

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

Resolution Number: 24-

Record Number: PLN-2024-18985

Assessor's Parcel Numbers: 110-251-037 and 110-251-038

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Coza Coastal Development Permit, Notice of Merger, and Special Permits.

WHEREAS, the applicant has submitted an application and evidence in support of approving a Coastal Development Permit, Notice of Merger, and two Special Permits; 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 exemptions found in Sections 15303(a) (New Construction or Conversion of Small Structures), 15305(a) (Minor Alterations in Land Use Limitations), and 15304(i) (Minor Alterations to Land); 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, Notice of Merger, and Special Permit (Record Number PLN-2024-18985); and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on November 21, 2024, and reviewed, considered, and discussed the application for the Coastal Development Permit, Notice of Merger, and Special Permits, 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 for the construction of an approximately 1,719 square-foot two-bedroom single-family residence. The residence will be two stories with a first-story 269 square-foot covered deck and a second-story 627 square-foot covered wrap-around deck. Some grading is proposed to accommodate foundation construction. The parcel will be served by community water provided by the Resort Improvement District and an on-site wastewater treatment system. Nine trees with circumferences of less than 38 inches circumference at a height of 4.5 feet will be removed and one Douglas-fir with a circumference of more than 38 inches circumference at a height of 4.5 (75 inches) feet will be removed. A Special Permit is required for removal of the Douglas-fir pursuant to Section 313-64.1 *Major Vegetation Removal* of Humboldt County Code (HCC). The project also includes the merger of one 0.27-acre parcel with one 0.28-acre parcel. A Special Permit is required for Design Review within the Coastal Zone pursuant to Section 313-19.1 of HCC.

EVIDENCE: a) Project File: PLN-2024-18985

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is exempt from environmental review per Sections 15303(a), 15304(i), and 15305(a) of the CEQA Guidelines.

EVIDENCE: a) As lead agency, the Planning and Building Department found the project to be categorically exempt from environmental review pursuant to Sections 15303(a) *New Construction or Conversion of Small Structures*, 15304(i) *Minor Alterations to Land*, and 15305(a) *Minor Alterations in Land Use Limitations* of the guidelines for the implementation of CEQA. The Class 3 exemption applies because the project includes the construction of a single-family residence in a residential zone. The Class 4 exemption applies to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions. The Class 5 exemption applies to Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. None of the exceptions per Section 15300.2 apply to this project.

FINDINGS FOR NOTICE OF MERGER

- 3. FINDING:** Section 327.5-18 Legal, Contiguous Parcels
- EVIDENCE:** a) APN 110-251-037 is one separate legal parcel described as Lot 31, Block 199, of Tract 42 of Shelter Cove Subdivision, as Per Map recorded in Book 14, pages 73 to 138 inclusive of Maps which Map was corrected by Correction Map on file in the Recorder's Office of said County in Book 15, Page 64-116 of Maps, inclusive in the Office of the County Recorder of Humboldt County, California.
- APN 110-251-038 is one separate legal parcel described as Lot 32, Block 199, Tract No. 42, "Shelter Cove Subdivision", according to the Map filed in Book 14 of Maps, Pages 73 to 138, inclusive, and Amended Map filed in Book 15 of Maps, Page 64 to 116, inclusive, according to the Official Records on file in the Office of the County Recorder of said Humboldt County, California.
- 4. FINDING:** Section 327.5-18 Parcels meet health, building, and zoning requirements.
- EVIDENCE:** a) The resultant parcel will be zoned Residential Single Family, with a minimum lot size of 5,000 square feet, with a Development Standard reducing yard setback requirements, Qualified, with a Design Review combining zone (RS-5-S1-Q/D). The merger will not affect the ability of the parcel to be developed consistent with health, building and zoning requirements.
- 5. FINDING:** Section 327.5-18 Merged parcel will not create health or safety problems.
- EVEIDENCE:** a) The proposed merger complies with all standards of the zone district which are intended to protect public health, safety and welfare. Based on staff analysis and the findings made in this report, there is no evidence that the proposed merger will be materially injurious to properties or improvements in the vicinity.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMITS

- 6. 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 South Coast Area Plan.

- EVIDENCE:**
- a) The proposed project is for the construction of a single-family residence in a residential area and the removal of several trees to accommodate construction and achieve Fire Safe defensible space. The parcel will be served by community water provided by the Resort Improvement District and an on-site wastewater treatment system. The project will exceed density standards. The project is in conformance with the RL designation.
 - b) Neither of the parcels to be merged were included in the 2019 Adopted Housing Element Inventory. The proposed project would add one residential unit to the County's housing inventory. The Project is consistent with the goals, policies, and standards of the Humboldt County Housing Element.
 - c) The subject parcel is in an area of moderate geologic instability. The subject parcels are not within an Alquist-Priolo zone. An Engineering Geologic Soils Report was prepared for the site by A.M. Baird Engineering & Surveying, Inc. in November of 2023. The report notes that slopes on both parcels are in excess of 30% throughout most of the landscape with a flat area near the middle APN 110-251-038. The report also notes that Slope instability, liquefaction, and surface rupture due exclusively to faulting or lateral spreading are not considered consequential as to require specific analysis. The report identified that no expansive soils were encountered during their investigation that require specific recommendations, that the soil onsite can support a load of 1,500 pounds per square foot, that one or two-level structures are suitable uses for the property, and that settlement is not anticipated to be detrimental provided considerations are given to the recommendations presented within the report. The report provides recommendations that shall be incorporated into the project and are included as a condition of project approval.

