

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

Resolution Number: 26-

Record Number: PLN-19393

Assessor's Parcel Numbers: 302-181-012, 302-181-022, 302-181-028, 302-181-029, 302-181-032, 302-181-041, 302-181-042, 304-092-015, 304-171-001, 304-171-002, 304-181-001, 304-181-002, 304-181-005, 304-191-001, 304-191-002, 304-201-001, 304-211-003, 304-211-006, 304-221-002, 304-221-003, 304-221-004, 305-021-006, 305-021-007, 305-021-009, 305-021-010, 305-021-011, 305-031-001, 305-031-002, 305-031-006, 305-031-007, 305-031-008, 305-031-009, 305-031-010, 305-031-011, 305-031-012, 305-031-013, 305-041-030, 305-041-031, 305-041-051, 305-121-005, 305-121-006, 305-121-007, 305-181-004

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Elk River Estuary (Planning Area 1) Restoration Project Conditional Use Permit

WHEREAS, California Trout Inc. provided an application and evidence in support of approving a Conditional Use Permit for conducting habitat restoration activities on 43 parcels totaling 984 acres. The Project is one phase of a watershed-scale effort to restore beneficial uses of water, improve water quality conditions, reduce nuisance flooding, rehabilitate habitat for fish species, and improve overall ecosystem health in the Elk River; and

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

WHEREAS, a project specific Notice of Determination was filed by the North Coast Regional Water Quality Control Board, the CEQA lead agency, for the proposed project. and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on February 19, 2026, and reviewed, considered, and discussed the application for a Conditional Use Permit 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:** **Project Description:** A Conditional Use Permit (CUP) for the Elk River Estuary Restoration Project. The Project is one phase of a watershed-scale effort to restore beneficial uses of water, improve water quality conditions, reduce nuisance flooding, rehabilitate habitat for fish species, expand riparian habitat, maintain agricultural productivity, provide public access, and improve overall ecosystem health in the Elk

River. Detailed Project objectives were formulated with the Elk River community as part of the Elk River Watershed Stewardship Program. The project site is within the Coastal Zone and the inland area.

EVIDENCE: a) Project File: PLN-2025-19393.

2. FINDING: **CEQA.** The requirements of CEQA have been complied with.

EVIDENCE: a) The State Water Control Board (SWCB) certified a Programmatic Environmental Impact Report (PEIR) (SCH # 2019100230), for a General Order that provides programmatic coverage for certain types of larger habitat restoration projects statewide. As lead agency, the North Coast Regional Water Quality Control Board (NCRWQCB) determined that the proposed project was subject to the General Order analyzed in the PEIR and filed a Notice of Determination (NOD) on July 2, 2025, stating the project will not have a significant impact on the environment. As a Responsible Agency under CEQA, the Planning Commission has considered the Programmatic EIR certified by the SWQCB and the determination made by the NCRWQCB that there are no anticipated impacts to the environment that cannot be mitigated to a less than significant level.

3. FINDING: The proposed development is in conformance with all applicable policies and standards in the Eureka Community Plan.

EVIDENCE: a) The proposed restoration activities are consistent with the allowable uses of the Agricultural Exclusive, Residential Agriculture, and Residential Low Density land use designations. The proposed restoration activities are taking place in areas that are mapped for protection of natural resources, within which many otherwise principally permitted uses are not authorized under the Plan, and will help to preserve and protect the adjacent portions of these properties for their intended uses.

4. FINDING: The proposed development is in conformance with all applicable policies and standards in the 2017 Humboldt County General Plan.

EVIDENCE: a) Biological Resources: The proposed restoration activities are consistent with the allowable development within stream channels and streamside management areas. Fishery and wildlife enhancement, restoration projects, flood control and fencing and bank protection are all permitted and intended uses within these

areas pursuant to Policies BR-S6 and BR-S7. The project was developed in consultation with the California Department of Fish and Wildlife. The applicant Prepared a Biological Resources Report (Attachment 4D) documenting the special status plants and animals in the project area. The project is conditioned to implement the vegetation and aquatic resources monitoring plan (Attachment 4D) as a condition of approval.

