

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

Resolution Number: 25-039

Record Number: PLN-2025-19184

Assessor's Parcel Number: 506-331-018

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

WHEREAS, Frederick Hanks submitted an application and evidence in support of approving the Coastal Development Permit and Variance; 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 Humboldt County Zoning Administrator held a duly-noticed public hearing on May 1, 2025, and reviewed, considered, and discussed the application for the Coastal Development Permit and Variance, 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 Variance for a 650 square-foot addition to a 1,020 square-foot single-family residence. The Variance is required for the addition to maintain the existing nonconforming side yard setback which is 21'7" but should be 30' for the interior side yard in Agriculture Exclusive. This 8'5" setback encroachment was created by a previously approved Lot Line Adjustment in 1993 (LL-44-93). The parcel is served with on-site water (well) and an on-site wastewater treatment system (septic).

EVIDENCE: a) Project File: PLN-2025-19184.

- 2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act (CEQA) have been complied with. The project is exempt from

environmental review per section 15303(a) of CEQA.

EVIDENCE: a) As lead agency, the Planning and Building Department found the project to be categorically exempt pursuant to CEQA guidelines. The proposed project is for an approximately 650 square foot addition to an existing 1,020 square foot residence. Section 15303(a) of the CEQA guidelines exempts New Construction, specifically single-family residences, including additions.

3. FINDING: The project is consistent with the development policies of the Humboldt Bay Area Plan (HBAP).

EVIDENCE: a) Land Use 4.10.B: The proposed project is located within the HBAP land use designation Agriculture Exclusive (AE), which is designated to protect prime and non-prime agricultural lands for long term productive agricultural use. The principal use is for the production of food, fiber and plants with residence as a use incidental to this activity. The 650 square foot addition to the 1,020 square foot existing residence is consistent with this designation and is principally permitted.

b) Hazards 3.17: Minimize risks to life and property in areas of high geologic, flood and fire hazards. The subject parcel is located in an area that is Relatively Stable (0), is not within a fault hazard zone, and is outside of the tsunami hazard area, however, is within an area of potential liquefaction and within the identified 100-year Flood Zone (A). The subject parcel is within the Local Response Area with Arcata Fire Protection District providing structural fire protection as well as responding to medical emergencies. Arcata Fire District recommended approval of the proposed project. No increased threats or hazards are anticipated as a result of the project.

c) Archaeological and Paleontological Resources 3.18. The proposed project is not anticipated to impact any cultural resources or Tribal cultural resources. The project was referred to Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, NWIC, and the Wiyot tribe. The Bear River Band and Wiyot Tribe responded that the activities did not appear to represent a source of significant impacts on cultural resources. They requested that inadvertent archaeological discovery protocols be

in place for any ground-disturbing activities that will take place in the future. NWIC recommended consulting with local tribes. The standard inadvertent discovery protocols have been included within the conditions of approval for this project.

- d) Housing 3.28. New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element. The subject parcel was not included in the 2019 Adopted Housing Element Inventory. The project does not add or subtract from the housing inventory.
- e) Natural Resource Protection Policies and Standards 3.30. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas. According to the California Natural Diversity Database (CNDDDB) which identifies rare or endangered species, the subject parcel is within range of the Eulachon, a small anadromous species of smelt. Even though the project is within this identified range, the project site is over 500 feet away from the Streamside Management Area and the edge of the Mad River. Impacts to this fish species are not anticipated as a result of this project.
- f) Visual Resource Protection 3.40. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The subject parcel is not within Coastal Zone Scenic Views or Areas. The 650 square foot addition to the existing 1,020 square foot residence or the Variance is not anticipated to alter natural landforms and will not impact compatibility with the character of surrounding areas.

4. FINDING: The proposed development is consistent with the Humboldt County Coastal Zoning Code.

EVIDENCE: a) The proposed Coastal Development Permit and Variance is for a 650 square foot addition to an existing 1,020 square foot single-family residence. The subject parcel is zoned Agriculture Exclusive within the Coastal Zone, where a single-family residence is principally permitted as an incidental use to agricultural activities. The existing residence was built in 1917. For the addition to be consistent with the zoning requirements,

a Variance is required. In 1993, a lot line adjustment was approved to move the parcel line between two parcels, which inadvertently created a nonconformity (see Attachment 3). The interior sideyard setback within the Agriculture Exclusive zone is 30 feet, but due to the lot line adjustment, the house is set back only 21'7". In order for the residential addition to comply with zoning regulations, a Variance will need to be approved with the Coastal Development Permit for the encroachment of 8'5" into the interior side setback, keeping the 21'7" setback the same. No other setback changes are proposed. Planning staff are in support of the Coastal Development Permit and Variance as the nonconformity to the setbacks was an inadvertent error in 1993. There is no other reasonable direction the residence is able to be expanded without increasing the severity of the preexisting nonconformity.