The parcels are not located in any flood zone, tsunami hazard area, or is susceptible to coastal inundation.

The subject parcels are located within the State Responsibility Area for fire protection within a high fire hazard severity zone. The parcels are also within the Shelter Cove Volunteer Fire Department Jurisdiction operated by the Shelter Cove Resort

Improvement District #1 who provides structural fire protection as well as responding to medical emergencies.

- d) The project was referred to the Bear River Band of the Rohnerville Rancheria, the Intertribal Sinkyone Wilderness Council, and the Northwest Information Center (NWIC). NWIC and the Bear River Band responded requesting that Inadvertent Discovery Protocol be in place prior to any development. The project is conditioned that standard inadvertent archaeological discovery protocols be in place for any ground disturbing activities.
- e) A Biological Survey for the site was conducted by Redwood Community Action Agency in June of 2024. The results of the survey are summarized as follows. No special status plant or animal species were observed within the project area. The habitat within the property was marginally suitable for Sonoma tree vole due to the few mature Douglas-fir trees, and unsuitable for the northern spotted owl. The site was dry, thus unsuitable for hydrophilic plant species. Habitat was either unsuitable or atypical for the remaining vascular plant species on the California Natural Diversity Database list, likely in part due to the disturbed nature of the site. The area was too dry to support amphibian species of concern.

Recommendations within the Biological Survey Report include the following: 1) Trees to be removed from the property, especially the larger Douglas-fir in the defensive perimeter, should be removed outside the nesting season to avoid disruption of nesting activities, and 2) If possible, the larger Douglas-fir that may be in the defensive wildfire perimeter should be maintained.

The project was referred to the California Department of Fish and Wildlife (CDFW). CDFW responded stating that they agree with the recommendation in the Biological Survey Report requiring tree removal outside the nesting season and added their own recommendation that native plants be used as landscaping and that the use of invasive plant species in landscaping be prohibited. Both recommendations have been included in the Conditions of Approval for the project.

- f) A Septic Disposal Design was prepared for the project by A.M.

Baird Engineering & Surveying, Inc. in November of 2023. The site investigation was conducted that found that slopes on both parcels are in excess of 30% throughout most of the landscape with a flat area near the middle of the southernmost parcel (APN: 110-251-038). The southernmost parcel is the most buildable with respect to an onsite wastewater treatment system; however, the merger of both parcels is likely required to meet appropriate septic dispersal field sizing requirements and site spatial conditions. During the site investigation, one trench, ten feet in depth, was excavated adjacent to the flat area near the middle of the parcel. Both specialists onsite agreed that the single sampling location would be representative of both the primary and reserve fields, as both fields will be in close proximity to the sampling location. Percolation testing showed that the site is unsuitable for a standard gravity OWTS due to the rapid percolation rate. A non-standard, low-pressure pipe (LPP) dosing system was selected as the appropriate method of wastewater treatment for this project. The non-standard LPP OWTS allows for a shallow trench depth; therefore, the leach lines can be placed closer together than those in a standard system. The non-standard LPP OWTS requires the use of a pump chamber, effluent pump and electrical appurtenances to achieve uniform discharge of effluent into a dispersal area. The septic design includes the following: a 1,200-gallon minimum capacity septic tank as required for septic waste storage for the proposed 2-bedroom residence with a loading rate of 300 gallons per day; a 500-gallon minimum capacity pump tank as required for septic waste distribution for the proposed 2-bedroom residence with a loading rate of 300 gallons per day; a force main of SCH 40 PVC, 2.0 inches in diameter and approximately 10 feet in length that extends from the pump tank to the manifold connected to the primary absorption field; and primary and reserve disposal fields, each consisting of two leach lines 41 feet in length placed parallel to contour lines. The project engineer recommends that all surface water drainage from surrounding structures be diverted away from the locations of the septic tank, pump tank, and sewage disposal fields. This has been made a condition of project approval.

The project was referred to the County Department of Environmental Health (DEH) and they were provided with a copy of the Septic Disposal Design for review. DEH has reviewed the design and conducted a site visit to assess the suitability of the

proposal and has recommended approval of the project.

- g) The subject parcels are not within any coastal scenic area or coastal view area, and do not provide coastal access. Design Review was conducted for the project and the project meets all requirements. The proposed residence is not expected to impact scenic and visual qualities, as it will be similar to and compatible with adjacent development.

7. FINDING: The project is consistent with the purposes of the Residential Single Family, with a minimum lot size of 5,000 square feet, with a Development Standard reducing yard setback requirements (RS-5-S1).

