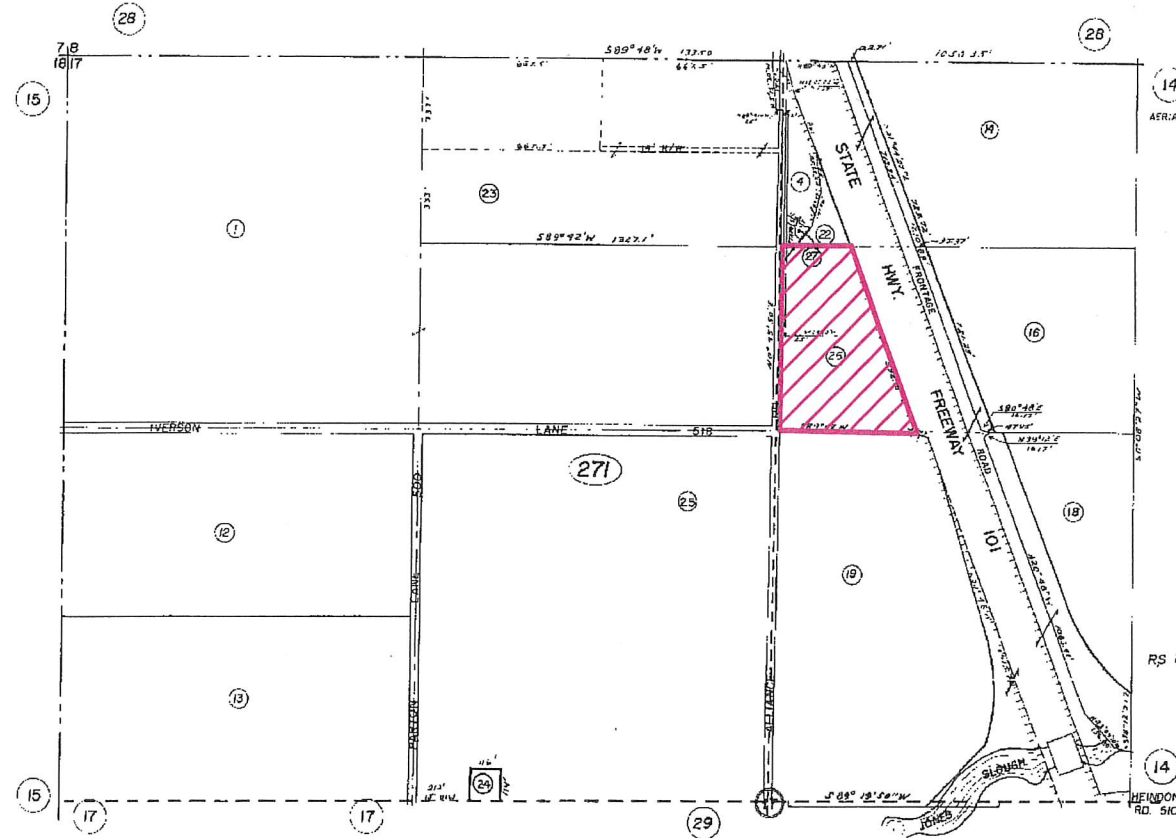
1" = 300'

REV. 1/28/60

LS 28 P 44

AERIAL PHOTO: CGF 2-18-126

RS Bk. 57, Pg. 68



# ASSESSOR PARCEL MAP

PROPOSED VIP BOARDING & DAYCARE  
COASTAL DEVELOPMENT PERMIT &  
CONDITIONAL USE PERMIT MODIFICATION

ARCATA AREA

PLN-2018-15184

APN: 507-271-026

T06N R01E S17 HB&M (Arcata North)

