

PLANNING AND BUILDING DEPARTMENT PLANNING DIVISION COUNTY OF HUMBOLDT 3015 H Street, Eureka, CA 95501 Phone (707) 445-7541 www.humboldtgov.org/156

## Planning Division Decision Packet

The following packet of information includes your Planning Division permit results. **Please review the enclosed permit packet carefully.** The packet contains important information such as appeal periods, permit conditions, and the expiration date for your permit(s). Please take particular note of the following:

- 1. Your permit is subject to one or more appeal periods. Your permit is not effective until all appeal periods have ended. See appeals procedure information included in this packet.
- 2. All permit conditions must be completed prior to the expiration date. Your permit(s) may also include conditions from other state or local agencies. If you have questions or need assistance, please contact the specific agency or department that issued the conditions.
- 3. **Proof of completion is required for most permit conditions**. For efficient staff review of condition completion, please consolidate proof of completion for all conditions into one package.
- 4. You are responsible for tracking the expiration date of your permit(s). An extension process is available if you need more time.
- 5. Additional federal, state or local regulatory requirements may apply to your project. These requirements may be administered by agencies other than the Planning Division, including any mitigation monitoring. It is your responsibility to obtain all necessary approvals before starting your project.
- 6. **Call your assigned planner if you have any questions.** Your assigned planner's contact information is provided below.

Trevor Estlow, Senior Planner Phone: 707-268-3740 testlow@co.humboldt.ca.us



## CURRENT PLANNING DIVISION PLANNING AND BUILDING DEPARTMENT

COUNTY OF HUMBOLDT

3015 H Street, Eureka, CA 95501 Phone (707) 445-7541 <u>http://www.humboldtgov.org/156</u>

Applicant Amber Cavanaugh 3970 Pennsylvania Ave. Eureka, CA 95501 **Owner** Same as applicant Agent N/A

## Notice of Zoning Administrator Decision

| Date                 | June 5, 2025   |
|----------------------|----------------|
| Assessor Parcel No.: | 016-172-013    |
| Permit:              | PLN-2025-19216 |
|                      |                |

Contact: Trevor Estlow - 268-3740

## Description

A Coastal Development Permit (CDP) to authorize tree removal associated with a Less Than Three Acre Conversion Exemption authorized by CALFIRE and the construction of a shop. The parcel is approximately 3.17 acres in size and the majority of the parcel will be subject to the conversion exemption with the exception of the Watercourse and Lake Protection Zone (WLPZ) in the northern portion of the property, which will be avoided consistent with the California Forest Practice Rules. In addition to the CDP, a Special Permit (SP) is requested for the construction of an accessory structure exceeding the size requirements pursuant to Section 313-69.1.4 of Humboldt County Code. Currently, a shop of up to 1,600 square feet and up to 20 feet tall is proposed northeast of the existing residence. Proposed improvements to the existing residence are exempt from a CDP pursuant to the Categorical Exclusion Order E-86-4. The parcel is served with community water and sewer provided by the Humboldt Community Services District.

## Decision

The project was approved by the Zoning Administrator on June 5, 2025 by Resolution **25-046** and is subject to the attached Conditions of Approval.

## Appeals

This project may be appealed by any aggrieved person within **10 working** days. The last day to appeal to the Board of Supervisors is 5:00 pm **June 20, 2025**. Additional information regarding appeals is included with this notice.

## **Conditions of Approval**

Please review these conditions carefully as other permits may be required before the project commences. In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if certain grounds are found to exist (See Humboldt County Code §312-14).

## **California Coastal Commission Appeal**

This project is subject to a California Coastal Commission appeal period which begins at the end of the County appeal period. If appealed, the Coastal Commission may deny the project or impose other conditions of approval on the project.

## **Effective Date**

If no appeal is initiated, the day after all appeal periods end will become the effective date of the permit. If an appeal has been initiated the effective date will depend on the outcome of the appeal.

## **Expiration Date**

You will receive an expiration letter stating the effective date and the expiration date at the end of the Coastal Commission appeal period.

## Extensions

If the conditions for your project cannot be met before the expiration date, you may apply for an extension with the Planning Division. Extension applications must be submitted with the appropriate fees before the permit expiration date. If the permit expires, a new permit application must be filed and accompanied by applicable fees. The new permit may be subject to different processing requirements and standards. Contact your assigned planner if you have any questions about extensions.

