

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-2021-17292

Assessor's Parcel Number: 306-024-004

Resolution by the Board of Supervisors of the County of Humboldt to revoke the McGuire Coastal Development Permit, Record Number PLN-2021-17292.

WHEREAS, Gerald McGuire submitted an application for a Coastal Development Permit for the demolition of an existing 1,700 square-foot residence, existing fence, and construction of a new residence, and accessory dwelling unit and garage November 24, 2022 (APN 306-024-004); and.

WHEREAS, on October 21, 2021 the Humboldt County Planning Commission approved the Coastal Development Permit for record number PLN-2021-17292; and

WHEREAS, after the close of all appeal periods the Coastal Development Permit was issued with an effective date of November 24, 2021; and

WHEREAS, the Coastal Development Permit was vested through exercising the demolition permit (which was finalized April 22, 2022) for the existing 1,700 square-foot residence; and

WHEREAS, on December 30, 2021, a building permit application was submitted for the construction of the new residence and garage; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing on September 26, 2023, and reviewed, considered, and discussed the application and appeal for the Conditional Use Permits; and reviewed and considered all public testimony and evidence presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

- 1. FINDING:** **Project Description:** Revocation of a Coastal Development Permit for the demolition of an existing 1,700 square-foot residence, existing fence, and construction of a new residence. The new 2-story residence would consist of a 788 square foot garage with a 788 square foot 1 bedroom dwelling unit above. This new structure will be built adjoining an existing 960 square-foot garage/shop which will remain on site.

EVIDENCE: Project File: PLN-2021-17292

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

EVIDENCE: a) The project is exempt from environmental review per Section 15321 – Enforcement Actions Taken by Regulatory Agencies- of the CEQA Guidelines.

FINDINGS FOR REVOCATION

3. **FINDING** The subject property has become a junkyard and the applicant is not making progress to the intended purpose of the permit which is for a residence to be constructed on the property which is contrary to the terms and conditions of such approval. The applicant is in violation of other conditions of approval.

EVIDENCE

- a) The issuance of the Coastal Development Permit was in response to a code enforcement action related to construction of an unpermitted and un-permittable house on the property and to the property containing significant amounts of junk. The objective of the CDP was to provide a place for the applicant to live and to see the property cleaned up.
- b) The permit allowed demolition of an unpermitted residence and construction of a new residence in compliance with the Building Code, Local Coastal Plan and provisions for flood prone areas.
- c) The Coastal Development Permit was approved on October 26, 2021. The applicant has had nearly two years to demolish the existing structure, obtain building permits and construct the new residence. The demolition of the unpermitted house was completed on April 22, 2022.
- d) The applicant has had since October 26, 2021 to obtain a Building Permit for the new residence. The applicant submitted information but never a complete set of plans that comply with the Building Code or approved Coastal Development Permit.
- e) The property has continued to be used to store junk, construction materials, and other material including inoperable vehicles that have expanded beyond the perimeter of the site and are found on the street. The site has been managed as a junkyard as defined in Section 371-1 of the Humboldt County Code.
- f) The applicant claims that material maintained on site is associated with the construction of the new residence. The inability to obtain a

building permit and storage of junk has resulted in the maintenance of this property as a junk yard. The purpose of the Coastal Development Permit was not to allow the applicant to store junk on the property in perpetuity.

- g) The permit was issued to allow the applicant to have a place to live and to provide an avenue to clean the property so as not to be a nuisance. The applicant has neither cleaned up the property nor constructed a residence.
- h) Condition of Approval #A1 states that “The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.” The applicant has not obtained a Building Permit because he has not submitted a set of compliant plans.
- i) Condition of Approval #A2 of the issued Coastal Development Permit states that the applicant is required to cover all permit processing costs associated with processing the application. The previous Coastal Development Permit application, which was denied, has an outstanding balance which has been sent to collections.

4. FINDING

The use to build a single-family residence has ended up being a junk yard in a residential area whereby definition having more than 200 square feet of junk is a nuisance, thus the permit is being conducted as to be a public nuisance.

EVIDENCE

- a) The permit is vested due to the demolition of the existing unpermitted and unsafe structures on the property, and the permit requires the construction of a new single-family residence. After effectuating the permit by demolishing the structure the use of the property has been conducted as to be a public nuisance. Attachment 5 contains the Notice of Violation and photographic evidence that the site is a public nuisance.
- b) The applicant claims that material maintained on site is associated with the construction of the new residence. The inability to obtain a building permit and storage of junk has resulted in the maintenance of this property as a junk yard. The purpose of the Coastal Development Permit was not to allow the applicant to store junk on the property in perpetuity.
- c) The appearance of the property as a junk yard with junk spilling out onto the streets including unlicensed and inoperable vehicles detracts from the neighborhood and is a nuisance.

- d) This property has been in a code enforcement action since 2004. The neighborhood has been impacted by the manner in which this property has been maintained since that time. The existence of the Coastal Development Permit is a rationale for the applicant to continue to use the property to store junk.

5. FINDING

The use for which the permit was granted has ceased to exist or has been suspended for one (1) year or more

EVIDENCE

- a) The permit was granted to allow the site to be utilized for a single-family residence and accessory activity. This permit became effective on November 24, 2021.
- b) Demolition activity on the unpermitted residence was completed in April of 2022 and since that time the property has continued to store an accumulation of junk.
- c) In the time since April 2022 or for 16 months no positive action has been taken to obtain a building permit or exercise the Coastal Development Permit to allow construction of a residence. The site is not being used what it was permitted for, and no progress toward permitting the intended purpose has been achieved in this time period.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Revoke the Coastal Development Permit.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on September 26, 2023, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors--
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors

KATHY HAYES
Clerk of the Board of Supervisors of
the County of Humboldt, State of California