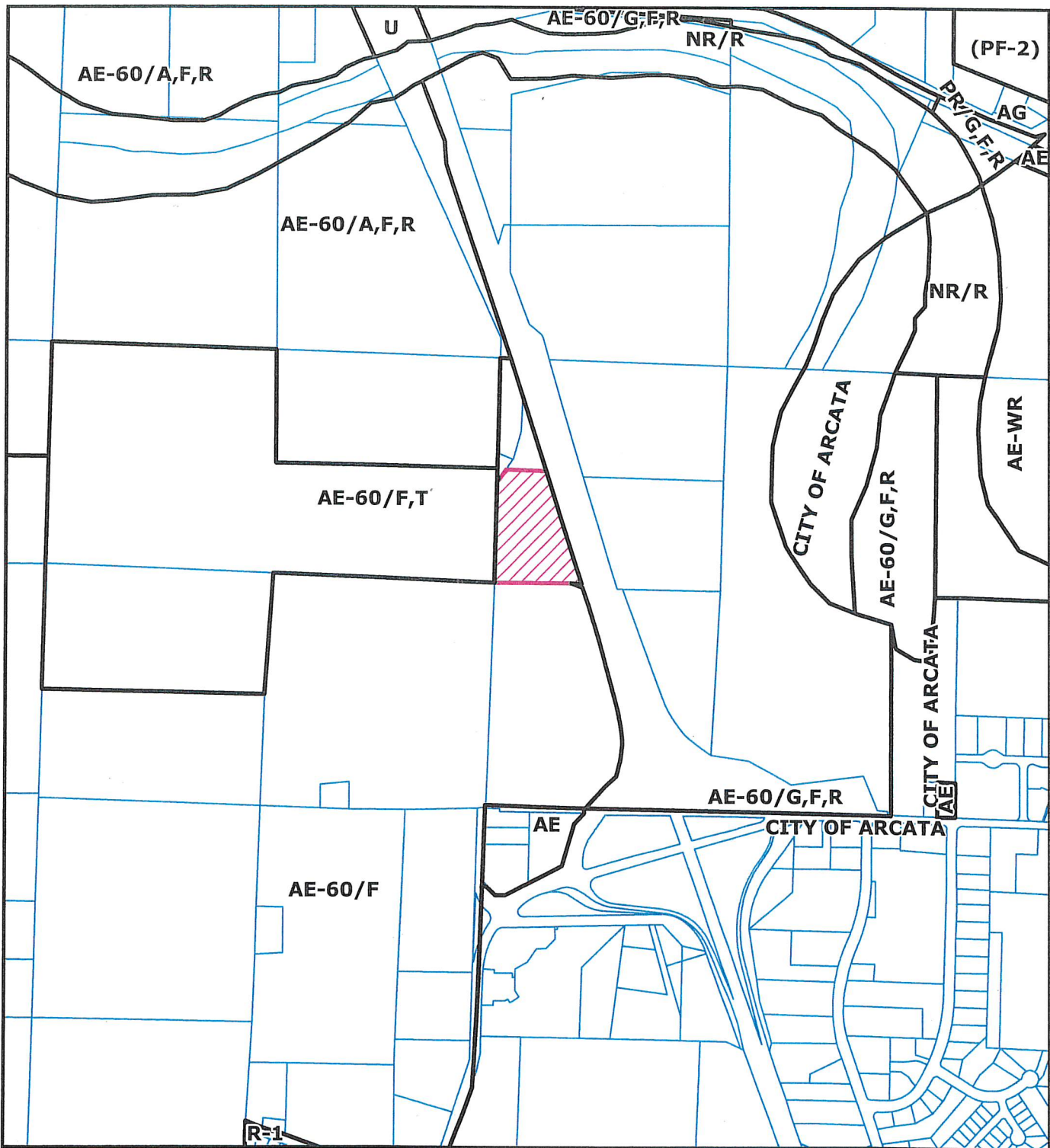
Project Area = 

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.