## **Changes or Modifications to Project**

If your project needs minor changes or major modifications, review and approval of the project by the Planning Division is required. Applications for changes or modifications must be filed and accompanied by applicable fees. Contact your assigned planner if you think your project needs to be changed or modified.

## RESOLUTION OF THE ZONING ADMINISTRATOR OF THE COUNTY OF HUMBOLDT

**Resolution Number: 25-046** 

## Record Number: PLN-2025-19216 Assessor's Parcel Number: 016-172-013

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

WHEREAS, Amber Cavanaugh submitted an application and evidence in support of approving the Coastal Development Permit and Special 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 Humboldt County Zoning Administrator held a duly-noticed public hearing on June 5, 2025, 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:

A Coastal Development Permit (CDP) to authorize tree removal 1. FINDING: associated with a Less Than Three Acre Conversion Exemption authorized by CALFIRE and the construction of a shop. The parcel is approximately 3.17 acres in size and the majority of the parcel will be subject to the conversion exemption with the exception of the Watercourse and Lake Protection Zone (WLPZ) in the northern portion of the property, which will be avoided consistent with the California Forest Practice Rules. In addition to the CDP, a Special Permit (SP) is requested for the construction of an accessory structure exceeding the size requirements pursuant to Section 313-69.1.4 of Humboldt County Code. Currently, a shop of up to 1,600 square feet and up to 20 feet tall is proposed northeast of the existing residence. Proposed improvements to the existing residence are exempt from a CDP pursuant to the Categorical Exclusion Order E-86-4. The parcel is served with community water and sewer provided by the Humboldt Community Services District.

- **EVIDENCE:** a) Project File: PLN-2025-19216.
- 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 and 15304 of CEQA.
  - As lead agency, the Planning and Building Department found the project to be categorically exempt pursuant to CEQA guidelines. One component of the project is the construction of an approximately 1,600 square foot shop building. Section 15303 of the CEQA guidelines exempts New Construction, specifically accessory structures. The second component of the project is the tree removal associated with Less Than 3-Acre Conversion Exemption from CALFIRE. Section 15304 of the CEQA guidelines exempts Minor Alterations to Land, specifically, the removal of trees, provided they are not scenic.
- **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 Residential Low Density (RL), which is designated to allow the development of homeowner residential uses making conservative use of urban land where adequate services are available. The principal use is for detached single family residences. The tree removal and construction of an accessory structure is consistent with this designation and is a principally permitted use, whereas the accessory structure also requires a Special Permit to exceed 1,000 square feet in size.
    - 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 has a Low Instability (1) rating, is not within a fault hazard zone, is outside of the tsunami hazard area, is not within

an area of potential liquefaction and outside the identified 100year Flood Zone (A). The subject parcel is within the Local Response Area with Humboldt Bay Fire providing structural fire protection as well as responding to medical emergencies. Humboldt Bay Fire did not respond with any concerns regarding the 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 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 (CNDDB) which identifies rare or endangered species, the subject parcel is within range of the western lily, a California endangered plant. Even though the project is within this identified range, a site visit conducted by the California Department of Fish and Wildlife indicated that the site does not provide suitable habitat. Impacts to this plant 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. Trees along Myrtle Avenue, as well as select trees within the conversion area will be retained to minimize visual impacts. Due to the elevation of the site, the shop will not be visible from any public viewpoints.

- **4. FINDING:** The proposed development is consistent with the Humboldt County Coastal Zoning Code.
  - **EVIDENCE:** a) The proposed Coastal Development Permit and Special Permit will authorize tree removal associated with a Less Than Three Acre Conversion Exemption authorized by CALFIRE and the construction of a shop. The subject parcel is zoned Residential Single Family within the Coastal Zone, where tree removal and accessory structures are principally permitted as accessory to the residential use. The parcel was created by a Lot Line Adjustment (LLA-18-19) in 2018 and is currently developed with a single-family residence.
- 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 proposed project is for a Coastal Development Permit and Special Permit to authorize tree removal and the construction of a shop. Based on staff analysis and the findings, there is no evidence that the proposed Coastal Development Permit and Special Permit will be materially injurious to properties or improvements in the vicinity.
- 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 project is for a Coastal Development Permit and Special Permit to authorize tree removal and the construction of a shop. Based on staff analysis and the findings, there is no evidence that the proposed Coastal Development Permit and Special Permit will be materially injurious to properties or improvements in the vicinity.

