

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

Resolution Number: 24-029

Record Number: PLN-2024-18906

Assessor's Parcel Number: 520-142-009

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the RPL Investors, LLC, Coastal Development Permit, Conditional Use Permit and Special Permit Extension.

WHEREAS, RPL Investors, LLC, has submitted an application and evidence in support of approving a two-year extension of an approved Coastal Development Permit, Conditional Use Permit, and Special Permit (CDP-14-016) for an RV park and associated facilities in the Orick area; and

WHEREAS, the Planning Commission adopted a Mitigated Negative Declaration (MND; SCH# 2014062025) in November 2014 for the project as required by Section 15074(b) of the CEQA Guidelines and found that there is no substantial evidence that the proposed project will have a significant effect on the environment, and no new information or changes to the project or the circumstances under which the project is to be undertaken have become available necessitating the preparation of a subsequent MND pursuant to Section 15162 of the State CEQA Guidelines; and

WHEREAS, Section 312-11.3 provides the authority for the Hearing Officer to approve extensions of approved permits; and

WHEREAS, the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit, Conditional Use Permit and Special Permit Extension (PLN-2024-18906); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on June 6, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit, Conditional Use Permit and Special Permit Extension, and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

A fifth two-year extension of a permitted Coastal Development Permit, Conditional Use Permit and Special Permit (CDP-14-016) for a 152-unit transient habitation facility (special occupancy park), to include: a campground, RV Park, Lodge (commercial center), and gas station. The special occupancy park will include 82 RV sites, 48 tent camping sites, 12 park model cabins, 10 cottages, 3 bathhouses, internal trails connecting to the existing Redwood Creek Levee Trail, an open playing field, and a commercial center constructed in a traditional lodge building style. The commercial center will include the resort activity center, administrative offices, a deli and convenience store/gift shop, a touring center, and gas station. An existing residence will remain and be used as a caretaker's residence and office space. A 2,076 square foot maintenance barn will be constructed to the north of the residence and will house the wastewater treatment system operations and maintenance area. The on-site sewage disposal system proposed will be suitable for processing approximately 19,500 gallons of waste per day. The primary leach field will be located near the existing house. Water will be provided by the Orick Community Services District. All utility lines will be underground. The resort will host up to 12 special events per year such as weddings, celebrations, family reunions, school/youth field trips, and small musical productions. Events will generate a maximum of 100 attendees who are not staying on site and may be held between the hours of 12 PM and 9 PM. To meet this demand 50 parking spaces are proposed in addition to those required by the other facilities (277 parking spaces). A Special Permit is included to establish parking for a non-enumerated use. Wetland 1 located at the base of the Redwood Creek Levee is partially located within the Coastal Zone. This wetland will not be altered as a result of the project. Other non-coastal wetlands (2 through 5) on site are NWI wetlands and will be filled to facilitate the project. Wetland fill will be mitigated by wetland creation and enhancement, to be implemented at a 2:1 ratio on the coastal portion of the site adjacent to the existing wetland within the 100-foot wetland setback area. Proposed on-site signage will include up to three monument signs that will be backlit or illuminated with down- shielding lighting. No changes to the project are proposed. If approved, the Coastal Development Permit, Conditional Use Permit, and Special Permit will expire on November 6, 2025.

EVIDENCE:

- a) Project Files: CDP-14-016 and PLN-2024-18906

2. FINDING: **CEQA:** The Mitigated Negative Declaration was adopted for the project as required by Section 15074(b) of the CEQA Guidelines and no new information or changes to the project or the circumstances under which the project is to be undertaken have become available necessitating the preparation of a subsequent MND pursuant to Section 15162 of the State CEQA Guidelines.

EVIDENCE: a) Initial Study and Mitigated Negative Declaration State Clearinghouse Number (SCH) #2014062025 has not changed.

FINDINGS FOR EXTENSION OF AN APPROVAL OF A DEVELOPMENT PERMIT OR VARIANCE

3. FINDING: The development has not changed from that for which the permit or variance was granted.

EVIDENCE: a) The site plan and project description have not changed from what was approved as PLN-2020-16320 on October 2, 2014 (Resolution 14-31).

4. FINDING: The General Plan Land Use designation for which a consistency finding was made has not changed.

EVIDENCE: a) The parcel is planned Commercial Recreation (CR). This designation has not been changed for the affected property.