- b) Cultural Resources: Pursuant to CEQA guidelines, the applicant submitted a cultural resource survey for this project. In June of 2023, William Rich and Associates prepared “A Cultural Resources Investigation for the Elk River Watershed Stewardship Program: Sediment Remediation and Habitat Rehabilitation Recovery Plan Humboldt County, California” The field survey resulted in the identification and recordation of the proposed Elk River Valley Rural Historic District (WRA-01), which encompasses 627.3 acres and most of the proposed project area but also extends upriver to the south. Some structures in the project area are slated for removal. The historicity of the structures, many of which are hazardously deteriorated, is preserved by their recordation as historic resources (P-12-003215). The Prior Ranch building complex is considered a contributor to the newly identified WRA-01 Eel River Valley Historic District. The applicant has evaluated the structures for the possibility of restoration and rehabilitation for future use. The house was determined to be too deteriorated for rehabilitation, and the applicant has determined that demolition and site restoration is the most feasible option. The small agricultural structures have also been determined to be beyond repair, and their continued existence poses a liability based on the attractive nuisance of trespassers. The Barn is currently under evaluation for structural integrity, and possible future use for the maintenance and operation of the restoration area. The barn structure may be restored and used, or if that is not feasible it will be demolished and the site will be restored. If the structures are removed, prescribed mitigation measures shall be followed. To mitigate the adverse effect of this loss, as a contributor to the Historic District, it is required that mitigation documentation be completed, and submitted for archival curation at regional repositories of historical information including as Cal Poly Humboldt Library Humboldt Room, Humboldt County Historical Society, Humboldt County Library - Humboldt Room, as well as the North West Information Center.

- 5. FINDING:** The proposed development is in conformance with all applicable policies and standards of the Humboldt Bay Area Plan.
- EVIDENCE:**
- a) The proposed restoration activities are consistent with the allowable uses of the Agricultural Exclusive, Timber, Coastal Timberland, Natural Resources, and Public Facilities land use designations. The proposed restoration activities are taking place in areas that are mapped for protection of natural resources, within which many otherwise principally permitted uses are not authorized under the Plan, and will help to preserve and protect the adjacent portions of these properties for their intended uses.
 - b) Natural Resources. Development within wetlands and wetland buffers are limited to new fencing, restoration and enhancement of watercourses, riparian and tidal estuary habitat enhancement, and public access facilities. Coastal Act Section 30231 mandates the maintenance and restoration of biological productivity and quality in coastal waters, streams, wetlands, estuaries, and lakes by controlling runoff, minimizing wastewater impacts, and protecting groundwater. Humboldt Bay Area Plan section 3.30.B.5.a states that under Section 3.30B(2), wetland restoration is allowed in any farmed wetland. As such the proposed restoration action is wholly consistent with the policies in the Humboldt Bay Area Plan.
 - c) Archaeological Resources. Tribal Consultation has occurred. The applicant submitted a Cultural Resources Survey for the project area. The survey Identified structures, proposed for removal, that contribute to the Historicity of the newly identified WRA-01 Elk River Valley Historic District. The project is conditioned to mitigate the adverse effect of this loss, as a contributor to the Historic District, it is required that mitigation documentation be completed and submitted for archival curation at regional repositories of historical information including as Cal Poly Humboldt Library Humboldt Room, Humboldt County Historical Society, Humboldt County Library - Humboldt Room, as well as the North West Information Center.
 - d) Scenic Resources. The project complies with the physical scale, visual compatibility, protection of natural landforms, and features as specified in section 3.4 of the Humboldt Bay Area Plan. There may be some short-term construction related visual impacts but the result of the project will be a restored estuary ecosystem that will provide the community with scenic views and wildlife viewing. The project is not located in a coastal zone scenic view or scenic area.

6. FINDING: The proposed development is consistent with the purposes of the existing AE, AG, R-1, PF, T, and NR zones.

EVIDENCE: a) While many of the zones within which the project is proposed are not specifically intended for habitat and watershed management and restoration activities, the zoning ordinance must be reviewed as a whole with all applicable ordinance provisions working together to determine appropriate land uses. These activities are proposed within wetlands, streamside management areas and areas with habitat protection combining zones that further define the intended uses of the property. All restoration and enhancement activities are proposed within these areas which are specifically intended to be preserved and enhanced for habitat and open space uses.

7. FINDING: The proposed development conforms with all applicable standards and requirements of these regulations.

EVIDENCE: a) The proposed project is consistent with the Wetlands Combining Zone regulations because it includes wetland restoration which is a principally allowed use in the combining zone. Further, the project will restore habitat and remove invasive species and thereby enhance the wetland resource.

b) The proposed development is consistent with the Streams and Riparian Corridors Protection combining zone because the overarching goal of the project is to improve water quality and aquatic resources. The restoration of streams and riparian habitat is an allowed action in the combining zone.

c) The proposed development is consistent with the Transitional Agricultural Lands (T) combining zone because the purpose of the Transitional agricultural lands combining zone is to maintain long-term wetland habitat values and minimize short-term habitat degradation within these environmentally sensitive habitat areas. The project will result in the transition of wetland agricultural areas into tidally influenced wetlands which will improve long-term wetland habitat values and minimize short-term habitat degradation.

d) The proposed project is consistent with the Flood Hazard combining zone because it will not introduce flood sensitive development, i.e. commercial or residential structures, into the flood zone. In addition, project components will reduce nuisance flooding in the project areas

by improving infiltration, drainage patterns, levies and tide gates. Additionally, the project will result in the removal of one residential unit from the 100-year flood zone thereby decreasing flood hazard risks.

