

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

Resolution Number: 26-

Record Number: PLN-2023-18188

Assessor's Parcel Number: 109-351-061

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Bell Coastal Development Permit, Conditional Use Permit, and Special Permit Modification

WHEREAS, James Bell has submitted an application and evidence in support of approving a Coastal Development Permit, Conditional Use Permit, and Special Permit Modification (PLN-2022-16840); and

WHEREAS, the Planning Division as the Lead Agency previously determined that the project qualifies for categorical exemptions found in Sections 15302 *Replacement or Reconstruction*, 15303 *New Construction or Conversion of Small Structures*, and 15305 *Minor Alterations in Land Use Limitations* of the CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on April 2, 2026, and reviewed, considered, and discussed the application for the Coastal Development Permit, Conditional Use Permit, and Special Permit Modification Extension, 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 Modification to a previously approved (PLN-2020-16840) Coastal Development Permit, Conditional Use Permit, and Special Permit (CDP-46-90/CUP-35-90/SP-44-90) which authorized the after-the-fact permitting of the following development: 1) Construction of a 120 square foot garden shed, 2) Construction of a 15 square foot concrete pad for the installation of a generator, 3) Construction of a 2-inch deep, quarter inch-wide underground coaxial cable, 4) Addition of 192 square foot extension of an existing deck and two staircases on either side of the deck on the western side of the existing residence, 5) repair of existing 45" fence on the eastside of the residence using existing footings 6) Removal of 11 dead/dying trees (<12" DBH) within 30-feet of a residence. The permit also authorized the conversion of a Bed and Breakfast facility to a single family residence and a Notice of

Merger of three parcels into one. The parcel is developed with an existing single-family residence, gravel driveway and served with community water and sewer provided by the Shelter Cove Resort Improvement District. This modification includes the construction of a detached garage that exceeds the maximum height and size for a detached accessory structure. Therefore, a Special Permit is required pursuant to Section 313-69-1.4.2. The Special Permit is also required for Design Review.

EVIDENCE: a) Project File: PLN-2023-18188

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Zoning Administrator has considered the project and finds the proposed project is exempt from environmental review pursuant to Sections 15302 *Replacement or Reconstruction*, 15303 *New Construction or Conversion of Small Structures*, and 15305 *Minor Alterations in Land Use Limitations* of the State CEQA Guidelines.

EVIDENCE: a) Similar to the previously approved and modified project the project qualifies for a Class 2, Class 3, and Class 5 exemption, which apply to the following:

- Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced (Class 2); and
- Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the interior of the structure (Class 3); and
- Minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density (Class 5).

b) A project can be disqualified from using a Categorical Exemption if any of the exceptions listed in 15300.2 apply.

However, none of these exceptions apply to the proposed project.

3. FINDING: The proposed development is in conformance with the South Coast Area Plan.

EVIDENCE: a) The property is designated Residential Low Density (RL) in the South Coast Area Plan. Principal uses include detached single-family residences to allow the development of homeowner residential uses making conservative use of urban land where adequate services are available.

b) **3.28 Hazards:** The new development conforms with the Hazards policies in the South Coast Area Plan. The section requires new development to meet two standards:

1. Minimize risks to life and property in areas of high

2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

- The parcel 109-351-061 is in an area of the high instability (3). The parcel is located near the Alquist-Priolo Fault Hazard Zone but is not in area subject to potential liquefaction. Architectural design and engineering will mitigation this issue as much as feasible.

- The parcels are not located within a flood probe area per the geological study, as such the hazard for flooding is considered low.

- The parcel resides within a high fire hazard severity zone. Both parcels are within the State Responsibility Area and the Resort Improvement Fire District 1.

- The parcel is adjacent to a bluff and/or cliff.

c) **3.29 Archaeological and Paleontological Resources:** The project was referred to the Bear River Band of Rohnerville

Rancheria, the Intertribal Sinkyone Wilderness Council and the Northwest Information Center under PLN-2022-16840. The Bear River responded indicating project does not appear to represent a significant impact(s) on cultural resources but did request that the standard Inadvertent Discovery condition is included within the Conditions of Approval (Attachment 1A).