EVIDENCE: a) The proposed project will create a single-family residence on two currently undeveloped lots that are to be merged as part of this project. Single-family dwellings are principally permitted in the RS zone.

- b) The proposed project would not exceed the maximum coverage allowed on the merged lot, all minimum yard setback requirements will be met for the zone, the two-story residence will not exceed the maximum structure height requirement, and there are four parking spaces shown on the site plan as required by County Code. In addition, Calfire has approved an exception request for the reduction of the required 30-foot Fire Safe property line setback.

8. FINDING: Ordinance 1914 (Q Zone) prohibits uses otherwise allowed by zone. These include secondary dwelling units, temporary and/or recreational housing, accessory buildings without inclusion of a primary residence, or open storage of any material, equipment, refuse, carton, package or similar item.

EVIDENCE: a) The project is for the construction of a two-story single-family residence and does not include any of the prohibited uses in the Q zone.

9. FINDING: §313-19.1 D – Design Review
The purpose of these regulations is to provide design review for conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district

desire to preserve or enhance the area's historical, cultural, or scenic values.

EVIDENCE:

- a) The proposed residence is consistent and compatible with the South Coast Area Plan. Evidence of adherence to the Design Review findings is discussed below. The Neighborhood Design Survey, submitted by the applicant, provided information about the homes within the vicinity of the proposed project.
- b) The subject parcels are not within a designated Coastal Scenic or Coastal View area. The Neighborhood Design Survey submitted by the applicant profiled 10 homes within the general vicinity of the project. Of the homes surveyed, all had American Craftsman architecture, all utilized composition asphalt roofing, all utilized Hardie Lap for the exterior building siding, and all were two stories. The proposed residence will be aesthetically cohesive with the design of surrounding homes. The visual impact of proposed development on neighboring parcels will be insignificant.
- c) The building site is on slopes in excess of 30%. The residence will be constructed along the natural contour of the site. Some grading is proposed to accommodate foundation construction. The development will not result in the loss of a view of the surrounding natural setting. The applicant is required to implement Best Management Practices for erosion control, as well as recommendations detailed in the Engineering Geologic Soils Report which have been incorporated as Conditions of Approval.
- d) All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. This has been included as a condition of approval.
- e) Tree removal will be limited to what is required for development and defensible space from wildfires. The architectural style and height of the proposed residence is within range of the neighboring residences and the visual impact on neighboring parcels would be insignificant. The project is conditioned that landscaping be fire resistant and be native to coastal Northern California.
- f) New utilities shall be placed underground, when feasible. This

has been included as a condition of approval.

- g) The proposed project meets all setback requirements for the RS zone. There are not likely to be impacts to scenic or visual qualities of the area.
- h) No off-premises signs are proposed.

10. FINDING:

§313-19.1.8 - Additional Standards Applicable to Shelter Cove

1. Residences must be constructed to a minimum width of 20 feet.
2. Foundations must meet UBC requirements for seismic zone IV.
3. Eaves shall overhang a minimum of 12 inches.
4. Exterior walls and roofing materials shall not be constructed of reflective, unfinished metal or galvanized metal.

EVIDENCE:

- a) The width of the residence is 28 feet.
- b) Foundations that meet UBC requirements for seismic zone IV is a requirement of the Building Permit for occupied structures.
- c) All roof eaves will have a 24-inch overhang.
- d) No unfinished or galvanized metal or reflective materials are proposed.

11. FINDING:

§313-64 - Major Vegetation Removal

Major vegetation removal may be permitted with a Special Permit in all zones, as an accessory use. The purpose of these provisions is to: (1) preserve and protect major vegetation within the County Coastal Zone that directly and indirectly prevents soil erosion, landslide and flood hazard; and (2) Reduce runoff, provide windbreaks or provide protection to adjacent trees from irreparable wind damage; and (3) Protect property values and the local economy by maintaining the visual quality of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent.

EVIDENCE:

- a) The removal of the Douglas-fir with a circumference of more than

75 inches circumference at a height of 4.5 feet constitutes major vegetation removal and requires a Special Permit. The purpose of the tree removal is to establish a defensible area around the house and deck. The project site has slopes in excess of 30% and is mapped as having moderate instability. There are no mapped historic landslides or areas prone to flooding on or near the site. The Douglas-fir does not provide a windbreak or provide protection to adjacent trees from irreparable wind damage. Lastly, the Douglas-fir does not protect property values or the local economy by maintaining the visual quality of the County. Therefore, staff recommends approval of the Special Permit.

12. 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 development will be compatible in appearance with the neighborhood and complies with all development standards of the zone district which are intended to protect public health safety and welfare. Based on staff analysis and the findings made in this report, there is no evidence that the proposed development will be materially injurious to properties or improvements in the vicinity.

13. 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) Neither of the parcels to be merged were included in the 2019 Adopted Housing Element Inventory. The proposed project would add one residential unit to the County's housing inventory. The Project is consistent with the goals, policies, and standards of the Humboldt County 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 Coza Coastal Development Permit, Notice of Merger, and Special Permits subject to the Conditions of Approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **November 21, 2024**.

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, Zoning Administrator
Planning and Building Department