

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 25-

Record Number: PLN-2021-17554

Assessor's Parcel Numbers: 520-151-014, 520-151-015, & 520-151-016

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Yurok Economic Development Corporation requested Coastal Development Permit, Special Permit and proposed merger of property.

WHEREAS, the Yurok Economic Development Corporation submitted an application and evidence in support of approving a Coastal Development Permit and Special Permit for redevelopment of an existing commercial property with a new gas station and market and merger of three contiguous parcels in the Orick area; and

WHEREAS, the County Planning Division, the lead agency, has found the project to be consistent with the development density established by existing General and Community Plan policies for which an EIR was certified and that no further environmental review is required pursuant to Public Resources Code section 21083.3 as implemented by section 15183 of the State CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on September 18, 2025, and reviewed, considered, and discussed the application for the Coastal Development Permit, Special Permit, and Merger and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** A Coastal Development Permit and Special Permit for Design Review of a proposal to redevelop an existing fueling station and market. The project includes demolition of the existing storefront, fuel pump, and other unoccupied buildings on the property and construction of a new commercial structure approximately 45 feet in height and approximately 8,289 square feet in size, which would contain a market and laundromat. The existing 2-story market building being replaced is approximately 4,000 ft.² in size. The proposal includes construction of an

approximately 3,000 square foot canopy covering the new fueling station and installation of several above ground tanks for storage of gasoline and propane. Additional on-site improvements include placement of appurtenant signage on the market and fueling station, installation of landscaping, and creation of an approximately 320 square foot trash enclosure. Several modular buildings are proposed to be installed and will temporarily serve as the market and will be removed after construction is completed. The project includes three parcels of the land totaling approximately 8 acres (identified as APNs 520-151-014, 520-151-015 and 520-151-016) which are proposed to be merged to accommodate new septic system improvements needed for the proposed development. The site is served with community water provided by the Orick Community Services District. The applicant has agreed to work with Caltrans on completing highway improvements to allow limited widening of the roadway and development and striping of a left-turn lane in the vicinity of the project.

EVIDENCE: a) Project File: PLN-2021-17554

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) The project has been found consistent with the development density established by existing General and Community Plan policies for which an EIR was certified and no further environmental review is required pursuant to Public Resources Code section 21083.3 as implemented by section 15183 of the State CEQA Guidelines, Projects Consistent with a Community Plan or Zoning. The project involves redevelopment of an existing commercial property; proposing removal of existing development and replacement with new structures and related infrastructure of substantially the same function but with increased capacity and amenities. The project has been designed to comply with applicable policies and standards of the North Coast Area Plan as well as applicable requirements of the Coastal Zoning regulations. A reduction of the standard setback to Environmentally Sensitive Habitat Areas (ESHA) is being requested to accommodate proposed septic system improvements. The project includes

improvements to the Highway 101 right-of-way to comply with Caltrans requirements for traffic safety and circulation.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT & SPECIAL PERMIT

3. FINDING: The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program.

EVIDENCE: a) The North Coast Area Plan (NCAP) serves as the Land Use Plan for this portion of the Coastal Zone and includes a variety of different policies applicable to the project. The evidence presented below demonstrates the project conforms to the LUP and is consistent with policies applicable to the proposal.

Community Plan Findings – North Coast Area Plan (NCAP)

Land Use Designation: Commercial General (CG)

4. FINDING: The development proposed is consistent with the range of uses allowed under the land use designation applicable to the property.

EVIDENCE: a) The proposed development is consistent with the purposes of the Commercial General plan designation applicable to where the site is located. Purpose of this designation includes allowing integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community and visitors. Principal uses include retail sales and services. The majority of the proposed development is sited within domesticated portions of the property previously developed with similar structures and facilities.

b) Although unclear in the language of the land use designations, which focus primarily on commercial uses, section 30240 of the Coastal Act prioritizes Environmentally Sensitive Habitat Areas (ESHA) requiring that adjacent development be sited and designed to prevent impacts to these areas. The project effectively balances these considerations by maintaining a 50+ foot Wetland Buffer and including various measures to ensure impacts to the wetland are avoided; including pre-construction

surveys, temporary fencing during construction, and implementation of erosion control measures.