- e) The proposed development is consistent with the Natural Drainage Course regulations because the project's purpose is to dissipate stormwater flow, restore natural drainage channels, improve vegetation cover and habitat for better natural drainage that will support fish and other wildlife.
- f) The proposed development is consistent with the Wetland Buffer Area regulations because the project has been developed with close cooperation with the California Department of Fish and Wildlife with the express purpose of enhancing fish habitat and improving the ecosystem function of the Elk River Estuary through watercourse restoration and vegetation management. These uses are permitted in the NR - Natural Resources Zone and are therefore permitted anywhere within Coastal Wetland Buffer Areas.

8. 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 project has been designed with input and approval of property owners in the project area. The watercourse improvements and drainage system improvements will help maintain the viability of agricultural pasturelands in the project area by reducing nuisance flooding and salinization of pastures. Wetland relocation and enhancement will result in a net environmental benefit.

The project will remove derelict structures that are an attractive nuisance and pose a risk of injury and death to trespassers due to building collapse and unsafe conditions.

9. 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 parcels in the project area were not included in the housing inventory of Humboldt County's 2019 Housing Element. There is one

house on APN 304-191-001 that is proposed for demolition. The applicant owns the house and determined that the rehabilitation of the house would be cost prohibitive and contrary to the overall goals of the project. The house is in the Agricultural Exclusive (AE) zone and housing is not one of the primary goals or principally intended uses for the AE zone. The house is also located in the 100-year FEMA Flood Zone which decreases the area's suitability for residential uses.

10. FINDING: The proposed development is consistent with the Anadromous Fish Streams Supplemental Coastal Resource Protection Impact Findings.

EVIDENCE: a) The purpose of these findings is to protect Anadromous fish from development that could cause adverse impacts. The project goal is to increase the habitat value of Anadromous Fish Streams in the project area. Measures taken to improve Anadromous Fish Streams by the project include increased depth and sinuosity of stream channels, development of onstream ponds, vegetation management for habitat quality, and fish-friendly tide gates that will improve fish passage.

11. FINDING: The proposed development is consistent with the Coastal Wetlands Supplemental Coastal Resource Protection Impact Findings.

EVIDENCE: a) The purpose of these findings is to protect wetlands from development that could cause adverse impacts. The purpose of the project is to improve the ecosystem function of coastal wetlands. The project will protect and enhance coastal wetlands as the Elk River estuary adapts to sea level rise. The project will also reduce water quality impacts to Humboldt Bay.

12. FINDING: The proposed development is consistent with the Coastal Wetland Buffers Supplemental Coastal Resource Protection Impact Findings.

EVIDENCE: a) The purpose of these findings is to protect wetlands and wetland buffers from development that could cause adverse impacts. While much of project will occur within coastal wetland buffer areas, the purpose of the project is to restore coastal wetlands to their native conditions. This will result in better habitat for anadromous and freshwater fish, and plants and animals that are native to the Humboldt Bay estuarine ecosystem.

13. FINDING: The proposed development is consistent with the Coastal Transitional Agricultural Land Supplemental Coastal Resource Protection Impact Findings.

EVIDENCE: a) The project facilitates the transition of historical agricultural lands to tidal marshes. The purpose of the Coastal Transitional Agricultural Land Supplemental Coastal Resource Protection Policies is to protect wetlands and allow agricultural development only when there is no less damaging alternative. In this instance the wetlands are being protected and enhanced, consistent with the intent of these requirements.

14. FINDING: The proposed development is consistent with the Coastal Natural Drainage Courses Supplemental Coastal Resource Protection Impact Findings.

EVIDENCE: a) The purpose of these findings is to protect natural drainage courses from development that could cause adverse impacts. The project will restore natural coastal drainage courses. The project description includes the restoration of drainage channels to conditions resembling what occurred prior to infrastructure built to support agriculture and modern commerce.

15. FINDING: The proposed development is consistent with the Coastal Streams and Riparian Areas Supplemental Coastal Resource Protection Impact Findings.

EVIDENCE: a) The purpose of these findings is to protect streams and riparian areas from development that could cause adverse impacts. The project is a fishery, wildlife, riparian area, wetland and aquaculture enhancement and restoration project. The project will have no significant adverse effects on habitat areas; there is no less environmentally damaging feasible alternative, a no action alternative will allow riparian conditions to continue to degrade; and the project incorporates the best mitigation measures feasible to minimize adverse environmental effects. The project will enhance the ecosystem function of the Elk River Estuary which will have cascading ecosystem benefits including improved Eel Grass habitat which is a cornerstone habitat species with regional importance to the waters of the State and Humboldt Bay.

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
- Finds the Planning Commission has considered the Programmatic EIR certified by the SWQCB and the determination made by the NCRWQCB that there are no anticipated impacts to the environment that cannot be mitigated to a less than significant level; and
- Approves the California Trout Inc. Conditional Use Permit, subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **February 19, 2026**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department