



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

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3015 H Street • Eureka CA 95501  
Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: March 24, 2022

To: John H. Ford, Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Cho Coastal Development Permit**  
Case Number: PLN-2021-17483  
Assessor's Parcel Number: 402-042-010  
Indianola area

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Please contact Cade McNamara, Planner, at 268-3777, or by email [cmcnamara@co.humboldt.ca.us](mailto:cmcnamara@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b>	<b>Subject</b>	<b>Contact</b>
March 24, 2022	Coastal Development Permit	Cade McNamara

**Project Description:** A Coastal Development Permit to authorize the replacement of an 11-foot-deep hand dug well with a professionally drilled domestic groundwater well. The approximately 2.2-acre parcel is currently developed with a residence and detached shed/outbuilding. The current well conditions are deteriorating, and water volume has decreased significantly as the only source of water to the parcel. The applicant has provided documentation of poor water quality and water pressure. An emergency permit was granted on February 18, 2022, pursuant Humboldt County Code 312-15. No tree removal or grading are proposed.

**Project Location:** The project is located in Humboldt County, in the Eureka area, on the West side of Myrtle Avenue, approximately 560 feet from the intersection of Indianola Cutoff Road and Myrtle Avenue, on the property known as 7572 Myrtle Avenue.

**Present Plan Land Use Designation:** Rural Residential (RR). Humboldt Bay Area Plan, 2017 General Plan. Density: 2.5 to 10 acres per unit, Slope Stability: Relatively Stable (0).

**Present Zoning:** Rural Residential Agriculture (RA-2.5) / Design Review (D)

**Assessor Parcel Number:** 402-042-010

**Case Number:** PLN-2021-17483

**Applicant:**  
Angela Cho  
7527 Myrtle Ave.  
Eureka, CA 95503

**Owner:**  
Samuel and Angela Cho  
7527 Myrtle Ave.  
Eureka, CA 95503

**Agent:**  
No agent

**Environmental Review:** Project is exempt from environmental review pursuant to Section 15302

**Major Issues:** None.

**State Appeal Status:** Project is appealable to the California Coastal Commission.

**Cho Coastal Development Permit**  
Record Number: PLN-2021-17483  
Assessor's Parcel Number: 402-042-010

**Recommended Zoning Administrator Action**

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

*Find that the Zoning Administrator has considered project as Categorically Exempt from environmental pursuant to Section 15302 of the CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and adopt the Resolution approving the Cho Coastal Development Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** A Coastal Development Permit to authorize the replacement of an 11-foot-deep hand dug well with a professionally drilled domestic groundwater well. The approximately 2.2-acre parcel is currently developed with a residence and detached shed/outbuilding. The current well conditions are deteriorating, and water volume has decreased significantly as the only source of water to the parcel. The applicant has provided documentation of poor water quality and water pressure. An emergency permit was granted on February 18, 2022, pursuant Humboldt County Code 312-15. No tree removal or grading are proposed. Water sourced from the well will only be used for domestic purposes and is not anticipated to increase use.

**Staff Recommendations:** Based upon submitted evidence, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permit if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

**Resolution Number 22-**

**Record Number PLN-2021-17483**

**Assessor's Parcel Number: 402-022-010**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Cho Coastal Development Permit and Special Permit.**

**WHEREAS**, Angela Cho, submitted an application and evidence in support of approving the Coastal Development Permit; 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 project is exempt from environmental review pursuant to Section 15302 (Replacement or Reconstruction) of the CEQA guidelines; and

**WHEREAS**, Attachment 1 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Case Number: PLN-2021-17483); and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly noticed public hearing on **March 24, 2022**, and reviewed, considered, and discussed the application for the Coastal Development Permit, reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** The proposed project is a Coastal Development Permit for the replacement of an 11-foot-deep hand dug well with a professionally drilled domestic groundwater well. The approximately 2.2-acre parcel is currently developed with a residence and detached shed/outbuilding. The current well conditions are deteriorating, and water volume has decreased significantly as the only source of water to the parcel. The applicant has provided documentation of poor water quality and water pressure. An emergency permit was granted on 2-18-22 pursuant Humboldt County Code 312-15.