#### 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 Special Permit will authorize tree removal associated with a Less Than Three Acre Conversion Exemption authorized by CALFIRE and the construction of an approximately 1,600 square foot shop, 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 June 5, 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 SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

#### A. General Conditions

- 1. All development shall conform to the approved plot plan.
- 2. All requirements specified in the memo from Humboldt Community Services District dated March 31, 2025 shall be completed to the satisfaction of the District.
- 3. Given the extent of clearing and the possibility for several special status birds, including osprey, CDFW recommends that Tree removal shall occur outside of nesting season (generally March 15 August 15). Alternatively, although discouraged due to the potential for project delays and associated costs, a qualified biologist shall survey for active bird nests no more than seven days prior to tree removal or significant trimming. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project related activities of seven days or more, the biologist should re-survey the area before work resumes.
- 4. Invasive plant species shall not be used in landscaping. CDFW recommends the use of native plants appropriate to coastal northern California, which provide aesthetic and habitat values while requiring minimal watering and maintenance. Using native species in landscaping is particularly important near the shop and existing driveway, where redwoods and other native conifers currently create a cooler microclimate for the stream. In these locations, it is recommended to replant with a similar mix of tree species or favoring other evergreen trees suitable for developed settings, such as wax myrtle or bay laurel.
- 5. In areas adjacent to sensitive habitat, like the proposed shop building, CDFW recommends minimizing light pollution by lighting areas only as necessary and installing outdoor fixtures that are fully shielded and downward facing, with color temperatures less than 3000K. The Dark Sky Association webpage has some helpful pointers, as well as a list of approved products to choose from.
- The Applicant shall contact PG&E prior to ground-disturbing activities to ensure that the existing gas pipeline is adequately protected during all tree removal and construction activities.
- 7. 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.

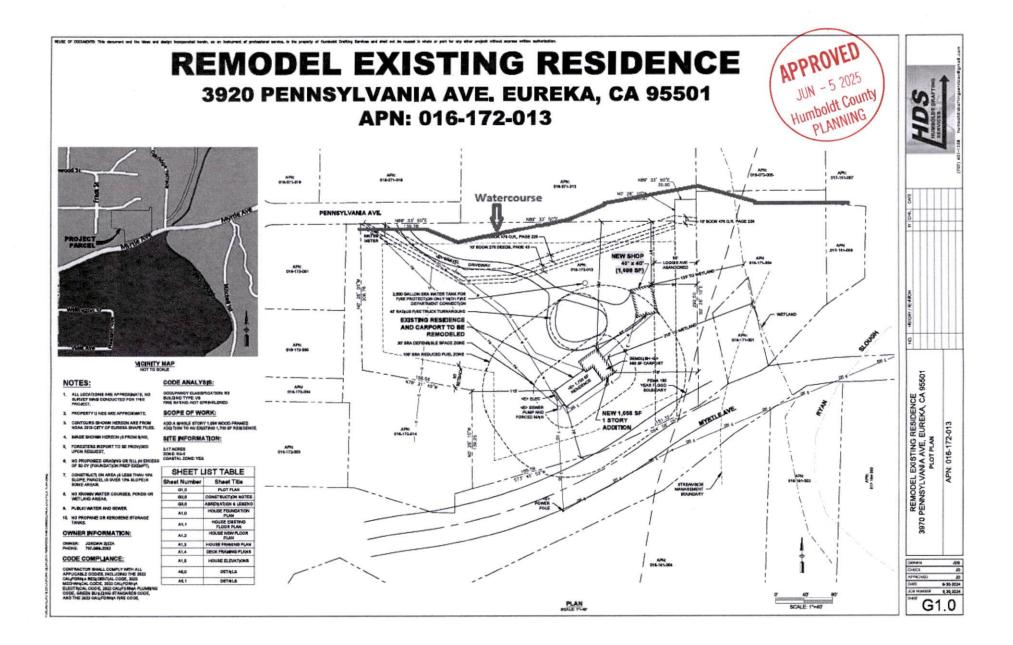
#### Informational Notes:

 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.
- 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 and Special 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.