5. FINDING: The project conforms with all applicable standards and requirements of these regulations.

EVIDENCE: a) The proposed project will conform with all applicable standards and requirements with the approval of the Variance, which will allow the residential addition to encroach 8'5" into the interior side yard setback making it 21'7" instead of 30'. The proposed 650 square foot addition to the existing residence is allowable with a Coastal Development Permit. With the approval of the Coastal Development Permit and Variance, all standards and requirements of the zoning ordinance and Humboldt Bay Area Plan have been met.

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 proposed project is for a Coastal Development Permit and Variance to add 650 square feet onto an existing 1,020 square foot residence. The proposed project requires a Variance due to an inadvertent mistake in setbacks to an approved lot line adjustment in 1993. Based on staff analysis and the findings, there is no evidence that the proposed addition and Variance will be materially injurious to properties or improvements in the

vicinity.

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 parcel was not included in the 2019 Adopted Housing Element Inventory and will not reduce the residential density below that utilized by the Department of Housing and Community Development.

8. FINDING: The proposed project has exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property of class of use in the same zone in the vicinity.

EVIDENCE: a) The existing 8'5" encroachment into the interior side yard setback was due to an inadvertent error in 1993 when the lot line adjustment was approved. At that time, the lot line should have been adjusted to conform with a 30-foot setback as is required within the Agriculture Exclusive zone district but instead was approved at 21'7". This was an action that was taken by the County which has resulted in an extraordinary circumstance for the residence on the property. The existing residence was built in 1916. This extraordinary circumstance is such that it would not apply generally to other properties in the same zone but is unique to the subject parcel and a result of a lot line adjustment error.

9. FINDING: The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

EVIDENCE: a) The strict enforcement of the interior side yard setback would eliminate the ability for the property owner to add onto the existing residence. The existing residence is 1,020 square feet and the proposed 650 square foot addition would create a den and family room with no change in number of bedrooms. Had the lot

line adjustment been placed 8'7" to the south, a Variance would not be necessary, and the addition would exclusively require a Coastal Development Permit. Should the Variance be denied, the applicant would be deprived privileges enjoyed by other owners within this area and zone district that have residences outside of property setbacks.

10. FINDING: That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

EVIDENCE: a) Granting the Variance will not constitute a special privilege that is inconsistent with other properties in the same zone district. The proposed 650 square foot addition will be added onto the west side of the existing 1,020 square foot residence. A single-family residence is principally permitted within the Agriculture Exclusive zone district as a use incidental to agriculture. Adding to the residence is allowable within this district.

11. FINDING: That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare.

EVIDENCE: a) The proposed project is for a Variance to encroach 8'7" into the 30' interior side yard setback to add a 650 square foot addition onto an existing 1,020 square foot residence. The existing residence was built in 1917 and a lot line adjustment approved in 1993 moved the lot line 21'7" from the existing residence. Based on staff analysis and the findings, there is no evidence that the proposed addition and Variance will be materially detrimental to the public health, safety or welfare.

12. FINDING: The development for which the Variance is proposed will be in conformity with the Local Coastal Plan.

EVIDENCE: a) The proposed 650 square foot addition to the existing 1,020 square foot residence conforms with the Local Coastal Plan and is allowable within the Agriculture Exclusive zone district as a use incidental to agriculture.

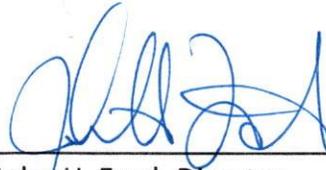
DECISION

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
- Approve the Coastal Development Permit and Variance for the 650 square foot addition and allow the 8'5" encroachment into the 30' interior side yard setback, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachments 1A and incorporated herein by reference.

Adopted after review and consideration of all the evidence on **May 1, 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

CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND VARIANCE IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. General Conditions

1. All development shall conform to the approved plot plan.
2. All required grading, building, plumbing, electrical and mechanical permits and/or Agricultural Exemptions are obtained if required.
3. The Applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the Applicant after the Zoning Administrator decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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.