**EVIDENCE:**                a) Project File: PLN-2021-17483

- 2. FINDING:**                    **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the project to be exempt from environmental review pursuant to Section 15302 of the CEQA guidelines.

**EVIDENCE:**                a) The project is Categorical Exempt from environmental review pursuant to 15302-Replacement or Reconstruction, of the CEQA Guidelines, because the project is for the replacement of a well currently in use with the same use proposed. No tree removal, grading, or additional development is proposed.

- 3. FINDING**                    The project, as conditioned, is consistent with the development policies of the Humboldt Bay Area Plan (HBAP).

**EVIDENCE**

- a) The purpose of the Rural Residential (RR) land use designation is to allow residential use of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development. The project is consistent with the RR land use.
- b) The project complies with the County's Housing Element as it will not change the County's Housing Inventory with the installation/replacement of a well.
- c) According to the California Natural Diversity Database (CNDDDB), there are no reported rare species that may occur within the vicinity of the project area. There are wetlands (transitional farmland) on the property. The well is being dug in the same location as the existing well and will be setback 85-feet. The applicant has received approval of their proposal from the Department of Environmental Health. The project was referred to the Coastal Commission and CDFW. CDFW indicated that they had no comment on the proposal and the Coastal Commission did not respond.
- d) The parcel is not within a designated Humboldt Bay Coastal Scenic Area. The development, as proposed, is not expected to have any negative impacts on the visual quality of the area, considering it is not a coastal zone scenic view area. No threats to visual resources are anticipated. The project is consistent with the physical scale and visual compatibility of the neighborhood.
- e) The project was referred to the Northwest Information Center (NWIC), Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, and the Wiyot Tribe. NWIC recommended consult with local tribes. The Bear River Band recommends archeological discovery protocol. Other Tribes did not offer comments on the project. Accordingly, the standard inadvertent archaeological discovery protocol has been added to the Conditions of Approval.

**4. FINDING**

The proposed development is consistent with the purposes of the existing Rural Residential Agriculture (RA-2.5) zone, and Design Review (D) combining zone in which the site is located.

**EVIDENCE**

- a) The project is principally permitted in the RA-2.5 zone with a Coastal Development Permit.
- b) The subject parcel has been determined to be one legal parcel as created prior to 1964 and is compliant with the provisions of the Subdivision Map Act.
- c) The project complies with all development standards including setbacks, 35-foot height limits, off-street parking, and lot coverage.
- d) The project is consistent with the Design Review Standards as follows: The proposed work would not be incompatible with the existing

neighborhood. The replacement of a well will not alter potential visual impacts associated with residential development. The applicant is conditioned to clean drill spoils as a condition of approval to prevent visual alteration of the neighborhood within the temporary timeline it may take to drill the well.

**5. 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 parcel is not in a flood zone, an area of potential liquefaction, or in a fault hazard zone. The project shall comply with the conditions of approval. There is no evidence the work would be detrimental to the public health, safety, or welfare.

**6. 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 proposed well replacement does not impact or change the County housing supply. The project is consistent with the 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 approves the Coastal Development Permit based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **March 24, 2022**.

I, John 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.

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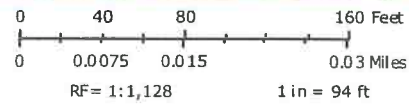
John H. Ford, Zoning Administrator,  
Planning and Building Department



**ArcGIS Web Map**  
Humboldt County Planning and Building Department

- |                     |                           |                           |
|---------------------|---------------------------|---------------------------|
| Highways and Roads  | — Private or Unclassified | — Intermittent            |
| Principal Arterials | — Major River or Stream   | — Subsurface              |
| Minor Arterials     | <b>Blue Line Streams</b>  | — City Boundary           |
| Major Collectors    | — Perennial 1-3           | — Counties                |
| Minor Collectors    | — Perennial >4            | — Parcels (no APN labels) |
| Local Roads         |                           |                           |