## APPEALS OF ZONING ADMINISTRATOR ACTIONS

#### WHO MAY APPEAL?

County Ordinance and State Law provides the opportunity for the applicant or any other person who disagrees with the Zoning Administrator's decision to approve, conditionally approve, or deny a project, to appeal that decision to the Board of Supervisors.

#### WHAT CONSTITUTES A FORMAL APPEAL?

All appeals must be submitted in writing and must be accompanied by the fee established for appeals by the Board of Supervisors. The person filing the appeal shall state specifically why the decision of the Zoning Administrator is not in accord with the standards and regulations of the zoning ordinances, or why it is believed that there was an error or an abuse of discretion by the Zoning Administrator. A copy of the receipt can be used as proof of payment when filing with the Clerk of the Board.

#### WHAT IS THE FEE FOR FILING AN APPEAL?

The County's adopted schedule of fees and charges establishes fees for appeals of Zoning Administrator actions. Appeal fees include charges by other County departments (e.g., Division of Environmental Health or Public Works Land Use). If the appeal does not involve issues within the jurisdiction of a particular County department, it may be possible to reduce the appeal fee by the amount normally collected. This can be done by providing a written fee waiver authorization from that department with the appeal request. Please contact the Planning Division for updated fee information.

#### WHERE IS AN APPEAL FILED?

The appeal must be filed with the Planning Division at the Clark Complex, 3015 H Street, Eureka, CA 95501. However, for subdivisions and subdivision map extensions <u>not</u> involving property in the Coastal Zone, a copy of the appeal and proof of payment of the appeal fees must also be filed with the Clerk of the Board of Supervisors, in Room #111 of the Humboldt County Courthouse, 825 Fifth Street, Eureka, CA 95501.

#### HOW LONG DO I HAVE TO FILE AN APPEAL?

Subdivisions, discretionary permits and variances have different appeal filing periods and procedures under the law. Please refer to the back of this sheet for the specific ordinance requirements. The following information may be used for guidance.

| Permit Type  | Appeal Filing Period                            | Where To File                            |
|--|---|--|
| Subdivisions   | 10 calendar days                                | Planning Division and Clerk of the Board |
| Subdivision Map Extensions   | 15 calendar days<br>(Appealable only if denied) | Planning Division and Clerk of the Board |
| Subdivisions in the Coastal Zone                                     | 10 calendar days                                | Planning Division only                   |
| Lot Line Adjustments   | 10 calendar days                                | Planning Division only                   |
| Permits and Variances<br>In the Coastal Zone                         | 10 working days                                 | Planning Division only                   |
| Permits and Variances outside of the<br>Coastal Zone (Inland Zoning) | 10 working days                                 | Planning Division                        |

"Working Day" appeal periods begin the very next business day after the decision is made and end at 5:00 p.m. on the tenth (10<sup>th</sup>) business day counting sequentially (weekends and County-recognized holiday days <u>are excluded</u> as they are not normal working days).

"Calendar Day" appeal periods begin the very next day after the decision is made and end at 5:00 p.m. on the final appeal day by counting sequentially, unless the last day is a weekend or County-recognized holiday, then the appeal period would end on 5:00 p.m. the next business day following the weekend or County-recognized holiday.

#### WHAT IF THE "PROJECT" INVOLVES MULTIPLE PERMIT TYPES?

Different permit types have different appeal periods. If you wish to appeal a project as a whole, the <u>most restrictive (i.e., shortest time period)</u> appeal period must be used. If you wish to appeal a specific permit involved in the project, the appeal period for that specific permit must be followed. Failing to file an appeal in the correct timeframe can invalidate the appeal.

#### QUESTIONS?

For more information or if you have questions regarding the appeal process, contact the Planning Division at (707)445-7541.

#### REGULATIONS GOVERNING APPEALS OF DECISIONS BY THE HEARING OFFICER

#### **COASTAL ZONING REGULATIONS**

#### Section 312-13. Appeal Procedures.

Appeals to the Board of Supervisors. Any person, as defined in Chapter 2, aggrieved by an action or the Hearing Officer may appeal such action to the Board of Supervisors by filing a notice of appeal with the Planning Division of the Planning and Building Department within ten (10) working days of said action. Upon receipt of the notice of appeal, the Planning Division shall transmit to the Clerk of the Board a copy of the notice of appeal. An appeal fee as set by resolution of the Board of Supervisors shall be paid when the appeal is filed.

