

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

Resolution Number: 26-

Record Number: PLN-2025-19446

Assessor's Parcel Numbers: 508-031-001-000, 508-031-004-000, 508-031-008-000, 508-073-002-000, 508-091-037-000, 508-091-037-0000, 510-221-002-000, 510-271-079-000, 510-451-043-000, 511-011-008-000, 511-011-024-000, 511-011-025-000, 511-021-060-000, 511-031-022-000, 511-031-060-000

RESOLUTION BY THE ZONING ADMINISTRATOR OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT SEWER HIGHWAY CROSSINGS RETROFIT COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT.

WHEREAS, McKinleyville Community Services District has submitted an application and evidence in support of approving a Coastal Development Permit (CDP) and Special Permit (SP) to retrofit the three U.S. 101 sewer crossings that drain wastewater from the east side of U.S. 101 to the west side where the District's treatment facility is located and for major vegetation removal to facilitate the retrofit; and

WHEREAS, the County Planning Division 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, the McKinleyville Community Services District, as the lead agency under CEQA, has prepared a Mitigated Negative Declaration for the proposed project; 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 Special Permit; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on March 19, 2026, and reviewed, considered, and discussed the application for the Coastal Development Permit and Special Permit, 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: A Coastal Development Permit (CDP) and Special Permit (SP) for McKinleyville Community Services District to retrofit the three U.S. 101 sewer crossings that drain wastewater from the east side of U.S. 101 to the west side where the District's treatment facility is located. A Special Permit is required for major vegetation removal to facilitate the retrofit. The proposed replacement method for each highway crossing is Horizontal Auger Boring (HAB). A previous CDP (PLN-2025-19282) authorized geotechnical drilling to determine appropriate design parameters. The retrofitted sewer crossings would increase earthquake resiliency of the utility above current conditions.

EVIDENCE: a) Project File: PLN-2025-19446

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

EVIDENCE: a) The McKinleyville Community Services District, as the lead agency under CEQA, has prepared a Mitigated Negative Declaration for the proposed project.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT

3. FINDING: The proposed development is in is in conformance with all applicable policies and standards in the McKinleyville Area Local Coastal Plan and McKinleyville Community Plan.

EVIDENCE: a) The subject properties are currently utilized for a variety of uses, including natural resources, agriculture exclusive/prime lands, residential low density, residential estates, commercial recreation, commercial services, and public facility. The proposed sewer retrofit will take place in existing easements and is a use accessory to the current uses of the subject properties. The purpose of the retrofit is to replace sewer crossings to increase earthquake resiliency of the utility.

b) The project will not add to nor subtract from the Housing

Inventory. The project permits the retrofit of existing sewer crossings and will not affect the existing residential, agricultural, commercial, and public use of the properties. The project is consistent with the County's Housing Element.

- c) The applicant submitted a Biological Resources Report and Wetland Delineation Report assessing baseline environmental conditions. Two seasonally appropriate floristic surveys were conducted and no special status plants were detected in the project area. Special status bird species, mammals, and fish are known to be present in the Biological Study Area (BSA). Mitigation measures include avoidance and minimization (Mitigation Measures BIO-1 – BIO-6). The Initial Study/Mitigated Negative Declaration prepared by the McKinleyville Community Services District indicates impacts to any species identified as a candidate, sensitive, or special status species, riparian habitat or other sensitive natural communities, protected wetlands, or movement of migratory wildlife corridors will be less than significant with mitigation incorporated or will have no impact. The McKinleyville Community Plan allows development within wetland areas on existing parcels where the least environmentally damaging alternative development techniques is employed and where mitigation measures have been provided to fully offset any adverse effects. The McKinleyville Local Coastal Area Plan allows development in wetlands for incidental public services purposes.

- d) A Cultural Resource Inventory Report was prepared for the project and concluded cultural resources are located within the Area of Potential Effects (APE) associated with the project. The report included management recommendations that have been included as recommended conditions of approval. The project was referred to Blue Lake Rancheria, Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and the Northwest Information Center. Tribal referral responses recommended inadvertent discovery protocol and, given presence of prehistoric sites of cultural significance, that a cultural monitor be located on site during any ground disturbance. Inadvertent discovery protocol and an on-site cultural monitor have been included as recommended conditions of approval.

- e) There will be no significant change to visual resources resulting from the proposed project. The project would result in retrofits to existing sewer crossing. Project activities include vegetation and tree removal. Mitigation measures include replanting of any removed trees over 6 inches diameter at breast height. The project areas are not included in a coastal scenic view or coastal scenic area. The project as proposed will not have a significant impact on scenic coastal resources.

- f) The McKinleyville Local Coastal Area Plan (MCAP) allows for the diking, filling, or dredging of wetlands for specific purposes. One of the allowed development types includes incidental public service purposes, including but not limited to burying cables or pipes, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. The proposed work in the wetland areas includes trimming for access utilizing existing access roads and retrofit work and will be limited to areas of existing development. Creation and utilization of new access roads would result in adverse impacts to existing wetlands. The applicant proposes to replace any trees over 6 inches in diameter at breast height at a 1:1 ratio that are removed for access to the work site. Mitigation measures included in the Initial Study/Mitigated Negative Declaration indicate erosion control measures and BMPs would be utilized wherever ground disturbing work occurs in proximity to wetlands. Mitigation measures have been provided in the Initial Study/Mitigated Negative Declaration which concludes the activities will have a less than significant impact on wetlands. As the project proposes to utilize existing access roads and will limit work to existing developed areas, there is no less environmentally damaging alternative that would allow the retrofit of the existing sewer crossings.