5. FINDING: The zoning and associated development standards for which conformance findings were made has not changed.

EVIDENCE: a) The parcel is zoned Highway Service Commercial, Qualified, and Design Control (CH-Q-D); and Commercial Recreation and Design Review (CR/D). The zoning designations and development standards have not changed from when the project was previously approved.

6. FINDING: All other standards and requirements to which the project is subject to and as administered by other departments or agencies have not changed.

EVIDENCE: a) There is no evidence that the standards and requirements to which the project is subject to and as administered by other departments or agencies have changed.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Approve the Coastal Development Permit, Conditional Use Permit, and Special Permit Extension, subject to the original conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence **June 6, 2024.**

The motion was made by COMMISSIONER Noah Levy and second by COMMISSIONER Jerome Qiriaz and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Jerome Qiriaz, Peggy O'Neill, Lorna McFarlane

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Thomas Mulder, Sarah West

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 5/0

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

ATTACHMENT 1
ORIGINAL CONDITIONS OF APPROVAL
(As modified by the Planning Commission on 10-2-14)

Approval of the Extensions for the Coastal Development Permit, Conditional Use Permit and Special Permit is conditioned upon the following terms and requirements which must be fulfilled before a grading permit may be issued or use initiated.

1. Prior to hearing, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,231.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Wildlife Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2014 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,181.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Wildlife Code).

2. Grading plans submitted for approval shall conform to the approved site plan and Plan of Operations on file with the Planning Division. Grading plans shall also show the use of Best Management Practices to reduce the potential from soil erosion from the site.
3. The applicant shall submit a letter from the Regional Water Quality Control Board that the proposed project meets their concerns and permit requirements.
4. The applicant shall submit a letter from U. S. Army Corps of Engineers that the proposed project meets their concerns and permit requirements.
5. The applicant shall comply with the requirements of the Department of Public Works Memorandum dated May 14, 2014, including the requirement to secure the necessary Encroachment Permit and coordinate with Caltrans regarding overflow from the bioswale.
6. During project development the applicant shall abide by the mitigation measures contained in the cultural resource investigation prepared by Nick Angeloff for the Site.
7. The applicant shall prepare a Trash Management Plan as it relates to corvids (e.g. jays, crows, and ravens) and submit evidence to the County Planning Division that the plan has been reviewed and approved by the California Department of Fish and Wildlife.
8. All lighting on the project site shall be fully shielded so that it does not extend beyond the project boundaries.
9. The applicant shall incorporate LID stormwater management in the design of stormwater facilities and shall use native and/or non-invasive plants in landscaping.

10. Any work done within the State right-of-way will require an encroachment permit from the Caltrans District 1 Permits Office. The applicant shall provide evidence to the Planning Division that such work has been approved by Caltrans.
11. A landscaping plan shall be provided to the satisfaction of the Planning Division. At a minimum, the landscaping plan shall include native and/or non-invasive tree and shrub species, which are drought resistant and are non-pyrophilic, and identify the location, type (by species and common name), size, method for irrigation, and maintenance program, including replacement of plantings over time. Landscaping shall not affect visibility and shall conform to the visibility ordinance as required by the Department of Public Works and Caltrans.
12. The project shall demonstrate conformance with the approved Mitigated Negative Declaration and the Mitigation and Monitoring Program. In addition, the applicant shall submit to the Planning Director annual follow-up reports prepared by a qualified biologist that verifies whether or not: a) the mitigations BIO-7, BIO-8 and BIO-9 in the Mitigated Negative Declaration (page 17) were adhered to, and b) the success of the Wetland Mitigation Plan in BIO-9. A minimum of three (3) years of monitoring report shall be provided to address the success of wetland construction. Verification that necessary measures were completed shall be submitted for the Planning Director's review. A written contract for services and cost estimate for this monitoring work shall be provided to the Department prior to initiation of work. A performance bond may be required by the Planning Director.

On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The site shall be developed and used in conformance with the approved Project Description, Plan of Operations, Site Plan and the Mitigated Negative Declaration. Changes to the approved project, except for Minor Deviations as allowed pursuant to Section 312-11 of the Zoning Regulations, shall require prior approval by the Planning Division and may necessitate a modification to this permit.

Informational Notes:

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

The applicant is ultimately 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. 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.
4. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), 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.
5. The applicant will need to apply for an "encroachment" permit from the Humboldt County Department of Public Works for the proposed trail connections within the levee right-of-way. Issuance of an "encroachment" permit will require concurrence from the U.S. Army Corps of Engineers.