- c) Septic system improvements have been reviewed and approved by the Environmental Health Division. To accommodate these proposed improvements, the project includes a request to reduce the buffer to Environmentally Sensitive Habitat Areas (ESHA) associated with on-site wetlands. A survey of on-site wetlands has been completed and an ESHA buffer analysis has been prepared for the project site by a qualified biologist. The recommendations of the biologist include installation of fencing of wetlands and buffer zones during construction, implementing erosion control measures, and conducting pre-construction / construction phase surveys for amphibians, nesting birds, and wildlife. All of the biological recommendations have been incorporated into project conditions of approval.

Section 3.40 Resource Protection Policies and Standards

5. FINDING: The proposed development is consistent with the Resource Policies and Standards of the North Coast Area Plan (NCAP).

- EVIDENCE:**
- a) The North Coast Area Plan (NCAP) serves as the Local Coastal Plan for this portion of the Coastal Zone and includes policies for protection of Environmentally Sensitive Habitat Areas (ESHA) including coastal streams and wetlands. The project site contains both one and three-parameter wetlands. Two distinct three-parameter wetlands are found within western portions of the project contain. HBAP buffer policies create significant constraints on new development. The standard wetland buffer is 250 feet from the wetland boundary. Additionally, the NCAP permits establishment of a Wetland Buffer setback of 100 to 200 feet, depending upon the size and sensitivity of the wetland, drainage boundaries, vegetation, adjacent uses, and the potential impacts of the project on wet habitat values. Application of a 100 or 200-foot setback from the wetland boundary is excessive and unnecessary and frustrates redevelopment of the site.
 - b) Review of the site plan and Department GIS information reveals that the future development is primarily proposed within portions of the site that have previously hosted structures and paving. The west side of the proposed new market structure is proposed to be

approximately 55 feet east of the nearest 3-parameter wetland. The proposed fuel canopy, trash enclosure, and above ground fuel storage tanks are proposed to be located approximately 25 feet, 7 feet, and 45 feet (respectively) from the nearest one-parameter wetland, respectively. All of these structures are sited within portions of the site that have historically had a paved or gravel surface. A new leachfield and sewer line are proposed to be installed within the western portion of the property which has not historically hosted development in recent years. The horizontal distance of the proposed new leachfield is approximately 140 feet from the boundary of the nearest 3-parameter wetland.

- c) A memorandum prepared by Mason London for LACO Associates titled "Establishing Wetland Buffers for the Shoreline Market Redevelopment Project" dated March 4, 2025 includes an analysis of the seven (7) criteria used by the California Coastal Commission when considering reductions to a buffer of Environmentally Sensitive Habitat Areas (ESHA), and concludes that it is appropriate to maintain a 50-foot buffer from 3-parameter wetlands and 10-foot buffer from 1-parameter wetlands is sufficient to ensure the wetlands remain protected; so long as temporary fencing and erosion control measures are implemented during construction and pre-construction surveys for amphibians, nesting birds, and general wildlife are conducted prior to the starting ground disturbance for installation of the new septic system upgrades.
- d) Use of these adjusted wetland buffer setbacks is appropriate for the following reasons:
 - A 50-foot setback roughly aligns with the 88-foot contour line and protects the majority of non-domesticated areas on the property from future development.
 - Riparian and hydrophytic vegetation is largely confined to lower portions of the property outside of areas where development has historically occurred and is currently proposed.
 - The amended setbacks meet or exceed that of residential development on neighboring properties.
- e) Additionally, section 3.41(E)5(a) of the NCAP includes provisions which permit the County to reduce the width of a Wetland Buffer

setback when not doing so would prohibit development of the site for the principal use for which it is designated. Such setback reductions should retain the maximum setback feasible and may require mitigation measures to ensure the new development does not adversely affect the wetland habitat values.