**Grounds for Appeals.** The Planning Division shall provide a standard form on which the appellant shall state specifically why the decision of the Hearing Officer is not in accord with the standards and regulations of the zoning ordinance, or why it is believed that there was an error or an abuse of discretion by the Hearing Officer.

#### INLAND (NON-COASTAL) ZONING REGULATIONS

#### Section 312-13. Appeals to the Board of Supervisors

Except as otherwise stated in this Code, any person, as defined in this Code, aggrieved by an action taken by the Hearing Officer on any completed application, may appeal such action to the Board of Supervisors by filing a notice of appeal with the Department within ten (10) working days of said action. Appeals on Coastal Development Permits for subdivisions shall be filed within ten (10) calendar days of the decision of the Hearing Officer. Upon receipt of the notice of appeal, the Planning Division of the Planning and Building Department shall transmit to the Clerk of the Board a copy of the notice of appeal. An appeal fee as set by resolution of the Board of Supervisors shall be paid when the appeal is filed. This section does not apply to a rezoning or an amendment to this division.

#### SUBDIVISION REGULATIONS AND STATE SUBDIVISION MAP ACT

#### 325-8. APPEALS (Subdivision Projects)

The subdivider, any interested person or any public entity may appeal any action of the Advisory Agency to the Board of Supervisors. (Note: Appeals are processed in accordance with the following sections of the California Government Code: §66451.3, 66452.5, 66452.6(e) and 66474.7.)

#### 325.5-10. APPEALS (Lot Line Adjustments)

Any person aggrieved by an action of the Zoning Administrator may take an appeal to the Board of Supervisors by filing a notice of appeal with the Planning Division of the Planning and Building Department and with the clerk of the Board of Supervisors within ten (10) days of said action. The notice of appeal filed with the Planning Division shall be accompanied by a fee set by resolution of the Board of Supervisors sufficient to cover the cost of processing the application for appeal. Upon receipt of the notice of appeal, the Planning Division shall forthwith transmit to the Board of Supervisors all the papers constituting the record upon which the action appealed from was taken.



# COUNTY OF HUMBOLDT

JOHN BARTHOLOMEW

TREASURER—TAX COLLECTOR 825 Fifth Street Room 125 Eureka, California 95501 
 Phone:
 707-476-2450

 Fax:
 707-445-7608

 Toll Free:
 877-897-5692

 email:
 taxinfo@co.humboldt.ca.us

## TAX COLLECTION INFORMATION

Important: <u>all taxes and assessments must be paid in full</u> before any parcel changes are recorded.

## SUBDIVISION OR COMBINING LAND PARCELS

To complete the recording of any map change (subdivision or any combinations), the Treasurer-Tax Collector's office should be contacted to determine (1) if any taxes or assessments need payment and (2) if a tax performance bond is necessary. There is an application fee of \$140.00 to provide this information.

If the map is recorded between:

January 1 and October 31:

- A. All delinquent property taxes (secured and unsecured) must be paid in full.
- B. Bonded assessments usually must be paid in full.
- C. Current fiscal year taxes must be paid in full.
- D. A deposit in the estimated amount of the tax for the next fiscal year, which becomes a lien on January 1, must be posted with the Treasurer.

November 1 and December 31:

- A. All delinquent property taxes (secured and unsecured) must be paid in full.
- B. Bonded assessments usually must be paid in full.
- C. Current fiscal year taxes must be paid in full.

#### LOT LINE ADJUSTMENTS

It is to your benefit to make sure all taxes through the current tax year are paid before completing a lot line adjustment. Unpaid taxes could "cloud" title to all involved properties and could prevent combining property to simplify tax assessment. The Treasurer-Tax Collector's office should be contacted to determine if any taxes are unpaid.

#### FOR MORE INFORMATION

Please contact the Humboldt County Tax Collector's office at 707-476-2450, from 8:30 am to noon, and 1:00 pm to 5:00 pm, Monday through Friday.