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Printed: October 19, 2021 Web AppBuilder 2.0 for ArcGIS  
Map Disclaimer:  
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.  
Source: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Humboldt County GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



# Vicinity Map

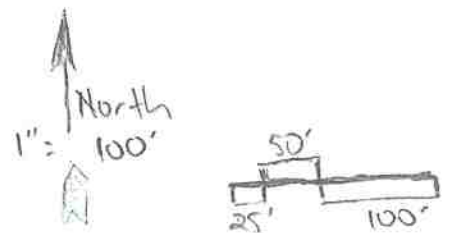


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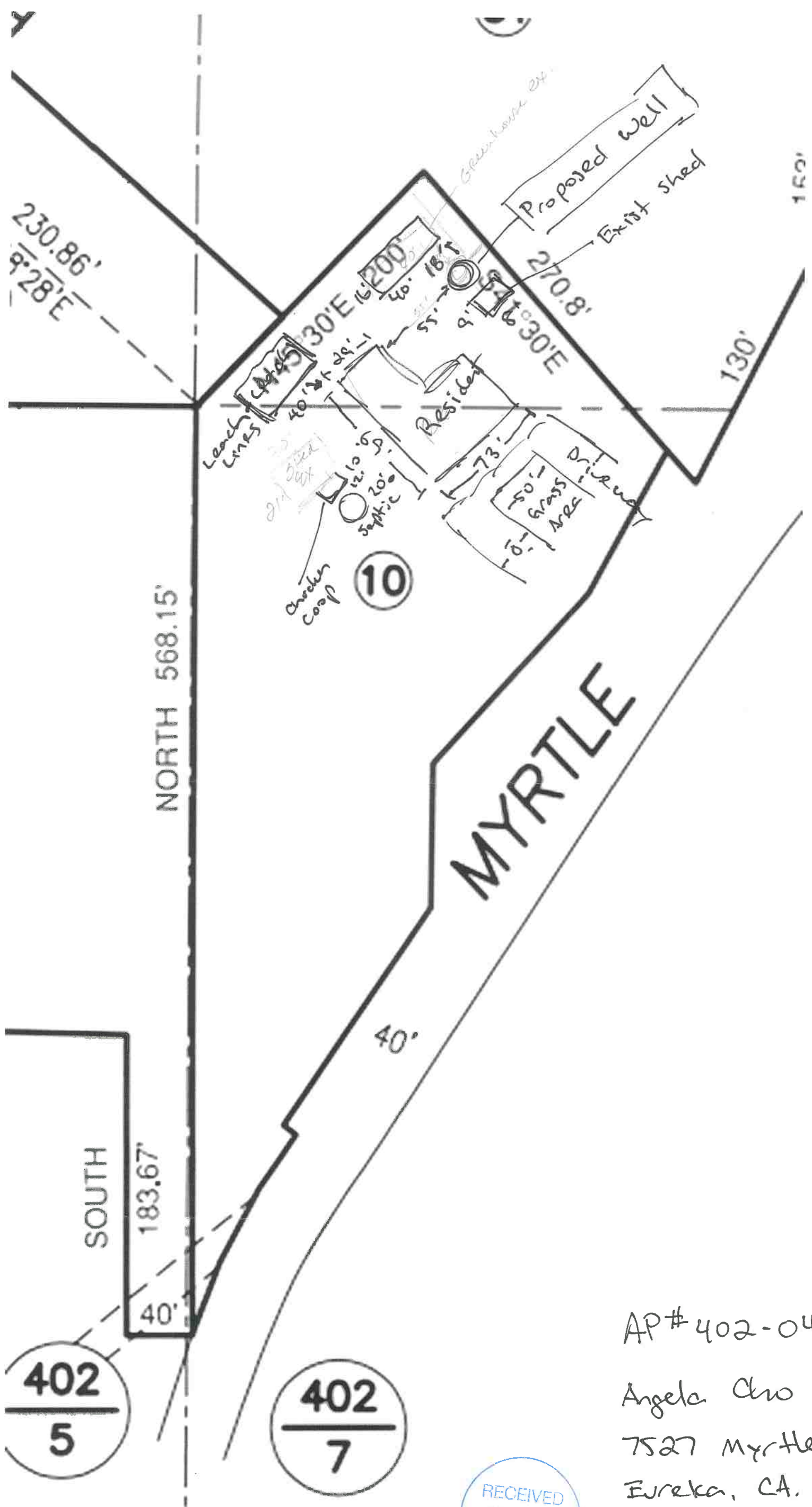


