

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

**Resolution Number: 24-**

**Record Number: PLN-2024-18983**

**Assessor's Parcel Numbers: 014-291-007 and 014-291-008**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Benzinger Coastal Development Permit and Lot Line Adjustment.**

**WHEREAS**, The applicant has submitted an application and evidence in support of approving a Coastal Development Permit to allow a Lot Line Adjustment between two parcels; 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 Planning Division as the Lead Agency has determined that the project qualifies for the exemption found in Section 15305(a) (Minor Alterations in Land Use Limitations) of the CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Coastal Development Permit and Lot Line Adjustment (Record Number PLN-2024-18983); and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 18, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit and Lot Line Adjustment, 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 Coastal Development Permit (CDP) to allow a Lot Line Adjustment (LLA) between two parcels of approximately 1.75 acres and 2.08 acres, resulting in two parcels of approximately 1.63 acres (Parcel 1) and 2.20 acres (Parcel 2). Both parcels are currently developed with single family residences and are served water and sewer by Humboldt Community Services District. The purpose of the LLA is to add land to APN 014-291-008 to include improvements

appurtenant to said parcel. A utility easement will be reserved over the adjusted land. No development is proposed.

**EVIDENCE:** a) Project File: PLN-2024-18983

**2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is exempt from environmental review per Section 15305(a) of the California Environmental Quality Act (CEQA).

**EVIDENCE:** a) As lead agency, the Planning and Building Department found the project to be exempt per Class 5, Section 15305(a) of the CEQA Guidelines. The LLA does not result in a change in land use or overall density and is intended to include improvements appurtenant to Parcel 2. Therefore, the project is exempt pursuant to Section 15305(a) of the CEQA Guidelines. Section 15305(a) applies to minor lot line adjustments not resulting in the creation of any new parcel. None of the exceptions to the exemptions per Section 15300.2 of the CEQA Guidelines apply.

#### **LOT LINE ADJUSTMENT**

**3. FINDING:** The Lot Line Adjustment application is complete.

**EVIDENCE:** a) The applicant has submitted a completed and signed application form, a preliminary title report, copies of the creation documents for the parcels, a Lot Line Adjustment Map, the required County fees, and a written statement explaining the reasons for the LLA.

**4. FINDING:** The project is consistent with the Subdivision Map Act.

**EVIDENCE:** a) APN 014-291-007 is one separate legal parcel created by Deed in Book 289 O.R., Page 455, excepting Book 1007 O.R., Page 582. APN 014-291-008 is one separate legal parcel created by Deed in Book 1007 O.R., Page 582.

**5. FINDING:** The project is consistent with the purposes of the Residential/Low Density (RL) land use designation and the development and resource policies of the Humboldt Bay Area Plan.

Note: Parcel 1 has land use designations of RL and AE. The area designated as AE will not be affected by the LLA. Parcel 2 has a land use designation of RL.

- EVIDENCE:**
- a) The project is for a Coastal Development Permit to allow a Lot Line Adjustment between two parcels of approximately 1.75 acres and 2.08 acres, resulting in two parcels of approximately 1.63 acres and 2.20 acres. Both parcels are currently developed with single family residences and are served water and sewer by Humboldt Community Services District. The purpose of the Lot Line Adjustment is to add land to APN 014-291-008 to include improvements appurtenant to said parcel. No development is proposed, and the project will not inhibit the long-term intended use of the properties. The project is consistent with the RL designation.
  - c) The proposed LLA will have no net effect on housing densities. Neither parcel was included in the 2019 County Housing Inventory. The purpose of the LLA is intended to include improvements appurtenant to Parcel 2. No new development is proposed. The project is consistent with the County's Housing Element.
  - d) The subject parcels are located within an area of low geologic instability, and outside of any Alquist-Priolo fault hazard area, or area of potential liquefaction. The parcels are outside of the tsunami hazard area and the tsunami evacuation area. The parcels are outside of any flood zone or area of coastal vulnerability. The parcels are not located within a designated fire hazard severity zone and are within the Humboldt #1 Fire Protection District operated by Humboldt Bay Fire who provides structural fire protection as well as responding to medical emergencies. No new development is proposed, and the LLA is not projected to increase hazard risk.
  - e) The project was referred to the Northwest Information Center (NWIC), Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe. NWIC responded recommending further study and that the local tribes be consulted. The Bear River Band responded requesting inadvertent discovery protocol be in place prior to any development. The standard inadvertent discovery condition is included within the recommended conditions of approval in the Informational Notes.

- f) Farmed wetlands are present on the eastern portion of the parcels. According to the California Natural Diversity Database (CNDDDB), the parcels are within the range of tidewater goby, western lily, yellow rail, and longfin smelt. As no new development is proposed, the project will have no impact on farmed wetlands or habitat for the species listed above. The project was referred to the California Department of Fish and Wildlife and no response was received
- g) The subject parcels are not within any coastal scenic area or coastal view area, and do not provide coastal access.

**6. FINDING:** The project is consistent with the purposes of the Residential Single Family with a 5,000 square-foot minimum lot size zone, with Combining Zones for Archaeological Resource Area Outside Shelter Cove and Coastal Wetland Areas (RS-5/A,W).

- EVIDENCE:**
- a) The project is for a Coastal Development Permit to allow a Lot Line Adjustment between two parcels of approximately 1.75 acres and 2.08 acres, resulting in two parcels of approximately 1.63 acres and 2.20 acres. Both parcels are currently developed with single family residences and are served water and sewer by Humboldt Community Services District. The purpose of the Lot Line Adjustment is to add land to APN 014-291-008 to include improvements appurtenant to said parcel. No development is proposed, and the project will not inhibit future principally permissible uses of the parcels.
  - b) The project increases the parcel size of Parcel 2 and does not decrease the minimum parcel size of Parcel 1 below acceptable minimum requirements. The resultant parcels meet minimum yard setbacks requirements.
  - c) The project was referred to the Northwest Information Center (NWIC), Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe. NWIC responded recommending further study and that the local tribes be consulted. The Bear River Band responded requesting inadvertent discovery protocol be in place prior to any development. The standard inadvertent discovery condition is included within the recommended conditions of approval in the Informational Notes. No development is proposed, and the LLA is consistent with the A designation.

- d) Farmed wetlands are present on the eastern portion of the parcels. The LLA will occur on the western portion of the parcels. No new development is proposed. A LLA to add land to APN 014-291-008 to include improvements appurtenant to said parcel is consistent with the W designation.

**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 proposed LLA complies with all development standards of the zone district which are intended to protect public health, safety and welfare. There is no evidence that the LLA will be materially injurious to properties or improvements in the vicinity.

**8. FINDING:** A Lot Line Adjustment shall be approved or conditionally approved when there is compliance with all the approval criteria.

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

**9. FINDING:** The proposed project 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 unless the following written findings are made supported by substantial evidence: 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.

**EVIDENCE:** a) The proposed LLA will have no net effect on housing densities. Neither parcel was included in the 2019 County Housing Inventory. The purpose of the LLA is intended to include improvements appurtenant to Parcel 2. No new development is proposed. The project is consistent with the County's 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
- Approve the Benzinger Coastal Development Permit and Lot Line Adjustment. (Record No. PLN-2024-18983) subject to the Recommended Conditions of Approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **July 18, 2024**.

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