MAP NOT TO SCALE





## ZONING MAP

### PROPOSED VIP BOARDING & DAYCARE COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT MODIFICATION

ARCATA AREA  
PLN-2018-15184

APN: 507-271-026

T06N R01E S17 HB&M (Arcata North)

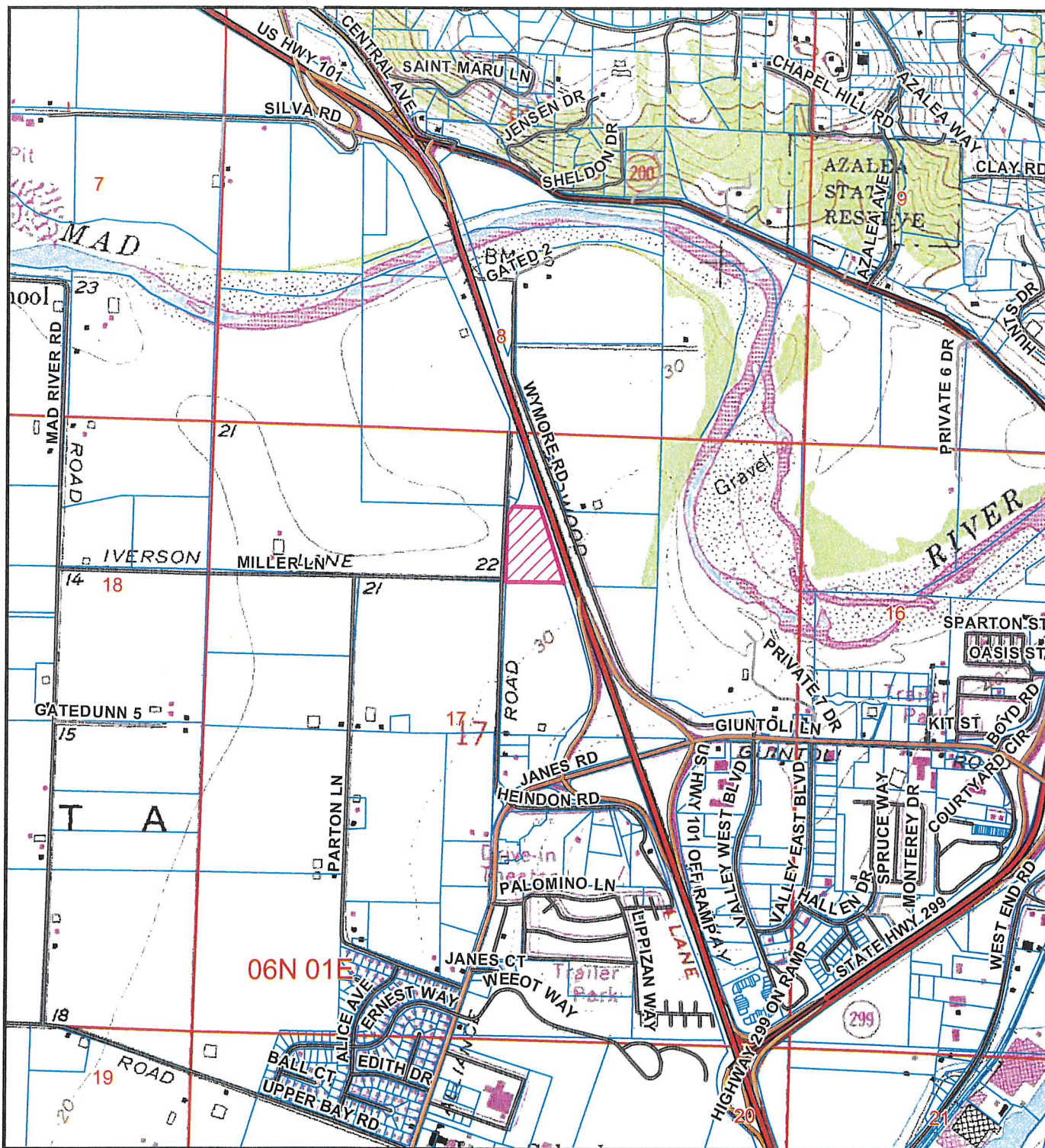
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750 1,000  
Feet