- f) In circumstances where reduction of the wetland buffer setback is proposed, Section 3.30(B)6(f) requires strict compliance with septic system requirements, restrictions on the timing and volume of grading activities, implementing measures to control and limit erosion and sedimentation, remediation and revegetation of areas affected by grading where located within 100-feet of the wetland boundary, as well as various measures to reduce, detain, and dissipate stormwater runoff. Compliance with these measures has been included within the project Conditions of Approval.

Section 3.42 Visual Resource Protection Policies and Standards

6. FINDING: The proposed development is consistent with the Visual Resource Protection Policies and Standards of the North Coast Area Plan (NCAP).

EVIDENCE: a) There are no mapped Coastal View or Coastal Scenic areas in the vicinity of the project. The project would redevelop a commercial property with a new gas station and market, replacing similar existing uses that have historically operated from the site. The proposal has been reviewed by the Orick Design Review Committee, who visited the site and reviewed the proposal on January 5, 2025 and unanimously approved the project as presented.

COMPLIANCE WITH ZONING CODE

7. FINDING: The proposed development is consistent with the purposes of the various zoning districts where planned development activities are proposed.

PRINCIPAL ZONE(S)

Commercial General – CG

The CG Zone is intended to allow the integrated development of

commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

SPECIAL AREA COMBINING ZONES

Design Review – D

The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area's historical, cultural or scenic values.

- EVIDENCE:**
- a) The project seeks to redevelop an existing commercially zoned property with a new gas station and store. These uses are identical to historical uses operated at the site and are consistent with the purpose of the zoning district which seeks to allow integrated commercial development. The market and gas station will provide a valuable service to visitors and the traveling public, as well as a convenience to the Orick community.
 - b) While the design of the new structure represents a departure from the look of the prior development, it has been reviewed and unanimously approved by the Orick Design Review Committee.

- 8. FINDING:** The proposed development conforms with all applicable standards and requirements of the zoning regulations applicable to the type of development proposed.

- EVIDENCE:**
- a) The proposed commercial development is in conformance with applicable standards of the Principal Zoning Districts and Special Area Combining Zones which permit these uses. The proposed structures comply with development setbacks, height and lot coverage restrictions, and parking requirements. Further discussion of conformance with applicable Natural Resource protection policies can be found below.
 - b) The project is located on lands within the Commercial General (CG) zoning district. The CG Zone is intended to allow the integrated development of commercial districts or neighborhood

commercial centers providing for the economic well-being and convenience of the community.

- c) The project proposes to construct a new gas station and market on a property that has historically hosted identical uses. This will require demolition of the current market and fueling area and construction of new larger versions within roughly the same footprint.
- d) The project proposes to install a new primary leachfield and site the reserve leachfield to serve the gas station and market. These improvements to the septic system are necessary to allow the proposed redevelopment of the site and have been reviewed and approved by Environmental Health.
- e) The project meets or exceeds all applicable setbacks for the CG zone designation as well as those required by its location within a State Responsibility Area (SRA) for Fire Protection as follows:

Zoning rear yard setbacks are fifteen (15) feet and side and front yard setbacks are zero (0). State Firesafe Regulations require 30 feet of defensible space (setbacks) from all property lines, and 30 feet from the centerline of the nearest right-of-way. The fueling island and market are the only structures subject to compliance with the 30-foot SRA setbacks. The island is located over 30 feet from the closest property line and the market is located approximately 56 feet from the closest property line. The proposed above ground fuel storage tanks all must comply with applicable setback requirements of the California Fire Code, based on fuel stored and gallonage. This has been included as a Condition of Approval.
- f) Ample on-site parking is shown on the site plan for the project, approximately 27 spaces including two electric vehicle charging spaces.

SUPPLEMENTAL COASTAL RESOURCE PROTECTION IMPACT FINDINGS

312-39.1 Anadromous Fish Streams

- 9. FINDING:** The project will comply with all of the following findings applicable to Anadromous Fish Streams:

39.1.1 Minimum stream flows necessary to protect the anadromous stream population will be maintained;

39.1.2 Environmentally sensitive habitat areas will be protected against any significant disruption of habitat values; and

39.1.3 Channelizations, dams, or other substantial alterations of rivers and streams will incorporate the best mitigation measures feasible.