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AP# 402-042-010  
 Angela Cho  
 7527 Myrtle Ave  
 Eureka, CA. 95503







MYRTLE

AP# 402-042-010  
 Angela Cho  
 7527 Myrtle Ave  
 Eureka, CA. 95503

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1" = 100'

## **ATTACHMENT 1 CONDITIONS OF APPROVAL**

Approval of the Coastal Development Permit is conditioned upon the following terms and requirements which must be fulfilled before a demolition permit may be issued or use initiated.

1. Work authorized under this coastal development permit shall be limited to what is necessary in order to replace the existing hand dug well with a professionally drilled well. No additional work associated with future development of the site is authorized.
2. The applicant shall 1) contain well spoils near the drill site using temporary barricade/mat material; 2) within 10 days of the conclusion of drilling operations, remove the well spoils to an approved upland location and outside any ESHA buffer (if applicable); and 3) secure the well spoils disposal area and drill site using best management practices (seeding, mulching, matting, etc.) to minimize erosion and sedimentation. The applicant shall contact the Building Inspections Division (445-7245) within 10 calendar days of the drilling operation for an inspection to verify that these practices have been utilized and that the site has been winterized.
3. The applicant shall obtain an approved well permit through the Division of Environmental Health.
4. The applicant must obtain an electrical permit from the Humboldt County Building Division to start electrical service to the well pump (if applicable, may also use existing pump).
5. Following the issuance of emergency development permit(s), the applicant shall obtain all required development permit(s) in accordance with §312-17 and other provisions of the Humboldt County Code.

### **Informational Notes**

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
2. 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, groundstone 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 responsible for ensuring compliance with this condition.

## Attachment 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

**Required Findings:** To approve this project, staff must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development is in conformance with the County General Plan, Humboldt Bay Area Plan, Open Space Plan and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms to all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity; and
5. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a) is categorically or statutorily exempt; or
  - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**1. General Plan and Local Coastal Plan Consistency.** The following table identifies the evidence which supports finding that the proposed accessory structure is in conformance with all applicable policies and standards in the Humboldt Bay Area Plan (HBAP), Humboldt County General Plan, Open Space Plan and Open Space Action Program.

<b>Plan Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
<p>Land Use Chapter 4</p> <p>HBAP: Rural Residential, Indianola</p>	<p>Allows residential use of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development.</p> <p>This area is currently comprised of approximately 80 residential parcels and includes approximately 210 acres. These parcels are located in an upland area where soils are suitable for septic systems. The average parcel size is 2.6 acres, which is reflective of the existing development pattern in this area. The area is planned for an average density of one unit per 2.5 acres.</p>	<p>The proposed project to drill a new well for residential use is consistent with Rural Residential Designation in the HBAP.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to this site is provided from Myrtle Avenue (a County-maintained Road) via an existing driveway.</p> <p>The project is consistent with Circulation policies identified in the General Plan.</p>

<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p>	<p>The project is for the drilling of a new domestic well to serve an existing single-family residence. This new well will replace the deteriorating 11-foot-deep hand dug well which currently serves the parcel as the only domestic water source. The project will not change the residential density. There is one residence on the parcel.</p> <p>The project will have no effect on the Humboldt County Housing Element.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter require new development to conform with noise compatibility standards.</p>	<p>The project site is located in a low-density residential area (one unit per lawfully created lot). The applicant is required to conform with noise standards in the residential area when performing construction.</p>
<p>Safety Element Chapter 14</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury.</p>	<p>The project is located in an area that is relatively stable. The project site is not located in a designated floodway or area of inundation.</p> <p>The project is located in an area moderate fire hazard severity and is within the Local Responsibility Area of Humboldt #1 Fire Protection District's jurisdiction.</p> <p>The project is not expected to increase risks to hazards.</p>