# TOPO MAP

## PROPOSED VIP BOARDING & DAYCARE COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT MODIFICATION

ARCATA AREA  
PLN-2018-15184

APN: 507-271-026

T06N R01E S17 HB&M (Arcata North)


Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

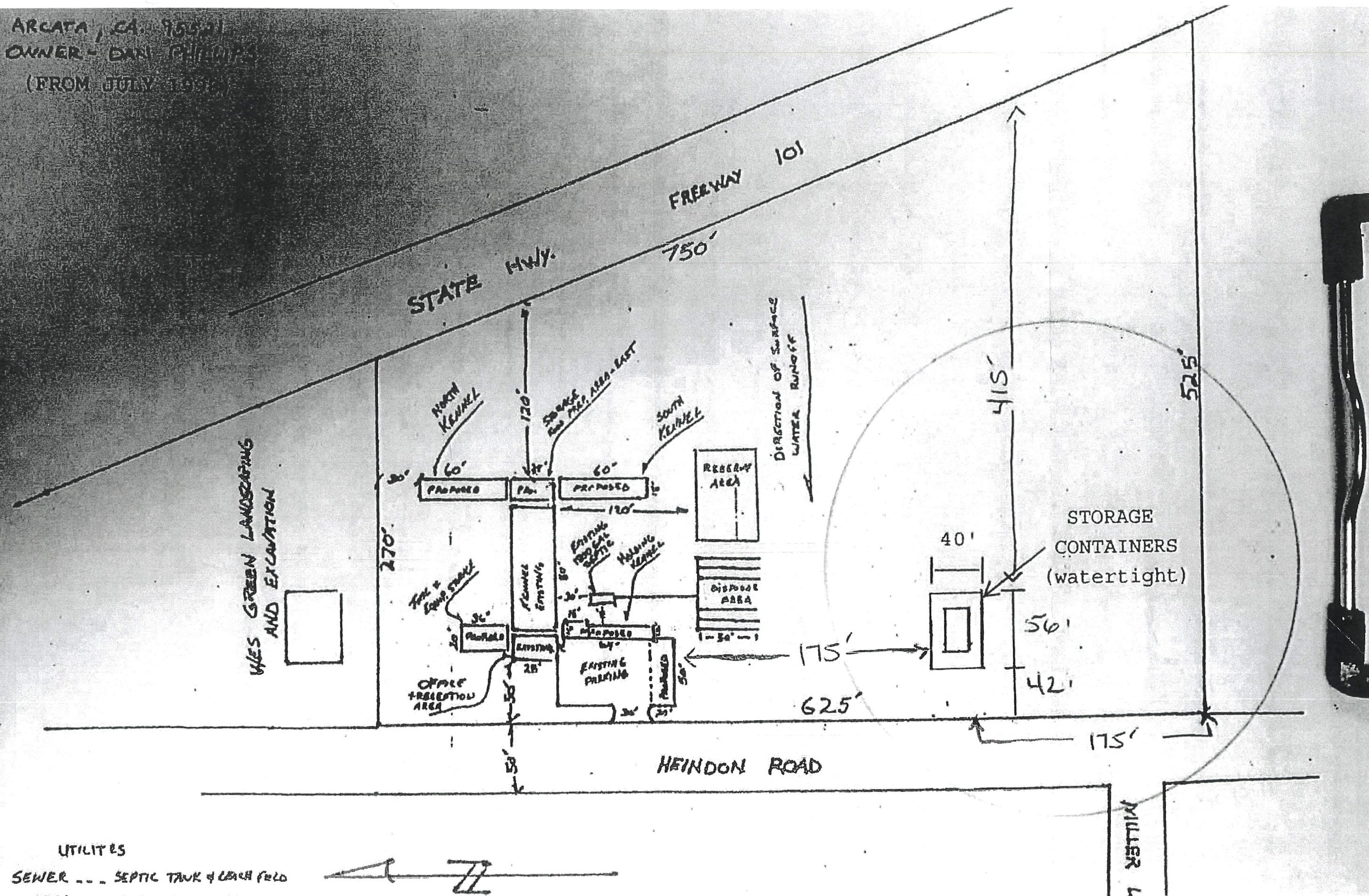


0 0.25 Miles





ARCATA, CA. 95521  
OWNER - DAN PHILLIPS  
(FROM JULY 1998)



## UTILITIES

SEWER . . . SEPTIC TANK &amp; LACH FIELD



**ATTACHMENT 1**  
**RECOMMENDED CONDITIONS OF APPROVAL**

Approval of the Coastal Development Permit and Conditional Use Permit Modification is conditioned on the following terms and requirements which must be satisfied before a building permit may be issued or use initiated.

1. **The original conditions of approval shall remain in full force and effect and are not affected by this modification.**
2. Applicant must apply for and obtain an encroachment permit for the rural driveway on Heindon Road. The permit will require the applicant to construct a driveway entrance surfaced with asphalt concrete or as approved by the Department of Public Works. [reference: County Code§ 411-11 (a)(b)]
3. The surfaced area shall extend a minimum of 25 feet back from the edge of the existing roadway pavement and be flared a minimum of 30 feet at the intersection with the County road. The driveway shall intersect the County road at a 90 angle. The driveway grade shall not exceed 2% in the first 20 feet. [reference: County Code§ 313-109.1.3.2.5 and 411-51 (b)(3)]
4. All parking must be developed on-site, or applicant must construct a parking lane along the County road in a manner approved by this Department. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code§ 313-109.1 et seq.]
5. Applicant shall install a 15-inch minimum diameter culvert under the driveway to meet County standards. The owner is responsible for maintenance of the driveway culvert pipe. [reference: County Code § 411-51 (d)(3)]
6. Storm water runoff from the driveway or building site shall not be channeled or directed to flow across the traveled section of the County roadway. Drainage shall be contained at the edge of the County road surface. Applicant shall be responsible to correct any involved drainage problems to the satisfaction of the Department of Public Works.
7. Site visibility must be maintained at the driveway approach in conformance with County Code. [reference: County Code§ 341-1 et seq.]

**Ongoing Requirements/Development Restrictions which Must be Satisfied for the Life of the Project:**

1. The project shall be conducted in accordance with the project description and approved project site plan.

**Informational Notes:**

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to



be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

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