EVIDENCE: a) The project involves a proposal to redevelop an existing commercial property. The northern boundary of the property borders a levee on Redwood Creek. A human-made feature, portions of the levee area closest to the project parcel are primarily unvegetated and host a gravel road. The project would not result in any development within the true riparian corridor or activities affecting minimum stream flows or habitat on Redwood Creek nor would the project result in further channelization, dams, or other alterations of the watercourse. Two above ground fuel storage containers are proposed to be site within the northeastern portion of the site which has historically been host to an onsite residence/caretaker's unit.

312-39.8 Coastal Natural Drainage Courses

10. FINDING: Natural Drainage Courses, including ephemeral streams, will be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat.

EVIDENCE: a) The proposed new development will be located over 100 feet from the stream transition line of Lower Redwood Creek, which adjoins northern portions of the property. Two above ground fuel storage containers are proposed to be sited within the northeastern portion of the parcel which have historically been host to an onsite residence/caretaker's unit. To comply with applicable Fire and Building Codes and protect against potential spills and leaks, both structures will be required to include a reservoir for secondary containment or utilize a double walled design.

11. FINDING: The project will comply with all of the following findings applicable to Coastal Wetlands:

39.14.1.1 There is no less environmentally damaging feasible alternative;

39.14.1.2

The best mitigation measures feasible have been provided to minimize adverse environmental effects.

- EVIDENCE:** a) Review of the site plan and Department GIS information reveals that the future development is primarily proposed within portions of the site that have previously hosted structures and paving. The west side of the proposed new market structure is proposed to be approximately 55 feet east of the nearest 3-parameter wetland. The proposed fuel canopy, trash enclosure, and above ground fuel storage tanks are proposed to be located approximately 25 feet, 7 feet, and 45 feet (respectively) from the nearest one-parameter wetland, respectively. All of these structures are sited within portions of the site that have historically had a paved or gravel surface. A new leachfield and sewer line are proposed to be installed within western portion of the property that have historically hosted development in recent years. The horizontal distance of the proposed new leachfield is approximately 140 feet from the boundary of the nearest 3-parameter wetland.
- b) A memorandum prepared by Mason London for LACO Associates titled "Establishing Wetland Buffers for the Shoreline Market Redevelopment Project" dated March 4, 2025 includes an analysis of the seven (7) criteria used by the California Coastal Commission when considering reductions to a buffer of Environmentally Sensitive Habitat Areas (ESHA), and concludes that it is appropriate to maintain a 50-foot buffer from 3-parameter wetlands and 10-foot buffer from 1-parameter wetlands is sufficient to ensure the wetlands remain protected; so long as temporary fencing and erosion control measures are implemented during construction and pre-construction surveys for amphibians, nesting birds, and general wildlife are conducted prior to the starting ground disturbance for installation of the new

septic system upgrades.

PUBLIC HEALTH, SAFETY, AND WELFARE

12. FINDING: The proposed project 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 will result in the merger and redevelopment of 3 parcels with a new gas station and market. The property is commercially zoned and has hosted a gas station and market for well over 50 years. The Orick Design Review Committee has reviewed the proposal and unanimously supports the project as presented. The proposed development will provide retail sales and services useful to the traveling public as well as the residents of Orick. There is no evidence to suggest that the proposal would be detrimental to the public health, safety, and welfare. The project will improve upon current conditions and is consistent with the past development of the site, as well as the pattern on neighboring parcels and purpose of the planned land uses.

HOUSING ELEMENT CONFORMANCE

13. 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) Because the parcel is commercially planned and zoned, it is not included in the County's currently adopted Housing Inventory. The project involves the redevelopment of a property with commercial uses identical to those they are replacing. The property is host to a dilapidated caretaker's unit and mobile home, which are proposed to be removed as part of the redevelopment effort.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Coastal Development Permit, Special Permit, and Merger for the Yurok Tribe Economic Development Corporation, based upon the Findings and Evidence and subject to the Conditions of Approval attached hereto as Attachment 1 and incorporated herein by reference,

Adopted after review and consideration of all the evidence on **September 18, 2025**.

I, John H. 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.

John H. Ford, Director
Planning and Building Department