- d) **3.41 Environmentally Sensitive Habitats:** According to the California Natural Diversity Database (CNDDDB), there are several reported rare species that may occur within the vicinity of the project area. Given the majority of the lot is developed, and the small structures would not extend into undeveloped areas, it is highly unlikely these species will be affected by the proposal. There are no wetlands, streams, or riparian areas near the project area. The project was referred to the Coastal Commission and CDFW. Coastal staff did not discuss species impacts in their comments. The project is consistent with the Natural Resource policies identified in the SCAP.
- e) **3.42 Visual Resource Protection:** The proposed project is consistent with the Visual Resource Protection section of the South Coast Area Plan. The proposed project is not within a Coastal Scenic Area or Coastal Scenic View Area, so this protection does not apply.
- f) **3.50 Access:** There is no accessway on the parcel and the development of the proposed project will not impede public access to any coastal resources.

4. FINDING: All other standards and requirements to which the project is subject to and as administered by other departments or agencies have not changed.

EVIDENCE: a) The requested Coastal Development Permit, Conditional Use Permit, and Special Permit Modification extension was referred to responsible agencies and no comments were received.

5. FINDING: Proposed development conforms with the allowable uses in the CR zone, as the residential single-family house is a principally permitted use (HCC §313-5.2). The project authorizes the after-the-fact permitting of the previous development and a modification for the construction of a detached garage that

exceeds the maximum height and size for a detached accessory structure.

EVIDENCE: a) The project meets minimum parcel size, lot width, yard setbacks, and maximum lot depth requirements as part of the Development Standard for Shelter Cove.

b) **DESIGN REVIEW**

In the absence of any Board of Supervisors' approved representatives, the Director is the reviewing authority. The project complies with all of the following standards and regulations contained in the Design Review Combining Zone.

Design Review Standards: Buildings, sites, structures, signs, landscaping, and similar development are consistent with the policies of the General Plan and the Zoning Code, and the Review Authority finds the following items are addressed in the submitted development plans:

1. The project is consistent and compatible with applicable elements of the General Plan
2. The project protects natural landforms by minimizing alterations caused by cutting, filling, grading or clearing, except to comply with fire hazard reduction laws.
3. Exterior lighting will be compatible with the surrounding setting and will not be directed beyond the boundaries of the parcel.
4. Screening or softening the visual impact of new development through the use of vegetative plantings. It is appropriate for species common to the area to be used. Known fire resistive plants should be considered where appropriate.
5. Where feasible, new utilities should be underground. When above-ground facilities are the only feasible alternative, they will be sited as unobtrusively as possible.

Restrictions Applicable Within Designated Coastal View

Areas: The project is not within a Coastal View Area of Shelter Cove.

Required Findings for Designated Coastal Scenic and Coastal View Areas: The project is not within a Coastal Scenic or Coastal View Area of Shelter Cove.

Additional Standards Applicable to Shelter Cove Portions of South Coast Area Plan - Building Structural Design Standards:

1. Residence has a minimum width of twenty (20) feet at the narrowest point, as measured from exterior wall to exterior wall.
2. The foundation is designed to meet the Uniform Building Code requirements of seismic zone IV as it is a continuous perimeter foundation.
3. The project meets the minimum roof overhang of twelve (12) inches. The overhang is an integral part of the structure.
4. There are no exterior walls and roofing materials of unfinished metal or galvanized metal. Flammable roofing material such as wood shakes or shingles are not proposed.

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

EVIDENCE: a) The project is conditionally permitted in the CR Zone and will authorize after-the-fact development of small structures which are accessory to the existing residence. The project also includes a Notice of Merger to merge three separate legal parcels to remedy development encroachment issues.

7. FINDING: 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.

EVIDENCE: a) The construction of the garage will not be detrimental to public health safety or welfare.

- b) All reviewing referral agencies that responded to the County have approved or conditionally approved the proposed project. The application is complete. Parcels to be developed are found to comply with the Subdivision Map Act. The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances.

8. FINDING:

Residential Density: 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence:

1. The project 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's share of the regional housing need pursuant to Section 65584 of the Government Code, and
3. The property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions has been maximized.

- EVIDENCE:**
- a) The parcel is zoned for Commercial Recreation that permits residential use. The zoning is consistent with the General Plan, and the project contributes to the County's share of the regional housing need.

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 Bell Coastal Development Permit, Conditional Use Permit, and Special Permit Modification two-year extension subject to the original Conditions of Approval included in Attachment 1A.

Adopted after review and consideration of all the evidence on **April 2, 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, Director
Planning and Building Department