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. The applicant is responsible for meeting all of the requirements of the Building Permit relating to the Flood Hazard Area.
4. 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.
5. New development to require permit. Any new development as defined by Section 313-139.6 of the Humboldt County Code, shall require a Coastal Development Permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.

**ATTACHMENT 2**  
**STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS**

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

The County Zoning Ordinance, Section 312-17 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 Modification:

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;
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.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a) is categorically or statutorily exempt; or
  - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

## STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

**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 General Plan (GP) and Humboldt Bay Area (HBAP).

Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §4.10 (HBAP)	The purpose of the Agriculture Exclusive (AE) designation applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character.	The project is a modification to a previously approved CDP and CUP to allow an after-the-fact installation of four metal storage containers to be used as agricultural storage. The project is consistent with the land use designation with the CDP/CUP modification.
Housing §3.28 (HBAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	This project does not create nor eliminate any housing opportunities. This parcel was not included in the Housing Inventory, and no housing development is proposed.
Hazards §3.29 (HBAP)	New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard.	The project site is located in a geologic area designated relatively stable. The parcel is located outside of any fire hazard severity areas, and located within the Arcata Fire Protection District. According to FEMA FIRM Map #06023C 0687F, the parcel is located within Zone AE, a 100-year flood zone. The applicant is required to meet all of the Building permit requirements in relation to the Flood Hazard Area.
Resource Protection §3.30 (HBAP)	Protect designated sensitive and critical resource habitats.	According to County mapped resources, the southwestern portion of the parcel includes freshwater emergent wetlands. The existing storage containers are located over 100 feet (approximately 130 feet) north of the mapped wetlands. According to the California Natural Diversity Database, no sensitive or threatened species are associated with the parcel. The original project was referred to the Department of Fish and Game who recommended a conditional approval. All responding referral agencies approved or conditionally approved the project. No threats to biological resources are anticipated.