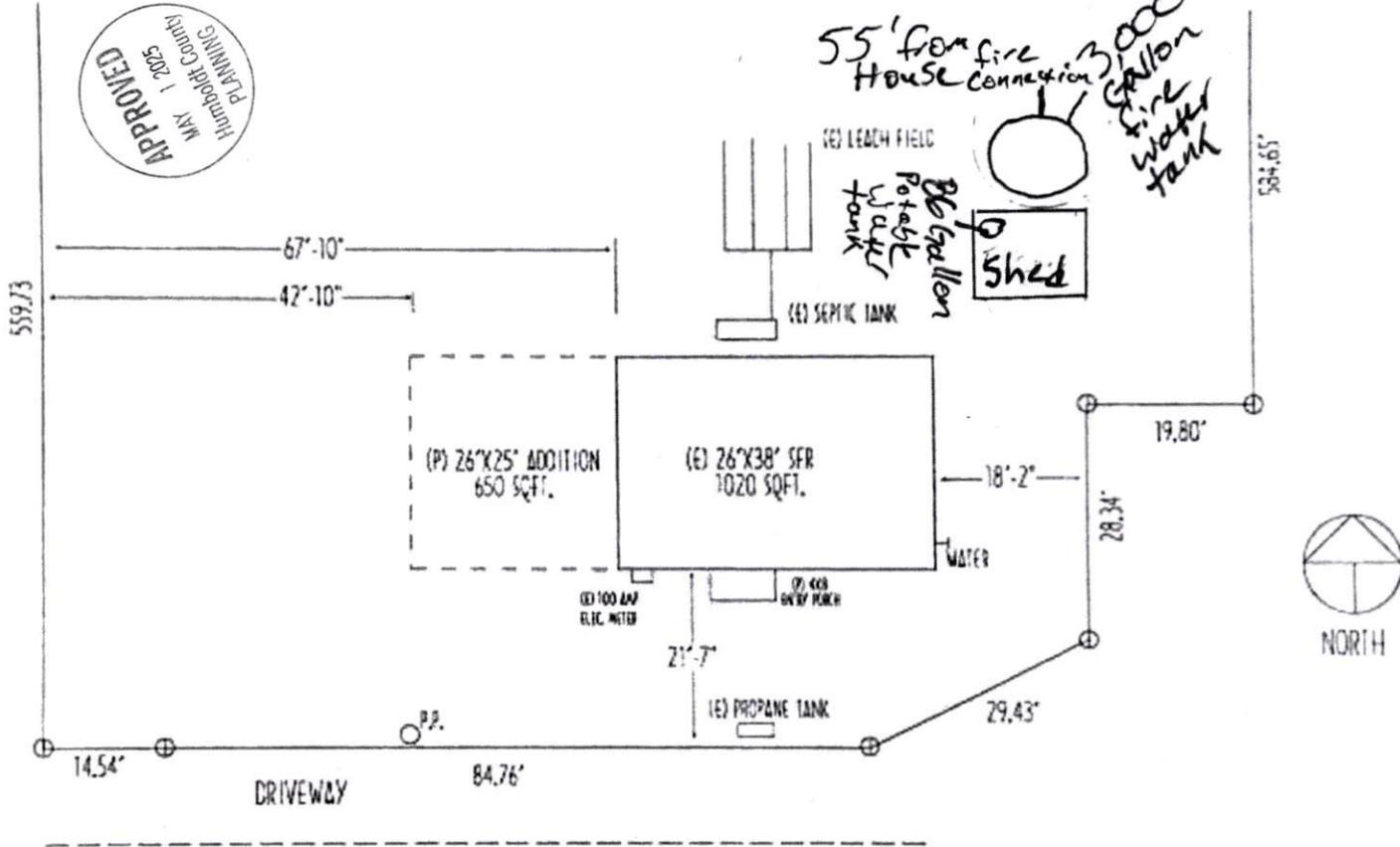
The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, 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 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. Before any digging or excavation occurs, the applicant shall contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work to ensure that all existing underground utilities are identified and marked on-site.
4. The Coastal Development Permit shall expire and become null and void at the expiration of two (2) years 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.



MAD RIVER RD.



NO TREES TO BE REMOVED
 NO WATERWAYS OR WETLANDS
 NO GRADING
 ADDRESS #'S TO BE PLAINLY VISIBLE
 FROM STREET FRONTING THE PROPERTY

PROJECT TO COMPLY WITH
 2022 CALIFORNIA BUILDING CODE
 2022 CALIFORNIA RESIDENTIAL CODE
 2022 CALIFORNIA ELECTRIC CODE

PLOT PLAN
 SCALE 1" = 20'

AP# 506-331-018

OWNER: FRED HANKS
 ADDRESS: 803 MAD RIVER RD.
 PHONE: 707-599-5008
 E-MAIL: fredhanks51@gmail.com