<p>3.30 TAP- Natural Resource Protection</p> <p>Cultural Resources 10.6</p>	<p>Environmentally sensitive habitats shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.</p> <p>Goals and policies contained in this Chapter relate to the enhancement and protection of significant cultural resources, providing heritage, historic, scientific educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The parcel does have environmentally sensitive habitat as defined in the HBAP on site. The presence of farmed wetland areas takes up most of the southern portion of the parcel. The proposed well installation falls within 85 feet of the required 100-foot setback coastal wetlands. The new well is proposed in the same location as the existing well. Anticipated use will remain consistent with historic use, serving as the sole domestic supply to the subject parcel.</p> <p>The parcel and surrounding parcels are developed with residences.</p> <p>The project was referred to the Northwest Information Center, Bear River Band, Wiyot Tribe, and Blue Lake Rancheria for comment. The Northwest Information Center recommended contacting the local tribes. The Bear River Band did not respond. The Blue Lake Rancheria did respond stating that standard inadvertent discovery protocol should be followed. The Wiyot Tribe concurred with this recommendation. This recommendation is included as a condition of approval.</p>
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**2. Zoning Compliance and 3. Development Standards:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall only be issued for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel as it was created by deed executed prior to the establishment of Humboldt County subdivision regulations in 1964.
§313-6.4 Residential Rural Agriculture (RA-2.5)  §313-33.1 Design Review (D)	The rural residential agriculture (RA) zone is intended for the residential use of rural lands.  Density: one (1) dwelling unit per lawfully created lot or two (2) dwelling units with a Special Permit.	The project is consistent with the intended uses of the RA zone. The installation of a new well will support the existing residential use previously serviced by a hand dug well.  The installation of a well does not impact Design Review elements. No new structures are proposed. Condition #2 has been applied to the project to prevent visual neighborhood inconsistency during the construction and installation of the proposed new well by keeping unearthed areas covered by matt during drilling and by having the work/drill area immediately reseeded after drilling and installation have been completed.
Min. Lot Size	2.5 acres	2.2 acres
Min. Lot Width	175 feet	250 feet
Max Lot Depth	Four (4) time the lot width	~670 feet
Yard Setbacks	Front: 20 feet Rear: 10 feet Interior Side: 5 feet Exterior Side: 20 feet	All structures are existing and conform to the setback requirements in 313-6.4 for Rural Residential Agriculture zoning within the Coastal Zone. The proposed well setbacks are also consistent with the requirements set forth by the Department of Environmental Health, who recommend approval in their planning referral response.
Max. Lot Coverage	35%	~5%
Max. Bldg. Height	35 feet	All existing structures are less than 35 feet in height.

**3. Public Health, Safety, and Welfare and 4. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed project will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment.

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
§312-17.1.4	Proposed development will not be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity.	The proposed project will not be detrimental to public health, safety, or welfare. There is no evidence that the proposed new domestic well will be materially injurious to properties or improvements in the vicinity.
CEQA Guidelines	Categorically exempt from State environmental review.	The project was found to be exempt from environmental review pursuant to Sections 15302 of the CEQA Guidelines.

**4. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will 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.

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
§312-17.1.5 Housing Element Densities	The proposed development shall 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, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The project will not add any units to the County's housing inventory and is in conformance with the standards identified in the Housing Element.

**REFERRAL AGENCY COMMENTS**

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>On File</b>
Public Works	✓	Approved	✓
Building Division	✓	Approved	✓
Environmental Health	✓	Approved	✓
NWIC	✓	Consult w/ tribes	✓
Blue lake Rancheria	✓	Discovery Protocol	✓
Wiyot	✓	Discovery Protocol	✓
Bear River Band		No response	
CDFW	✓	No comment	✓