Archaeological and Paleontological Resources §3.18 (HBAP)	Protect cultural, archaeological and paleontological resources.	The previous permit modifications were referred to the Northwest Information Center for cultural resource review. No cultural resources were associated with the parcel, and further studies were not recommended. No ground disturbance is required for the project. The Standard Inadvertent Discovery Protocol has been added to the Conditions of Approval.
Visual Resource §3.40 (HBAP)	Protect and conserve scenic and visual qualities of coastal areas.	The parcel is not located in a designated coastal view or scenic area; therefore, it will not have an impact on visual qualities of coastal areas.

**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
§ 313-6.2 (AE) Agriculture Exclusive	The purpose of the Agriculture Exclusive (AE) designation is to protect prime and non-prime agricultural lands for long term productive agricultural uses.	The project is an-after-the fact installation of four metal storage containers that will be used as agricultural storage. The project is consistent with the uses in the AE Zone with a modification to the previously approved CDP and CUP.
Min. Lot Size	60 acres	5.51 acres (legal nonconforming)
Min. Lot Width	None Specified	Approximately 490 feet
Max. Density	None Specified	No dwellings are proposed
Max. Lot Depth	None Specified	Approximately 242 feet
Yard Setbacks	<u>Front:</u> 20 feet <u>Rear:</u> 30 feet <u>Interior Side:</u> 30 feet <u>Exterior Side:</u> 20 feet	<u>Front:</u> 42 feet <u>Rear:</u> 120 feet <u>Interior Side:</u> 30 feet <u>Exterior Side:</u> 175 feet
Max. Lot Coverage	None Specified	Approximately 10%
Max. Bldg. Height	None Specified	N/A
<b>Combining Zones</b>		



<p>§313-21.1 (F) Flood Hazard Areas</p>	<p>The purpose of these regulations is to minimize public and private losses due to flood and tsunami conditions in specific areas of the County.</p>	<p>According to FEMA FIRM Map #06023C 0687F, the parcel is located within Zone AE, a 100-year flood zone. The applicant is required to comply with County Code 335-5 and any requirements in the Building permit. This requirement has been included in the Conditions of Approval.</p>
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**4. Public Health, Safety and Welfare, and 5. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare, or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.	All responding referral agencies have conditionally approved the proposed project, and the applicant has demonstrated compliance with all development standards. The proposed project is not expected to impact public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.
§15303 of CEQA	Categorically exempt from State environmental review.	The project is a modification to a previously approved CDP and CUP to allow an after-the-fact installation of four metal shipping containers to be used as agricultural storage. The project is categorically exempt from environmental review pursuant to Section 15303 - New Construction/Conversion Small Structures. None of the exceptions to the exemptions per Section 15300.2 of the CEQA Guidelines apply.

**ATTACHMENT 3**  
**APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

Attachment 4 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]
- Plot Plan [attached with maps]
- Grant deed [in file]

**ATTACHMENT 4**  
**REFERRAL AGENCY COMMENTS AND RECOMMENDATION**

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>On File</b>
County Building Inspection Division			
County P/W, Land Use Division	✓	Conditional Approval	
County Division of Environmental Health	✓	Conditional Approval	
County Counsel			
California Coastal Commission			