- g) Development setbacks below the minimum prescribed by the McKinleyville Local Coastal Area Plan may be permitted when the applicant demonstrates to the satisfaction of the County and CDFW that a setback less than prescribed will not result in adverse impacts to the wetland habitat and will be compatible with the continuance of such habitat. The project was referred to CDFW, who had conducted a thorough review of the Mitigated Negative Declaration prepared by the applicant and had nothing to add by the time the County referral request was sent. A review of the submitted documents, including the Initial Study and Mitigated Negative Declaration indicate the project as proposed including mitigation measures will not adversely impact wetland habitat and will be compatible with the continuance of the wetland habitat.

4. FINDING:

The proposed development is consistent with the purposes of the existing zoning in which the sites are located and with Humboldt County Zoning Code.

EVIDENCE:

- a) The project areas encompass lands Residential One-Family (R-1), Residential Single Family (RS-5, RS-30), Agriculture Exclusive (AE-60), and Commercial Recreation (CR). The project would authorize the retrofit of existing sewer crossings within existing easements, which will not conflict with the allowable uses of the zoning districts.
- b) The proposed development is consistent with the purposes of the existing Airport Safety Review (AP), Noise Impact (N), Special Building Site (B3), Streamside Management Areas and Wetlands (WR), Flood Hazard Areas (F), and Streams and Riparian Corridor Protection (R) combining zones in which the sites are located. Technical documentation has been submitted showing that the retrofit is consistent with applicable development standards of the zone districts. As previously discussed, the project is not anticipated to have significant impacts on sensitive species, watercourses, or sensitive habitats, and, due to incorporated mitigation measures, it is anticipated there would be a low risk of impacting cultural resources.

- c) Front, rear, and side yard setbacks are spaces unoccupied and unobstructed from the ground up except for landscaping or as specified elsewhere in the code. The proposed retrofits will be below ground surface and therefore are not subject to front, rear, and side yard setbacks.

- d) Development within the one parameter wetlands identified in the Wetland Delineation Report is the least environmentally damaging feasible alternative. Mitigation measures are in place to protect functional capacity of the wetlands, and the project has been referred to CDFW for review and comment. No recommendations were received from CDFW.

- e) Development is designed to prevent impacts that would significantly degrade wetland habitat areas, and are consistent with continuance of habitat areas. Biological productivity and quality of the identified wetlands will not be impaired as demonstrated by the Initial Study/Mitigated Negative Declaration prepared by the McKinleyville Community Services District.

- f) State guidelines prescribe criteria for establishing buffer areas, including biological significance of adjacent lands, sensitivity of species to disturbance, susceptibility of the parcel to erosion, use of natural topographic features to locate development, use of existing cultural features to locate buffer zones, lot configuration and location of existing development, and type and scale of development proposed. Section 30233 of the Coastal Act allows for the diking, filling, or dredging of wetlands for specific purposes regardless of whether the wetland also meets the definition of ESHA. One of the allowed development types includes incidental public service purposes, including but not limited to burying cables or pipes, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. The proposed work in the wetland areas include trimming for access utilizing existing access roads and retrofit work will be limited to areas of existing development. Creation and utilization of new access roads would result in adverse impacts to existing wetlands. The applicant proposes to

replace any trees over 6 inches in diameter at breast height at a 1:1 ratio that are removed for access to the work site. Mitigation measures included in the Initial Study/Mitigated Negative Declaration indicate erosion control measures and BMPs would be utilized wherever ground disturbing work occurs in proximity to wetlands. Mitigation measures have been provided in the Initial Study/Mitigated Negative Declaration which concludes the activities will have a less than significant impact on wetlands. As the project proposes to utilize existing access roads and will limit work to existing developed areas, there is no less environmentally damaging alternative that would allow the retrofit of the existing sewer crossings.

5. FINDING: Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) The Coastal Development Permit will authorize PG&E to maintain their existing easements and does not authorize any structural development that would legitimize a parcel created in violation of the Subdivision Map Act.

6. 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 will not pose detrimental threats to properties in the vicinity, nor will it pose any kind of public health hazard. The proposed project will retrofit existing sewer crossings to increase earthquake resiliency of the utility above current conditions. The increased earthquake resiliency will reduce any existing threats to public health safety or welfare.

7. 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 subject properties are currently utilized for a variety of uses, including natural resources, agriculture exclusive/prime lands, residential low density, residential estates, commercial recreation, commercial services, and public facility. The proposed sewer retrofit will take place in existing easements and will not add new housing units, nor will the project preclude development of new housing units that would otherwise be allowed. The project is consistent with the County's Housing Element.

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 approve the McKinleyville Community Services District Sewer Highway Crossings Retrofit Coastal Development Permit and Special Permit subject to the conditions of approval attached hereto as Attachment 1A.

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

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, Zoning Administrator
Planning and Building Department